Town of Cherokee Ridge

ORDINANCE NO. 2025-0036

Zoning Ordinance

(PROPOSED) TABLE OF CONTENTS:

ARTICLE 1. PREAMBLE AND ENACTMENT CLAUSE.

WHEREAS Chapter 52, Article 4 of Title 11 of the Code of Alabama, 1975, as amended, empowers the Town of Cherokee Ridge to establish districts within its corporate limits for the purpose of regulating the kind, character, and use of structures and improvements within those Zones, and to provide for the administration, enforcement, and amendment thereof, and

WHEREAS the Town of Cherokee Ridge deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of the town to enact such an ordinance, and territorial jurisdiction and land lying within five miles of the corporate limits of Cherokee Ridge and not located in any other municipality, and

WHEREAS the Town Council has appointed the Town of Cherokee Ridge Planning Commission, hereinafter referred to as the Commission, to recommend the boundaries of the various Zones and the appropriate regulations to be enforced therein, and

WHEREAS the Town council has drafted this Ordinance, enacted _____ 2025, and accordingly the Zoning Map thereto, has given due Public Notice of a hearing thereon, has held said Public Hearing and has submitted its final report to the Town Council, and

WHEREAS the Town Council has given due Public Notice of a second hearing related to the adoption of the amended Zoning Ordinance, setting forth Zones, regulations and restrictions, and has held said Public Hearing, and

WHEREAS all requirements of Sections 77 and 79 of Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975, as amended, with regard to the preparation of the report by the Commission and subsequent action of the Town Council have been met;

NOW, THEREFORE, the public welfare requiring it, the Town Council of the Town of Cherokee Ridge, Alabama, does hereby ordain and enact into law the following Articles and Sections:

ARTICLE 2. INTRODUCTION, PURPOSE, AND APPLICATION.

Section 201. **Short Title.** This Ordinance and all subsequent amendments, attachments, and supplements thereto shall be known as the "Zoning Ordinance of the Town of Cherokee Ridge, Alabama".

Section 202. **The Official Zoning Map.** The boundaries of each zoning district are delineated on the Zoning Map(s) of the Town of Cherokee Ridge, Alabama, hereinafter referred to as the "Zoning Map". Said map(s) and all notations, references, revisions, certifications and other information shown thereon shall be considered a part of this Ordinance and shall carry the same force and effect as if fully described therein. Said map(s) shall be retained in the Cherokee Ridge Town Hall.

Section 203. **Purpose.** The zoning regulations and districts as set forth herein are made in accordance with the Town of Cherokee Ridge Comprehensive Plan for the purposes of guiding development in accordance with existing and future needs, and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the Town of Cherokee Ridge. These regulations are designed to lessen congestion on the streets, to secure safety from fire, flood, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the undesirable overcrowding of land; to avoid the undue congestion of population; to protect scenic areas; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other infrastructure necessary to maintaining the quality of life within the community. These regulations are made with reasonable consideration of, among other things, the character or each area and its suitability for particular uses; the promotion of desirable living conditions and the sustainability of neighborhoods; the protection of property against blight and depreciation; securing efficiency in government expenditures; and conserving the value of land, buildings, and structures.

Section 204. **Application of Regulations.** No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the applicable regulations of this Ordinance for the Zone in which it is located except as otherwise provided herein.

Section 205. **Relationship to Comprehensive Plan.** The Town of Cherokee Ridge's Comprehensive Plan (Plan) is the official development policy and implementation guide for the Town to coordinate and direct physical and economic development, related public investment, and, to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. This Zoning Ordinance is designed to implement all provisions of that Plan for the development and use of land.

Section 206. **Relationship to Cherokee Ridge Property Owner's Association Declaration of Covenants, Conditions, and Restrictions.** All future development of land, buildings, and structures located within the jurisdiction of the Cherokee Ridge Property Owner's

Association , in addition to the provisions of this Ordinance, shall also be in accordance with the applicable provisions of the Cherokee Ridge Property Owner's Association Declaration of Covenants, Conditions, and Restrictions.

ARTICLE 3. TERMINOLOGY

Section 301. Generally. For purposes of interpreting this ordinance, certain words and terms are herein defined.

Section 302. Interpretation of Certain Words and Terms. Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot, property* and *parcel*. The word *shall* is mandatory and not directory. The word *may* is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine.

Section 303. Definitions. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

Note: Also see definitions in the *Declared Covenants, Conditions and Restrictions of The Cherokee Ridge Subdivision*

303.01. General Definitions.

Access Drive. A private drive providing vehicular access between a public or private thoroughfare and a parking area within a land development.

Accessory Building or Structure. A detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot as that occupied by the principal building. Unroofed decks and patios shall be considered as accessory buildings within the meaning of this Ordinance. (See also "Deck" and "Patio")

Accessory Use. A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building. A sign is considered accessory to the use permitted. Billboards and other off-premise signs are not so considered, but are rather considered separate and distinct business uses or activities.

Alley. See “Thoroughfare, Service Street (Alley).”

Alteration, Alter, Altered. Any addition to the height, width or depth of a building or structure; or any change in the location of any of the exterior walls of a building or structure; or any increase in the interior accommodations of a building or structure.

Applicant. A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assignees.

Application for Development. Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a Building Permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Base Zone or Base Zoning District. The zoning classification within which a development or structure is located other than an overlay Zone.

Basement. That portion of a building which is completely below grade or partially below grade where the average distance between the finished surface of the above floor and the ground level along the perimeter of all exterior walls is less than six (6) feet.

Block. A unit of land bounded by thoroughfares or a combination of thoroughfares, public land, public parks, cemeteries, railroad rights-of-way, watercourses, or any other barrier to the continuity of development.

Buffer. A landscaped strip of land provided between two or more properties, uses, or buildings to mitigate the incompatible characteristics of adjacent uses and/or buildings. Buffers may include berms, shrubs, trees, fences or walls, other screening devices, or a combination of such devices as required by the Town of Cherokee Ridge Zoning Ordinance.

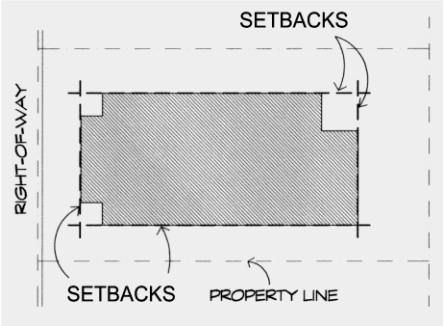
Building. Any structure constructed or used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, decks, swimming pools, greenhouses, stables, garages, roadside stands, manufactured homes, and similar structures, whether stationary or movable, but excluding fences, walls, signs and awnings. Features which are structurally essential and connected to the structure shall be considered as part of the structure within the meaning of this Ordinance.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met.

Building Frontage. The side of the building which abuts on a street; the length or area of the front of the building measured between the side walls.

Building Height. The vertical distance from average grade level 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 Setback Line. A line that is the required minimum distance from any Lot Line and that establishes the area within which the principal structure must be erected or placed. Minimum Front Yard depth is measured from the Front Lot Line.



Setback Line Diagram

Certificate Of Occupancy. A certificate issued by the duly authorized representative of the Town upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

Comprehensive Plan. The official public document prepared in accordance with § 11-52-8 of the Code of Alabama, as amended, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the Town of Cherokee Ridge.

Conditional Use. A use of unique character and impact which is typically not associated with or permitted in any zoning district but which may be allowed by granting of a conditional use permit by the Town Council according to special conditions to abate potential negative impacts to surrounding properties and neighborhoods. Examples: airport, correctional facility, landfill, racetrack, stadium, etc.

Covenant. "See Deed Restriction".

Cul-de-sac. See "Thoroughfare, Cul-de-sac."

Deck. An elevated structure constructed for use as an outdoor living area. (See also "Patio" and "Accessory Building or Structure".)

Dedication. The deliberate appropriation of land, such as an easement, by its owner for general public use.

Deed. A written instrument whereby an estate in real property is conveyed.

Deed Restriction. A restriction upon the use of a property placed in a deed running with the land and enforced by private homeowner or condominium associations.

