



Town of Franklin, Alabama
Zoning Ordinance
Final Draft: February 27, 2024

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ZONING ORDINANCE OF FRANKLIN, ALABAMA

AN ORDINANCE OF THE TOWN OF FRANKLIN, ALABAMA REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES: THE SIZE OF YARDS: THE DENSITY AND DISTRIBUTION OF POPULATION: AND THE USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, TRANSPORTATION, AGRICULTURE, CONSERVATION, PUBLIC ACTIVITIES, AND OTHER PURPOSES: CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR THE METHOD OF ADMINISTRATION, AMENDMENT, AND APPEAL: AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

ORDINANCE NO. _____
STATE OF ALABAMA
COUNTY OF MACON
TOWN OF FRANKLIN

THE PUBLIC WELFARE REQUIRING IT, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRANKLIN, ALABAMA, AS FOLLOWS:

ARTICLE 1

PURPOSE, ENACTMENT AND TITLE

Section 1.1 Purpose

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

Section 1.2 Short Title

This ordinance shall be known and may be cited as the “*Zoning Ordinance*.”

Section 1.3 Authority

The rules and ordinances herein set forth are hereby adopted in accordance with the requirements of Title 11, Chapter 52, Article 4, Sections 11-52-84 inclusive of the Code of Alabama, 1975, as amended.

Section 1.4 Jurisdiction

This ordinance shall serve as the Zoning Ordinance for all the areas located within the corporate boundaries of the Town of Franklin.

Section 1.5 Repeal of Regulations and Ordinances

This is a comprehensive enactment of the zoning ordinance for the Town of Franklin in compliance with the requirements of Title 11, Chapter 52, Article 4, Sections 11-52-84. All prior zoning regulations and ordinances adopted pursuant _____ **date** _____ are hereby superseded and repealed.

Section 1.6 Conflict with Other Laws

Whenever the requirements of these ordinances are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

Section 1.7 Separability

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

Section 1.8 Disclaimer of Liability

This ordinance shall not create liability on the part of the Franklin Town Council or its assigns, the Franklin Planning Commission, the Franklin Board of Adjustment, or any officer or employee thereof for any damages that may result from reliance on these ordinances or any administrative decision lawfully made hereunder.

Section 1.9 Adoption

The Franklin Zoning Ordinance was adopted by the Franklin Town Council on the _____ day of _____, 2024. It shall take effect and be in force from and after the date five days after the date of adoption. The official zoning map is hereby adopted and made a part of this ordinance.

ARTICLE 2 DEFINITIONS

Section 2.1 Generally

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "person" includes a firm or corporation as well as an individual; the word "lot" includes the word plot or parcel; the term "shall" is always mandatory; and, 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.

Section 2.2 Definitions

For the purpose of this Ordinance certain words and terms shall be defined as follows:

Accessory structure or use. A subordinate structure or a portion of the main structure, the use of which is incidental to the main use of the premises. An accessory use is one, which is incidental to the main use of the premises.

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

Apartment building. See "Multiple dwelling."

Assisted Living Facility. A general term for a permanent building, portion of a building, or group of buildings (not including manufactured homes or trailers), used for adult congregate care in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator, including independent living facilities and residential care facilities. Assisted living facilities shall be classified as set forth in the Alabama Administrative Code (AAC) 420-5-4.03.

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

Boardinghouse. A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

- a. *Building Area.* The portion of the lot occupied by the main building, including porches, carports, accessory building, and other structures.
- b. *Building Line.* A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or the Town of Franklin Zoning Ordinance and these regulations.
- c. *Building Setback.* The line, generally parallel to a lot line or road right-of-way line, indicating the minimum horizontal distance between the lot line and the face of the building, as required by the Zoning Ordinance. In those cases where the Building Line and the Building Setback are not identical, the greater of the two shall take precedence. Platting required building setback lines is discouraged as they may change with amendments to the Zoning Ordinance; thereby complicating enforcement.

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

Building Official. The officer, designated person, or the duly authorized representative charged with the administration of the Town of Franklin development regulations and building codes.

Build-To Setback Line. A line shown on a site development plan which designates a specific location for proposed structures or landscaping for the purpose of meeting certain design or development purposes, in lieu of the minimum yard requirements and specified as part of a site development plan approved by the Planning Commission.

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

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

- a. *Child care center.* This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the *Code of Alabama, 1975*. Day care centers and nighttime centers serve more than twelve children.
- b. *Child care institution.* This includes facilities licensed as group homes and child care institutions in accordance with §38-7-2 of the *Code of Alabama, 1975*. These facilities provide full time care.

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

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

Continuing Care Retirement Community. A licensed housing development that is planned, designed, and operated to provide a full range of accommodations and services for elderly adults, including independent living, congregate residential housing, medical care, and other support services. These facilities are generally designed utilizing a campus concept, and may offer rental as well as ownership options. CCRCs may also accommodate adult day-care facilities within the community, provided sufficient land area for any additional structures and parking requirements is available.

District. Same as *Zoning District*.

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

Dwelling, multiple. A building designed for or occupied exclusively by three or more families.

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

Dwelling, two-family. A building designed for or occupied exclusively by two families.

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

Family. One or more persons occupying a dwelling and living in a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption, or marriage as distinguished from a group occupying a boardinghouse, rooming house, assisted living facility, independent living facility, residential care facility, nursing home or hotel, as herein defined.

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

Frontage, street. All the property on one side of a street between two streets which intersects such street (crossing or termination), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between a street which intersects such street and the dead end of the street.

Gambling. The means by which a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome; playing a game of chance for stakes. Gambling includes casual betting, betting pools, organized-sports betting, and any other form of wagering.

Gaming, Gaming Activities. The conduct of gaming and gambling activities, race books and sports pools, or the use of gaming devices, equipment and supplies in the operation of a casino pari-mutuel facility, card club, website, mobile application or other enterprise, including, without limitation, slot machines, gaming tables, cards, dice, gaming chips, player tracking systems, cashless wagering systems, mobile gaming systems, inter-casino linked systems and related and associated equipment, supplies and systems.

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

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

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

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

Guest Cottage, Guest House. A structure incidental to a primary residential structure which shall be for temporary occupancy only and shall not be used for rental purposes.

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

Hotel. A building which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a boardinghouse, or a rooming house, which are herein separately defined.

100 Year Flood. Flood created by a 100-year storm event, a storm having a 1 percent chance of being equaled or exceeded in any given year.

100 Year Floodplain. The area of land inundated as a result of the 100-year rainfall event.

Immediate Family Member. As defined in *Code of Alabama, 1975, Section 5-26-3*, the term "immediate family member means a spouse, child, sibling, parent, grandparent, or grandchild. This includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

Improvement. Any built or constructed immovable item that becomes part of, placed upon, or is affixed to, real estate.

Independent Living Facility. A licensed facility planned, designed, and managed to include multi-unit rental housing with self-contained apartment dwellings intended for elderly adults. Support facilities may include

meals, laundry, housekeeping, transportation, social, recreational, or other services. The facility may or may not include resident staff and administration.

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

Loading space. A space having a minimum dimension of twelve by thirty-five feet and a vertical clearance of at least fourteen feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

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

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

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

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate judge of Macon County, Alabama, or a parcel of land described by meets and bounds, the plat of description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

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

Manufactured home. A structure, originally designed to be transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing heating, air-conditioning and electrical systems contained therein.

Manufactured home community. A contiguous parcel of land under single or same ownership, which has been planned, improved and used for the placement of six or more manufactured homes for residential occupancy. The placement of manufactured homes on the property shall be by leasehold only, and no individual lots may be sold within the community without proper subdivision approval.

Mobile home. Any manufactured home built prior to June 15, 1976. See also "Manufactured home."

Mobile home park. See manufactured home community.

Motel. A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

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

Nursing Home. A licensed facility or home for the aged and/or infirm in which three or more persons not of the immediate family are received, kept, provided with food and shelter, or care for compensation; but not including hospitals, clinics, independent living facilities, residential care facilities, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured. Twenty-four hour direct medical, nursing, and other health services are provided.

Outdoor recreation. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables,

outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial recreational or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Overlay district. A special district that includes supplemental development and/or design guidelines or standards due to the overlay district's special characteristics.

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

Parking space, off-street. An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than one hundred eighty square feet, a minimum width of nine feet, and a minimum, length of eighteen feet, exclusive of driveways and maneuvering area.

Planned district. A district with single or multiple uses with special provisions for dimensional, development and design standards or guidelines and developed in accord with a site development plan approved by the Planning Commission, prior to the establishment of such a district.

Portable building. A portable building is any building or vehicle comprised of one or more units designed, manufactured or converted for transportation on public streets or highways on wheels, arriving at the site substantially ready for occupancy, whether for residential, office, commercial or manufacturing use. Removal of packing, baffles, and other travel supports; assembly of units; and connection of or to utilities shall not be considered in determining whether a unit or units are substantially ready for occupancy. The towing hitch, wheels, axles, and other running gear may be removable for the placement of the portable building and may be reinstalled to permit its further movement. A mobile home or mobile office including any doublewide mobile home or office is a portable building.

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

Residential Care Facility. A licensed facility in which congregate private and/or shared room, staff-supervised meals, housekeeping, social services, and assistance with personal care and other services are provided for not less than twenty-four hours in a week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator. The facility may or may not include resident staff and administration.

Rooming house. A building other than a hotel where lodging for three or more persons not of the immediate family is provided for definite periods and for compensation and by prearrangement for definite periods.

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

Short Term Rental. The transient use of any dwelling or any part of a dwelling for overnight occupancy.

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

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare, which affords the principal means of access to abutting property.

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

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

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

Tourist home. A dwelling, also including bed and breakfast inns, in which accommodations are provided or offered for one or more transient guests for compensation.

Trailer. Any manufactured home built prior to June 15, 1976. See also "Manufactured home".

Transient. A person(s) occupying a dwelling for less than thirty (30) days.

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

- a. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue;
- b. Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations;
- c. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies;
- d. Airports, airfields, and truck or bus terminals; and
- e. Railroad stations, terminals, yards and service facilities.

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

Tourist home. A dwelling in which accommodations are provided or offered for one or more transient guests for compensation.

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

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

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

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

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

Zoning. A legal mechanism for local governments provided by the police power granted in the Code of Alabama, 1975, as amended, §11-52-70 to divide the territory within the municipal boundaries into districts and to regulate the kind, character and use of the land, structures and improvements therein.

Zoning district. A section or sections of The Town of Franklin for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Zoning district map. The zoning map.

Zoning map. The map identified by the title "Official Zoning Map of the Town of Franklin" as referred to in Article 3.3, of this ordinance which shows the number of districts into which the locality is divided, and the status and usage of each district. In addition, the zoning map must contain sufficient information to permit a person of ordinary intelligence to locate any legally describe tract of land and to determine with reasonable accuracy and precision the boundaries of any zoning district.

ARTICLE 3

ZONING DISTRICTS AND BOUNDARIES

Section 3.1 Establishment of Zoning Districts.

For the purposes of this ordinance, the Town of Franklin is hereby divided into several use districts, the names of which are set out below. The location, boundaries and area of each use district are and shall be shown on the zoning map.

R-H	Rural and Holding District
AO	Agricultural – Open District
RR	Rural Residential
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	Multifamily Residential
R-MHP	Manufactured Home Park
R-MHS	Manufactured Home Subdivision
B-1	Business District
B-2	Local Business
B-3	Highway Business
M-1	Industry
PUD	Planned Unit Development

Section 3.2 Zoning Map

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

Section 3.3 District Boundaries

The district boundary lines on the zoning map are intended to follow either natural boundaries, streets or alleys or lot lines. Where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map.

Where uncertainty exists with respect to the location of the boundaries of any zoning district as shown on the Official Zoning Map of the Town of Franklin, Alabama, the following rules shall apply:

- a. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than fifty feet beyond the zoning district boundary line.
- b. In the case of a through lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.

Section 3.4 Lots in Two Districts

Where a district boundary line divides any lot or parcel which was in single ownership at the time of passage of this Ordinance or any amendment thereto; the property shall be considered to have multiple districts and each portion of lot or parcel shall be governed by the district regulations in which it is located, except when said parcel has over 70 percent of its square footage in one district and said square footage fronts on a public street. In this case, the entire parcel will be considered in the district that contains the 70 percent area.

Section 3.6 Vacation of Public Easements

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

Section 3.5 Non-classified Uses

For any use not specifically listed, the planning commission shall make a determination of the district or districts in which such use shall be permitted, either by right or on a conditional basis. Any such determination shall be based on the subject use's similarity in nature, intensity of land use impact and general character to other uses listed in the various districts.

Section 3.6 Establishment and Adoption of Future Development Schematic

By this section, the Future Development Concept, as included in the *Town of Franklin Retail Market Analysis and Land Use Plan* that has been adopted and amended as necessary by the Franklin Planning Commission and the Franklin Town Council, is established as a guide for the Town of Franklin concerning proposed land uses, under which the Town is divided into the following land use categories:

- Regional Commercial
- Local Commercial
- Senior Living / Medical Triage
- Multi-Family Residential
- Single Family Residential
- Rural Residential
- Recreational
- Hotel Hospitality

Section 3.9 Future Development Concept Map Distinguished From Zoning

The Future Development Concept is a guide and is not binding; it does not alter or affect the existing zoning districts in the town, does not effectuate an amendment to the official zoning map, and does not itself permit or prohibit any existing land uses.

ARTICLE 4 GENERAL PROVISIONS

Section 4.1 Generally

The general provisions contained in this Article shall affect all land, every building, and every use of land and/or building in all districts except as specifically provided for in Articles 8: Supplementary Regulations and Article 13: Non Conformancies and shall apply as stated herein.

Section 4.2 Use of Land

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

Section 4.3 Use of Structures

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

Section 4.4 Height and Density

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

Section 4.5 Dimensional Regulations

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located. The area and dimensional requirements of the zoning districts contained herein shall apply to all developments.

Section 4.6 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.

Section 4.7 Yard Requirements and Reduction of Open Spaces

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

4.7.1 Side Yards

Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projection of a cornice, eave, belt cornice, sill, canopy, or other similar architectural feature projecting not to exceed 36 inches into said yard.

4.7.2 Landscape Features

Landscape features such as trees, flowers, or plants shall be permitted in any required front, side, or rear yard provided they do not violate the provisions of Section 4.7.5.

4.7.3 Double Frontage Lots

If a building is constructed on a through lot having frontage on two streets not at an intersection, a setback from each road shall be provided equal to the front yard requirements for the district in which the lot is located.

4.7.4 Corner Lots

On a corner lot, when the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. The side yard setback for a corner lot shall be 25 feet in all zoning districts except where otherwise noted herein.

4.7.5 Obstructions to Intersections

In all zoning districts, no fence, structure, sign, planting, or other obstruction (above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way.

4.7.7 Build-To Setback

In certain districts, a site development plan may include a provision for a build-to setback which may designate a specific location for structures or landscaping as part of the plan approved by the Planning Commission. In such case, the build-to line will serve in lieu of any minimum yard requirements.

Section 4.8 Building To Be On Lots

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot, as herein defined, and in no case shall there be more than one 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.

Section 4.9 Accessory Buildings

- a. No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually been commenced.
- b. No accessory building shall be used for dwelling purposes other than by domestic servants entirely employed on the premises.
- c. In Residential Districts, accessory uses and structures with a roof impervious to weather shall not be located in any front or side yards.
- d. Accessory structures, if not attached to a principal structure, shall be separated by at least eight feet from said structure.

Section 4.10 Lot Width at Street Line

All lots shall have access to a public street. The minimum lot width at the street line shall be as defined in Article 5 of this Ordinance, Section 5.4: Area and Dimensions.

Section 4.11 Mobile Homes and Trailers

- a. Mobile homes or trailers may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles.
- b. The use of mobile homes or trailers for other business or industrial uses may be allowed temporarily by a special permit issued by the Planning Commission. Said permit to be for a period not exceeding one year.
- c. All mobile homes shall be parked in authorized mobile home parks or mobile home subdivision, except as provided for in the R-H: Rural and Holding district and the A-O: Agriculture-Open Space district and with conditional approval by the Franklin Planning Commission in the RR: Rural Residential and PUD: Planned Unit Development districts.

Section 4.12 Home Repair and Remodeling

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

Section 4.13 Necessary Repairs Permitted

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

Section 4.14 Building to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and require off-street parking. No dwelling shall be erected on a lot or portion of a lot which does not abut on at least one public street or approved private street for at least 35 feet.

Section 4.15 Use of Residentially Zoned Property for Access

No land which is residentially zoned shall be used for driveway, walkway, or access purposes to land any of which is non-residentially zoned, or used for any purpose not permitted in a residential district except for ingress/egress to an existing use which does not abut on a street.

Section 4.16 Off-Street Parking and Loading

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

Section 4.17 Parking or Storage of Major Recreational Vehicles

Major recreational vehicles including houseboats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any required front yard of any lot in a residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than 21 days when parked or stored on a residential lot, or in any location not approved for such use.

Section 4.18 Parking and Storage of Certain Vehicles

- a. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- b. Commercial vehicles exceeding 10,000 lbs. G.V.M. and construction vehicles shall not be parked or stored in recorded residential subdivisions.

Section 4.19 Required Utilities

Every newly constructed principal use, building, or structure intended for human occupancy shall be served by adequate utilities including potable water, sanitary sewer, and electricity. In situations where public or private central water and sewer service are not available potable water and sanitary sewer may be accommodated by individual water wells and on-site sewage disposal systems, as required and regulated by the Alabama Department of Public Health.

When no public sewer is available, no residential or commercial building or any type of residence including manufactured homes shall hereafter be erected or placed on a lot without prior application for an approved septic tank and nitrification field. No occupancy of such buildings or mobile homes is permitted until the approved septic tank and nitrification field have been completely installed.

Section 4.20 Essential Services

Essential services are permissible by Special Exception in any zoning district. Essential services are hereby defined to include and be limited to water, sewer, gas, telephone, and electrical systems, including solar grids/solar farms/solar power plants, sub-stations, lift stations, and services; provided, however, that this subsection shall not be deemed to permit the location in a district of such establishments as electric or gas

generating plants, sewage treatment plants, or water pumping or water aeration facilities from which they would otherwise be barred. Where permanent structures are involved in providing such services, such structure shall conform insofar as possible to the character of the district in which the property is located, as to the architecture and landscaping characteristics of adjoining properties.

Section 4.21 Stormwater Detention and Erosion Control

4.21.1 Stormwater Detention

Stormwater detention shall be provided for all developments within the town and the extraterritorial police jurisdiction. The final design of the stormwater detention plan shall be approved by the Building Inspector and shall be in accordance with the Town of Franklin Subdivision Regulations

4.21.2 Minimum Requirements for Construction Permitting and Erosion Control

Construction which disturbs one acre or more of ground surface within the town limits of Franklin will require a general permit for storm-water runoff control. This permit will be obtained from the Alabama Department of Environmental Management (ADEM) by the owner/developer of the property. A copy of the approved permit will be submitted to the town prior to beginning site construction, grading, or clearing activity. The town will review the permit and issue a permit to begin work. Along with the permit the owner/developer will submit construction plans and a plan for Best Management Practice (BMP). The BMP will describe in detail the use of silt fences, hay bales, rip rap siltation basins, or other means to be used for erosion control. The minimum requirements for construction permit and erosion control shall be approved by the Town's enforcement officer and shall be in accordance with the code of the Town of Franklin Subdivision Regulations.

4.21.3 Building Permit

No building permit will be issued until the aforementioned provisions are addressed to the satisfaction of the Town's Building Official or Town's Appointed Agent.

Section 4.22 Building Material Storage

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in an Agricultural, Residential, or Commercial District more than one month prior to the commencement of construction.

Section 4.23 Moving of Buildings or Structures

No building or structures shall be moved from one lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of this Zoning Ordinance.

Section 4.24 Keeping of Animals

The keeping of any animal which existed lawfully prior to the effective date of this zoning ordinance which is not allowed under this ordinance may be continued as a nonconforming use, except that if the nonconforming use is discontinued for one year or more it shall then be deemed abandoned and any future keeping of animals shall be in conformity with this title. The keeping of animals shall be permitted in any district provided that compliance with all applicable laws including the State of Alabama and Macon County Health Regulations are maintained, and as provided for in the following sub-sections.