Developer. Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

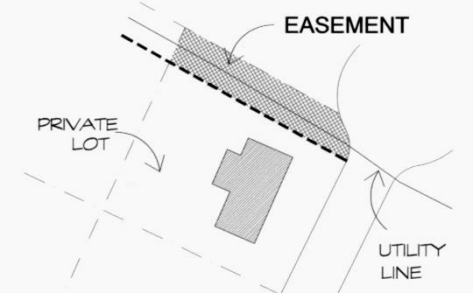
Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Plan. See "Plan, Development Plan".

Driveway. A private drive providing access between a public or private thoroughfare or access drive and a parking area for a unit(s) of occupancy. (See also "Thoroughfare")

Earthmoving, Grading. The movement of dirt, top soil, grass, native material, landscaping or other forms of surface material which will result in a difference of six (6) inches or greater from the original elevation.

Easement. A right granted by a landowner to a grantee, allowing for limited use of private land for a public or quasi-public or private purpose, and with which the landowner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.



Easement Diagram

Engineer. A professional engineer registered by the State of Alabama.

Erect, Erected, Erection. Build, construct, reconstruct, move upon, or other physical operation on the premises required for building. When used in reference to signs, "erect" shall include build, construct, attach, hang, place, suspend, and affix

Erosion. The removal of soil particles by the action of water, wind, ice, or other geological agents.

Family. Any one (1) or more of the following:

A. A single individual occupying a dwelling unit.

B. A Group of one (1) or more persons each related to the other by blood, marriage or legal adoption, or having a guardian/ward relationship created by decree of the Probate Court or any other court of competent jurisdiction occupying a dwelling unit.

C. Not more than three (3) unrelated persons occupying a dwelling unit.

Fence. A barrier of any material or combination thereof other than a building, erected above ground to enclose or screen areas of land or used as a means of protection or confinement.

Fence, Privacy. A fence intended to provide a visual barrier between common or public areas and a private area or land use. Such fences are characterized by opaque design.

Final Plat. See "Plan, Final Plat".

Floodplain. An area adjacent to a watercourse, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety and to property.

Floor Area, Gross. The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the faces of exterior walls. The term Gross Floor Area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

Grade Level. For buildings, the average level of the finished ground surface at the front building line. For ground signs, the average level of the finished ground surface at the edge of the sign nearest the thoroughfare. For thoroughfares, the ratio of rise-to-run measured along a length of a planned or finished thoroughfare.

Greenway. An open space corridor that links urban, suburban, and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.

Hardship or Unnecessary Hardship. A unique condition or set of conditions wherein the literal enforcement of the provisions of this Ordinance would deprive a person of rights commonly enjoyed by others in the same Zone and as further established in Article 12.

Hardship, Personal or Self-Imposed. A hardship including all other situations not meeting the criteria set forth for proving "unnecessary hardship" in Article 12, including where a person causes or brings about the condition, whether by their own action, inaction, knowledge or lack thereof, etc. Further, such hardships do not represent substantive grounds for the issuance of a Variance.

Impervious Surface. Any surface or structure, composed of non-porous materials that prevents natural absorption of runoff into the ground.

Improvements. Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to driveways, landscaping, streets, sidewalks, curbs and gutters, sewer, and stormwater management facilities.

Incidental Use. A secondary or subordinate use of a property on which a primary or principal use has already been established, but which is not necessary to that principal use, and which is not customarily associated with or considered accessory to the principal use. Such uses shall be considered "Special Exceptions" as defined herein, and shall accordingly be subject to approval by the Planning Commission. Such uses may include but not be limited to home occupations, garage apartments, guest houses, and day care homes.

Junk. Junk shall include scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

Junk Storage. The use of land for the open storage of junk, as herein defined.

Land Development. Any of the following activities:

. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

  . a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

  . the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;

. A subdivision of land.

. Developments, limited to the following, shall be excluded from this definition:

. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

Landscape Architect. A landscape architect registered by the State of Alabama.

Liquor. Any beverage containing alcohol other than beer or wine, which contains one-half of one percent or more of alcohol by volume.

Loading, Off-Street. Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

Local Street. See "Thoroughfare, Local Street."

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. Lots are classified into the following categories:

A. *Corner Lot*. A lot abutting two (2) or more street rights-of-way at their intersection in which the average centerlines of such thoroughfares along the frontage of the lot form an interior angle of less than one hundred thirty-five (135) degrees.

B. *Double-Frontage Lot*. A lot which is not a Corner Lot and abuts two or more streets.

C. Flag Lot. A lot that does not meet the lot width requirements of its zone.

D. *Interior Lot*. A lot, which is not a Corner Lot.

E. *Reverse-Frontage Lot*. A Double-Frontage Lot where the principal structure fronts on the street of lesser classification.

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 Marshall County, Alabama, or a parcel of land described by metes and bounds, the plat or 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 Area. The area contained within the Lot Lines of the individual parcels of land, excluding space within any street or ultimate right-of-way, but including the area of any easement. Lot area shall be measured to the legal right-of-way line of the street.

Lot Coverage. The portion of a lot which is occupied by impervious surfaces, including but not limited to buildings, parking areas, and sidewalks.

Lot Frontage. Distance measured along the Front Lot Line. When a lot fronts on a curved street, the frontage shall be determined by utilizing the arc length.

Lot Line. A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space. Lot Lines are classified into the following categories:

A. *Front Lot Line*. A Lot Line separating the front of the lot from the street. On Non-residential Corner Lots and all Double-Frontage Lots, all Lot Lines which abut a street shall be Front Lot Lines. For Single-Family Residential Corner Lots, there shall be a "Primary Front Lot Line" and a "Secondary Front Lot Line".

B. *Rear Lot Line*. A Lot Line, which does not intersect a Front Lot Line and is most distant from a Front Lot Line. Where the Side Lot Lines of an Interior Lot meet in a point, the Rear Lot Line shall be assumed to be a line not less than ten (10) feet long drawn within the lot between the two Side Lot Lines, which is equidistant to the Front Lot Line.

C. *Side Lot Line*. Any Lot Line, which is not a front or Rear Lot Line.

Lot Width. In the case of an Interior Lot, the distance between the Side Lot Lines. In the case of a Corner Lot, lot width shall mean the distance between the Side Lot Line and the Secondary Front Lot Line. Such distance shall be measured along a straight line, which is at right angles to the axis of a lot and shall be measured so at any point between the Front Lot Line and the front building line. When a lot abuts on a curved street the width shall be determined by utilizing the arc length.

Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure or Building. A structure or part of a structure not complying with the applicable provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such Nonconforming structures include, but are not limited to, Nonconforming signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation. Any use whether of land or a structure which is permitted as a Special Exception or as a conditional use in the zoning district in which the land or structure is located shall be deemed to be a Nonconforming use unless that use complies with every provision of this Ordinance.

Open Space. Land, not covered by parking areas, rights-of-way or buildings other than recreational structures, which is landscaped or left in a natural state as required by the provisions of this Ordinance and the Town of Cherokee Ridge Subdivision Regulations and which is intended for natural or scenic preservation and/or passive recreational purposes.

Open Space, Common. Land area within a development that is held in common ownership and maintained by a homeowners' association of all of the residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by covenant and the provisions of this Ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes or ponds) nor land occupied by common driveways or parking areas, or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.

Ordinance. Except where otherwise specified, the Zoning Ordinance of the Town of Cherokee Ridge.

Parcel. A part or portion of land. Parcel, in relationship to land, is a contiguous quantity of land in the possession of an owner. The words lot, parcel, and tract can be used interchangeably.

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.

Party Wall. A wall on an Interior Lot Line used or adopted for joint service between two (2) buildings; such walls shall fully comply with fire and all other provisions and standards established for such walls in the Building Code.

Patio. An area consisting of natural or man-made material, which is constructed at or near grade level and intended for use as an outdoor living area. (See also "Deck" and "Accessory Building")

Paved Area or Surface. Areas or surfaces paved with a hard, all-weather surface. A surface consisting of stone, cinders, aggregate, gravel, sand, or similar material, whether compacted or not, shall not be considered a paved area or surface.

Pervious Surface. Any surface, composed of porous materials that allows absorption of runoff into the ground. Also referred to as "Permeable Surface".

Plan. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, thoroughfares, sidewalks and parking facilities, common open space and public facilities. A plan shall be categorized as one of the following classifications:

. *Development Plan*. A complete set of drawings prepared for a Rezoning request, zoning approval or as otherwise required by this Ordinance. Such plan shall provide all information as necessary to determine conformance of the proposed development with the Zoning Ordinance and Design and Construction Specifications where applicable.

. *Final Plat*. A complete and exact subdivision plan including all supplementary data prepared for official recording as required by statute. A Final Plan becomes a Record Plan when it has been recorded with the proper Marshall County Tax Assessor.

. *Preliminary Plat*. A tentative subdivision plan including all required supplementary data, indicating the proposed layout of a subdivision or land development as a basis for consideration prior to preparation of a final plan.

Planned Unit Development (PUD). A development approach, which may include mixed uses and densities within one development site and which may include multiple phases of development described in a master plan for the development. A zoning district which includes provisions and special application and review requirements for large-scale, phased developments consisting primarily of, but not limited to, residential subdivisions.

Planning Commission or Commission. The Town of Cherokee Ridge Planning Commission

Plat. A map or plan of a subdivision or land development, whether preliminary or final.

Preliminary Plat. See "Plan, Preliminary Plat."

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

Principal Building or Structure. The building in which the primary use permissible on the lot is conducted.

Principal Use. The primary or dominant operation, business or other such use of and taking place on a lot, parcel or premises, as distinguished from accessory or incidental uses.

Private Drive. A service road or access drive serving as and maintained solely for access to cluster or multi-family developments or other developments to which access to the public may be limited.

Property Line. A recorded boundary of a lot. However, for the purposes of this Ordinance, any Lot Line which abuts a "street" or other public or quasi-public way shall be measured from the legal street right-of-way line.

Public Hearing. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Code of Alabama.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and as amended.

Public Notice. Notice published prior to a Public Hearing by the Planning Commission or Town Council. Notice for a hearing before the Planning Commission shall be posted in four (4) public locations seven (7) days prior to such hearing. Notice for a hearing before the Planning Commission or the Council shall be posted in four (4) public locations fifteen (15) days prior to such hearing. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Public notice for Rezoning, Special Exception, conditional use and/or Variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

Record Plat. See "Plan, Final Plat."

Rezoning. The change of a zoning classification for property as approved by the Town Council according to the provisions of this Ordinance.

A. *Downzoning*. A change in the zoning classification of a property to a district with greater restrictions on land uses, density and intensity.

B. *Lateral Rezoning*. A change in the zoning classification of a property to a district with comparable restrictions on land uses, density, and intensity.

C. *Upzoning*. A change in the zoning classification of a property to a district with lesser restrictions on land uses, density, and intensity.

Right-Of-Way. The total width of any land reserved or dedicated as a street, pedestrian way, or for other public or private use.

Right-of-Way Line. The legal boundary of the area dedicated and/or improved for a thoroughfare, alley, or pedestrian way typically corresponding with the Front Lot Line of adjacent properties.

Riparian Zone. An area of trees and other vegetation which can intercept surface runoff, subsurface flow and deeper groundwater flows for the purpose of removing or buffering the effects of nutrients, pesticides or other chemicals from upland land use, which could otherwise enter bodies of water.

Runoff. That part of precipitation that flows over the land.

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Service Street. See, " Thoroughfare, Service Street (Alley)"

Setback. The distance between the building line and a Lot Line; the distance between adjacent buildings or structures; or the distance between other site improvements as may be required by this Ordinance.

Setback Line. See "Building Setback Line."

Shared Parking. The provision of off-street parking areas shared amongst contiguous uses developed with the intent to maximize efficiency in parking lot design and accessibility; encourage pedestrian access and safety; support access management and other goals of the Comprehensive Plan; and to reduce the number of required spaces for individual uses.

Sign. See Article X of the Town of Cherokee Ridge Zoning Ordinance.

Special Exception. A condition of use permitted in a particular Zone pursuant to the provisions of Article 10.

Special Exception Use. A use of unique character which may be integral to surrounding neighborhoods or districts but which may require special consideration and case-by-case criteria to ensure consistency with and to abate potential negative impacts to surrounding properties. Such uses shall require a Special Exception Permit granted by the Planning Commission upon review of development plans and specific criteria required by the Commission pursuant to Article 10.

Stormwater Management. A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

Story. That part of a building between the surface of any floor and the next floor above it, or in its absence, the finished ceiling or roof above it.

Street. See "Thoroughfare".

Street, Private. A thoroughfare not offered for dedication or whose dedication was not accepted by the Town/Town.

Street Centerline. The center of the surveyed street right-of-way, or where not surveyed, the center of the Cartway.

Street Right-Of-Way Line. The line dividing a lot from the legal street right-of-way, not just the Cartway.

Structural Alterations. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing Lot Lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

Supplemental Use Regulations. Detailed regulations and restrictions provided by means of specific minimum criteria, which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare by limiting where uses may be established, ensuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such performance criteria necessary to implement the Comprehensive Plan.

Temporary Building or Structure. Portable, mobile, or transportable temporary contractors' construction buildings, the use, of which is incidental to the construction operations being conducted on the same or adjoining lot.

Thoroughfare. A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. Thoroughfares shall conform to one of the following categories:

. Access Road. A minor thoroughfare one side of which is parallel and in close proximity to a major street and the other side of which provides access to abutting properties. Also referred to as a Frontage Road or Service Road.

. Cul-de-sac. A local thoroughfare terminating in a vehicular turnaround at one end.

. Local Road or Street. A thoroughfare used primarily to provide access to abutting properties.

. Major Road or Street. A thoroughfare, which provides for inter-community travel, connecting population centers and carrying large volumes of traffic at speeds higher than desirable on local streets.

. Service Street (Alley). A strip of land over which there is a publicly or privately owned right-of-way, and on which no parcel fronts, which provides access for two (2) or more properties typically along the side or rear of such properties.

Unit of Occupancy. A building, or a portion of a building, which is used as a dwelling unit or used as an independent non-residential use involving the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Use. The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

Variance. Relief or an adjustment to the literal requirements of the Zoning Ordinance granted pursuant to the provisions of Article 8.

Watercourse. A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or manmade.

Watershed. All the land from which water drains into a particular watercourse.

Wetland. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided that lands which are periodically irrigated for agricultural purposes are not considered to be wetlands as the term is used herein.

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. For the purpose of determining the width or depth of a yard, the minimum distance between the Lot Lines and the principal building shall be used. A required yard shall mean a yard the depth of which is specified in the district regulations.

. Front Yard - A space extending the full width of the lot between the principal building and the Front Lot Line(s). Non-residential Corner Lots shall be considered as having two Front Yards; however Single-Family Residential Corner Lots shall have the Yards described below:

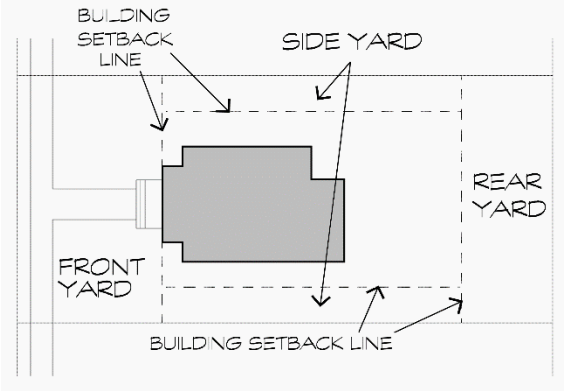
. Primary Front Yard – the yard abutting the thoroughfare on which adjacent dwellings commonly front.

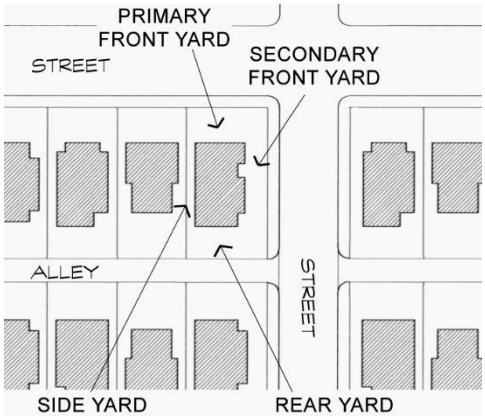
. Secondary Front Yard – the yard fronting on a public thoroughfare not meeting the definition of the “Primary Front Yard”.

. Rear Yard - A space extending across the full width of the lot between the principal building and the Rear Lot Line.

. Side Yard - A space extending from the Front Yard to the Rear Yard between the principal building and the Side Lot Lines. On a Corner Lot, the Side Yard is the area between the principal building and the Side Lot Line and bounded by the Front Yard and Rear Yard.