All areas to be used by animals shall be adequately fenced so as to prevent their escape. No more than six birds or other flying animals shall be kept on any lot within 1,000 feet of an airport. Available fenced animal areas shall be located in rear or side yards and may include barns, corrals, pens, or other facilities directly related to the care, shelter or feeding of the animals, but shall not include the home or other accessory buildings.

4.24.1 Pets (Household Pet)

Household pets may be kept by their owner in any residential zoning district and are not specifically limited in their number so long as the residence is kept safe and sanitary. Kennels and Pet Boarding (boarding, breeding and training) are considered commercial activities and are restricted to Agricultural, Local Commercial and Highway Commercial zoning districts.

4.24.2 Livestock

Livestock and honeybees may be kept for commercial purposes or for personal pleasure or utility in the agricultural (A-O) zoning district. Livestock shall be held to be limited to and to refer to equine or equidae, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, and pigs. Livestock, except swine, may also be kept for non-commercial purposes in certain single-family residential zoning districts, provided the lot or parcel is at least five acres in size; is the livestock owner's residence; and all animal quarters must be located no closer than 100 feet to any property line.

Livestock areas shall be maintained in conditions that are healthy and do not pose a nuisance due to smell, noise, or unsightly trash or dilapidated buildings. It shall be unlawful to possess livestock or other animals in the commercial zones, except in approved pet stores, boarding or grooming kennels, or as otherwise provided.

4.24.2 Wild Animals

The raising and keeping of wild animals is restricted to the agricultural (A-O) zoning district. Anyone who keeps a wild or exotic animal must obtain any and all necessary permits and meet all requirements of the State of Alabama for such activity, and all animal quarters must be located no closer than 200 feet to any property line.

Alabama law prohibits any wildlife protected by law being held in captivity (as in kept as pets.) That includes all game animals, birds and furbearers, including bear, beaver, coyote, deer, opossum, rabbit, raccoon, squirrel, nutria, fox, mountain lion, groundhog, bobcat, Red Wolf, feral swine, and alligator; and other protected furbearers including mink, otter and skunk.

ARTICLE 5

ZONING DISTRICT REGULATIONS

Section 5.1 Generally

Except as hereinafter provided, the regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Notwithstanding nonconforming uses as herein defined, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof, shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations as specified herein for the district in which it is located.

Unless otherwise specified by this ordinance, every principal building hereafter erected or moved shall be located on a separate lot and in no case shall there be more than one principal building and three permitted accessory buildings on all lots under three acres. There shall be allowed one additional accessory building for every acre over three acres. Industrial operations located in the M-1 Industry District shall be exempted from this provision.

Section 5.2 Intent of Zoning Districts

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations that apply to the zoning districts as they are established in Section 3.1. The general intent of these districts is outlined as follows:

5.2.1 R-H Rural and Holding District

The Rural and Holding District is intended to provide for and protect those areas that are predominantly agricultural in character and use and to provide areas for development. The R-H District is also intended to serve as a holding district for future development. As portions of this district are developed and/or complete utility services become available, it is intended that such district designation be amended appropriately in accord with the comprehensive plan.

5.2.2 AO Agricultural - Open District

The purpose of the A-O Agricultural - Open District is to provide a zoning classification for land which is not expected to experience urbanization in the immediate future. The types of uses, area and intensity of the uses of land which are authorized in this district are designed to encourage and protect agricultural uses until urbanization is warranted.

5.2.3 RR Rural Residential

The purpose of the RR Rural Residential District is to provide a zoning classification for land that is not in agricultural use but where the predominant use of the land is for one unit residential use on large acreage lots.

5.2.4 R-1 Low Density Residential

The purpose of the R-1 Low Density Residential District is to provide for low density residential uses. The principal use of land is for single household dwellings and related land uses and facilities, to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

5.2.5 R-2 Medium Density Residential

The purpose of the R-2 Medium Density Residential District is to provide for medium density residential uses on smaller lots with reduced setbacks. The principal use of land is for single-household and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive

residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

5.2.6 R-3 Multifamily Residential

The purpose of the R-3 Multifamily Residential District is to provide for residential uses that accommodate more than one housing unit on a single lot where access to the public transportation network, public water supply and an appropriate means of wastewater treatment and disposal can be made available to support multiunit development. The principal use of land is for residential structures normally associated with higher population densities, including apartments, boarding houses, condominiums and the like, and related land uses and facilities, as may be conditionally approved, to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

5.2.7 R-MHP Manufactured Home Park

The purpose of the R-MHP Manufactured Home Park district is to provide for development of a single lot or tract of land for the location and placement of manufactured housing units that may or may not be individually owned. It is the intent of this Ordinance that these Districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the town. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the town.

5.2.8 R-MHS Manufactured Home Subdivision

The purpose of the MHS Manufactured Home Subdivision District to provide areas for properly planned Manufactured Home Subdivisions in which lots are offered for sale and in which the purchaser receives fee simple title to the lot. It is the intent of this Ordinance that these Districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential districts in Franklin. It is further the intent of this Ordinance that no manufactured home site subject to potential flooding be approved.

5.2.9 B-1 Business District

The purpose of the B-1 Business District is to provide for the continued development of the traditional, downtown, central business core in Franklin. Appropriate uses in this district shall typically rely on pedestrian access, and shall include retail, office, banking, insurance, government, food service, and personal services, and upper story residential uses. Development within this district should be compatible with the context, character, scale, and density of adjacent activities, which typically are characterized by lot line to lot line construction, lack of on-premise, off-street parking for all but residential uses, and combined uses within buildings and properties.

5.2.10 B-2 Local Business

The purpose of the B-2 Local Business District is to serve the convenience of nearby and/or adjacent residential areas with everyday retail and personal service needs. No use permitted in this district shall be dangerous, offensive, or detrimental by reasons of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or constitute a chemical, fire or explosion hazard. Commercial uses permitted in the B-2 District shall not be of a type that cause undue traffic congestion in a residential neighborhood. Areas considered suitable for inclusion in an B-2 District shall have direct access to a public thoroughfare.

5.2.11 B-3 Highway Business

The purpose of the B-3 Highway Business District is to provide relatively spacious areas for the development of vehicle-oriented traffic access and visibility from State highways, and existing and proposed primary arterial

roads. The B-3 District is intended to encourage those commercial activities that function relatively independent of pedestrian traffic and proximity of other commercial establishments. These districts are appropriate for the fringes of existing high intensity retail districts and along major thoroughfares.

5.2.12 M-1 Industry

The purpose of the M-1 Industry District is to provide locations for industrial, service and limited commercial uses, except those which would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions which could affect a considerable portion of the town. It is intended that each property so used provide the space necessary to accommodate the vehicles of all workers in the use, to store overnight all vehicles incidental to operation of the use, and for the loading or unloading of all vehicles or trucks incidental to the operation of the use. Heavy industrial uses, as may be conditionally approved by the Franklin Planning Commission, shall be located only in areas directly accessible from U.S. or State Highways and arterial roads. The M-1 District seeks to encourage the formation and continuance of a compatible environment for similar types of industry and discourage any encroachment by residential developments or other uses capable of adversely affecting or being affected by the industrial character of the district.

5.2.13 PUD Planned Unit Development

The purpose of a Planned Unit Development is to accommodate the development of residential communities, commercial area, or mixed use area that may incorporate a full range of housing types and limited commercial uses that primarily serve the residents of the planned community. In order to encourage high-quality design and innovative arrangements of buildings and open space uses throughout the project site, this district provides substantial flexibility from the conventional use and dimensional requirements found in the general residential zoning districts.

Section 5.3 District Use Regulations

The following Table of Uses identifies the uses that are permitted, uses that are permitted on a conditional basis, and the uses that are not permitted in each of the zoning districts. Uses shall be governed by conditions set forth in the following categories:

- a. Permitted: Uses allowed by right are specified by a "P" in the Table of Uses.
- b. Special Exception: Use is subject to review and decision by the Zoning Board of Adjustment in accordance with Section 15.3 of this Ordinance. An "E" in the Table of Uses indicates a use that requires a special exception by the Zoning Board of Adjustment.
- c. Conditional: Use is subject to review by the Planning Commission. Conditional uses are those uses which are permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. A "C" in the Table of Uses indicates a use that requires planning commission approval.
- d. Statutory Review: Use is subject to review by the Planning Commission and decision by the City Council. Uses requiring statutory review may include public streets, a square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended.
- e. Not Permitted. Use is not allowed in the district. An "N" in the Table of Uses indicates a use that not allowed in the zoning district.

All uses are subject to such other requirements of Federal and State law and regulatory authority as may be or become applicable, at any time, including but not limited to required permits.

Zoning District Table of Uses

P = PERMITTED USE
E = SPECIAL EXCEPTION
C = CONDITIONAL USE

R = STATUTORY REVIEW
N = NON-PERMITTED USE

RESIDENTIAL	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Accessory structures and uses	P	P	P	P	P	P	P	P	N	N	N	P	C
Apartments	N	N	N	N	P	P	N	N	C	N	N	N	C
Boarding, rooming or lodging house, dormitory	N	C	N	N	C	P	N	N	C	N	N	N	C
Combination Dwelling	N	C	N	N	N	N	N	N	C	C	C	C	C
Duplex	N	N	N	N	P	P	N	N	N	N	N	N	C
Emergency Care Home	N	C	N	N	C	C	N	N	N	N	N	N	C
Family Care Home	N	C	N	N	C	C	N	N	N	N	N	N	C
Fraternity or sorority house	N	C	N	N	N	N	N	N	N	N	N	N	C
Manufactured housing park	N	N	N	N	N	N	P	N	N	N	N	N	C
Mobile home / Manufactured home	P	P	C	N	N	N	P	P	N	N	N	N	C
Multiple family dwellings	N	N	N	N	C	P	N	N	N	N	N	N	C
Patio Home	N	N	N	N	P	P	N	N	N	N	N	N	C
Single family dwelling	P	P	P	P	P	P	P	P	N	N	N	N	C
Townhouse	N	N	N	N	P	P	N	N	N	N	N	N	C
Upper Story Apartments	N	N	N	N	N	N	N	N	C	C	C	N	C
AGRICULTURE	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Agriculture	P	P	C	N	N	N	N	N	N	N	N	N	N
Animal raising	P	P	C	N	N	N	N	N	N	N	N	N	N
Dairying	P	P	N	N	N	N	N	N	N	N	N	N	N
Farming	P	P	N	N	N	N	N	N	N	N	N	N	N
Floriculture	P	P	N	N	N	N	N	N	N	N	N	N	N
Hatchery, poultry and fish	P	P	N	N	N	N	N	N	N	N	N	N	N
Hobby Farm	P	P	P	C	N	N	N	N	N	N	N	N	N
Horticulture	P	P	N	N	N	N	N	N	N	N	N	N	N
Pasturage	P	P	N	N	N	N	N	N	N	N	N	N	N
Silviculture	P	P	N	N	N	N	N	N	N	N	N	N	N
Stables	P	P	C	N	N	N	N	N	N	N	N	N	N
Viticulture	P	P	N	N	N	N	N	N	N	N	N	N	N

INSTITUTIONAL	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Ambulance/EMS Service	E	E	N	N	N	N	N	N	E	C	C	P	N
Art gallery or museum	N	N	N	N	N	N	N	N	P	P	P	N	C
Auditorium, stadium, coliseum	R	R	N	N	N	N	N	N	R	R	R	N	N
Business school or college	R	R	N	N	N	N	N	N	R	R	R	N	N
Cemetery	P	P	N	N	N	N	N	N	N	E	E	N	N
Church or similar religious facility	P	P	P	P	P	P	P	P	P	P	P	N	C
Town hall, city hall or courthouse	R	R	N	N	N	N	N	N	R	R	R	N	N
Club or lodge	N	N	N	N	N	N	N	N	N	P	P	N	C
College or university	R	R	N	N	N	N	N	N	R	R	R	R	N
Convalescent or nursing home, Assisted Living	N	P	N	N	N	E	N	N	E	P	P	N	N
Correctional, detention, or penal institution	N	R	N	N	N	N	N	N	N	N	N	R	N
Child care center	N	C	C	N	N	N	N	N	E	P	P	N	C
Child care institution	N	C	N	N	N	N	N	N	E	C	C	N	N
Day care home	E	E	E	E	E	E	E	E	N	N	N	N	C
Animal shelter	P	P	N	N	N	N	N	N	N	E	P	N	N
Fire station	R	R	N	N	N	N	N	N	R	R	R	R	R
Funeral home	N	C	N	N	N	N	N	N	N	C	P	N	N
Hospital	R	R	N	N	N	N	N	N	N	R	N	N	N
Library	N	N	N	N	N	N	N	N	P	P	P	N	C
Police station	R	R	N	N	N	N	N	N	R	R	R	R	R
Post office	N	N	N	N	N	N	N	N	R	R	R	N	C
School (public or private)	R	R	R	R	R	R	N	N	R	R	R	N	N
Teen club or youth center	N	E	N	N	N	N	N	N	E	E	E	N	C
YMCA, YWCA	N	E	N	N	N	N	N	N	E	E	E	N	C
Zoo	R	R	N	N	N	N	N	N	N	N	R	N	N
PROFESSIONAL, SERVICE AND OFFICE USES	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Bank	N	N	N	N	N	N	N	N	P	P	P	N	C
Barber shop or beauty parlor	C	C	C	N	N	N	N	N	P	P	P	N	C
Clinic or doctor office (medical, dental, psychiatric)	N	N	N	N	N	N	N	N	P	P	P	N	C
Office	N	N	N	N	N	N	N	N	P	P	P	N	C
Optician	N	N	N	N	N	N	N	N	P	P	P	N	C

Laboratory, scientific, medical, dental	N	N	N	N	N	N	N	N	P	P	P	N	C
Mixed commercial/residential	N	N	N	N	N	N	N	N	E	C	C	N	C
Studio for dance, music, photography, painting, etc.	N	N	N	N	N	N	N	N	C	P	P	N	C
LOCAL COMMERCIAL	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Accessory structures and uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building	N	N	N	N	N	N	N	N	P	P	P	N	C
Apparel and accessory store	N	N	N	N	N	N	N	N	P	P	P	N	C
Appliance store including repair	N	N	N	N	N	N	N	N	P	P	P	N	C
Art supplies	N	N	N	N	N	N	N	N	P	P	P	N	C
Automobile parts sales	N	N	N	N	N	N	N	N	N	C	P	N	C
Bakery retail	N	N	N	N	N	N	N	N	P	P	P	N	C
Bed and breakfast or tourist home	C	P	P	N	N	N	N	N	P	P	P	N	C
Bicycle sales and service	N	N	N	N	N	N	N	N	P	P	P	N	C
Book store	N	N	N	N	N	N	N	N	P	P	P	N	C
Café	N	N	N	N	N	N	N	N	P	P	P	N	C
Camera and photo shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Candy store	N	N	N	N	N	N	N	N	P	P	P	N	C
Catering shop or service	N	N	N	N	N	N	N	N	P	P	P	N	C
Copy shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Delicatessen	N	N	N	N	N	N	N	N	P	P	P	N	C
Discount/variety store (< 8,000 sq ft)	N	N	N	N	N	N	N	N	P	P	P	N	C
Drug store (< 8,000 sq ft)	N	N	N	N	N	N	N	N	P	P	P	N	C
Fixture sales	N	N	N	N	N	N	N	N	P	P	P	N	C
Floor covering sales or service	N	N	N	N	N	N	N	N	P	P	P	N	C
Florist	N	N	N	N	N	N	N	N	P	P	P	N	C
Fruit and produce store	N	N	N	N	N	N	N	N	P	P	P	N	C
Gift shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Guest Cottage	C	C	C	C	N	N	N	N	N	N	N	N	C
Hardware store, retail	N	N	N	N	N	N	N	N	P	P	P	N	C
Ice cream parlor	N	N	N	N	N	N	N	N	P	P	P	N	C

Interior decorating shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Laundry and dry cleaning store	N	N	N	N	N	N	N	N	P	P	P	N	C
Laundry, self service	N	N	N	N	N	N	N	N	P	P	P	N	C
Locksmith	N	N	N	N	N	N	N	N	P	P	P	N	C
Mail order house	N	N	N	N	N	N	N	N	P	P	P	N	C
Music store	N	N	N	N	N	N	N	N	P	P	P	N	C
Neighborhood convenience store	N	N	N	N	N	N	N	N	P	P	P	N	C
News stand	N	N	N	N	N	N	N	N	P	P	P	N	C
Paint and wallpaper store	N	N	N	N	N	N	N	N	P	P	P	N	C
Picture framing and/or mirror silvering	N	N	N	N	N	N	N	N	P	P	P	N	C
Restaurant	N	N	N	N	N	N	N	N	P	P	P	N	C
Shoe repair shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Shoe store	N	N	N	N	N	N	N	N	P	P	P	N	C
Sign shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Sporting goods store	N	N	N	N	N	N	N	N	P	P	P	N	C
Tailor shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Tobacco store	N	N	N	N	N	N	N	N	P	P	P	N	C
Toy store	N	N	N	N	N	N	N	N	P	P	P	N	C
GENERAL COMMERCIAL	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Adult Bookstore or Adult Paraphernalia Store	N	N	N	N	N	N	N	N	N	N	C	P	N
Air conditioning sales and service	N	N	N	N	N	N	N	N	N	P	P	N	N
Amusement arcade	N	N	N	N	N	N	N	N	P	P	P	N	N
Animal clinic / kennels	N	N	N	N	N	N	N	N	N	P	P	N	N
Bakery, wholesale	N	N	N	N	N	N	N	N	P	P	P	N	N
Bowling alley	N	N	N	N	N	N	N	N	C	P	P	N	N
Business machine sales and service	N	N	N	N	N	N	N	N	P	P	P	N	N
Propane gas sales	N	N	N	N	N	N	N	N	C	P	P	N	N
Car wash	N	N	N	N	N	N	N	N	N	P	P	N	N
Convenience store	N	N	N	N	N	N	N	N	C	P	P	N	N
Country club	N	N	N	N	N	N	N	N	N	P	P	N	N
Department store	N	N	N	N	N	N	N	N	P	P	P	N	N
Discount / variety store (> 8,000 sq ft)	N	N	N	N	N	N	N	N	P	P	P	N	N
Drug store (> 8,000 sq ft)	N	N	N	N	N	N	N	N	P	P	P	N	N

Elevator maintenance service	N	N	N	N	N	N	N	N	N	C	P	N	N
Exterminator service office	N	N	N	N	N	N	N	N	N	C	P	N	N
Farmer's market / truck crops	N	N	N	N	N	N	N	N	C	P	P	N	N
Feed Store	N	N	N	N	N	N	N	N	C	P	P	N	N
Firing range (Open or Closed)	E	E	N	N	N	N	N	N	N	N	E	E	N
Fitness center or gym	N	N	N	N	N	N	N	N	P	P	P	N	N
Gambling, Gaming Establishments	C	N	N	N	N	N	N	N	C	N	C	C	N
Golf driving range	N	C	N	N	N	N	N	N	N	C	C	N	N
Grocery store	N	N	N	N	N	N	N	N	P	P	P	N	C
Landscape sales	N	N	N	N	N	N	N	N	C	P	P	N	N
Lawnmower sales and service	N	N	N	N	N	N	N	N	C	P	P	N	N
Liquor store	N	N	N	N	N	N	N	N	E	E	E	N	N
Miniature golf	N	C	N	N	N	N	N	N	C	C	C	N	N
Mini-warehouse	N	C	N	N	N	N	N	N	C	P	P	N	N
Night club, bar, tavern, lounge	N	E	N	N	N	N	N	N	P	E	E	N	N
Plant nursery	P	P	N	N	N	N	N	N	N	C	P	N	N
Office equipment and supplies sales	N	N	N	N	N	N	N	N	P	P	P	N	N
Pawn shop	N	N	N	N	N	N	N	N	P	P	P	N	N
Pet shop	N	N	N	N	N	N	N	N	P	P	P	N	C
Plumbing shop	N	N	N	N	N	N	N	N	C	P	P	N	N
Printing and publishing	N	N	N	N	N	N	N	N	C	P	P	N	N
Race track	N	E	N	N	N	N	N	N	N	N	N	E	N
Restaurant sales and supplies	N	E	N	N	N	N	N	N	N	N	E	E	N
Rug / drapery cleaning service	N	N	N	N	N	N	N	N	N	N	E	P	N
Seafood store	N	N	N	N	N	N	N	N	C	P	P	N	C
Short Term Rental or other residential lodging (AirBnB, VRBO)	P	P	P	N	P	P	P	P	P	C	C	N	C
Skating rink	N	N	N	N	N	N	N	N	C	P	P	N	N
Stone monument sales	N	C	N	N	N	N	N	N	N	E	P	N	N
Taxidermy	N	C	N	N	N	N	N	N	N	E	P	N	N
MAJOR COMMERCIAL	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Adult Entertainment	N	N	N	N	N	N	N	N	N	N	N	C	N
Amusement park	N	R	R	N	N	N	N	N	R	R	R	R	N
Auto convenience market	N	N	N	N	N	N	N	N	N	E	P	N	N