Yards on Interior Lots Diagram





Yards of Single-Family Corner Lots Diagram

Zone, District or Zoning District. The zoning classification established, defined, and regulated by this Ordinance, in which a property is located or requested to be located.

Zoning Approval. Certification, being issued by the Zoning Officer or other appropriate authority of the Town/Town under the procedures required by this Ordinance, stating that the purpose for which a building or land is to be used is in conformity with the use permitted and all other requirements under this Ordinance for the Zone in which it is located or is to be located. Such approval is required before issuance of a Building Permit.

Zoning Officer. The municipal official designated to administer and enforce this Ordinance. For the purposes of this ordinance, the term "Zoning Officer" may also include a designated representative of the Zoning Officer such as the Town/Town Building Inspector.

303.02. Use Definitions.

Automobile Gas Station. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which excludes accessory facilities for rendering services, such as lubrication, washing and minor repairs.

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

Convenience Store. A retail store containing less than 5,000 square feet of Gross Floor Area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), excluding automotive fuel service islands.

Cottage Subdivision. A subdivision of four to twenty single-family detached dwellings, wherein the individual dwellings front on a common open space and are provided access by a shared service drive.

Day Care Center. A licensed facility, other than a residence, providing day care on a regular basis to more than six persons, including but not limited to nursery schools and kindergartens.

Dwelling. Any building or portion thereof in which people live.

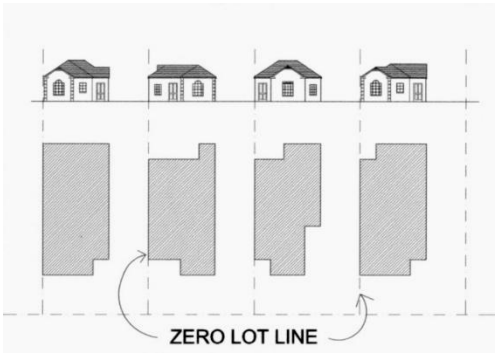
Dwelling, Condominium or Condominium Building. One or more dwelling units other than detached single-family residences under individual ownership conforming to the provisions of State Law 1059, HB No. 107, 1973 Regular Session of the Legislature of the State of Alabama and for which a condominium association is legally established.

Dwelling, Duplex. A building designed for or occupied exclusively by two families living independently of each other.

Duplex Diagram

Dwelling, Estate. A detached, single-family dwelling, on a large lot in low density residential areas.

Dwelling, Garden Home. A detached, single-family dwelling, constructed on a small lot, in which there may be a zero-Lot Line setback, but that is otherwise constructed to the fire separation standards of the Building Code.



Garden Homes Diagram

Dwelling, Multi-Family Attached. A building designed for or occupied exclusively by three or more families living independently of each other in attached dwelling units that share a common wall.

Dwelling, Multiplex. A building containing three or four attached, multi-family dwellings.

Dwelling, Patio Home. See "Garden Home".

Dwelling, Single Family Detached. A building designed for or occupied exclusively by one household or family and is detached from any other living unit, not having a common wall.

Dwelling, Townhouse. A single-family attached dwelling constructed with entrance at grade level, with no required setback from the Side Lot Lines, and with fire separation provided by "fire walls" as required by the Building Code.

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

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

Home Occupation. A normal home occupation which:

A. has no exterior evidence of the home occupation;

B. does not attract members of the public for the conduct of that trade or business; and

C. is operated by and employs family members residing on the premises of the home occupation.

Office. A building, room or other space where professional, clerical, administrative and similar activities are performed.

Outdoor Storage. The keeping of goods and materials, other than that necessary to and in association with construction under a valid Building Permit, and vehicles, belonging to persons other than the property

owner that are not wholly enclosed within a building or structure, and that are retained on the same premises for more than twenty-four (24) hours.

Personal Service Business. A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.

Pub Restaurant. Any place or premises in which foods, refreshments, and malt or brewed beverages and/or table wines are offered for sale for consumption within the building in which the establishment is located.

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

Public Utility Facility. Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

Recreation, Active. The use of land for sports and other recreational activities, which typically require improvements and maintenance of the land for playing fields and include related structures and equipment.

Recreation, Passive. The use of open space for leisure activities and recreation other than sports. Such activities typically require only minor land improvement and facilities and include but shall not be limited to picnicking, walking, hiking, biking, playgrounds, wildlife observation, fishing, and the incidental use of open fields or grassed areas for "pick-up" games.

Restaurant, Standard. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served. Also referred to as "Dine-in Restaurant."

Shopping Center, Minor. A group of commercial establishments (as permitted in the district) located on a lot of three to less than ten acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority.

Specialty Retail Shop. A small-scale retail business dealing in goods associated with a specific, distinctive area of interest to a particular clientele and excluding any retail businesses otherwise defined as "adult-oriented".

Studio Workspace. A place of work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

Therapeutic Massage Clinic. Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State of Alabama. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Townhouse. A single-family attached dwelling constructed with entrance at grade level, with no required setback from the Side Lot Lines, and with fire separation provided by "fire walls" as required by the Building Code.

Veterinary Hospital or Clinic. A place where small household pets are given medical or surgical treatment and short-term boarding of pets within an enclosed building may be provided.

ARTICLE 4. ESTABLISHMENT OF ZONING DISTRICTS.

Section 401. Zoning Districts. In order to carry out the intent and purposes of this Ordinance, the Town of Cherokee Ridge, Alabama, is hereby divided into the following zoning districts; the location, boundaries and area of which are and shall be shown and depicted on the official Zoning Map:

Zoning District Name	Zoning District Summary
Park/Conservation	Conservation District (Park/Community Green Space)
Golf Course & Amenities	Golf Course and amenities including the Clubhouse and accessory structures
Estate	Residential District (Estate Residences)
Single Family	Residential District (Single-Family)
Patio/Garden Homes	Residential District (Patio/Garden Homes)
Townhome	Residential District (Townhomes)
PUD	Residential District (Planned Unit Development)
Special	Special District (Infrastructure and Civic Uses)
Neighborhood Commercial	Neighborhood Commercial District

Section 402. Zoning District Descriptions. This section describes the characteristics and purpose of each zoning district.

1. **Park/Conservation district.** This district exists for the protection of environmentally sensitive open space or greenspace from residential or any other intensive use. Light passive recreation are acceptable uses in this district.

2. **Golf Course & Amenities district.** This district includes the Cherokee Ridge Golf Course, driving range and associated amenities, which include the Clubhouse and any accessory structures, parking lots, lakes and maintenance buildings.

3. **Estate Residential district.** This district exists for the development of large lot, low density residential areas. The use of land and buildings within such areas is therefore limited to single-family detached dwellings and such nonresidential uses as generally support and harmonize with such low-density districts.

4. **Single-Family Residential district.** This district exists for the protection of areas that have been and are being developed predominantly for single-family dwellings. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings and to such nonresidential uses as generally support and harmonize with these single-family residential districts.

5. **Patio/Garden Home Residential district**. This district exists for the protection of areas that have been and are being developed predominantly for medium density single-family dwellings, and within which two-family and multi-family dwellings are occasionally found. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings and medium density two-family dwellings, and to such nonresidential uses as generally support and harmonize with a medium density residential area.

6. **Townhome Residential district**. This district exists to provide areas for medium density development and that have been and are being developed primarily for single-family dwellings but which include attached townhomes. The use of land and buildings is limited to such nonresidential uses as generally support and harmonize with sound residential development.

7. **Planned Unit Development (PUD) district.** The purpose of this district is to permit flexibility in the development of large undeveloped tracts of land by permitting a variety of residential uses in accordance with a specific plan for large scale developments. Through the provision of stringent development standards and the requirement of an approved and binding site plan, a spacious, well-developed higher density residential environment which protects the essential characteristics of and is compatible with low density residential use can be achieved by this district.

8. **Special district.** This district includes special uses including utility facilities, neighborhood amenities such as the pool, pool house, tennis courts, and, at the time of adoption of this Ordinance, one undeveloped tract near the entrance of the subdivision.

9. **Neighborhood Commercial district.** This district is intended to serve the residential neighborhoods in the immediate vicinity, providing goods and services that are day-to-day needs, generally classified as small-scale businesses. This district can also include planned mixed-use development. Businesses which might tend to be a nuisance to the immediately surrounding residential developments are excluded.

Section 403. Interpretation of District Boundaries. Where uncertainty exists regarding the boundaries of any district shown on the Zoning Map, the following rules shall apply:

403.01 Where any district boundaries are indicated as approximately following the centerlines of streets and alleys, lot or lot lines, stream center lines, or corporate limit lines, said lines shall be considered to be such boundaries.

403.02 In un-subdivided property where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.

403.03 Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in circumstances not covered by the preceding rules, the Planning Commission shall interpret the district boundaries.

ARTICLE 5. ZONING DISTRICT STANDARDS AND DIMENSIONS REGULATIONS

Section 501. Table of Standards & Dimensions Requirements for each Zoning District

	Standards & Dimensions				
Zoning District	**Minimum Lot Size (sq ft)**	**Minimum Front Yard Setback (feet)**	**Minimum Side Yard Setback (feet)**	**Minimum Rear Yard Setback (feet)**	**Maximum Structure Height (Feet/Story)**
Park/Conservation District	n/a	n/a	n/a	n/a	n/a
Golf Course & Amenities District	n/a	n/a	n/a	n/a	2 stories
Estate Residential District	30,000 sq ft	10ft	10ft	10ft	3 stories
Single-Family Residential District	15,000 sq ft	10ft	10ft	10ft	3 stories
Patio/Garden Home Residential District	5,000 sq ft	5ft	5ft	5ft	3 stories
Townhome Residential District	n/a	5ft	5ft	5ft	3 stories
Planned Unit Development (PUD) District	As approved	As approved	As approved	As approved	3 Stories
Special District	As approved	As approved	As approved (a)	As approved (a)	3 Stories
Neighborhood Commercial District	30,000 sq ft	45 ft	15ft (a)	20 ft (a)	2 stories

(a) When the side or rear yard of a Special District or Neighborhood Commercial District abuts a residential zoning district, a side or rear yard buffer not less than 25 feet in width shall be provided along the residential zoning district line.

Section 502. Development Requirements for Neighborhood Commercial District. The following development requirements shall apply to the Neighborhood Commercial District in addition to the standards and dimensions and permitted uses established for all districts.

A. Minimum lot width of 100 feet.

B. Maximum percentage of lot covered by impervious surfaces shall be 65 percent.

C. Neighborhood Commercial District Use Conditions.

. Total square footage within a multi-tenant commercial building or development shall not exceed 40,000 square feet.

. Total square footage for a single tenant building shall not exceed 10,000 square feet.

D. Design Regulations

. *Buildings*. The following provisions shall provide guidance to the project designers and to the Town of Cherokee Ridge Staff, Planning Commission, and the Town Council for new development and substantial redevelopment of buildings in this district.

. *Appearance Standards for Buildings*. Each principal building on a site shall have clearly defined, highly visible customer entrances, featuring no less than two (2) of the following features:

. Arcades;

. Arches;

. Canopies or porticos;

. Cupolas;

. Overhangs;

. Recesses or projections;

. Architectural details, such as tile work or molding, which is integrated into the building structure and design; and

. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

. *Permitted Materials*.

. Exterior wall surfaces. Brick, stone, wood, natural stucco, rusticated cement masonry units to imitate the look of stone, or cement fiber board.

. Framing of windows, doors and storefronts. Wood or aluminum casings of no less than 1.5 inches in width, a profile depth of no less than one (1) inch,

and window divisions having a width of no less than five (5) inches. All windows must have a sill with a minimum profile of five (5) inches. The portion of the façade below display windows (also known as a "bulkhead") should match exterior cladding materials or be of framed wood.

- Roofs (when visible from public right of way). Standing seam, stamped metal shingle or faux architectural composite shingle. Sloped roofs shall meet in a clear roof line or peak.

- *Building Facades*. Within this district, new buildings and renovations to buildings shall meet the following standards:

  - Not less than 50% of the total surface area of the front facade shall be public entrances and windows (including retail displays windows).
  - Blank walls on the side facades that can be seen from any street are prohibited. Up to 40% of the length of the perimeter may be exempt from this standard if oriented toward a loading or service area.
  - Windows shall be transparent. Mirrored, smoked or tinted glass is prohibited.

- *Accessory Uses and Structure*.

  - The following accessory structures and uses shall be installed to the rear of a principal building or on the side, provided the structure/use is screened from view from the public right-of-way and adjoining properties:

    - Loading docks
    - Truck parking
    - Outdoor storage
    - Dumpsters
    - Utility meters
    - HVAC equipment
    - Satellite dishes
    - Outdoor display of vehicles, equipment or merchandise to be rented, leased or sold
    - Other similar service functions

  - Outdoor storage and dumpsters shall be:

    - Not be visible from, or located within twenty (20) feet of, any public street or sidewalk.
    - Not be located within fifty (50) feet of any residential use.
    - Enclosed by an opaque fence (pressure treated, natural wood) a minimum of six (6) feet and a maximum of eight (8) feet in height. Brick and stone

walls may be used as an alternative to fencing. Landscaping should be used with fencing/walls to minimize the appearance from the public right-of-way. Shrub plantings three (3) to five (5) feet in height and evergreen plantings five (5) to eight (8) feet in height are recommended.

. Loading docks shall be screened from view of any street by a continuous planting of evergreen plantings a minimum of five (5) and a maximum of eight (8) feet in height.

. HVAC equipment and satellite dishes may be placed on a building's roof if screened from the public right-of-way by the building roof, a parapet wall or the cornices.

. Other accessory site features located on the ground shall require complete screening accomplished by six (6) feet high opaque fencing (pressure treated, natural wood) and/or landscaped berms and/or landscape screening with plantings that will reach a minimum height of six (6) feet within two (2) years of planting.

E. Signage requirements.

. The following signage regulations shall apply in this district:

. Signs along the corridor shall have a landscaped area at the base of the sign which is a minimum of three (3) feet wide on each side, and at least the length of the sign.

. The sign area landscaping shall consist of a dense vegetative ground cover or a minimum one (1) shrub per three (3) linear feet of landscaped area on each side of the sign.

. Landscaped areas containing shrubs greater than three (3) feet in height shall be located a minimum of twenty (20) feet from the intersection of two (2) street rights-of-way lines, or the intersection of a street right of way line with a driveway pavement edge.

. Sign area landscaping shall be maintained in good condition at all times.

F. Access and Parking requirements.

. For this district, there shall be the following requirements:

. Curb cut access.

. Access to each commercial use located on a lot which is at least 30,000 square feet in area shall be only at clearly defined and marked entrances and exits no greater than 25 feet in width separated by a curb or similar barrier to vehicular movement of at least 50 feet in length; providing that this requirement shall not preclude the construction of special turnout lanes in the center of or along the side of the abutting roadway.

- Where public side street access is available, access to the property should be obtained from the side street.

- Interconnectivity.

  - Unless a preexisting hardship is present, all properties fronting the corridor road shall provide vehicular access to adjacent parcels by means of connected parking lots, shared driveways, cross-access easements, or other interparcel connections.
  - The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining property owner.

- Parking.

  - Screening of the surface parking areas. Where surface parking is provided, a landscape area having a minimum horizontal dimension of fifteen (15) feet shall be provided along all vehicular use areas which adjoin a public right-of-way.
  - A landscaping plan shall be submitted, reviewed and approved prior to construction.
  - The landscape screening area shall be planted with ground cover, shrubs or hedges up to a maximum of thirty (30) inches in height and with street trees planted a minimum of every forty (40) feet on center.
  - Screening landscaping shall be maintained in good condition at all times.

G. All engineering and site development standards must be followed as required by Marshall County.

ARTICLE 6. ZONING DISTRICT USE PROVISIONS

Section 601. Permitted Use Table Interpretation. The Permitted Use Table below identifies the land uses that are allowed within each zoning district either by right or by a conditional use permit. The following abbreviations will be used to indicate the type of authorization required for each land use:

- **P** – Permitted By Right
- **C** – Conditional Use Permit
- A blank cell indicates a use that is **not allowed**

Section 602. Permitted Use Table.