Automobile parts sales	N	N	N	N	N	N	N	N	N	E	P	N	N
Automobile repair (mechanical and body)	N	C	N	N	N	N	N	N	N	E	P	N	N
Automobile sales	N	N	N	N	N	N	N	N	N	C	P	N	N
Automobile service station	C	C	N	N	N	N	N	N	C	P	P	N	N
Automobile storage (parking lot/garage)	N	N	N	N	N	N	N	N	N	E	P	N	N
Boat sales and service	N	N	N	N	N	N	N	N	C	C	P	N	N
Building materials	N	N	N	N	N	N	N	N	C	C	P	N	N
Farm implements	C	C	N	N	N	N	N	N	C	C	P	N	N
Flea market	N	C	N	N	N	N	N	N	C	C	P	N	N
Home improvement center	N	N	N	N	N	N	N	N	C	C	P	N	N
Hotel or motel	C	C	N	N	N	N	N	N	C	E	P	N	N
Manufactured housing sales, service and repair	N	N	N	N	N	N	N	N	N	N	P	N	N
Motorcycle sales, service, repair	N	N	N	N	N	N	N	N	N	C	P	N	N
Movie theatre	N	N	N	N	N	N	N	N	P	C	P	N	N
Recreational vehicle park	N	R	R	N	N	N	N	N	R	R	R	R	N
Recreational vehicle sales, service and repair	N	N	N	N	N	N	N	N	E	E	P	N	N
Restaurant, drive-in	N	N	N	N	N	N	N	N	P	P	P	N	C
Restaurant, fast food	N	N	N	N	N	N	N	N	P	P	P	N	C
OUTDOOR RECREATION	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Arboretums	C	P	N	N	N	N	N	N	C	C	C	N	N
Ball fields	N	R	N	N	N	N	N	N	R	R	R	N	N
Golf course	N	R	N	N	N	N	N	N	R	R	R	N	N
Park or playground	C	C	E	E	E	E	E	E	P	P	P	N	C
Riding academy	E	E	E	N	N	N	N	N	E	E	C	N	N
Swimming pool (outdoor) (PUBLIC)	N	C	C	C	C	C	C	C	N	N	N	N	C
Tennis court (outdoor)	N	N	C	C	C	C	C	C	N	N	N	N	C
Wildlife sanctuary	E	E	E	N	N	N	N	N	N	N	E	E	N
TRANSPORTATION, COMMUNICATION AND UTILITY USES	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Airport	R	R	N	N	N	N	N	N	N	N	R	R	N
Antenna	R	R	N	N	N	N	N	N	N	N	R	R	N
Armory	N	C	N	N	N	N	N	N	N	N	C	C	N
Billboard	N	C	N	N	N	N	N	N	N	C	P	C	N
Broadcasting station	N	C	N	N	N	N	N	N	N	N	C	C	N

Bus and railroad terminal facilities	N	R	N	N	N	N	N	N	N	N	R	N	N
Electric power substations	R	R	R	R	R	R	R	R	R	R	R	R	R
Freight depot, rail or truck	R	R	N	N	N	N	N	N	R	R	R	R	N
Landfill	N	R	N	N	N	N	N	N	N	N	N	R	N
Maintenance facility / storage yard for schools, government agencies, and utility companies	N	C	N	N	N	N	N	N	N	N	C	C	N
Railroad facilities	R	R	N	N	N	N	N	N	N	N	R	R	N
Sewage treatment plant	N	R	N	N	N	N	N	N	N	N	N	R	N
Solar Farm, Solar Power Plant	R	R	R	R	R	R	R	R	R	R	R	R	R
Taxi dispatching station	N	N	N	N	N	N	N	N	N	N	C	C	N
Taxi terminal	N	N	N	N	N	N	N	N	N	N	C	C	N
Telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers	R	R	N	N	N	N	N	N	N	N	R	R	N
Tow shop or Wrecker Service	N	C	N	N	N	N	N	N	N	N	C	C	N
Water or sewage pumping station	R	R	R	R	R	R	R	R	R	R	R	R	R
Water plant	N	R	N	N	N	N	N	N	N	N	N	R	N
Water storage tank	R	R	R	R	R	R	R	R	R	R	R	R	R
Water well (public or private)	R	R	R	R	R	R	R	R	R	R	R	R	R
Wireless telecommunication facilities	C	C	N	N	N	N	N	N	N	C	C	C	C
LIGHT INDUSTRY	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Automobile manufacture	N	N	N	N	N	N	N	N	N	N	N	P	N
Bottling works	N	N	N	N	N	N	N	N	N	N	N	P	N
Cabinet shop	N	N	N	N	N	N	N	N	C	C	C	P	N
Contractor's yard	N	N	N	N	N	N	N	N	N	N	N	P	N
Grain milling storage and elevators	C	P	N	N	N	N	N	N	N	N	N	P	N
Ice plant	N	N	N	N	N	N	N	N	N	N	N	P	N
Lumberyard	N	N	N	N	N	N	N	N	N	N	N	P	N
Machine shop	N	N	N	N	N	N	N	N	N	N	N	P	N
Machinery, tools and construction equipment sales and service	N	N	N	N	N	N	N	N	N	N	N	P	N
Manufacturing, repair, assembly or processing of a light industrial nature including: food/milk products; clothing; musical instruments; scientific, optical, medical & electronic equip; souvenirs and novelties; toys, sporting goods	N	N	N	N	N	N	N	N	N	N	N	P	N

Millwork	N	N	N	N	N	N	N	N	N	N	C	P	N
Sand and gravel storage yard	N	N	N	N	N	N	N	N	N	N	N	P	N
Sawmill or planing mill	N	N	N	N	N	N	N	N	N	N	N	P	N
Warehouse and storage facilities	N	N	N	N	N	N	N	N	N	N	N	P	N
Welding shop	N	N	N	N	N	N	N	N	N	N	C	P	N
GENERAL INDUSTRY	R-H	AO	RR	R-1	R-2	R-3	R-MHP	R-MHS	B-1	B-2	B-3	M-1	PUD
Automobile wrecking and salvage	N	N	N	N	N	N	N	N	N	N	N	P	N
Concentrated animal feeding (CAFO)	N	C	N	N	N	N	N	N	N	N	N	P	N
Electric power generating plant	N	N	N	N	N	N	N	N	N	N	N	P	N
Extraction or removal of natural resources on or under land	N	C	N	N	N	N	N	N	N	N	N	P	N
Junk yard	N	N	N	N	N	N	N	N	N	N	N	P	N
Manufacturing, repair, assembly, processing, fabrication establishments of a general industrial nature including: acetylene gas; acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement or cement products; lime; gypsum; plaster of paris; coal tar or derivatives thereof; creosote or creosote treatment; clay, tile or vitrified products; emery cloth or sandpaper; explosives or fireworks; fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber and gutta percha products; plastics; soda compounds; petroleum refining; tanning; curing or storage of hides and skins; boiler works; foundry or forge operation; incineration; fat rendering; storage of junk, iron or rags; distillation of bones, coal, or wood	N	N	N	N	N	N	N	N	N	N	N	P	N
Meat slaughtering and/or packing	N	C	N	N	N	N	N	N	N	N	N	P	N
Shipbuilding and repair yard	N	N	N	N	N	N	N	N	N	N	N	P	N
Stone cutting and processing	N	C	N	N	N	N	N	N	N	N	N	P	N

Section 5.4 Area and Dimensions

The area, yard, height, and other dimensional requirements specified in the table on the following page are established for the various districts defined by this ordinance. The minimum area, yard, height and other dimensional requirements vary by development type and are individually specified in the table. The Macon County Health Department and/or the Alabama Department of Public Health may require a greater lot area for approval of on-site septic waste disposal systems.

DISTRICT	Min. Lot Area	Min. Lot Width at Building Line	Min. Lot Width at Street	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Abutting Street Side Yard	Max. Building Area	Max. Height	Density
	sq. ft.	ft	ft	ft	ft	ft	ft	%	ft / stories	units per acre
RH	10 acres	200	200	40	40	40	40	10%	35 ft / 2	1
AO	20 acres	200	200	40	40	40	40	10%	35 ft / 2	1
RR	5 acres	200	200	40	40	40	40	10%	35 ft / 2	1
R-1	15,000	100	40	40	30 / 5	10	15	25%	35 ft / 2	1
R-2	12,000	85	35	35	35 / 5	10	25	25%	35 ft / 2	3
R-3		75	35	35	35 / 5	10	20		35 ft / 2	4
R-MHP	5 acres	300	300	50	50	50	50	25%	25 ft / 1	4
R-MHS	4,000	40	40	40	40	10	20	30%	25 ft / 1	3
B-1	Subject to Development Plan									
B-2	n / a	50	50	30	0 / 15 adjacent to Res.	0 / 15 adjacent to Res.	15	80%	35 ft / 2	n/a
B-3	n / a	75	75	35	0 / 15 adjacent to Res.	0 / 15 adjacent to Res.	15	50%	35 ft / 2	n/a
M-1	1 acre	100	100	40	25 / 40 adjacent to Res.	25 / 40 adjacent to Res.	40	50% bldg / 80% site	45 ft / 3	n/a

5.4.1 Building Height Measurement

When a building is located in a flood zone identified on a FEMA rate map, building height limits shall be measured from a point two feet above the base flood elevation as determined by FEMA provided that no habitable space or living space is located below the measurement point elevation. Automobile parking may be located under structures elevated above flood hazards provided that such elevation is sufficient to accommodate parking and the space is designed in a fashion that will not impede water flow or elevate the base flood elevation. Any structure which exceeds 35 feet in height will require a site plan and approval from the fire marshal which states that the fire district has reviewed the plans and that the fire department's equipment and training can adequately fight a fire on the site.

5.4.2 Required Buffers

Where commercial use abuts a residential district, a minimum buffer of 25 feet shall be provided adjacent to the residential district. Such space shall be screened from the abutting residential district by planted berms, walls or fences or by other screening not less than six feet in height, in a manner acceptable to the Franklin Planning Commission.

The side yard building setback line on each side of the lot shall be not less than 25 feet as measured from the side lot line to the nearest building or structure except in instances where a light industrial use abuts a residential district, in which case a minimum side yard of 100 feet shall be provided on the side adjacent to the residential district. Such space will remain open and unoccupied by any other structure or uses and will be screened from residential district by a fence not less than six feet in height.

The rear yard building setback line shall be not less than 50 feet except in instances where an industrial use abuts a residential district, in which case a rear yard of not less than 100 feet shall be provided. Such space shall remain open and unoccupied by any structure or use. Where an industrial use backs upon a railroad spur, a rear yard may not be required.

Section 5.5 Conditional Uses

Conditional uses add flexibility to the Franklin Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in several districts where those uses would not otherwise be acceptable. Uses that are permitted on a conditional basis in specific zoning districts and the planned unit development district are identified in the Tables of Uses in Section 5.3 and Section 6.4. Conditional uses may be established and maintained only with the approval of the Franklin Planning Commission. This review and approval process is intended to:

- a. Provide for uses which are beneficial to the community but that may involve a potential hazard to the development of an area unless appropriate provisions are made for their impacts; and
- b. Properly integrate the uses permitted on a conditional basis with other uses located in the district.

Conditional uses, and associated site or development plans, shall be reviewed by the Planning Commission and approved, approved with conditions or denied under the procedures outlined in Article 14, Section 3.

Section 5.6 Design Standards

In certain zoning districts, it is necessary to apply design standards or guidelines in lieu of, or as supplemental to, other dimensional or area requirements. Such design standards may be allowed for planned unit developments and certain other districts requiring site development approval prior to their establishment.

In these districts, the Planning Commission may approve development plans which specify such design standards, provided such standards are part of a site development plan approved by the Planning Commission.

Design standards may include specific guidelines or requirements for:

- a. Streets, alleys and sidewalks, public and private;
- b. Building setbacks and yards, including build-to lines for specific building placement;
- c. Allowable or prescribed building densities in units per acre or square feet per area of site;
- d. Building heights;
- e. Location and character of building openings and porches;
- f. Location and character of wall openings and open versus solid walls;
- g. Location and character of landscaping, signage, parking, lighting and site furnishings;

Design standards shall supersede other dimensional or area requirements except in cases which would conflict with public health, safety and welfare as specified in the Zoning Ordinance. Design standards must be specified as part of an approved development plan and such approval may be appealed to the Board of Zoning Adjustments as a variance from the Franklin Zoning Ordinance or special condition.

ARTICLE 6 PLANNED UNIT DEVELOPMENTS

Section 6.1 General

In addition to other districts requiring approval by the Planning Commission, Planned Unit Developments may be permitted to allow for the development of specific types of land uses which because of their large size, special character or unique nature have the potential to create significant impact on abutting or nearby properties and therefore require special consideration and planning to avoid adverse impact on their surroundings and the community at large. Planned development s may include a single use of land or a group of associated or related uses. In order to establish a Planned Unit Development, a site development plan, including any required design standards must be approved by the Planning Commission, prior to the establishment of the development.

Section 6.2 Intent of Planned Development Districts

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations that apply to the planned development districts as they are established in Section 3.1. The general intent of these districts is outlined as follows:

6.2.1 Planned Residential

The purpose of a Planned Residential Development is to accommodate the development of residential communities that may incorporate a full range of housing types and limited commercial uses that primarily serve the residents of the planned residential community. In order to encourage high-quality design and innovative arrangements of buildings and open space uses throughout the project site, this district provides substantial flexibility from the conventional use and dimensional requirements found in the general residential zoning districts.

The purpose for special regulations for planned residential developments is to promote variety, innovation, and flexibility in development by allowing certain variations in lot sizes, dwelling unit types and use or design requirements which:

- a. Permit a creative approach to the development of residential land;
- b. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance;
- c. Provide for an efficient use of land;
- d. Enhance the appearance of neighborhoods through preservation of natural features;
- e. Provide for recreational areas and open space; and
- f. Provide an opportunity for new approaches to living environment and provide an environment of stable character compatible with surrounding residential areas.

6.2.2 Planned Business / Shopping

A Planned Business or Shopping Development is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this planned district to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.

It is not the intent of this planned development district to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers. Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the Planning Commission with a list of uses permitted in his development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants; provided, however, that no use that allows the selling of beer for consumption on premises shall be located within five hundred feet of any residential or agricultural zone.

6.2.3 Planned Industry

The purpose of a Planned Industry Development is to create a planned industrial area which provides for one or more principal industrial uses to be located in the development. Such development shall take place in one or more programmed series of development operations and provide for employment opportunities for local residents to be developed in an orderly manner.

A Planned Industry Development may serve as an alternative to the general industry districts for industrial uses to be located. Rezoning to a Planned Industry Development shall be voluntary on the part of the applicant. A Planned Industry Development is viewed as a sound means of introducing industrial developments in portions of Franklin which may not have witnessed industrial development in the past while at the same time protecting property values of surrounding properties.

6.2.4 Planned Recreational

The purpose of a Planned Recreational Development is to accommodate the development of large-scale recreational facilities and their related support services. Intended uses for Planned Recreational Developments include such compatible and related active and passive recreational activities as regional recreation centers (which may include swimming pools, tennis courts, BMX tracks, bicycle trails and the like), major parks and multiple-use trails, golf courses, riding stables and trails, sports stadiums, outdoor tracks and related recreational uses.

6.2.5 Planned Mixed Use

The purpose of a Planned Mixed Use Development is to allow a variety of complimentary residential, office and commercial uses in a planned and orderly layout. Unlike most other zoning districts in this Ordinance, a Planned Mixed Use Development allows for commercial and residential areas to be interspersed and developed adjacent to each other in one integral unit in either a horizontal or vertical manner. It is intended that this type of development will help create mixed use complexes in which mutually supporting residential, commercial and office complexes are scaled, balanced and located so as to result in a more homogenous environment than if such uses were developed individually. The end result of this process should be that housing will be provided in close proximity to shopping and employment destinations and traffic can be better channeled within such a development rather than along the existing highway network. In order to promote good design, the safety of pedestrians and motorists, and efficient usage of land, the following criteria shall be addressed and incorporated into all areas proposed for Planned Mixed Use Development:

- a. That residential uses be so separated from major vehicular traffic flows and other disquieting influences as to protect privacy and tranquility;
- b. That general commercial and service uses be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district, and that commercial frontage is uninterrupted by residential or office uses;
- c. That major employment uses be so located as to be convenient to collector or arterial streets.
- d. Where such Development adjoin residential neighborhoods, it is intended that arrangement of buildings, uses, open space, and vehicular access be such as to provide appropriate transition and reduce potential adverse effects.

6.2.5 Planned Major Office and Institutional

The purpose of a Planned Major Office and Institutional Development is to accommodate the development of large-scale office complexes, educational campuses, or office / education / research facilities. Expected development would include facilities such as professional office park, secondary schools, colleges and universities, technical and vocational training facilities and related activities including auditoriums, libraries and other directly related educational facilities, government or other public service centers, research parks and related facilities.

Section 6.3 Creation of a Planned Unit Development

A Planned Unit Development may hereafter be established by amendment to the Town of Franklin Zoning Map and related amendatory action, changing the designation of one or more contiguous lots from their existing zoning classification to PUD Planned Unit Development. Such zoning change may only be made by the Franklin Planning Commission where it has been determined that the area is suitable in location and character for the uses and structures proposed to be planned and developed on a unified basis, according to the requirements and procedures set forth herein.

Planned Unit Developments shall be appropriately located with respect to intended functions, to the pattern and timing of development, in accord with the Town of Franklin Land Use Plan, and to public and private facilities existing or to be available by the time the development reaches the stage where they will be needed. All major residential subdivisions must be created within a planned residential or planned mixed use district and will be reviewed using the criteria specified in this chapter and the Town of Franklin Subdivision Regulations.

Section 6.4 Special Requirements for Areas Included in a Planned Development

6.4.1 Relationship to Road Network

A Planned Development created pursuant to this Ordinance shall have access to and from a collector or arterial road (as designated by the Alabama Department of Transportation). In no instance, however, shall any lot within such district access directly upon such arterial or collector road. Access to all lots within a Planned Development District shall be via internal roads designed to channel traffic into and out of the area contained in the Planned Development District. Roads which provide public access but are privately maintained (i.e., private roads) may be allowed in a planned development. All such roads, however, shall be subject to meeting all applicable minimum Franklin road specifications and standards.

6.4.2 Physical Character of the Site

A parcel, or parcels, located in a Planned Development shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, ground water level, drainage, and topography shall all be appropriate to both the kind and pattern of use intended. If appropriate to the form of planned development, lands to be included in Planned Development may be divided by streets, alleys, rights-of-way, or easements, but shall be so located, dimensioned, and arranged as to permit unified planning and development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.

6.4.3 Size and Dimensions

Any Planned Development created shall consist of one or more tracts whose aggregate area shall be a minimum of 20 acres. Once a Planned Development District has been created, the Franklin Planning Commission shall have the authority to enlarge the size of the district, provided that all reasonable safeguards are taken to ensure that all enlargements serve to enhance the unity and coordination of the project with regard to physical design and layout and compatibility of land uses within and surrounding the boundaries of the district.