Land Uses	Park/Conservation District	Golf Course & Amenities District	Estate Residential District	Single-Family Residential District	Patio/Garden Home Residential District	Townhome Residential District	Planned Unit Development (PUD) District	Special District	Neighborhood Commercial District
Residential Uses									
Single-Unit Detached Dwelling			P	P	P	P	P		
Multi-unit Attached Dwelling					C	P	P		
Commercial Uses									
Automotive Gas Station									P
Broadcast stations and transmission facilities									P
Convenience Store									P
Day Care Center									P
Garden Center or Nursery									P
General Retail Business									P
Laundry and dry-cleaning services (drop-off and pick-up only)									P
Minor Shopping Center (max 5 businesses)									P
Personal Service Business									P
Professional or Business Offices									P

Land Uses	Park/Conservation District	Golf Course & Amenities District	Estate Residential District	Single-Family Residential District	Patio/Garden Home Residential District	Townhome Residential District	Planned Unit Development (PUD) District	Special District	Neighborhood Commercial District
Public or Civic Facilities									P
Pub Restaurant/Coffee Shop									P
Specialty Retail Shop									P
Standard Restaurant									P
Studio Workspace									P
Veterinary Hospital, Clinic, or Kennel									P
Outdoor Recreation Facilities									
Greenways or trails	P						C		C
Dog Park	C						C		C
Neighborhood Scale Park	C						C		C
Playground	C						C		C

ARTICLE 7. RESERVED.

Section 701. Reserved for future ordinances.

ARTICLE 8. ADMINISTRATION, ENFORCEMENT, AMENDMENTS, AND PENALTIES

Section 801. Zoning Officer. The Zoning Officer or other appropriate authority of the Town is hereby authorized, and it shall be said Officer's duty, to administer and enforce the provisions of this Ordinance. The Zoning Officer or appropriate authority of the Town shall give information upon request as to the provisions of this Ordinance, and shall

interpret the meaning of said Ordinance in the course of administration and enforcement thereof.

Section 802. Building Permit.

802.01. Building Permit Required. No building, sign or other structure shall be erected, moved, extended, enlarged or otherwise structurally altered until the Building Inspector has issued a Building Permit for such work. The Building Inspector shall not issue a Building Permit until conformance with the provisions of this Ordinance and approval by the Cherokee Ridge Property Owners Association (POA) ARC Review Board.

802.02. Expiration of the Building Permit.

- Any Building Permit, under which, no construction work has commenced above the foundation walls or other foundation support after six (6) months from the issuance of the permit, shall expire.
- Any Building Permit, under which, construction work is halted for a period of less than six (6) months, shall be permitted to restart under the original Building Permit.
- Any Building Permit, issued for a property, shall expire upon the sale or transfer of said property to a new owner other than the person for which the Building Permit was originally issued and shall expire upon any change in the building contractor employed for the project at the time the permit was originally issued.
- Any Building Permit renewed subsequent to its initial approval and issuance shall, however, be subject to the provisions of all ordinances and amendments thereto in force at the time of said renewal.

Section 803. Zoning Approval. The provisions of this section shall govern the filing for, and the applicability and issuance of, a Zoning Approval.

803.01. Application. Each application for a Zoning Approval shall be filed in the format specified by the Town at the Cherokee Ridge Town Hall, and shall include a Development Plan with the following requirements:

A. The address and legal description of the property as of public record;

B. The name of the property owner and the applicant;

C. A description of the uses to be established or expanded;

D. An accurate, dimensioned drawing, certified by a registered architect where required by the Town of Cherokee Ridge of the building plot showing the location of:

- Buildings and structures, both existing and proposed;
- Lot areas to be used;
- Parking areas, including lighting and landscaping as required;

- Water supply facilities;
- Sewage disposal facilities; and
- Any additional information as required and deemed necessary by the Zoning Officer or other appropriate authority of the Town to determine whether the provisions of this Ordinance and the all applicable building codes are being observed.

803.02. **Non-conformities**. In no case shall a Zoning Approval be issued for the construction or alteration of a structure not in conformity with the provisions of this Ordinance except as may otherwise be permitted for issuance of a Building Permit as provided for in §803.

Section 804. **Certificate of Occupancy.** No land, building or other structure or part thereof hereafter erected, moved, or altered following issuance of a Building Permit shall be occupied or utilized until the Town Council shall have issued a Certificate of Occupancy stating that such land, building, structure or part thereof is found to be in conformity with the provisions of this Ordinance, and all applicable building codes.

804.01. Within ten (10) business days after the owner or his agent has notified the Town Council that such building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Town Council, the Zoning Officer or other appropriate authority of the Town, and any other appropriate authority of the Town to make a final inspection thereof, and to jointly issue a Certificate of Occupancy for the building, premises or part thereof found to conform to:

- The provisions of this Zoning Ordinance;
- The content of the site development and use information submitted in the application for zoning approval; and
- The content of the site development and use information submitted in an application for Rezoning as applicable, and any restrictions or conditions resulting from said petition for the change in zoning.

804.02. In the case said land, building, structure or part thereof is not found to conform in any ways to any of the items set forth above, a Certificate of Occupancy shall be refused and said refusal and the cause for same shall be provided in a written statement to the grantee of the Building Permit.

Section 805. **Amendments.** The provisions of this Ordinance, including the Zoning Map, may from time to time be amended, supplemented, changed, modified or repealed by the Town Council in accordance with the procedures stated herein.

805.01. Petitions to Amend this Ordinance and/or the Zoning Map may be initiated by:

- The owner of the land, or the owner's authorized agent, in which case, a notarized letter to that effect is required upon filing of an application with the Commission; or

. By the introduction of a resolution for such purpose by any member of the Commission or Town Council. For Town-initiated Zoning Map and Ordinance Amendments, the provisions of section 805.02 are not required, unless specifically requested by the Planning Commission or Town Council. The Town may instead provide supporting maps, staff reports, or policy justification to accompany its amendment proposal.

805.02. Application. An application for any change to the Zoning Map or the text of this Ordinance shall be filed with the Town Council or Zoning Officer at least fifteen working days prior to the next regularly scheduled meeting of the Planning Commission. No application shall be accepted unless it includes all required materials and information as specified below for Zoning Map Amendments in Subsection A and Zoning Ordinance Amendments in Subsection B.

. Zoning Map Amendment (Rezoning)

Applications proposing to change the zoning classification of a specific parcel or parcels shall include, at a minimum, the following:

. A written statement identifying the nature and intent of the proposed map amendment;

. Parcel identification number(s), property address(es) and, if applicable, a legal description of the property(ies) involved;

. Names and mailing addresses of the legal owner(s) of said property;

. A written statement of how the property(ies) involved is to be used;

. A Development Plan including a dimensional drawing(s) of the property, showing:

. Proposed buildings, structures, parking areas, loading and service areas, access, buffers and screening, signage, landscaping,

. And, any additional information as may be required and deemed necessary by the Planning Commission to determine whether the provisions of this Ordinance and other applicable regulations can be observed and to allow for adequate evaluation of potential land use conflicts or other adverse impacts on adjacent properties and the surrounding area, including but not limited to traffic, light, noise, and drainage.

. Ordinance Amendment (Text Amendment)

Applications proposing to amend a provision of the Zoning Ordinance text shall include, at a minimum, the following:

. A written statement clearly identifying the specific section(s) of the Zoning Ordinance proposed for amendment, along with the full text of the proposed change;

. A narrative explanation describing the intent and purpose of the proposed amendment, including the reasons for the change and the anticipated public benefit;

. Supporting materials such as relevant studies, comparative ordinances, maps, tables, or documentation that provide context or justification for the proposed amendment;

. Any additional information requested by the Planning Commission or Town Council necessary to fully evaluate the proposal in light of the Town's Comprehensive Plan.

805.03. Action on Petitions. The Zoning Map and the text of this Ordinance shall only be amended after a recommendation by the Commission and passage of an amendment by the Town Council. Recommendations by the Commission and final action on a Zoning Map Amendment request by the Council shall take into consideration the following:

. Compatibility with the Comprehensive Plan;

. Availability and adequacy of public infrastructure and services, including water, sewer, roads, police and fire protection, etc.; and

. Impacts of the requested change on neighboring properties and the surrounding area, including traffic, noise, light, odors, etc.

805.0 . Subsequent action, following the proper filing of a petition/application and required materials and fees, shall be:

. The Commission shall consider a petition/application at the first regularly scheduled meeting following proper filing of said petition.

. The Commission shall have sixty (60) days after the public hearing in which to make a recommendation to the Town Council. The recommendation of the Commission shall be advisory only and shall not be binding on the Council. Failure of the Commission to submit such a recommendation within the prescribed time shall constitute a favorable recommendation.

. The Commission may recommend denial of the petition, approval, or approval upon consideration of certain conditions, which shall be provided in writing to the Council.

. No amendment to this Ordinance or the Zoning Map shall become effective unless it has been submitted to the Commission for a recommendation.

. Only after a recommendation by the Commission regarding a petition/application has been recorded and submitted to the Council shall the Council take action on said petition.

Section 806. Notice of Public Hearing. No changes in or amendments to the provisions of this Ordinance or Zoning Map shall become effective until after a public hearing in

relation thereto, and at which interested parties and citizens shall have the opportunity to be heard. Written notice shall be given to all property owners within 500 feet of a property being considered for Rezoning, and an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public. In the event there are no other property owners within 500 feet, the adjacent property owners shall be notified. Notice shall be posted within the required time frame in at least two public locations.

806.01. Notice of Hearing Before the Commission. At least seven (7) days' notice of the time and place of such hearing by the Commission shall be required.

806.02. Notice of Hearing Before the Town Council. At least fifteen (15) days' notice of the time and place of such hearing by the Council shall be required.

. The written notice to property owners provided for the hearing before the Commission shall also provide the necessary information as required for notice of the Council Hearing for the same case(s) and such shall fully accommodate the requirements of §1102.

. Whenever the Commission fails to reach a decision on an application, for which notice of the originally scheduled Council hearing on the same case has already been given, a new notice shall be provided to the applicable property owners with the rescheduled date of the Council Hearing.

Section 807. Time Limits.

807.01. **Reconsideration.** After the Council has voted on a petition/application for an amendment to this Ordinance or Zoning Map, another petition/application for the same kind of Rezoning of the same property, or for the same change of the same portion of the Zoning Ordinance, shall not be considered until a period of one (1) year has elapsed from the date of such action by the Council.

807.02. **Withdrawal.** Furthermore, the withdrawal of a petition/application to amend the Ordinance or the Zoning Map after the hearing by the Commission but prior to hearing by the Council shall also require a one (1) year period of time before another application of the same nature may be submitted.

807.03. Be it further provided with regard to this Section, however, that the Commission may adjust this time period if, in the opinion of the majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing prior to expiration of the one (1) year period stipulated herein. Such circumstances may include, but shall not be limited to, the following and any combination thereof:

A. Change in ownership of the applicable property,

B. Provision of utilities, public services or public improvements not available at the time of the original request,

C. Rezoning of adjacent properties which may support the original request, and/or

D. Amendments to this Ordinance or the Comprehensive Plan which may support the original request.

Section 808. Reversion of Zoning.

808.01. In any case where construction, alteration or use of a building, structure or land has not been initiated within twelve (12) months from the date of Town Council's approval of any Rezoning application, such property may be considered for reversion to the zoning classification held prior to such Rezoning.

808.02. The reversion process shall be initiated by Town Council or by the property owner. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests as established in this Article 8.

808.03. The Council may waive such expiration in any case where sufficient evidence is presented that a good faith effort has been made by the Applicant to proceed with the project originally approved. Evidence shall show that the delay resulted from circumstances beyond the control of the Applicant.

Section 809. Remedies and Penalties for Violations. In accordance with Section 83, Chapter 52, Title 11 of the Code of Alabama, 1975, as amended, it shall be unlawful for any building or structure to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land to be used in violation of any provision or amendment of this Ordinance.

A. Complaints Regarding Violations. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer or other appropriate authority of the Town. The Zoning Officer, or other appropriate authority, shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

809.01. Remedies. In any case where any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or used, or any structure, building or land is used in violation of this Ordinance as set forth above, the Building Inspector, Zoning Officer or other appropriate authority of the Town may institute injunction, mandamus or any other appropriate action or proceedings to:

- Stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- Restrain, correct, abate or remove such violation;
- Prevent the occupancy of such building, structure, or land; or,
- Prevent any illegal act, conduct, business or use in or about such premises.

809.02. Procedures. Prior to any criminal prosecution, the Zoning Officer or an agent thereof shall give a written notice or citation to the person, firm, corporation or other organization violating and provision of this Ordinance stating the rule or regulation being violated, and notifying said person, firm, corporation or organization to cease

and desist such violation immediately or otherwise be prosecuted as provided for herein. The notice shall fix a reasonable time for compliance, as approved by the Council based on the nature of the violation and effort required for compliance.

809.03. **Penalties.** Any person or entity which violates any regulation in, any provision of or any amendment to this Ordinance shall, upon conviction, be fined at least the cost of court, plus not more than $500.00 or imprisonment for not more than 180 days or both, for each offense. Each and every day during which such violation continues shall be deemed a separate offense. Conviction or a violation and imposition of any fine shall not constitute an exemption from compliance with the regulations and other provisions of this Ordinance.

809.04. **Further Provisions.** In any case of violation of this Ordinance as set forth herein, any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, may institute injunction, mandamus or other appropriate legal action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or use, or to correct or abate such violation, or to prevent occupancy of, such building, structure or land.

The Zoning Officer or other appropriate authority of the Town may intervene in any such action, suit or proceedings wherein there is involved any violation of any regulation in, provision of or amendment to this Ordinance. When such intervention takes place, said Officer or other appropriate authority shall be deemed to be, and shall be treated as, an original party to the action, suit or proceedings. It is the intent of this Section that any action, suit or proceedings in which such authority of the Town intervenes shall proceed the same as if said authority had been an original party insofar as any statue, act or rule prohibiting an entire change of parties is concerned.

Section 810. **Fees.** The Council shall, from time to time, establish or modify fees for the following procedures, permits, and/or applications as required by this Ordinance. The fees and charges specified by the Town Council shall be non-refundable and shall not be conditioned upon or related to the action taken with respect to the application. See most recently adopted Town of Cherokee Ridge Fee Schedule.

ARTICLE 9. PLANNING COMMISSION

Section 901. **Planning Commission. Establishment and Procedures.**

903.01. **Creation and Membership.** A Planning Commission is hereby established. Such Commission is appointed as provided by Alabama Code §11-52-1, et. sq. (1975), and amendments thereto: and, it shall have all powers granted therein.

A. A Planning Commission for the Town of Cherokee Ridge was established on September 9th, 2024 by the Town of Cherokee Ridge Ordinance No. 2024-0028, and, it shall have all powers granted therein, and as provided herein.

B. The Planning Commission is composed of nine (9) members appointed by the Town Mayor for overlapping terms of six (6) years.

C. Each member of this Commission shall serve without compensation and may be removed for cause.

D. The subsequent appointment, procedures, powers and actions of said Commission shall be governed and controlled by Alabama Code §11-52-1, et. seq. (1975), and amendments thereto.

Section 902. **Powers and Duties.** The commission shall have all the powers given and duties imposed upon a municipal planning commission as set forth and prescribed in by Alabama Code §11-52-1, et. sq. (1975), and amendments thereto and by the Town of Cherokee Ridge Ordinance No. 2024-0028. The Commission shall also have the following powers, duties and responsibilities:

902.01. **Powers in General.** In exercising the powers set forth in this section and in Article 8 of this ordinance, the Commission shall act in an advisory capacity to the Town Council on matters related to land use, planning, and zoning. The Commission shall:

A. Be responsible for the preparation and recommendation of a Master Plan and the Zoning Ordinance, including any amendments thereto.

B. Review and recommend actions on subdivision plats and rezoning petitions, and perform other duties as provided by law.

C. Perform duties as provided in the Town of Cherokee Ridge Ordinance No. 2024-0028.

Section 903. **Meetings, Procedures and Records.** Meetings of this Commission shall be held at such times the Commission may determine, or upon call of the chairperson. Such chairperson or, in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

A. All meetings of the Commission shall be open to the public.

B. This Commission shall adopt 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, so indicating such fact.

C. All records of the Commission's examinations and of other official actions shall be immediately filed with the Town Clerk and shall be of public record.

903.01. **Public Hearing.** No changes in or amendments to the text of this Ordinance or Zoning Map shall become effective until after a public hearing in accordance with the provisions in Article 8.