The intent of the Planned Development District is to provide the best design and coordinated arrangement of buildings and land uses. It is not likely therefore, that a planned commercial development would contain less than twenty acres. However, if in the opinion of the Planning Commission, the functional design of a building grouping meets the intent of these regulations the Commission may approve a planned development district of less than 20 acres. The following dimensions apply, regardless, of total development size:

- a. **Periphery Boundary:** All buildings shall be set back at least fifty feet from any peripheral boundary of the project, or any public street or road existing prior to the planned commercial district.
- b. **Lot Coverage:** Any project divided into individual lots or building sites shall specify yard and lot coverage requirements in its protective covenants provided however, that no buildings shall cover more than fifty percent of its lot at its ultimate expansion potential.

- c. Height: In general, height shall be limited to forty-five feet. However, to permit the greatest flexibility of design the Planning Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.
- d. Parking and Loading: Parking and loading requirements shall be specified in the restrictive covenants governing the development but in no case may they be less than the requirements specified in Article 9 of this ordinance. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of open parking lot.
- e. Storage: Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.
- f. Landscaping: A landscape plan for the entire development shall be prepared and presented to the Planning Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment of the landscape plan. The landscaping plan shall include but not be limited to approaches to building entrances, appropriate visual screens and any parking areas.

Section 6.5 Development Procedures

The following items shall be submitted and procedures followed for rezoning one or more contiguous parcels to a Planned Development District classification.

6.5.1 Submittal of Project Proposal to the Town Clerk

The following items shall be submitted to the Town Clerk with regard to the establishment of a Planned Development District.

- a. Report. A report shall be submitted which identifies all property ownerships and beneficial interests within the boundaries of the proposed Planned Development District and giving evidence of unified control of its entire area. The report shall state agreement of all present owners and holders of beneficial interest:
 - (1) To proceed with the proposed development according to regulations existing when the map amendment creating the Planned Development District is passed, with such conditions as may be set by the Franklin Planning Commission;
 - (2) To conform in the process of development to the preliminary development concept plan, and to proposals for staging of development, according to requirements herein indicated;
 - (3) To provide such bonds, dedications, easements, guarantees, agreements, deeds of trusts, contracts, and/or covenants acceptable to the Planning Commission as may be reasonably necessary to protect the public interest in completion of such development according to approved plans, and for provision and continuing operation and maintenance of such areas, facilities, and functions as are not to be provided, operated, or maintained at general public expense, and to provide such dedications, contributions, or guarantees as are required for provision of needed public facilities and services.
- b. Survey. A survey of the proposed Planned Development District showing property lines and ownership's; and existing features, including streets, alleys, easements, utility lines, existing land use, general topography, and physical features.
- c. Preliminary Development Concept Plan. A Preliminary Development Concept for the Planned Development District, indicating:
 - (1) The name of the proposed planned development, and the names of the developer(s) and professional planner(s).
 - (2) Scale, date, north arrow.
 - (3) Location, height, floor area, and use of existing structures, if any, and approximate location, orientation, height, floor area, and use of proposed structures or portions of structures.
 - (4) Points of ingress and egress for principal pedestrian, private automotive, and waterway traffic, and circulation patterns within the Planned Development District.

- (5) Location, character, and scale of parking and service facilities, such as area and number of spaces in parking lots, character of structural parking, and the like; location of principal service areas for major structures or complexes. Such shall not be required for developments, or portions thereof, containing single and two-family dwelling units.
- (6) Relation of abutting land uses and zoning districts, including, where view protection is an objective, location of principal public viewpoints into or through the proposed Planned Development District.
- (7) Existing lots and blocks, if any, and general pattern of proposed lots and blocks, if any.
- (8) Type, location and character of existing and/or proposed public or private areas and/or facilities located within the development.
- (9) Restrictions, if any, on type or mix of land uses proposed for the Planned Development District.
- (10) Proposed floor area ratios, impervious surface ratios and common open space areas, as required by this Ordinance. Methods of how such open space areas shall be maintained; or proposals for conveyance of such open space areas to a public body.

The Preliminary Development Concept Plan is required for determination as to internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities, systems, and facilities. With respect to Preliminary Development Concept Plans, it is the intent of these regulations that such plans shall include all data reasonably necessary for determining whether the proposed development meets the specific requirements, limitations, and intent of a particular type of Planned Development District.

Therefore, information in addition to that specified above may be requested by the Town Clerk when necessary to make such determinations with respect to a particular Planned Development District. Such information shall be provided, if reasonably necessary to make such determinations, before processing proceeds.

- d. Special Surveys, Approvals, or Reports Required. Where development is dependent on such special surveys, approvals, or reports required by law in the circumstances of a particular Planned Development proposal are required where development of a major element of the proposal or the entire proposal is dependent upon such special surveys, approvals, or reports.
- e. Indications as to Nature and Succession of Staging. Where a Planned Development is to be constructed in stages, indications as to the nature of the Planned Development, uses, location, and floor areas or residential densities to be developed, and timing of the beginning and end of development of the first stage; and similar information on succeeding stages; provided, that in lieu of an indication of specific timing on succeeding stages, the initiation of succeeding stages may be made dependent upon completion of all or substantial portions of the first stage, within the time limits provided.
- f. Proposals on Provision and Continuing Operation and Maintenance of Facilities for Common Use. Proposals describing provisions to be made concerning establishment and continuing operation and maintenance of such areas, facilities, and improvements as will be for common use by some of all of the occupants of the district and persons visiting the district, but which will not be provided, operated, or maintained at general public expense. These proposals shall give adequate assurance to the Town that such areas, facilities and improvements will be continued, operated, and maintained without future expense to the taxpayers of Franklin.
- g. Proposals Concerning Restrictive Covenants. Proposals concerning any restrictive covenants to be recorded with respect to property included in the Planned Development District.
- h. Traffic Impact Study. A study prepared by a qualified transportation or traffic engineer or planner, including the following information:
 - (1) Existing traffic conditions within the study area boundary.
 - (2) Estimated traffic volumes to be generated by the proposed development, including the morning peak, and afternoon or evening peak.
 - (3) Analyses of the capacities of intersections located with the study area boundary.
 - (4) Recommendations for improvements to mitigate traffic impacts.

6.5.2 Zoning Administrator Review

On receipt of the items listed in Section 7.5.1, the Town Clerk shall review such items and circulate to other appropriate Town, County and State agencies such documents to determine conformity with any adopted land use regulations, plans or studies applicable in the case. Unless delays occur caused by actions above and beyond the capacity of the Town Clerk, the applicant shall have the initial review of the documents submitted to him within 60 days of their submittal. If such delays occur, the applicant shall be notified by first class mail prior to the expiration of the 60-day period. Such notification shall explain the cause of the delay and provide an approximate date when the review is anticipated to be completed. If more than 60 days otherwise goes by without comment by the Town Clerk, the application shall automatically be placed on the agenda of the Franklin Planning Commission's next regularly scheduled meeting.

6.5.3 Notification to Applicant

Following the review by the Town Clerk and others, the applicant shall be notified by first class mail by the Town Clerk concerning the suitability of the proposed development and any steps (if any) needed to be taken by the applicant to bring the development into conformity with all existing rules, regulations, adopted plans or comments made by persons reviewing the materials submitted. The Town Clerk shall also indicate that the applicant shall have 30 days (from the date such notification is written) to confer with him in person concerning the proposed development. Should said 30 day period pass and no further modifications to the materials submitted by the applicant are made, the Town Clerk shall make a report concerning the proposed Planned Development District to the Planning Commission.

If the applicant joins in such conferences with the Town Clerk, changes may be made in the original proposal, further conferences may be held, and additional material may be requested to guide in determinations. If the applicant joins in such conferences with the Town Clerk, the normal period specified for Town Clerk study of amendments shall be waived by the applicant, so that sufficient time may be available for the conferences.

In the course of such preliminary conferences, recommendations for changes shall be recorded in writing along with the reasons therefore, and shall become part of the record in the case. Applicants shall indicate, in writing, their agreement to such recommendations or their disagreement and the reasons therefore; such response by applicants shall also be included in the record.

6.5.4 Notification to Planning Commission

At such time as further conferences appear unnecessary, or at any time upon request of the applicant prior to or after the expiration of the 30 day review period, the Town Clerk shall prepare a written report to the Planning Commission, containing the following findings:

- a. As to the suitability of the tract for the general type of Planned Development District proposed, physical characteristics of the land, and relation of the proposed development to surrounding areas and existing and probable future development;
- b. As to relation to major roads, utilities and other facilities, and services;
- c. As to the adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed;
- d. As to the suitability of proposed plans and the desirability of amendments;
- e. As to the adherence of Planned District or general regulations or as to desirable specific modifications in planned development or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified in the particular case by demonstration that the public purposes of planned development or other regulations would be met to at least an equivalent degree by such modifications;
- f. As to the suitability of the proposed time for the beginning and the completion of the Planned Development District.

Based on such findings, the Town Clerk shall recommend approval of the planned development amendment proposed, approval conditioned on specific modifications, or disapproval, with recorded reasons therefore.

6.5.5 Planning Commission Review

The Planning Commission shall review the materials submitted and the comments of the Town Clerk and other persons reviewing said materials in accordance with Section 7.6.2. The Planning Commission shall hold a public hearing on the application for a rezoning for the proposed Planned Development District. The Town Clerk shall, upon determination that an application for a planned development district complies with all submission requirements, receive the application and schedule it for public hearing by the Planning Commission. Notice of such public hearing shall be given 15 days in advance of the public hearing. Notification shall include the following:

- a. Posting of a sign on the property with the date, time and location of the public hearing; and
- b. Notices sent by regular mail to the owner, subdivider or his agent and all adjoining landowners as their names appear upon the plats in the Macon County Revenue Commissioner's Office.

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

6.5.6 Town Council Review

Following the action of the Franklin Planning Commission, the application and materials, along with the Planning Commission's recommendation will be forwarded to the Franklin Town Council for review. Upon receipt of the recommendation of the Planning Commission regarding a rezoning request for a Planned Development District, the Franklin Town Council shall hold a public hearing on the application. The Town Council shall give notice of such public hearing by two publications in a newspaper of general circulation with the second notice appearing 15 days in advance of the public hearing. The Franklin Town Council shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

6.5.7 Franklin Town Council Action

If the petition to rezone the parcel(s) in question to a Planned Development District is granted, the Franklin Town Council shall, in its amending action, approve the Preliminary Development Concept Plan submitted by the applicant or indicate required modifications. Such approved plan, with required modifications, if any, shall be binding in determinations concerning final development plans.

If the amendment is granted, the development shall be required to be in accord with final development plans meeting the requirements of these and other regulations, as supplemented or modified by the Planning Commission in the particular case as part of the amending action, and shall conform to any time limitations established by the Planning Commission on beginning and completion of the development as a whole, or in specified stages. Before development may proceed, agreements, contracts, deed restrictions, sureties, and other instruments involved shall be in a form approved by appropriate officer(s) or agencies.

6.5.8 Issuance of Building Permits

After a Planned Development District has been established, no zoning permit shall be issued therein unless and until the Town Clerk has approved final plans and reports for the development as a whole or for stages or portions thereof deemed satisfactory in relation to total development. Approval of final plans and reports shall be based on compliance with regulations applying at the time the land was zoned to a Planned Development District status, including such specific modifications as were made by the Franklin Town Council in its amending action. Final plan approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans. The Town Clerk may hold meetings, with such notice as he deems appropriate, in connection with such actions.

Except as provided below, final plans and reports approval shall be binding on the applicants and any successors in title, so long as planned zoning classification applies to the land. Changes in approved preliminary plans may be permitted by the Town Clerk on application by the original applicant or successors in interest, but only upon making a finding that such changes are in accord with the development concept plan approved by the Franklin

Town Council when creating said Planned Development District along with any conditions placed on the development in said Planned Development District.

In reaching his decision as to whether or not the change is substantial enough to require reference to the Planning Commission (for review) and Franklin Town Council (for amendment to the zoning classification to permit such changes), the Town Clerk shall use the following criteria:

- a. Any increase in intensity of use shall constitute a modification requiring Town Council action. An increase in intensity of use shall be considered to be any of the following:
 - (1) an increase in usable floor area (in either principal or accessory structures) by greater than 5 percent, or;
 - (2) an increase in the number of dwelling or lodging units by greater than 5 percent, or;
 - (3) an increase in outside land area devoted to sales, displays, or demonstrations by greater than 5 percent.
- b. Any change in parking resulting in an increase of 5 percent or more in the number of spaces approved shall constitute a change requiring Town Council action.
- c. Structural alternations significantly affecting the basic size, form, and style of building, as shown on the approved plan, shall be considered a change requiring consideration by the Town Council.
- d. A decrease of more than 5 percent in the amount of open space or any substantial change in the location or characteristics of open space, shall constitute a change requiring consideration by the Town Council action.
- e. A change of greater than 5 percent in the mix of any particular dwelling type within the planning district containing residential uses.
- f. Any change in use from one use group to another shall constitute a change requiring consideration by the Town Council. In addition, a request to change a use to a use which has been specifically excluded from the development by the Franklin Town Council shall require Town Council action.
- g. Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring consideration by the Town Council.

6.5.9 Expiration of Time Limits of Planned Development Districts

If actions required in any amendment establishing a Planned Development District are not taken within the time limit set, the Town Clerk shall review the circumstances and recommend to the Planning Commission and the Franklin Town Council:

- a. That the Planned Development District for the entire area be continued with revised time limits; or
- b. That the Planned Development District be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category; or
- c. That the entire district be rezoned from a Planned District to an appropriate general zoning district.

ARTICLE 7 SUPPLEMENTARY REGULATIONS

Section 7.1 Purpose

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this ordinance. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

Section 7.2 Excess Height

In any district, a radio, television and/or other communication transmission tower and the primary structures in any District or Special Use District may be erected or altered to a height in excess of that specified for such district or districts provided that each dimension provided herein for required front, side and rear yard is increased one foot for each two feet of such excess height. Provided, further, that where no yard is required, the part of the structure exceeding the height specified for the district shall be set back from the vertical plane of the adjacent building site line one foot for each two feet of such excess height.

Section 7.3 Guest Cottage

A guest cottage dwelling shall be allowed by a conditional use permit as an accessory structure to the principal detached single household dwelling in zoning districts specified in Article 5.

Section 7.4 Extractive Operation

Before operations may commence, and at all times thereafter as may be required by law, the owner or operator of an extraction operation shall be in compliance with all applicable laws and requirements of the State of Alabama.

7.4.1 Conditional Use Permit Required

A Conditional Use Permit shall be obtained before operations commence if the use is located in a zoning district requiring such permit.

7.4.2 Drainage Plan Required

The applicant shall be required to submit a drainage plan the Franklin Town Clerk for approval by the City Engineer. The plan shall provide for the restoration of the site and detail a schedule of rehabilitation measures upon completion of the excavation.

7.4.3 Site Plan Required

A detailed site plan shall be submitted to the Town Clerk for approval and shall include, at a minimum, the following:

- a. An outline of the area to be excavated;
- b. The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products; and
- c. The proposed location of any building, scale-house, equipment storage areas, equipment repair sheds or areas, and pit access routes.

7.4.4 Setbacks

The use shall be setback at least 100 feet from road rights-of-way and property lines bordering undeveloped parcels. A minimum 200 foot setback shall be required from property lines abutting developed parcels.

7.4.5 Buffers

A minimum buffer of 50 feet shall be maintained within the specified setback area along all interior property lines. Said buffer shall consist of native vegetation or planted shrubs and offer sufficient opacity to obscure the view of the operations area.

7.4.6 Required Fencing

The removal area shall be sealed by fencing or grading or other device from general public access. All entrances shall be fenced and locked during non-business hours.

7.4.7 Nuisance

The extraction operation shall not produce dust of sufficient magnitude to become a nuisance to nearby land uses.

7.4.8 Inspections

An approved up to date drainage and site plan, accompanied by a copy of the state extraction permit or claim of exemption, will be maintained on file in the office of the Franklin Town Clerk for public inspection.

Section 7.5 Residential Accessory Buildings

For the purpose of maintaining the residential character of neighborhoods, it is in the interest of the Town of Franklin to set limits on the size, appearance and number of buildings that are accessory to primary one- or two-family residences. A structure used as an accessory building to a primary residential use shall meet the following conditions:

- a. The cumulative square footage under roof of all accessory buildings on the property in a residential zoning district shall not exceed the overall square footage of the primary residential structure.
- b. A property shall have no more than three accessory structures allowed per primary residence.
- c. A guest cottage permitted under Section 7.3 shall be included in the cumulative calculation for accessory buildings.
- d. Agricultural buildings, or the portion thereof dedicated to an agricultural use, shall not be included in the cumulative calculation for accessory buildings.
- e. The total property coverage of all buildings, including those exempted for the purpose of calculation of the allowable accessory building size limit, shall not exceed the allowance of Section 5.4 of this ordinance.

7.5.1 Appearance

Except as noted, the appearance and construction of an accessory building shall be similar or complimentary to the primary residence and shall not be out of character with the neighborhood.

- a. Accessory buildings for agricultural purposes shall be exempt.
- b. Utility enclosures not exceeding one hundred (100) square feet shall be exempt.
- c. Buildings constructed on a steel chassis shall not be allowed for accessory use.
- d. Pre-manufactured steel or plastic storage sheds of 192 square feet or less in overall size are exempt.

7.5.2 Agricultural Exemptions

A building constructed for the purpose of being an accessory building to primary agricultural use on a parcel of 20 acres or greater is exempt as long as the building is maintained as an agricultural accessory use. Accessory residential storage within such an agricultural building will be allowed as long as the area devoted to this activity does not exceed the overall square footage as allowed in Section 5.4.

7.5.3 Legal Non-Conformancies

Accessory buildings not meeting the intent of this Section that were placed in service before the adoption of this Section shall be considered to be legally non-conforming.

Section 7.6 Home Occupations

A home occupation is an occupation for gain or support conducted in a dwelling unit only by members of a family residing in the dwelling unit and not including the employment of any additional persons. The occupation is incidental to the residential use of the dwelling unit and does not utilize more than 25 percent of the floor area. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Other than a small sign as defined in Article 10, Section 10.7, there shall be no visible evidence of the conduct of a home occupation.

7.6.1 Permit Procedures

Home occupations complying with the criteria established in Section 7.6.2 shall be approved upon application to the Building Official and following the receipt of a special exception approval from the Franklin Board of Zoning Adjustment as outlined in Article 15, Section 15.6 Special Exceptions of this ordinance.

7.6.2 Criteria for Home Occupations

The following regulations shall apply to all home occupations.

- a. The use shall be conducted entirely within a dwelling or an associated accessory use structure on the site and carried on by the inhabitants thereof and no others, with the following exception:
Instruction, which must by its nature, be provided outdoors, such as certain athletic instruction, may be so provided, if it generates no effects beyond the property line any greater than would normally be expected for a residence. In no event shall musical instrument instruction be provided outdoors.
- b. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered by the occupation within the residence or be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, or vibrations that carry beyond the premises.
- c. No more than twenty-five (25%) percent of the gross floor area of the dwelling, or twenty-five (25%) of the combined gross floor area of a dwelling and accessory building if applicable, may be used for the home occupation. In no case shall more than two rooms of the dwelling unit and/or accessory building be used for the home occupation.
- d. There shall be no advertising, display, or other indications of a home occupation on the premises, other than a sign as defined in Article 10, Section 10.7.
- e. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, that is, direct sales of products off display shelves or racks are not allowed.
- f. No storage or display of goods shall be visible from outside the structure.
- g. No highly explosive or combustible material should be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- h. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
- i. A home occupation shall not create the need for additional parking spaces.
- j. No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
- k. Deliveries from commercial suppliers may not be made to the dwelling. All supplies must be picked up off-site by the individual conducting the home occupation.

7.6.3 Typical Home Occupations

The following are typical home occupations. Other home occupations may be considered the Franklin Board of Zoning Adjustment Special Exception review process. Listing of a typical home occupation in this section does not guarantee that the home occupation use will be automatically approved by the Franklin Board of Zoning Adjustment.