Section 904. **Appeals from Actions of the Commission.** Any party aggrieved by any recommendation or judgement of the Commission may, within fifteen days after said recommendation or judgment is rendered, appeal therefrom to the Town Council, by filing with the Town Council a written notice of appeal specifying the recommendation or judgment from which the appeal is taken.

ARTICLE 10. ZONING BOARD OF ADJUSTMENT

Section 1001. Zoning Board of Adjustment. Establishment and Procedures.

1001.01. Creation and Membership. A Zoning Board of Adjustment is hereby established. Such Board shall be appointed as provided by AL Code §11-52-80 and 81 (1975), and amendments thereto: and, it shall have all powers granted therein.

A. A Zoning Board of Adjustment for the Town of Cherokee Ridge is established with the adoption of this ordinance according to the provisions as herein provided.

B. The Board is composed of five (5) members appointed by the Town Mayor for overlapping terms of three (3) years.

. Only 1 member of the Planning Board may serve on the Zoning Board of Adjustment as provided by AL Code §11-52-3 (1975), and amendments thereto.

. In addition to the five regular members provided for in this section, two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three-year terms and shall be eligible for reappointment, as provided by AL Code §11-52-80 and 80.1 (1975), and amendments thereto.

C. Each member of this Board shall serve without compensation and may be removed for cause.

D. The subsequent appointment, procedures, powers and actions of said Board shall be governed and controlled by AL Code §11-52-80, 80.1 and 81 (1975), and amendments thereto.

Section 1002. Powers and Duties. The Board, in appropriate cases and subject to appropriate conditions and safeguards as provided herein, shall have the following powers, duties and responsibilities:

1002.01. Powers in General. In exercising the powers set forth in this section, the Board may reverse or affirm in whole or in part, or may modify the order, requirement, decision, or determination appealed from.

A. Said Board may subsequently make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the officer or official from whom the appeal is taken.

B. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance or to affect any variation in such Ordinance.

1002.02. **Administrative Review.** To hear and decide appeals where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or amendment thereto. In exercising the power of Administrative Review, the Board shall apply and not vary the terms of this Ordinance. Such appeals may include the following:

A. Hear and decide upon request for the interpretation of the provisions of this Ordinance;

B. Determine the precise location of boundary lines between Zoning Districts when there is dissatisfaction with a decision regarding said subject by an administrative official; or

C. Classification of a use, which is not specifically mentioned within the Ordinance, for the purpose of determining the permissiveness of such use in any Zone.

1002.03. **Special Exceptions.** Within this Ordinance, there are exceptions to the permitted uses of land listed in certain Zones and are identified as Special Exception uses. The Board is specifically authorized to:

A. Hear and decide such Special Exceptions;

B. Decide such questions as are involved in determining whether Special Exceptions should be granted; and

C. Ensure that Special Exceptions are granted only when they conform to the spirit and intent of this Ordinance.

In exercising this power regarding Special Exceptions, the Board shall follow the language of this Ordinance exactly, and shall make certain that all the conditions specified in this Ordinance have been met. Furthermore, the Board may compel the applicant to meet any additional requirements, which the Board deems necessary, to protect surrounding neighborhoods from undue congestion, excessive light and/or noise, odors, and other impacts which might otherwise be incurred by the exception.

1002.04. **Variances.** The Board may authorize, upon appeal in specific cases, such Variances from the terms of this Ordinance as will not be contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

. Before any Variance is granted, the Board shall consider the following guidelines and, upon finding that all the conditions outlined below do, in fact, exist, may grant such Variance:

. There are extraordinary and exceptional conditions, which are peculiar to the particular property in question due to its size, shape or topography, that are not applicable to other lands or structures in the same Zone.

. Granting the requested Variance will not confer upon the applicant any special privileges denied to other property owners of the Zone in which the property is located.

. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners of the Zone in which the property is located.

. The requested Variance is in harmony with the purpose and intent of this Ordinance, and will not be injurious to the neighborhood or to the general welfare.

. The special circumstances causing the alleged need for the Variance are not the intended result of action of the applicant, also known as a self-imposed hardship

. The requested Variance is the minimum Variance that will cause the legal use of the land, building or structure possible.

. The Variance will not allow the permanent establishment of a use that is not permissible in the Zone involved under the terms of this Ordinance, nor any use expressly or by implication, prohibited by the terms of this Ordinance in said Zone.

. The Board shall not consider the following as grounds for the issuance of a Variance:

. The Nonconforming use of neighboring lands, structures or buildings in the same district, or the permitted or Nonconforming use of lands, structures or buildings in other districts;

. Proof that a Variance would increase the financial return from the land; and

. A personal or self-imposed hardship.

. In no case shall the Board grant a Variance that:

1. Would permit the permanent use of land, buildings or structures for a use prohibited within the Zone in which the land, building or structure is located;

2. Would permit the extension or addition of a Nonconforming use; or

3. Would in any way make a Nonconforming use more permanent.

1002.05. Validity and Applicability of Variances. Any Variance granted by the Board, in addition to any other relevant provisions of this Section, shall be applicable only to the land or property involved, and shall be valid only for the applicant having appealed for such Variance unless otherwise determined and/or designated by the Board.

Section 1003. Meetings, Procedures and Records. Meetings of this Board shall be held at such times the Board may determine, or upon call of the chairperson. Such chairperson

or, in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

A. All meetings of the Board shall be open to the public.

B. This Board shall adopt 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, so indicating such fact.

C. All records of the Board's examinations and of other official actions shall be immediately filed with the Town Clerk and shall be of public record.

1003.01. **Public Hearing.** This Board shall fix a reasonable time for the hearing of an appeal taken within the time specified, and shall give public notice thereof as well as due notice to all adjacent property owners.

A. Public notice shall be for a period of no less than fifteen (15) days.

B. Written notice shall be given to all property owners within 500 feet of a property being considered for Rezoning, and an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public. In the event there are no other property owners within 500 feet, the adjacent property owners shall be notified.

C. A decision, regarding said appeal, shall be made by the Board within a reasonable time. Upon the hearing of such appeal, any party may appear in person, by agent or by attorney.

1003.02. **Reconsideration.** A request for hearing before the Board having been denied on first presentation shall only be accepted for re-hearing after a waiting period of one (1) year, unless changes occur which would warrant another hearing as determined by the Board.

Section 1004. **Appeals from Actions of the Board.** Any party aggrieved by any final judgment or decision of the Board may, within fifteen days after said judgment or decision is rendered, 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 the appeal is taken. In the case of such appeal, these Board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried by a jury of peers, where requested by the aggrieved party.

ARTICLE 11. LEGAL STATUS PROVISIONS

Section 1101. Conflict with Other Regulations.

A. Whenever the regulations of this Ordinance or supplement thereto are more restrictive than required under any other statute, the requirements of this Ordinance and supplements thereto shall govern.

B. Whenever the provisions of any other statute are more restrictive than required by this Ordinance or supplements thereto, the provisions of such statute shall govern.

C. The regulations of this Ordinance or supplements thereto shall, for all properties located within the jurisdiction of the Cherokee Ridge Property Owner's Association, be in addition to any and all regulations contained in the Declared Covenants, Conditions and Restrictions of The Cherokee Ridge Subdivision.

Section 1102. Validity. This Ordinance and the various articles, sections, subsections, sentences, clauses, supplements, etc. contained and referenced herein are hereby declared to be severable. Should any section, provision or other element of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1103. Repeal of Existing Zoning Resolution. All ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed. Any previous resolutions referring to and/or authorizing such administration and regulation as provided for in this Ordinance, prior to as if in place of this Ordinance, are also hereby repealed.

Section 1104. Effect Upon Outstanding Building Permits. Nothing contained herein shall require any change in plans, construction, size or designed use of any building, structure or part thereof for which there is a valid outstanding permit on the date of passage of this Ordinance. However, any further construction or use shall be in conformance with this Ordinance.

Section 1105. Effective Date. This Ordinance shall take effect and be in force immediately after adoption by the Town Council of the Town of Cherokee Ridge, Alabama.

Done this _____day of _____, _____.

_____

Mayor

Attest: _____

Town Clerk

I, [insert name], Town Clerk of Cherokee Ridge, Alabama, do hereby certify that Ordinance Number _____ has been posted by me at the following places located within the corporate limits of Cherokee Ridge.

1. _____
2. _____

This the _____ day of _____, _____.

_____

Town Clerk