- a. Artists and sculptors

- b. Authors and composers
- c. Home crafts for sale off-site
- d. Office facility of minister, rabbi, or priest
- e. Office facility of a salesman, sales representative, contractor, subcontractor, or manufacturer's representative provided that no transactions are made in person on the premises and there is no outside storage of material or construction equipment
- f. Professional home office, i.e., architect, engineer, individual counseling
- g. Individual tutoring
- h. Preserving and home cooking for sale off-site
- i. Individual instrument instruction provided that no instrument may be amplified
- j. Telephone solicitation work
- k. Professional consulting services, i.e., accounting, computer, etc.
- l. Dressmaking/ sewing
- m. Lawn Care - provided equipment is stored in an enclosed building or garage
- n. Single-chair beauty parlors and barber shops
- o. Upholstering
- p. Woodworking, excluding cabinet making

7.6.4 Applications, Permits and Inspections

- a. Individuals wishing to conduct a home occupation in a dwelling that they own may apply to the Town of Franklin for a Home Occupation Permit on forms available from the Franklin Town Clerk, Administrator, or other such official as designated by the Franklin Town Council.
- b. The Franklin Town Clerk, Administrator, or Building Inspector shall have the right, at any reasonable time, and upon reasonable request, to enter and inspect the premises covered by a home occupation permit to ensure compliance with the terms of said permit, or for other lawful reasons. If, upon inspection, the home occupation use is not being conducted in accordance with this ordinance, the Building Inspector may revoke the home occupation permit.
- c. Applicants whose requests for home occupation permits are approved shall purchase from the Town Clerk on or before January 1 of each year, a business license for the privilege of conducting the home occupation. The Town Clerk shall refuse to renew a license for a home occupation permit upon notification from the Franklin Building Inspector that representations made on the home occupation permit application are, or have become, an inaccurate description of the business, or that other conditions in this ordinance are not being met.

7.6.5 Applications, Permits and Inspections

Home occupation permits are not transferable between individuals, nor are they valid for a location other than the location noted on the permit. An individual who moves may not resume their home occupation in the new location without reapplying for a home occupation permit.

Section 7.7 Recreational Vehicles

Overnight recreational vehicle parks and the general use of recreational vehicles shall meet the following minimum standards.

7.7.1 Permissible Use and Location.

A recreational vehicle shall only be used as a temporary occupancy for travel and recreational purposes, and when used as such, it must be located in a recreational vehicle park. A recreational vehicle shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and securing devices and has no permanently attached additions. A recreational vehicle park shall be allowed as stated in the Table of Uses included in Section 5.3.

7.7.2 Exceptions

- a. An individual owner may use a self-contained recreational vehicle for a period not to exceed two consecutive days within a 30-day period provided that such recreational vehicle is parked on property on which the owner's principal residence is located.
- b. A self-contained recreational vehicle may be used as allowed in Section 7.7.3 of this section.

7.7.3 Procedures and Standards for Recreational Vehicle Parks

- a. All recreational vehicle parks are subject to the standards contained in this section.
- b. Recreational vehicle parks are permitted by right and may be permitted as a conditional use as outlined in the Table of Uses included in Section 5.3. No recreational vehicle shall be used as a permanent dwelling. Continuous occupancy extending beyond four months in any 12 month period shall be considered permanent occupancy.
- c. The maximum number of campsites is 15 per acre.
- d. The minimum land area of a recreation vehicle park is three acres.
- e. Use of spaces in recreational vehicle parks is limited to recreational vehicles.
- f. Each recreational vehicle park shall be served with a public/private water supply system capable of providing domestic water use and fire protection.
- g. Each recreational vehicle park shall be served with public/private sanitary sewer treatment facilities or on-site sanitary sewer facilities meeting all requirements of the Macon County Health Department.
- h. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30-feet of any property line. Recreational vehicles must be separated from each other and from other structures by at least 10 feet.
- i. No recreational vehicle park shall be located except with direct access to a paved county, state or federal highway, with a minimum lot width of not less than 50 feet for the portion used for entrance and exit. No entrance or exit shall be through an existing residential subdivision. Access drives must be a minimum of 24 feet wide for a two-way street and 12 feet wide for a one-way street and must be improved with a suitable hard surface permanent type of pavement such as asphalt, concrete, limestone or other similar surface approved by the Planning Commission.
- j. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses.
- k. Each recreational vehicle site must be at least 1,600 square feet in area and must contain a parking pad improved with a suitable all-weather surface. Each recreational vehicle site must also contain at least one off-street parking space improved with a suitable all-weather surface.

Section 7.8 Outdoor Lighting

Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. Appropriately regulated and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the Town of Franklin. Luminaries on all properties, in all zoning districts, shall be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

Spotlights and floodlights shall be angled so that the center of the beam will strike the ground within said property line. Any exterior lighting that can be reasonably expected to create a nuisance to the adjacent neighboring properties is prohibited.

Section 7.9 Short Term Rentals

A single-family dwelling unit or two-family dwelling unit, duplex constructed for residential occupancy in which the Owner or Authorized Lessee offers hosted or non-hosted accommodations for periods of fourteen

(14) consecutive days or less. Short term rental does not include any accessory structures such as garages and storage sheds.

7.9.1 Locations

- a. Short term rentals are prohibited in an R-1 single family residential zoning district.
- b. Short term rentals are allowed in other agricultural and residential districts, and as a conditional use in business zoning districts.
- c. Short term rentals may be allowed in single-family residential/duplex Planned Unit Development zoning districts unless expressly prohibited in the approved Master Plan.

7.9.2 Nonconforming Uses

Any person who, on the effective date of this ordinance, is lawfully operating a short term rental business in any zoning district in which short term rental is a prohibited use shall have ninety (90) days from the effective date to apply for a short term rental license in accordance with Town of Franklin business licenses and lodging requirements. Upon approval of the short term rental business license, the property that is the subject of the short term rental license shall be deemed a legally nonconforming use as allowed by Article 12 of this ordinance. In addition to the restrictions set out in Article 12, no building permit for additional sleeping rooms or an increase in the sleeping room floor area shall be allowed for legally nonconforming short term rental structures.

Section 7.10 Adult Entertainment

The purpose of this provision is to avoid potential adverse secondary effects of adult entertainment businesses on other residential, commercial, industrial and institutional properties within the Town of Franklin and to recognize the need for dispersion of adult entertainment businesses to avoid such secondary effects as the impact of undue concentration of population and traffic during evening and nighttime hours. The Ordinance provision is specifically not intended to deny any freedom of expression or speech.

7.10.1 Applicability

It is the intention of this provision to leave sufficient locational opportunity within the Town of Franklin for adult entertainment businesses with an adequate number of sites that are appropriately zoned and generally suitable for this type of commercial enterprise. The locational restrictions contained herein are intended to withstand review under the relevant real estate market standard.

7.10.2 Definitions

The definition of Adult Entertainment Businesses shall include the following:

- a. Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas". Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.
- b. Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas",
 - (2) Instruments, devices or paraphernalia which are designed for use in connection with "specified anatomical areas." *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*
- c. Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by

"specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas." *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*

- d. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas." *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*
- e. Ancillary Definitions:
 - (1) Specified Anatomical Areas: Less than completely and opaquely covered:
 - (a) human genitals, pubic region,
 - (b) buttocks,
 - (c) anus,
 - (d) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola. This definition shall include the entire lower portion of the female breast
 - (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered. *Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.*
 - (3) Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; If fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.
Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Alabama.
- f. Adult entertainment premises: Any premises to which the public, patrons or members are invited or admitted and wherein any adult entertainment is provided to a member of the public, a patron or a member.
- g. Employee: Any and all persons, including but not limited to, managers, entertainers, and independent contractors, who work in or render any services directly related to the operation of an adult entertainment business.
- h. Entertainer: Any person who on any occasion provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment, or whether or not the entertainer; is paid.
- i. Entertainment: Exhibition or dance of any type, pantomime, modeling or any other performance.
- j. Manager: Any person who manages, directs, administers, or is in charge of, the affairs and or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment business.
- k. Operator: Any person operating, conducting or maintaining an adult entertainment business.
- l. Person: Any individual, partnership, corporation, trust, incorporated and unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- m. Public place: Any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

7.10.3 Location Requirements

Adult entertainment establishments must be located in the following areas:

- a. Adult entertainment establishments may be located only in M-1 Industry zoning districts
- b. Adult entertainment businesses must be located and directly accessible from a State Highway.
- c. Adult entertainment businesses must be located in a single occupancy commercial building which meets all State and County Building and Safety Codes.
- d. An adult entertainment business may not be located in the same building or structure, or portion thereof, in which another adult entertainment business is located.
- e. Adult entertainment businesses must have all applicable State and County Licenses and Permits posted in proper locations.
- f. Minimum admittance age must be clearly posted on all entry doors to adult entertainment establishments.
- g. Adult entertainment businesses must be connected to public water and sewer systems or certificated utility.
- h. An adult entertainment business may not be operated within one quarter mile (1,320) feet of the closest property line of the site used for:
 - (1) a church, synagogue or regular place of religious worship and related facilities,
 - (2) a public, parochial or private pre-school, elementary, intermediate, high school or special education institution and related facilities,
 - (3) a community college, college or university and related facilities,
 - (4) an institution or facility of Federal, State or Local governments,
 - (5) any platted residential subdivision,
 - (6) any residential lot or tract which is occupied with a residence, located on a lot outside a platted residential subdivision, or on acreage,
 - (7) a public or private park, playground, sports facility, racetrack, golf course, riding stable or recreation center,
 - (8) a library, recognized historic site or property, community center or public assembly building,
 - (9) a licensed day-care center,
 - (10) a public or private hospital or clinic,
 - (11) a public or private extended care facility or nursing home,
 - (12) another adult entertainment business.

For purposes of this Ordinance, such linear measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is located to the nearest property line of the premises of the facilities enumerated in Subsection 7.10.3.h.

Section 7.11 Protection Standards

- a. Noise. There shall be no production by any use of noise that at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.
- b. Heat, Glare and Vibration. There shall be no emission by any use of objectionable heat, glare or vibration that is perceptible beyond any boundary of the building site on which the use is located.
- c. Dust, Dirt, Odors, Gases, Smoke and Radiation. There shall be no emission by any use of dust, dirt, odors, gases, smoke or radiation that is in an obnoxious or dangerous amount or degree beyond any boundary of the building site on which the use is located.
- d. Hazard. There shall not be created or maintained by any use any unusual fire, explosion or safety hazard beyond the boundary of the building site on which the use is located.
- e. Wastes. No materials or wastes shall be stored in such a manner that they may be transferred off the building site by natural forces or causes.

ARTICLE 8 PARKING AND OFF-STREET LOADING

Section 8.1 Off Street Parking Required

Off-street automobile parking shall be provided in accordance with all applicable provisions of this article of the Franklin Zoning Ordinance. The off-street parking facilities herein required shall be provided and maintained in the manner herein set forth. The B-1 Central Business District as designated on the Official Zoning Map is exempt from these off-street parking requirements. Where off-street parking is provided, it shall be constructed, surfaced and landscaped in accordance with these regulations.

8.1.1 Design Standards

All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions:

- a. Shall have access to a public street or easement approved by the Town.
- b. Entrances and exits shall be located so as to minimize traffic congestion; prevent vehicles backing from the area into a roadway; be graded and paved as specified by the Town; and shall be curbed when needed for effective drainage control.
- c. Paved parking facilities shall have all spaces marked with paint lines, curbstones or other similar designations in accord with the following:
 - (1) Each space set at a ninety degree (90°) angle shall have not less than one hundred sixty-two (162) square feet and shall be not less than eight (8) feet six (6) inches wide and nineteen (19) feet deep, exclusive of passageways, which shall be not less than twenty-four (24) feet wide;
 - (2) Each space set at a sixty degree (60°) angle shall have not less than one hundred seventy-six (176) square feet and shall be not less than eight (8) feet six (6) inches wide and twenty (20) feet eight (8) inches deep, exclusive of passageways, which shall be not less than eighteen (18) feet six (6) inches;
 - (3) Each space set at a forty-five degree (45°) angle shall have not less than one hundred sixty-five (165) square feet and shall be not less than eight (8) feet six (6) inches wide and nineteen (19) feet five (5) inches deep, exclusive of passageways, which shall be not less than thirteen (13) feet six (6) inches wide;
 - (4) There shall be adequate interior drives to connect each space with a public street.
- d. Shall be drained so as to prevent damage to abutting properties or public streets;
- e. If a parking facility contains ten (10) or more parking spaces, adequate lighting shall be provided and maintained during their operation and shall be so arranged that the source of light does not shine directly into adjacent residential properties or traffic.
- f. Any parking areas within the required front yard of any structure shall not be closer than ten (10) feet to any public right-of-way;
- g. The provisions of (c), (e), and (f) above shall not apply to single-family residential uses where three (3) or less spaces are required.

8.1.2 Screening and Landscaping

All parking facilities within the zoning jurisdiction shall be landscaped and screened in accordance with provisions outlined in Article 9 of this ordinance.

8.1.3 Prohibition of Other Uses

Required off-street parking areas shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.

8.1.4 Limitation on Size of Vehicles

Vehicles, weighing more than 10,000 pounds, GVWR (Gross Vehicle Weight Rating), are prohibited from parking in Single-Family (R-1 and R-2) zones, with the exception of motor homes which shall be allowed, in compliance with Article 4, Section 4.17: Parking and Storage of Major Recreational Vehicles.

Section 8.2 Off Street Parking Location and Space Requirements

Off-street parking shall be so located as to provide functional and adequate parking space in relation to the use as provided in the Off-Street Parking Requirements Table.

8.2.1 Location

Except as otherwise permitted under a parking plan which has been approved for locating or sharing of facilities, off-street parking spaces shall be located on the building site on which the use or structure for which they are provided is located. Maneuvering area, ramps and other appurtenances shall be located off the street right-of-way, and except for one-family and two-family dwellings, facilities shall be so planned that vehicles do not back into the roadway.

The required space for all parking facilities shall be provided on the same plot with the use it serves, except as provided herein:

- a. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the Franklin Planning Commission may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner; and
- b. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.

8.2.2 Dwelling Uses

Required off-street parking spaces shall not occupy any part of the required front yard. In addition to the required off-street parking area, parking of passenger vehicles may occupy a driveway or other space of not more than 25 percent of the required front yard, provided the driveway or space is surfaced with an all-weather surface so as to prevent erosion and also mud flow into a public right-of-way. Driveway or parking space must be arranged so as not to obstruct vision along the street or roadway. In no case shall parking be permitted in grassed or other areas of the required front yard, in an unimproved or grassed area of the public right-of-way, or over any public sidewalk.

For the purpose of this section, an improved or all-weather surface is defined as concrete, asphalt, brick, stone, rock or similar materials; maintained in good condition free of weeds, trash and debris. If crushed stone or rock is used, it must be properly bordered and contained to prevent the stone or rock from spreading into the yard or public right-of-way.

8.2.3 Number of Spaces Required

For new structures or converted structures which are increased in capacity, except in the B-1 Central Business District wherein no off-street parking shall be required for non-residential uses, off-street parking requirements shall be as shown in the Off-Street Parking Space Requirements Table. The classifications of uses shall be deemed to include and apply to all uses, and if the classification of any use for the purpose of determining the number of parking spaces to be provided is not readily determinable hereunder, the classification of the use shall be fixed by the Board of Adjustment.

OFF-STREET PARKING SPACE REQUIREMENTS	
TYPE OF USE	PARKING REQUIREMENTS
Dwelling, Single Family	2 spaces per unit
Dwelling, Multi Family	2 spaces per unit, plus 1 additional space for any unit with more than two bedrooms
Schools:	
Elementary School	One space for every 20 students, based on design capacity, plus one space for each employee
Middle or Junior High School	One space for every 15 students based on design capacity, plus one space for each employee
High School	One space for every 10 students based on design capacity, plus one space for each employee
Place of Worship, Community Building, Auditorium, Place of Public Assembly	1 parking space for each five seats in the main assembly area
Hotel	1 parking space for each guest room plus 1 space for each 200 square feet of net commercial area contained therein
Hospital	1 parking space for each 3 beds, plus 1 space per employee per shift
Motel, Boarding House, Rooming House, Tourist Home, Bed and Breakfast Inn	1 parking space for each guest room or unit offered for rent plus 3 parking spaces for employees and vendors
Restaurant or Other Eating Place	1 parking space for every 4 patron seats, or one space for every 200 square feet of net seating area, whichever is greater
Professional and Medical Office Building	3 parking spaces plus 1 additional space for each 400 square feet of gross floor area over 1,000 square feet
Industrial Use, Wholesale Use, Storage Building, Warehouse, Lumber or Fuels Business, Truck Terminal, and Similar Uses	1 parking space for each on-site employee, plus 2 parking spaces
Mobile Home Park and Subdivision	2 parking spaces for each mobile home.
Shopping Center or Retail Establishment	1 parking space for each 200 square feet of gross floor area, except utilitarian spaces
Nursing Home	1 parking space for each 6 beds, plus 1 space per employee per shift
Private Club or Lodge	1 parking space for each 200 square feet of gross floor area
Food Store and Market	1 parking space for each 200 square feet of gross floor area.
Any Use Not Otherwise Specified	1 parking space for each 200 square feet of gross floor area

Section 8.3 Off-Street Loading and Unloading

On the same premises with every building or structure erected hereafter and occupied for any manufacturing, processing, or related uses, storage, warehousing, wholesaling, or related uses, and retailing, trade, and its related uses involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot adequate space for standing, loading, and unloading in order to avoid undue interference with the public use of sidewalk, street, or alley. Such space, unless otherwise adequately provided for, shall include at minimum:

- a. A 12 foot by 25 foot loading space, with 14 feet overhead clearance for every 20,000 square feet or fraction thereof in excess of 7,000 square feet of floor area of land used for above-mentioned purpose.

- b. An off-street loading space or spaces of sufficient dimensions and size to allow normal off-street loading and unloading operations of a kind appropriate to the property served thereby, where the floor area of land used for above mentioned purposes is less than 7,000 square feet.
- c. In no case shall a loading berth or loading space be so located as to hinder the free movement of vehicles and pedestrians over a street, sidewalk, alley, or access route to or from an off-street parking area.
- d. Any light used to illuminate any parking/loading area shall be so arranged as to reflect light away from adjoining premises in a residential district.

ARTICLE 9 LANDSCAPING

Section 9.1 Generally

A landscaping plan is required for all major development projects. Such plan shall be submitted in conjunction with an application for site plan approval as outlined in Article 14. The plan shall clearly show what existing trees, shrubbery, and other vegetation will be retained, and what trees, shrubbery, and other vegetation will be added to complete the landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property, or vehicular traffic, or that their removal is necessary to construct the proposed improvements. In such case, the landscape plan shall indicate replacement trees at least 6 feet tall and one inch in diameter for each indigenous tree of at least three (3) inches in diameter removed, unless the property already has a tree density which does not allow adequate space or light for additional trees.

The landscape plan shall show the locations of the proper number of replacement trees. Replacement trees and other vegetation to be installed shall be native species or noninvasive exotics which are not likely to out-compete native vegetation and do not require excessive pesticides, fertilizer, or water to maintain growth.

Section 9.2 Where Required

Landscaping is required as follows:

- a. A major project which abuts a freeway/expressway, arterial or collector shall maintain a minimum of ten (10) feet of the required setback as a buffer along the entire width of the property which abuts said freeway/expressway, arterial or collector except where curb cuts provide ingress and egress. Said buffer shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the required landscape plan.
- b. A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building Official. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this Section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.
- c. All new businesses primarily related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be directly visible from the roadway on which the building fronts; and so that cars, trucks or other vehicles stored on the premises prior to and after the service or repair are properly screened from view.
- d. Junk yards shall be buffered with vegetation so as to achieve a complete visual screen of the yard and its ancillary operations.

Section 9.3 Buffers Between Dissimilar Districts and Uses

The objective of providing buffers and landscaped areas for screening between dissimilar districts and land uses is to protect and preserve the appearance, character, and value of adjacent land uses.

9.3.1 Definitions

- a. Buffer: A barrier which is created by the use of evergreen trees or other acceptable plant or vegetative material alone or in combination with berms, fencing, or walls used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or dissimilar uses.

- b. Natural/Undisturbed Buffer: An existing natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.
- c. Planted/Landscaped buffer: A planted natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which meets the intent of the definition of buffer.

9.3.2 Buffer Requirements

The buffer area may be included within the required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Buffers are required to be installed on properties adjacent to dissimilar districts in accordance with the specifications in Section 9.3.3.

9.3.3 Standards

Buffers are subject to review and approval by the Franklin Planning Commission. The landscaping policies and standards listed in this section are the minimum policies and standards for buffers. The following are required standards for buffers and shall be used by the Planning Commission in reviewing development applications.

- a. Buffers shall be designated on the site plan as a permanent buffer strip.
- b. Buffers shall be natural/undisturbed areas of existing mature trees which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural/undisturbed area, a planted/landscaped buffer shall be established in accordance with this section.
- c. Buffers shall be of such nature and density at species maturity to screen activities and uses on the lot from view from the normal level of a first story window on an abutting lot. Buffers shall not be closer than 15 feet to the street right-of-way unless approved by the City Engineer.
- d. Buffers shall provide year-round visual screening from the ground to a height of at least 6 feet.
- e. Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening but to allow for proper plant growth and maintenance.
- f. Buffer design shall be integrated with the overall design concept for the project.
- g. Existing tree cover and natural vegetation shall be undisturbed except for the addition of supplemental plantings or other approved screening devices, or for the provision of required access or utility crossings as approved by the City Engineer. Where a buffer is substantially devoid of trees or shrubbery, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.
- h. Said buffer areas may not be used for any parking or for the erection of any permanent structure thereon except a fence.
- i. No artificial plants, trees, or other artificial vegetation shall be installed.
- j. All existing, healthy deciduous and hardwood trees with a caliper of 5 or more inches at a point 4 ½ feet above the natural grade shall be retained, whenever feasible; if not feasible the tree shall be replaced with the same or similar type of tree in accordance with the intent of paragraph (l) below.
 - (l) All planted trees shall be native to this region and, when planted, such replacement tree shall be a minimum height of six (6) feet and be a species which will reach at least twenty (20) feet in height at maturity or shall be a flowering tree with a minimum height of six (6) feet at time of planting. All plantings shall be in staggered rows, with vegetation spaced a minimum of ten (10) feet apart (measured trunk to trunk) with a minimum of two staggered rows of plantings for every ten feet of buffer width.

9.3.4 Maintenance of Buffer Areas

- a. All buffers shall be installed in a sound workmanship-like manner and according to accepted and proper planting procedures which meet the intent of the buffer requirements.

- b. Once installed, the owner shall be responsible for maintenance of all buffers, which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance which meets the intent of the buffer requirements.
- c. Should the vegetation die or be removed such that the buffer no longer functions as required, that vegetation must be replaced by the owner.
- d. The owner shall have thirty (30) days to replace missing or damaged trees, or restore buffer areas to meet the intent of the buffer requirements.

9.3.5 Required Stream Protection Buffer

In order to protect natural water ways within all zoning categories and enhance water quality within the Town of Franklin, the following buffer areas will be required on all development construction drawings.

- a. Water way and streams are defined as follows:
 - (1) Any water course of twenty (20) acres and larger
 - (2) Any water course as defined by the Alabama Department of Environmental management within the Soil Erosion and Sedimentation Control Ordinance.
- b. Requirements:
 - (1) There shall be a forty (40) foot undisturbed buffer area along all stream banks, water ways, or water courses.
 - (2) This buffer shall be measured from the top of the stream bank on each side of the creek. On very small creeks this buffer shall be eighty (80) feet minimum, being forty (40) feet each side of the creek.
- c. Variance Procedures:
 - (1) A variance request to disturb within the buffer areas shall be processed through the Franklin Planning Commission.
 - (2) No variance shall be granted that is within the jurisdiction of the Alabama Department of Environmental Management, unless authorized by that agency. These buffer areas are twenty-five (25) feet on streams and one hundred (100) feet on trout streams.
 - (3) No variance shall be granted that is under the jurisdiction of the Army Corps of Engineer, unless authorized by that agency, for disturbance of more than one third acre of wetlands.

9.3.6 Variance From Buffers

Buffer requirements of this section, as stated herein may be waived, if and only if:

- a. It is clearly demonstrated that existing topography and/or vegetation achieve the purpose and intent of this section.
- b. It is clearly demonstrated that for topographic reasons, a fence, wall, and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.

Section 9.4 Tree Protection

During construction and development, trees that are to be preserved shall be protected from activities that may injure or kill them. To the extent possible, trees within the required setbacks or buffer strips shall be preserved.

Section 9.5 Parking Lots

The design and appearance of parking areas is intended to be compatible with the rural character of the town. A landscaping plan shall be submitted for the construction of the off-street parking areas accommodating six (6) or more parking spaces. The following standards shall apply:

- a. A landscaped area of at least five (5) feet wide shall be provided between parking areas and any adjacent public streets and contiguous properties. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.

- b. Interior portions of the parking area shall be broken by provision of landscaped islands (a minimum of six (6) feet wide) between every ten (10) to fifteen (15) spaces. Each island shall provide at least one (1) shade tree having a minimum height of six (6) feet at planting.
- c. A continuous landscape strip a minimum of five (5) feet wide shall be provided between every four (4) rows of parking. Landscaping shall include the placement of shade trees at intervals of approximately six (6) parking spaces. Such trees shall be a minimum height of six (6) feet at planting.
- d. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- e. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

ARTICLE 10 SIGNAGE

Section 10.1 Purpose and Scope

This article is intended to address the placement of signs within the town's jurisdiction for the following purposes: to promote traffic safety; to prevent business and advertising signs from conflicting with public safety signs; to ensure that permitted signs do not become a hazard or nuisance; to prevent the overcrowding of land; to facilitate fire and police protection; to protect and enhance the value of properties; to provide a pleasing overall environmental setting and good community appearance which is deemed vital to the continued economic attractiveness of the town; and to promote the public safety and welfare of the town.

Section 10.2 Sign Compliance

No sign shall be constructed, erected, modified, placed, maintained, or moved, except as authorized by this Ordinance. Unless otherwise exempted, a building permit must be obtained before a sign is erected, modified, or moved on lot or parcel. No sign shall be placed within a public right-of-way or within the sight triangle of a roadway intersection as would be determined by the Alabama Department of Transportation. Any sign authorized in this article is allowed to contain non-commercial copy in lieu of any other copy.

Section 10.3 Signs Exempted

The following signs shall be exempt from regulations under this article, regardless of whether they may be considered "signs":

- a. Commemorative tablets or signs, historical or memorial markers or monuments, erected by or with the permission of the Franklin Town Council or the Alabama Department of Transportation.
- b. Any official traffic control or other public sign;
- c. Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
- d. Signs carried by people.
- e. Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of such structures.
- f. Signs not visible from a public or private street.

Section 10.4 Temporary Signs

The following temporary signs do not require a building permit; however, these signs shall conform to the standards and provisions of this section and other applicable parts of this ordinance. Unless otherwise stated herein, temporary signs shall not exceed forty (40) square feet in area per sign face, or have more than one sign face per direction of travel or exceed six (6) feet in height.

- a. Real estate signs;
- b. Construction site identification signs;
- c. Seasonal Agricultural Signs which may be erected for the purpose of advertising and directing potential patrons to the seasonal sale of agricultural products produced and offered for sale at bonfire farming operations. Seasonal agricultural signs may be erected not sooner than thirty (30) days before the normal sales or harvest season and must be removed within thirty (30) days after the normal sales or harvest season.
- d. Signs erected in connection with elections or political campaigns. Political signs shall not be erected before the established qualifying date for an election nor allowed to remain longer thirty (30) days after the election.
- e. Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, air show, fund raiser, or similar event is to take place. Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than thirty (30) days after the event.

- f. Yard sale sign which shall not exceed six (6) square feet may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.
- g. Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles.

Section 10.5 On-Premise Signs

An on-premise sign shall be an accessory use incidental to the principal land use; an on premise sign shall specifically comply with the following:

- a. Area. The maximum area of all free standing on premises signs shall be three hundred (300) square feet. The area shall mean the surface area of a sign as computed in accordance with Section 11.12 herein.
- b. Height. The maximum height of a free standing on-premise sign shall be twenty-four (24) feet. The height shall mean the height of a sign as determined in accordance with Section 10.12 herein.
- c. Setback. Setback. An on-premises sign shall meet the minimum setback requirement of fifteen (15) feet.
- d. Number Permitted. One free standing on-premises sign shall be permitted per street frontage of a lot.
- e. For permitted commercial/industrial uses, total sign area for building mounted signs on building housing only one (1) tenant shall not exceed in the aggregate two (2) square feet of sign area for each lineal foot of building frontage. No such sign shall be required to be less than forty (40) square feet, nor shall it exceed two hundred (200) square feet. Where frontage is on more than one street, each frontage shall be considered a separate frontage for the purpose of this section.
- f. On lots containing buildings housing more than one tenant, signs are for building mounted signs for each tenant shall not exceed two (2) square feet for each lineal foot of building frontage occupied by the tenant, with a maximum sign area for that respective tenant of two hundred (200) square feet.
- g. For Planned Building Groups, building mounted signs are allowed for each tenant and shall not exceed two (2) square feet for each lineal foot of building. Signage to be approved in the Conditional Use Permit process.
- h. Awning signs are permitted provided that such sign shall be limited to the drop leaf portion and the maximum sign is forty (40) square feet per sign. The area of all permitted awning signs shall be included in the area allowed for building mounted signage.
- i. Marquee signs are permitted and may extend the full length of the marquee on theaters, auditoriums and assembly halls. The height of the message area may not exceed eight (8) feet and sign area may not exceed 200 square feet. Only one marquee sign per each establishment.
- j. Fuel canopy signage is permitted provided the signage is limited to logo signs and shall not exceed twelve (12) square feet per canopy side. Signage is not allowed to exceed beyond the vertical edge of the canopy.
- l. This section shall be deemed complied with if such on-premise signs are specifically included as part of a sign plan approved as condition of, or pursuant to, a use permit.

Section 10.6 Home Occupations

A home occupation shall be permitted one sign professional or announcement sign per dwelling unit not exceeding six (6) square feet in area.

Section 10.7 Subdivision and Multi-Family Development Entrance Signs

At any entrance to a residential subdivision or multi-family development, there may be not more than two ground signs to identify such subdivision or development. A single face of any such sign shall be at least twenty-four (24) square feet, nor may the total surface area of all such signs located at a single entrance exceed one hundred (100) square feet, inclusive of all poles or other support structures.

Section 10.8 Industrial Park Entrance Signs

At any entrance to an industrial park, there may not be more than two ground signs identifying the park. A single face of any such sign may not exceed one hundred (100) square feet, nor may the total surface area of all such signs located at a single entrance exceed one hundred fifty (150) square feet.

Section 10.9 Off-Premise Advertising Signs

Off-premise advertising signs are permitted in accordance with the following provisions:

10.9.1 Area

The maximum area of an off-premise advertising sign shall be 378 square feet per sign face, one sign face per directional flow of traffic. Signs may be back to back or "V- type" construction.

The area of the sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

10.9.2 Height

The maximum height of an off-premise advertising sign shall be twenty-four (24) feet. Said twenty-four (24) feet shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, whichever is higher, to the uppermost part of the sign or sign structure, whichever is higher.

10.9.3 Setback

An off-premise advertising sign shall comply with the following minimum setbacks requirements:

- a. In the Industry (M1), Highway Business (B3), Local Business (B2), and Business District (B1) zoning districts, an off-premise advertising sign shall be set back a minimum of 15 feet from the road right-of-way and 15 feet from the side property lines;
- b. In Agricultural-Open District (AO) zoning district, an off-premise advertising sign shall be set back a minimum of fifteen (15) feet from the road right-of-way, and fifty (50) feet from the side property lines.

10.9.4 Spacing from Other Off-Premise Advertising Signs

No off-premise advertising sign shall be located closer than one thousand four hundred (1,400) from any other off-premise advertising. A sign on the opposite side of the road or highway shall not be located closer than four (400) feet to an off-premise sign already erected. These distances are to be measured along the edge of the pavement between the closest points of the sign from a line drawn perpendicular to the edge of the pavement to the edge of the sign.

10.9.5 Spacing from Other Structures or Land Uses

No off-premise advertising sign shall be placed within three hundred (300) feet of any lot or parcel used for a school or public park.

10.9.6 Allowed Use

Notwithstanding other provisions of this ordinance, off-premise advertising signs shall be allowed, or allowed on a conditional basis, as a principal or accessory use incidental to the principal land use when erected in a Industry (M1), Highway Business (B3), Local Business (B2), Business District (B1), or Agricultural-Open Space (AO) zoning district.

10.9.7 Most Restrictive Provisions apply

When or if any portion of this ordinance is in conflict with any applicable state or federal regulations or statutes, the more restrictive provisions shall apply.

10.9.8 Building Permit Required

A building permit shall be obtained from the Franklin Town Clerk prior to the placement of an off-premises advertising sign. Each request for a building permit shall be accompanied by the following:

- a. Recorded survey plat or a survey prepared by a registered land surveyor, if available, showing accurate dimensions of the lot to be built upon and the proposed sign location. In the absence of the aforementioned, the proposed sign location may be hand drawn on the applicable lot depicted on a copy of an official Macon County tax map.
- b. Tax map reference number and parcel number of the lot to be built upon.
- c. Scale drawing of the proposed sign and sign structure. More detailed structural information may be required when applying for other applicable permits, such as electrical.
- d. Building permit fee.

Section 10.10 Off-Premise Directional Signs

Off-premise directional signs do not require a building permit; however, these signs shall conform to the standards of this article and other applicable parts of this ordinance. An off-premise directional sign which does not meet such provisions of this article shall be considered in violation of the ordinance.

An off-premise directional sign shall not exceed thirty-two (32) square feet in area per sign face or have more than one sign face per directional flow of traffic, or no more than two (2) sign faces per sign structure, or exceed six (6) feet in height. Not more than three (3) off-premise directional signs shall contain directions to the same business or activity.

Section 10.11 Sign Illumination

Signs must be effectively shielded to prevent beams or rays of light from being directed toward any portion of a traveled road and must not be of such intensity or brilliance or glare or impair the vision of the driver of any motor vehicle or otherwise interferes with any driver's operation of a motor vehicle. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal. All illuminated signs or structures shall be placed so as to prevent the light rays or illumination from being cast directly on any residence.

Section 10.12 Sign Computations

The area and height of a sign shall be computed as follows:

10.12.1 Area of Individual Signs

The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

10.12.2 Area of Multi-Faced Signs

For multi-faced signs, the sign area shall include all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when the backs for such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the larger faces.

10.12.3. Height

Height shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, whichever is higher, to the uppermost part of the sign or sign structure, whichever is higher.

Section 10.13 Prohibited Signs

The following signs are prohibited:

- a. Any non-governmental sign which resembles a public safety warning or traffic sign.
- b. Signs with animated, blinking, chasing, flashing or moving effects except as used to display time, temperature and messages on an electronic message board, no signs shall contain flashing lights.
- c. Animated, rotating, or other moving or apparently moving signs.

Section 10.14 Sign Maintenance

All signs support, braces, poles, wires and other appurtenances of the sign or sign structure shall be kept in good repair, maintained in a safe condition, and shall conform to the standards in this section and the Alabama State Building Codes.

Maintenance of sign supports, braces, poles, wires and other appurtenances of the sign or sign structure and not the result of damage or destruction shall not require a building permit, provided that the sign is not enlarged, moved, or altered in any manner which would create or increase a nonconforming condition.

A sign face shall be in a state of disrepair when more than twenty (20) percent of its total surface is disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions.

No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts.

No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the road or highway from which it is intended to be viewed.

No illuminated sign shall be allowed to operate with partial illumination.

Section 10.15 Nonconforming Signs

All signs made nonconforming by this article, but which were lawfully established may continue provided that no such sign shall be:

- a. Changed or replaced with another nonconforming sign except that copy may be changed on an existing sign;
- b. Expanded;
- c. Relocated except in conformance with the requirements of this ordinance;
- d. Reestablished after damage or destruction in excess of sixty (60) percent of the fair market value immediately prior to the time of the damage or destruction;
- e. Modified in any way which increases the sign's degree of nonconformity; or
- f. Reestablished after the sign structure has been removed.

ARTICLE 11

TELECOMMUNICATIONS TOWER REGULATIONS AND STANDARDS

Section 11.1 General Provisions

In order to accommodate the communication needs of residents and businesses while protecting the public, health, safety and general welfare, these regulations and requirements are intended to and are necessary to:

- a. Accommodate the need and demand for wireless communication services and facilitate the provision of wireless communication services to residents and businesses;
- b. Provide for the appropriate location and development of wireless communication facilities within the Town of Franklin;
- c. Protect the aesthetic integrity of the town and minimize adverse visual effects of wireless communication facilities through standards that require careful design, placement on site, landscape screening and innovative ways to minimize adverse visual impact;
- d. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- e. Encourage and maximize the location and co-location of antennas on existing and approved towers, buildings and other structures to accommodate new wireless communication antennas thereby minimizing new visual impacts and reducing the number of antenna support structures needed to serve the town.

The regulations, standards and provisions set forth in this article shall apply to all commercial radio and television antennas and towers, television receiving antennas for cable television systems, telecommunications antennas and other antennas that are not an accessory use of the premises.

Section 11.2 Applicability

This following antennas are exempted from the regulations and standards of this article:

- a. Installation of antennas on existing towers, which are not a nonconforming use, where the tower height is not increased and all accessory structures and uses are located within the existing tower compound.
- b. Installation of antennas on buildings which comply with all of the following conditions:
 - (1) The property is not subject to a conditional use, variance or other zoning restriction which exceeds the requirements of the Zoning Ordinance.
 - (2) The antenna does not extend more than twelve (12) feet above the roof line of the building.
 - (3) The accessory cabinet does not exceed forty (40) cubic feet in volume or is located where it is not visible from off the premises.

Section 11.3 Federal Requirements

All towers and antennas shall meet or exceed the current standards and regulations of the Federal Aviation Agency, the Federal Communication Commission and any other agency of the federal government with the authority to regulate towers and antennas. If such standards or regulations are revised, then the owners of the towers and antennas shall bring such towers and antennas into compliance with standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

Section 11.4 Use of Suitable Existing Towers or Other Structures

Co-location shall be encouraged and preferred to new installation alternatives; therefore, no new tower structure shall be permitted unless the applicant provides certified documentation that demonstrates to the reasonable satisfaction of the Franklin Planning Commission when a conditional use permit for location in a district is

being requested and of the Franklin Town Clerk prior to the issuance of a building permit for location in the Agricultural-Open Space (AO), Rural Holding (RH), Business (B3), or Industrial (M1) districts or that no existing tower or structure can accommodate the applicant's needs or that a co-location agreement could not be obtained. Communication antennas shall not be located on any residential structures.

Section 11.5 Co-location

New tower structures shall be designed to provide and maximize shared use to the extent possible, given the structural and technical limitations of the type of tower proposed. New communication support structures over one hundred (100) feet shall be designed to accommodate the co-location of at least three (3) antennas.

Section 11.6 Setbacks.

Tower structures shall be placed no closer than a distance equal to the height of the tower from any residential dwelling or historic structure, even if located on the same property as the tower structure, and from any property line. No portion of any antenna array may extend beyond the property line.

Because of the unique nature of communications facilities, the Planning Commission may, in the approval process, require additional setbacks from property lines. If so, the following factors shall be considered when establishing additional setbacks:

- a. The type of communications facility;
- b. Relationship to other properties and buildings;
- c. Relationship to the public right-of-way;
- d. Size of the subject lot or parcel;
- e. Accessibility for public safety and other purposes; and
- f. Other factors which affect the communications facility, surrounding property and community at large.

Section 11.7 Maximum Height

Freestanding tower structures shall not exceed two hundred (200) feet in height including antenna. Towers or antennas mounted on a structure other than a freestanding tower structure shall not extend more than fifteen (15) feet above the height of the existing structure. Accessory telecommunications facilities shall be no taller than fifteen (15) feet in height and shall be compatible with the surrounding area.

Section 11.8 Illumination Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, a review may be made of available lighting alternatives and approval given to the design that would cause the least disturbance to the surrounding views. If required by federal authorities, lights shall be shielded to the greatest extent possible to minimize visibility from the ground and the amount of light that falls onto nearby properties. Strobe lighting shall not be allowed unless required by a regulatory agency. Security lighting around the base of a communication tower or other antenna mount may be provided if the lighting is shielded so that no light is directed toward adjacent properties or rights-of-way.

Section 11.9 Color

Communication tower structures shall either maintain a galvanized steel finish, or subject to any applicable Federal Aviation Agency standards, be painted a neutral color to reduce visual obtrusiveness. At a tower site, the design of the building and related communication facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the communication facilities to the natural setting and built environment to reduce visual obtrusiveness. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunication facilities must be of a color that is identical to, or closely compatible with, the color of supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.

Section 11.10 Fencing

A communications tower and any associated structures or facilities shall be surrounded by a security fence at least eight (8) feet in height that is installed around the perimeter of the tower compound. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass, injury and security.

Section 11.11 Driveways and Parking

Driveways and parking, consisting of an all-weather paved surface, shall be provided to assure access to the telecommunication facility for maintenance or emergency services. Provisions shall be made to provide access clearances for emergency vehicles. A copy of a recorded access easement or a copy of a lease granting access may be required in the absence of a dedicated right-of-way.

Section 11.12 Signage (No Advertising)

One (1) sign no larger than four (4) square feet in area shall be placed in a visible location identifying the owner, the identification code of the tower, and an all-hours emergency telephone number. Such sign may also identify other users of the tower and warning or safety instructions. In addition, any signs specifically required by federal or state government are permitted. Neither communication antenna support structures, antennas support structure sites, nor communication antennas shall contain any signs for the purpose of advertising or be used in any manner for advertising purposes.

Section 11.13 Landscaping (Screening)

Communication tower facilities shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the communication tower base and accessory structures from adjacent property that is zoned residential or in residential use. Evergreen plantings at the base of the tower shall be at least three (3) feet high and no less than ten (10) feet on center at the time of construction. Landscaping requirements be waived during the approval process for property where natural growth and vegetation forms provide an equivalent buffer.

Section 11.14 On-site Equipment Storage

Mobile or immobile equipment not used in direct support of a communication facility shall not be stored or parked on the site of the facility, unless repairs are being made to the facility.

Section 11.15 Application Requirements (Site Plan Review)

Each applicant requesting a conditional use permit from the Planning Commission or the issuance of a building permit from the Town Clerk shall, in addition to submitting all information required in Section 14.4 of this Ordinance, submit the following information:

- a. Scaled elevation, view and other supporting drawings, calculations and documentation signed and sealed by appropriate registered professionals.
- b. Radio frequency coverage and tower height requirements.
- c. A copy of the applicant's one- and five-year plans for development of its wireless communication facilities in the Town of Franklin area.
- d. An inventory of its existing communication tower facilities in the Town of Franklin, including specific information about the location, height and design of each tower. The Town may share such information with others seeking to locate antennas within the Town of Franklin, provided however, that the Town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- e. Other information deemed by the Planning Commission or the Town Clerk as necessary to determine compliance with this Article and approval of the application.

Section 11.16 Factors to Be Considered in Granting Approval for Communication Towers and Antennas

In determining whether to approve a special exception, permit issuance or rezoning for location and construction of a communications facility the following factors shall be considered:

- a. Height and setbacks of the proposed tower structure.
- b. Proximity of the tower structure and facilities to residential structures and residential zoning district boundaries.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage.
- f. Design of the tower structure with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress.
- h. An evaluation of the applicant's one- and five-year plans for development of its telecommunications facilities within the Town of Franklin area, as well as those plans on file from other telecommunications providers.
- i. Availability of suitable existing towers and other structures.
- j. Any other information that is consider reasonably necessary in connection with the review of the application.

Section 11.17 Temporary Communication Antenna

A temporary communication antenna may be allowed, upon approval of the Planning Commission, for the purpose of providing temporary wireless service for special short-term events such as political events, sporting events or entertainment events, or as necessary to aid in post disaster relief efforts.

Section 11.18 Abandonment (Removal of Abandoned Antennas and Towers)

Prior to issuance of a building permit, the owner shall enter into an agreement with the Town, to be approved by the Town Attorney, which requires the owner of the communications tower support structure to remove the structure upon its abandonment. If a communications tower structure or antenna is not used for a continuous period of twelve (12) months, it shall be deemed to be abandoned and the owner of such structure or antenna shall reactivate it or remove it within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. If removal is not made within the ninety (90) day period, the Town may remove such tower structure and antenna and the owner shall be liable for any cost incurred by the Town in the removal of the abandoned communication support structure and antenna. If there is more than one user of a single tower or antenna, then this provision shall not become effective until all users cease using the antennas on the tower.

Section 11.19 Camouflaged Structures

Camouflaged structures that resemble a natural object such as a tree or a man-made object such as bell and clock towers or church steeple are encouraged.

ARTICLE 12 NON CONFORMANCIES

It is the purpose of this Article to provide for the regulation of legally nonconforming lots, structures, and uses; and to specify the circumstances and conditions under which such nonconformities can be continued, expanded, or modified; and under which they shall be terminated.

The zoning regulations established by this Ordinance are designed to promote and protect the public health, welfare, and safety by implementing the Town of Franklin's developmental policies. These policies encourage the grouping of compatible and related land uses. It is consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property be controlled. Such controls also take into account the vested interests of the owners of nonconforming properties, and the extent to which such properties have any actual or potential adverse impacts upon the surrounding area.

To achieve these purposes, this Article distinguishes among nonconforming lots, nonconforming structures, nonconforming uses, and between major and minor nonconformities. Different regulations are applied to these categories on the basis of their actual or potential adverse impact due to incompatibility with the Town's developmental policies and the regulations contained in this Ordinance.

Section 12.1 Definition of Nonconformancies

For the purposes of this Section the following definitions shall apply:

Nonconforming Developed Lot. Any lot containing a building, structure, and/or activity legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the lot width or area or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance. Also referred to as a Lot of Record.

Nonconforming Structure. Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the yard, height or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance.

Nonconforming Use. An activity using land, buildings, and/or structures for purposes which were legal prior to the effective date of this article or subsequent amendment thereto, but which does not fully comply with the use regulations for the zoning district in which it is located as specified in Section 5.3.

Minor Nonconformity. Any property comprising a nonconforming developed lot and/or nonconforming structure, but which is used for an activity which is fully in compliance with the regulations for the zoning district in which it is located as specified in Section 5.3.

Major nonconformity. Any property comprising a nonconforming developed lot and or a nonconforming structure, or a conforming developed lot and/or conforming structure, but which is used for an activity that is not fully in compliance with the regulations for the zoning district in which it is located as specified in Section 5.3.

Section 12.2 Nonconforming Lots of Record

Nonconforming lots of record can be developed for any use permitted in the zoning district in which they are located provided such development conforms to all other regulations in this Ordinance unless a variance from such regulations is granted by the Board of Zoning Adjustment.

Section 12.3 Minor Nonconformancies

Minor nonconformities can be modified, enlarged, and/or expanded provided that such modification, enlargement, or expansion conforms to all other regulations in this Ordinance, unless a variance from such regulations is granted by the Board of Zoning Adjustment.

Section 12.4 Major Nonconformancies

A major nonconforming use may be changed to another nonconforming use provided the new use is in the same or a lesser use classification as the original use.

A major nonconforming use shall not be enlarged within a structure, nor occupy a greater area of land, than it did at the effective date of this Ordinance or subsequent amendment thereto.

A structure containing a major nonconforming use shall not be moved to any portion of lot other than that occupied at the effective date of this Ordinance or subsequent the amendment thereto.

A major nonconforming use shall not be altered, enlarged, or intensified in any way which increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

A major nonconforming use which changes to a permitted use within the zoning district in which it is located, shall not thereafter revert to a nonconforming use.

If a major nonconforming use is damaged in any manner to the extent that the restoration costs would exceed seventy-five (75) percent of the value of that use immediately before such damage occurred, any subsequent use of that lot and/or structure shall be in full compliance with the regulations governing the zoning district in which it is located as specified in this Ordinance.

Section 12.5 General Provisions.

The following provisions shall apply to all nonconformancies:

1. Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.
2. Nonconforming status runs with the land.
3. Historic nonconforming structures or a nonconforming portion of an historic structure over 50 years old may be considered a valid nonconforming structure upon the determination of the Franklin Planning Commission that said structure is historic in nature and the respective Board of Adjustment confirms the valid nonconforming status. A valid nonconforming status shall permit reconstruction, repair, or alteration irrespective of the 75 percent rule as given in Section 12.4.
4. A non-conforming building or structure which has been damaged by fire, explosion, act of God, or the public enemy may be restored to the size, shape, and/or height of the structure as it existed immediately prior to the damage provided this can be determined or documented.
5. Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements which do not increase in scope or scale the nonconformity of the structure.
6. 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; provided that such restoration of such structure is not otherwise in violation of the provisions of this Article.

7. 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.
8. Any other provision of this Article to the contrary notwithstanding, 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 the regulations of this Ordinance.
9. To avoid undue hardship, nothing in these ordinances shall require a change in plans, construction or designed use of buildings on which a building permit has been properly issued prior to the adoption of these ordinances or amendments thereto. If actual construction has not begun under a permit properly issued before the adoption of these ordinances or amendments thereto, within six months of the date of issuance of the permit, said permit shall become invalid and shall not be renewed except in conformity with the ordinances.

The burden of establishing the nonconforming status of any structure or use under the terms of this Section, in all cases, shall be upon the **owner** of such nonconformity and not upon the Town of Franklin.

Section 12.6 Adjoining Lots

If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this Ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this Ordinance. This does not apply to lots approved prior to the adoption of this Ordinance.

Section 12.7 Use of Non-Conforming Building, Structure or Premises

- a. The non-conforming use of a non-conforming building or structure lawfully existing at the time this ordinance became effective may be extended throughout the building or structure provided no structural alterations except those required by law, or for general maintenance, are made therein and provided further that the non-conforming use of a non-conforming building or structure may be changed only to another non-conforming use of the same or more restrictive classification.
- b. In no case shall a non-conforming building or structure be enlarged beyond the existing square footage for the purpose of extending the non-conforming use.
- c. In no case shall independent structures or buildings be constructed which will provide support to existing non-conforming uses.
- d. In the event that a non-conforming use of any building or structure is discontinued without interruption for a period of 12 months, the use of the same shall thereafter conform to uses permitted in the district in which it is located. The intent to abandon, or discontinue of use, shall be presumed from the cessation of business or the removal of equipment, goods, structures or other aspects of such nonconforming use of the property.
- e. Non-conforming signs shall be allowed to continue until such time as they are removed. No enlargement of such sign shall be allowed. No improvements to such signs shall be made beyond those required for general maintenance of such sign.
- f. No nonconforming accessory use or structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or accessory structure is made to conform to the standards for the zoning district in which it is located.
- g. Any nonconforming accessory use or accessory structure shall be brought into conformity with these ordinances whenever a substantial improvement to, addition to or change in principal use or structure on the property is proposed or approved.
- h. No additional structure which does not conform to the requirements of these ordinances shall be erected in connection with a nonconforming use of land.

Section 12.8 Non-Conforming Uses of Land

The non-conforming use of land lawfully existing at the time this ordinance became effective shall be discontinued within one year from the effective date of this ordinance and within said year shall be continued upon the following conditions and not otherwise:

- a. The non-conforming use of a piece of land shall in no way be expanded or extended either on the same or adjoining property.
- b. The non-conforming use of a piece of land may in no way be changed to another non-conforming use, but only to a use conforming to the regulations of the district in which the land is located.
- c. In the event that the original non-conforming use of a piece of land is discontinued for 60 days or more, the land shall thereafter conform to all regulations for the district in which the land is located.
- d. The aforementioned provisions regarding non-conforming use of land shall apply where either:
 - (1) No building is employed in connection with such use.
 - (2) Buildings employed are accessory or incidental to such use.
 - (3) Such use is maintained in connection with a conforming building.
- e. Non-conformance due to reclassification.
- f. The aforementioned provisions of this article shall also apply to buildings, structures, land, and uses which hereafter become non-conforming due to any reclassification of districts under this ordinance or subsequent change in the regulations of this ordinance.
- g. Upon the determination by the Building Official that a structure is potentially damaged, being repaired or altered by more than seventy-five percent (75%) of the fair market value, the following method shall be employed to make a final determination:
 - (1) An appraisal by a licensed appraiser shall be submitted to the Franklin Planning Commission.
 - (2) A licensed contractor shall perform a cost estimate for repairs to the structure and submit it to the Building Official.
 - (3) The Building Official shall prepare a report with the appraisal and cost estimate and submit it to the Franklin Planning Commission for a final determination.
 - (4) The Planning Commission shall make a determination or may request additional information as deemed appropriate to make a final determination.
 - (5) Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes, zoning ordinances or any other health or safety requirements imposed by local, state or federal laws, or ordinances in effect at the time of the repair or rebuilding.
 - (6) The applicant shall be responsible for all costs associated with a determination.

Section 12.9 Illegal uses and structures prohibited

All of the foregoing provisions relating to nonconforming uses and structures shall apply to all nonconforming uses or structures existing or created on the effective date of these ordinances and to all uses and structures which become nonconforming by reason of any amendment thereof. The provisions shall not apply, however, to any use established, or structures erected or expanded, in violation regardless of the time of establishment or erection.

ARTICLE 13

VARIANCES AND APPEALS

Section 13.1 Appeals to Planning Commission.

An appeal from the decision of the Franklin Town Clerk, Building Official, Building Inspector, or other official designated by the Franklin Town Council to enforce this ordinance may be taken to the Franklin Planning Commission by any person aggrieved, or by any officer, department, board or agency of the Town of Franklin affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the Planning Commission by filing with the Planning Commission a notice of appeal specifying the grounds thereof.

The Town Clerk shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Town Clerk certifies to the Planning Commission after the notice of appeal has been filed, that by reason of facts stated, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning Commission or by a court of record on application or notice to the Town Clerk and on due cause shown.

Section 13.2 Hearing of Appeals.

The Planning Commission shall fix a reasonable time for the hearing of an appeal taken within the time specified by its rules, give public notice thereof, as well as due notice to all adjacent property owners, and decide the same within a reasonable time. Upon the hearing of such appeal, any party may appear in person, or by agent or attorney.

Section 13.3 Grant of Appeal or Variance.

The Planning Commission, in appropriate cases and subject to appropriate conditions and safeguards, take the following actions in case of appeals:

- a. May hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance.
- b. May authorize upon appeal in specific cases a variance from the terms of this ordinance, such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance 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 exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this ordinance, or exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property as would result in peculiar, extraordinary and practical difficulties. However, the granting of the variance shall not allow a structure or use in a district restricted against such structure of use, except as specifically provided for in this article. A variance may be authorized, based on the existence of the following conditions:
 - (1) That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
 - (2) That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
 - (3) That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the Town of Franklin.
- c. The Planning Commission may modify the strict application of the provisions of this ordinance upon such reasonable conditions as it may prescribe in the following cases:

- (1) The extension of a district for a distance of not more than 100 feet where the boundary line of a district divides a lot of tract held in single ownership at the time of the passage of this ordinance.
- (2) The determination of the proper district applicable to particular land in cases of ambiguity or doubt arising from a difference between the street layout actually on the ground and the street layout as shown on the zoning map.
- (3) The reconstruction of a building, the use of which is nonconforming, which has been destroyed, or partially destroyed, by explosion, fire, act of God or the public enemy.
- (4) Reduction in the parking and loading requirements of this ordinance whenever the character or use of a building or premises is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship, such as extreme financial difficulty, structural difficulty or similar condition, upon the use of the property.
- (5) The erection of a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than one year.

In executing the above mentioned actions, the Planning Commission may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the Building Official.

To defray a portion of the costs occasioned thereby, no appeal from the decision of the Town Clerk and no application for an exception, variance or other matter, shall be entered on the docket of, or heard by, or ruled on by the board until there has been paid to the offices of the Planning Commission by the appellant or applicants a fee of ten dollars. If, an appeal from the decision of the Building Official pertaining to an interpretation of the provisions of this ordinance, the applicant is successful in reversing the decision of the Building Official; the ten-dollar fee shall be returned to the applicant. No fee shall be required for an interpretation of this ordinance when there is a variance between the street layout on the ground and the street layout as shown on the district zoning map.

Neither the Town of Franklin nor any officer, agent, or employee of the town acting in his official capacity, nor any agency of the town shall be required to pay a fee under this article.

Section 13.4 Appeals from action of the Planning Commission.

- a. Any party aggrieved by any final judgment or decision of the Planning Commission may appeal such decision in accordance with Section 15 of Alabama Legislative Act 2001-562.
- b. In the event of a Review Board hearing, the appealing party shall be required to pay an application fee according to the current schedule of fees established by the Town Council. This fee shall be nonrefundable irrespective of the final disposition of the application. If reconsideration is ordered by the Review Board, the appealing party shall be required to remit payment for the cost of providing notice of the Planning Commission rehearing.

ARTICLE 14

ADMINISTRATION AND ENFORCEMENT

Section 14.1 Enforcement of the Zoning Ordinance

The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Town Clerk, Administrator, or other such official as designated by the Franklin Town Council.

Section 14.2 Building Permit Required

It shall be unlawful to commence the construction of any building, or to commence the moving or alteration of any building which requires a permit in accordance with the policies and procedures of the Town of Franklin until a permit for such work has been issued.

14.2.1 Application for Building Permit

All applications to the Building Official for building permits shall be accompanied by a site plan and survey, as applicable; however, accessory buildings located in agriculture and residential areas may be excluded if setbacks and other requirements can be determined. The site plan or survey must include:

- a. The actual dimensions of the lot to be built upon;
- b. The size of the building to be erected;
- c. The location of the building on the lot;
- d. The location of existing structures on the lot, if any;
- e. The number of dwelling units the building is designed to accommodate;
- f. The setback lines of buildings on adjoining lots;
- g. The layout of off-street parking and loading spaces;
- h. Such other information as may be requested for determining whether the provisions of this Ordinance are being observed; and
- i. Such other information as may be requested by the Town Clerk; and
- j. Certification by the applicant that he has complied, or will comply, with the applicable health department regulations, and all other applicable ordinances, regulations and standards of the Town of Franklin.

Section 14.3 Conditional Uses

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

14.3.1 Authorization

The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the town reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

14.3.2 Public Hearing

The Planning Commission shall hold a public hearing on the application for a Conditional Use Permit. The Town Clerk shall, upon determination that an application for a conditional use permit complies with all submission requirements, receive the application and schedule it for public hearing by the Planning Commission. Notice of such public hearing shall be given 15 days in advance of the public hearing. Notification shall include the following:

- a. Posting of a sign on the property with the date, time and location of the public hearing; and

- b. Notices sent by regular mail to the owner, subdivider or his agent and all adjoining landowners as their names appear upon the plats in the Macon County Revenue Commissioner's Office.

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

14.3.3 Submission Requirements

No request for conditional use approval shall be considered complete until all of the following has been submitted to the Town Clerk:

- a. Application Form. The application shall be submitted to the department on forms to be provided by the department. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.
- b. Plans and Specifications. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Town Clerk may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the Town Clerk at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.
- c. Application Fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

14.3.4 Standards for Approval

A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- a. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Franklin Land Use Plan, these regulations, or any other official plan, program, map or regulation of the Town of Franklin;
- b. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
- c. The proposed use shall not unduly decrease the value of neighboring property;
- d. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

14.3.5 Restrictions

In the exercise of its approval, the Planning Commission may impose such conditions regarding the location, character, or other features of the proposed use of land or buildings as it may deem advisable in the furtherance of the general purpose of these regulations.

14.3.6 Validity of Plans

In approving the Conditional Use Permit, the Franklin Planning Commission may designate such conditions, which will assure that the use in its proposed location will be harmonious and with the spirit and intent of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and also on the Conditional Use Permit. All conditions shall run with the land and shall be binding on the original applicant for the Conditional Use Permit, the heirs, successors and assigns. In order to ensure that such conditions and requirements of each Conditional Use Permit will be fulfilled, the petitioner for the Conditional Use Permit may be required to provide physical improvements required as a basis for the issuance of the Conditional Use Permit.

14.3.7 Effective Date of Approval - Issuance of Permit

Planning Commission approval shall become effective thirty days from the date of the public hearing at which approval is granted. No building permit shall be issued prior to the effective date of approval. The building permit shall be issued subject to all conditions and requirements stipulated by the Planning Commission.

14.3.8 Failure to Comply

In the event of failure to comply with the plans approved by the Franklin Planning Commission, or with any conditions imposed upon the Conditional Use Permit within a reasonable time in the opinion of the Franklin Town Clerk, the permit shall become void and of no effect. No building permits for further construction or Certificate of Occupancy / Compliance under the Conditional Use Permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

14.3.9 Site Plan Required

At the discretion of the Franklin Building Official, site plans may be required to be submitted and approved as part of the application for a Conditional Use Permit. Modifications of the original plans may be made by the Planning Commission. Site Plans may be required to include the location of existing and proposed buildings and buildings 100 feet adjacent thereto, layout of parking spaces, street lights, signs, contours at 10-foot intervals, proposed points of ingress and egress, proposed screenings or plantings, provisions for water and sewer disposal and vicinity map.

Section 14.4 Site Plan Review and Approval

It is the purpose of this section to encourage a high standard of land development through careful review of the nature and composition of proposed development projects as well as to provide full consideration of the potential impacts of proposed developments upon surrounding uses and land. Furthermore, it is the purpose of the site plan review process to provide a mechanism to ensure that the individual components of the development process are carefully integrated in order that a project meets not only those minimum regulatory requirements and individual design standards, but also addresses in its totality the design guidelines set forth in this section.

14.4.1 Approval Required

Site plan approval as hereinafter set forth is required prior to the issuance of any building permit for all land uses subject to these regulations where any of the following exists:

- a. A parcel of land proposed for a nonresidential use.
- b. A parcel of land proposed for multi-family residential, condominium, townhouse, or hotel/motel use.
- c. A parcel of land devoted to a nonresidential use or a parcel of land devoted to multi-family, condominium, townhouse or hotel/motel units which use of land or building is proposed to be expanded by twenty-five (25) per cent or more of lot area or building floor area.
- d. A parcel of land, which is to be developed utilizing a "special district" zoning classification.
- e. A parcel of land where, due to the unique characteristics of the land, surrounding use(s), proposed use or other features of the development, the Town Clerk determines it to be in the interest of the public health, safety or welfare that such project be subject to the site plan review process.

The Town Clerk shall have the authority to waive the site plan approval requirement for public, town-sponsored projects as is determined appropriate based on the nature, location, size and impact of such project(s).

14.4.2 Procedures

Developments subject to site plan review shall be processed in the following manner:

- a. Review and Approval.
 - (1) The Town Clerk shall, upon determination that an application complies with all applicable submission requirements, receive the application and schedule it for consideration and approval

by the Development Review Committee.

- (2) The development review committee shall review the site plan with specific regard to the design guidelines contained in this section. The committee shall evaluate and make a finding with respect to the satisfactory application of the design guidelines, both individually and in combination, to the subject plan. The development review committee shall approve, approve with conditions, or deny the site plan. In the alternative, the committee may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site plan. Any action to approve, conditionally or unconditionally, shall require a majority vote of the committee members present and shall be based upon a finding that the site plan comports with the design guidelines set forth in said Section 15.4.8. Any site plan, which does not receive a majority vote for approval, shall be denied and the reason(s) for such denial shall be noted. Under no circumstance shall any site plan be approved which is inconsistent with any term contained in these regulations unless a variance has been authorized in accordance with the provisions contained in Article 14 of these regulations.
- (3) A minimum of four (4) copies, and any additional copies as may be supplied by the applicant, of a site plan approved or approved conditionally shall be submitted to the office of the Town Clerk within sixty (60) days of such action. Site plans approved contingent upon any changes to be made on the plan shall be so changed prior to certification. The Town Clerk shall verify that all such changes have been made and certify with his signature that the site plan complies with these regulations and the requirements of the development review committee. The Town Clerk shall retain and file one copy of the certified site plan to constitute a permanent record and forward one copy to the City Engineer. A minimum of two copies of the certified site plan shall be reserved for the applicant, one of which shall accompany the application for building permit and one copy to be available for inspection at the job site.

14.4.3 Amendment of a Certified Plan

Any amendment, variation or adjustment of a certified site plan shall require approval of a site plan amendment according to the following:

- a. Major Amendment.
Submission to the director and action by the development review committee consistent with the process of approval of the original site plan.
- b. Minor Amendment.
Submission to and action by the Town Clerk.
- c. The Town Clerk shall determine based on the magnitude and type of change and its ramifications whether a proposed plan amendment is a major or minor amendment. The Town Clerk may, at his discretion, forward any application for site plan amendment to the development review committee or to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions or denied.

14.4.4 Effect of Site Plan Approval

Those site plans approved or approved conditionally shall remain valid if a building permit is obtained subject thereto, and the project completed in accordance with such permit, within the respective allotted time periods to be specified by the Town Clerk or development review committee. Extensions to the time limits imposed as a condition of site plan approval may be granted only upon written request to the Town Clerk with subsequent determination to be made by the development review committee, based upon and consistent with the process for determining whether such request for extension of time is a major or minor amendment. Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the appropriate town departments for approval and permitting. Nothing herein, however, shall preclude the building director from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to the certification of a site plan, subject to such conditions as may be established by the building director relative to such pre-certification processing. In such instances, no building permit will

be issued until the site plan has been certified and is on file with the building department. All building and construction permits issued for any project requiring site plan review shall be consistent with the certified site plan. The approval and certification of a site plan shall not under any circumstance be construed to waive or otherwise diminish the applicable town requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

14.4.5 Integration of Other Review Procedures

Any development involving the following related provisions of these regulations shall be coordinated as set forth below.

- a. **Special District Development Plans.**
Properties which are proposed to be assigned a special district zoning classification shall have available for review at the public hearing held in consideration of such zoning a copy of a preliminary site plan of the proposed development. Following approval by the Franklin Planning Commission, a final site plan taking into consideration matters of concern to the Planning Commission shall be prepared and submitted to the Town Clerk for review by the Development Review Committee in accordance with the above paragraphs.
- b. **Rezoning.**
Those developments requiring an action to rezone the property shall have the rezoning approved by the Franklin Planning Commission prior to consideration of a site plan by the development review committee. In approving a rezoning action, the Planning Commission may, in cases it deems advisable, also require that a preliminary site plan be submitted to it for review prior to consideration of a final site plan by the development review committee. Following review by the Planning Commission, a final site plan taking into consideration matters of concern to the Planning Commission shall be prepared and submitted to the Town Clerk for review by the Development Review Committee in accordance with the above paragraphs.
- c. **Variances.**
Those developments requiring a variance from any applicable regulation shall have the variance acted upon by the Franklin Planning Commission prior to consideration of a site plan by the development review committee.
- d. **Conditional Uses.**
Those developments requiring conditional use approval shall have the conditional use approved by the Franklin Planning Commission and prior to consideration of a site plan by the development review committee.

14.4.6 Noncompliance

Failure to comply with a certified site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a certified site plan, to render such building permit invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this section shall constitute a violation of these zoning regulations.

14.4.7 Submission Requirements

No request for site plan approval shall be considered complete until all of the following has been submitted to the Town Clerk:

- a. **Application Form.**
The application shall be submitted to the department on forms to be provided by the department. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.
- b. **Plans and specifications.**
Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more

than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site plan:

- (1) Site plan name.
 - (2) North arrow, scale and date prepared.
 - (3) Legal description.
 - (4) Location map.
 - (5) Zoning district assigned to the property, which is the subject of the site plan and adjacent properties.
 - (6) Identification of watercourses, wetlands, tree masses and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats or other environmentally unique areas.
 - (7) Gross and net site area expressed in square feet and acres.
 - (8) Number of units proposed, if any.
 - (9) Floor area devoted to each category of use.
 - (10) Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.
 - (11) Number of parking spaces required (stated in relationship to the applicable formula) and proposed.
 - (12) Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.
 - (13) Location of all public and private easements and streets within and adjacent to the site.
 - (14) The location, size and height of all existing and proposed buildings and structures on the site.
 - (15) Location of all refuse collection facilities, including screening and access thereto.
 - (16) Provisions for both on-and off-site storm water drainage and detention related to the proposed development.
 - (17) Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.
 - (18) Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available which may affect the drainage or retention on the site.
 - (19) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture (such as seating, lighting, and telephones).
 - (20) The location of all earth or water retaining walls, earth berms, and public and private sidewalks.
 - (21) Phase lines, if development is to be constructed in phases.
 - (22) Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.
 - (23) Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.
- c. Application Fee.
- The applicant shall be required to pay an application fee according to the current schedule of fees established by the Franklin Town Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

14.4.8 Design Guidelines for Site Plan Review.

It is the purpose of these design guidelines to supplement the standard requirements of zoning classifications in a manner that recognizes the need to tailor the land planning process to the unique features of each site, while preserving the right of reasonable use of private property based upon the uses permitted under the zoning classifications assigned to the property. The following items shall be given full consideration in the preparation and review of site plans required under this section. Before any site plan is approved (whether conditionally or

unconditionally), it shall first be established that such plan is consistent with the design guidelines of this section. When it is determined that a site plan does not satisfactorily comply with one or more, in whole or in part, of any of the design criteria contained herein, the Development Review Committee shall have the authority to deny the site plan. Design guidelines to be considered include the following:

a. Plan and Regulation Requirements.

Site plans shall be consistent and in conformity with all applicable rules and regulations of the town and the state, including but not limited to the following;

- (1) Town zoning and subdivision regulations;
- (2) Town development plan and its constituent elements;
- (3) Other town ordinances, resolutions, policies and administrative directives;
- (4) Applicable provisions of Alabama Law.

b. Environment and Open Space.

Site plans shall recognize the significant existing environmental and open space features of the site and property immediately adjacent thereto. The proposed development shall be determined to be reasonably compatible with the existing environmental features of the site, based on an evaluation of the following specific factors:

- (1) Topography, including elevation, slopes and cut and fill;
- (2) Soil and subsurface characteristics.
- (3) Surface and groundwater characteristics, including water quality and groundwater recharge.
- (4) Vegetation and plant life, including specimen trees, natural wetland and native creek bank vegetation.
- (5) Wildlife habitat.
- (6) Historic and cultural significance.
- (7) Floodplain hazard.
- (8) Open space

All of the above factors shall be determined consistent with the current development standards and design specifications of the city engineer. It shall be the objective of this guideline to assure that a development project will not significantly degrade the existing environmental features of the site in a manner that is unnecessary to allow for the reasonable use of the property.

c. Traffic and Parking.

Site plans shall be so designed as to provide for adequate traffic flow and control on public streets, coordination with public transportation modes where applicable, convenient internal circulation and service access, and vehicular and pedestrian safety. A determination as to the adequacy of provisions for traffic and parking shall be based on an evaluation of the following factors:

- (1) Functional classification of street and highway system.
- (2) Existing and projected traffic volume, road carrying capacities and levels of service.
- (3) Traffic signing, signalization and related control devices.
- (4) Number and distance between points of access and egress.
- (5) Sight distance and turning radii relative to curb cuts and internal traffic flow.
- (6) Off-street parking and loading space.
- (7) Pedestrian walkways.
- (8) Access for service and emergency equipment and personnel. All of the above factors shall be determined consistent with the objectives of the transportation element of the general plan and with current development standards and design specifications of the city engineer. It shall be the objective of this guideline to ensure adequate provision for vehicular and pedestrian movement and safety within the site and as it relates to the adjoining public street and thoroughfare system.

d. Streets, Drainage and Utilities.

Site plans shall be so designed as to provide for streets, water supply, sewage disposal, refuse collection and storm water detention. Those specific factors to be evaluated in determining that these measures

have been adequately addressed include the following:

- (1) Water supply and sewage treatment capabilities.
- (2) Water mains, fire hydrants and water meters.
- (3) Sewer mains and manholes.
- (4) Gas mains, where applicable.
- (5) Provisions for refuse disposal, including container location and access thereto.
- (6) Easements for all utility lines.
- (7) Location, capacity and design of storm water detention facilities, both as to the site and the watershed or basin.
- (8) Responsibility for maintenance and appearance of storm water detention facilities.
- (9) Sufficiency of adjacent streets.

All of the above factors shall be determined consistent with the objectives of the utility element of the general plan and current development standards and design specifications of the city engineer. It shall be the objective of this guideline to assure that adequate service capacity is available and that utility, street and drainage systems are appropriately designed for the proposed development site in relationship to the larger systems entering and leaving the site.

e. **Neighborhood Compatibility.**

Site plans shall be so designed as to assure that the overall design and function of the proposed project are compatible and harmonious with other properties in the immediate area. Compatibility shall be measured according to the following characteristics of the proposed and neighboring development:

- (1) Land use type or category.
- (2) Building location, dimension and height.
- (3) Location and extent of parking, access drives and service areas.
- (4) Traffic generation, hours of operation, noise levels and outdoor lighting.
- (5) Alteration of light, air and views.
- (6) Fence, wall, landscape and open space treatment.

It shall be the objective of this guideline to encourage design treatment that reflects consideration of and between adjoining developments. It is not the purpose of this provision to preclude development based upon normal change or that inconvenience which might ordinarily be expected to result from the land development process; but, rather, it shall be the purpose of this provision to preclude any significant adverse impact that is measurable and can be documented, based upon the above factors.

Section 14.5 Violations and Penalties

Any person, firm, corporation, or any agent, servant, employee, officer, or contractor for any person, firm, or corporation who shall violate any provision, requirement, term, or condition of this Ordinance shall be subject to a fine of up to five hundred dollars (\$500.00) or up to sixty (60) days' imprisonment in the County jail, or both, per violation. Each day of any violation of this Ordinance shall constitute a separate offense. The violation of any provision, requirement, term, or condition of this Ordinance shall also constitute a nuisance and any person aggrieved thereby may abate the same or the same may be abated as a public nuisance. Continuous violation thereof may be restrained in a court of equity having jurisdiction thereof, and such remedy shall not be the exclusive remedy for any violation.

Section 14.6 Prosecution

Any violations of this Ordinance may be tried before the magistrate's court of Macon County upon a citation. Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the magistrate's court, shall indicate the identity of the accused and the date of service, and shall be signed by the Town officer who completes and serves it. In any case necessary, the Town Attorney is designated as prosecuting attorney.

ARTICLE 15

BOARD OF ZONING ADJUSTMENT

Section 15.1 Establishment and Membership

The Board of Adjustment heretofore established is hereby continued, and its members shall be appointed, and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. Each member may be removed for cause by the Town Council upon the filing of written charges and after a public hearing. All members of the Board shall be citizens and residents of the Town of Franklin.

Section 15.2 Meetings, Procedures and Records

Meetings of the Board shall be held at the call of the chairman, or any three members, at such times and places as the board may determine. The chairman, or in the absence of the chairman 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 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 and shall be a public record.

No member of the Board shall vote upon any matter in which he or she, a spouse or a dependent, has a direct interest; and no member of the Board shall vote upon any matter involving a business with which he or she, a spouse or a dependent, has any interest or ownership.

Section 15.3 Powers and Duties

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

16.3.1 Interpretation of Boundaries.

To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Article 3.

16.3.2 Appeals

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

16.3.3 Variances

To authorize upon appeal in specific cases a variance from the terms of this ordinance such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done.

16.3.4 Special Exceptions

To hear and decide special exceptions upon which the Board is required to pass for uses as shown in the Chart of Uses Allowed in Article 5 of this Ordinance.

Section 15.4 Administrative Appeals

Appeals to the Board of Adjustment may be taken to the Board of Adjustment by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Building Inspector relating to the provisions of this Ordinance. Any such appeal shall be filed with the Building Inspector within fifteen (15) days of the date of the action being appealed. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Building Inspector's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record.

All appeals shall be filed in writing on forms prescribed by the Board and made available by the Building Inspector.

The Board shall select a reasonable time and place for hearing the appeal. At least fifteen (15) days prior to the scheduled Board hearing the Building Inspector shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. The notice shall state the name of the appellant, the location of the property, the decision of the Building Inspector which is being appealed, and the time, date, and location of the Board hearing.

The Board may affirm, reverse wholly or in part, or modify the Building Inspector's decision, order, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Building Inspector.

Section 15.5 Variances

Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

An application for a variance shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector. At least fifteen (15) days prior to the scheduled hearing of the Board, the Building Inspector shall give written notice of the application to all adjacent property owners. Such notice shall be deemed to be given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the nature of the variance requested and the applicable sections of this Ordinance, and the time, date, and location of the hearing.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

- a. The granting of the variance will not permit the establishment of a use which is not permitted in the district in which the property is located.
- b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the

vicinity, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.

- c. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions. It must result from the application of this Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered.
- d. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- e. The granting of the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same zoning district.
- f. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.
- g. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which the property is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board may prescribe any safeguards or conditions which it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.

Section 15.6 Special Exceptions

All uses permitted by special exception as listed in the Chart of Permitted Uses in Section 62.0 of this Ordinance shall require the submission of an application to the Board of Adjustment. Such application shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector.

At least fifteen (15) days prior to the scheduled hearing of the Board of Adjustment, the Building Inspector shall give written notice of the proposed special exception to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the proposed use, and the time, date and location of the Board's hearing.

The Board of Adjustment shall review the application for compliance with this Ordinance and all other applicable codes and ordinances of the Town of Franklin. In particular the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

- a. Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- b. Off-street parking and loading areas.
- c. Refuse and storage areas, with reference to availability, location, and potentially adverse effects upon adjoining property.
- d. Screening and buffering of potentially adverse views and activities from surrounding properties.
- e. Control of noise, glare, odor, excess drainage, and other potentially disturbing effects upon surrounding properties.
- f. Utilities, with reference to location, availability, capacity, and potentially adverse effects upon surrounding properties.
- g. Signs and lighting, with reference to glare, traffic safety, and visual harmony with surrounding properties.

- h. Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.

The Board may impose such conditions for approval which it deems necessary in the particular case to protect the public interest and the intent of the Land Use Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

Section 15.7 Rehearings

All decisions rendered by the Board shall be final and binding upon all parties. No appeal of an administrative decision, or application for a variance or a special exception shall be reheard, and no further application shall be excepted, once a decision has been rendered except under one or more of the following conditions:

- a. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- b. The decision resulted from an error in procedures required by this Ordinance of State law made by the Board, the Building Inspector, or any other Town officials.
- c. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

If the Board finds that one or more of the qualifying conditions exists, the applicant shall be permitted to submit a new application. This new application shall be heard at a subsequent Board meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

Section 15.8 Appeals from Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal therefrom to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo*.

ARTICLE 16 INTERPRETATION OF ORDINANCE

Section 16.1 Minimum Requirements.

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

ARTICLE 17 AMENDMENTS AND CHANGES

Section 17.1 Requirements for Change

Whenever the public necessity, convenience, general welfare or good zoning practice warrants such action, the Planning Commission may amend, supplement, modify or repeal the regulations or zoning district boundaries herein established.

Section 17.2 Petition for or Initiation of Change

A proposed change of the zoning district boundaries or of the regulations may be initiated by the Planning Commission, or by petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

Section 17.3 Action on Petition

- a. Any proposed amendment, supplement, modification, or repeal shall be submitted to the Planning Commission for its consideration.
- b. The Planning Commission, within sixty (60) days of the date of the application, may proceed to hold a public hearing in relation thereto, giving notice as required by law.
- c. The proposed change may be deemed by the applicant to have been denied if the Planning Commission takes no final action upon the same within ninety (90) days after the filing of the application, provided that this sentence shall not be construed to divest the Planning Commission of jurisdiction to take final action on such proposed change at any time prior to any litigation instituted thereon against the Planning Commission by the applicant.

Section 17.4 Fees

Before any action shall be taken as provided in this article, the applicant petitioning for a change shall deposit with the Planning Commission a fee as determined by Franklin Town Council including actual certified mail and legal advertisement as required by law. Under no condition shall the said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months, provided that by unanimous resolution of the Planning Commission that such action may be initiated at any time.

ARTICLE 18 VIOLATION AND PENALTY

Section 18.1 Penalty

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

ARTICLE 19 VALIDITY

Section 19.1 Severability of Ordinance

If any section or provision of this ordinance, including any part of the Zoning Map, which is a part of this ordinance, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE 20 ZONING MAP

See next page for small version of map;
or go to Town Hall for a larger version of the Town of Franklin Official Zoning Map.

TOWN OF FRANKLIN ALABAMA

Proposed Zoning FEBRUARY 2024

SCADC

SOUTH CENTRAL ALABAMA
DEVELOPMENT COMMISSION
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