

## SECTION VI

### ESTABLISHMENT OF ZONING DISTRICTS

#### SECTION 6.1 DISTRICTS

For the purposes of this ordinance, the City of Opelika is hereby divided into zoning districts, which are designated as follows<sup>1</sup>:

| <u>District</u>                          | <u>Map Symbol(s)</u> |
|--|----------------------|
| Rural District                           | R-1                  |
| Residential Transition District          | R-1A                 |
| Low Density Residential                  | R-2, R3              |
| Medium Density Residential               | R-4, R-4M            |
| High Density Residential                 | R-5, R-5M            |
| Downtown Commercial                      | C-1                  |
| Office/Retail                            | C-2                  |
| General Commercial                       | C-3                  |
| Industrial Districts                     | M-1, M-2             |
| Institutional District                   | I-1                  |
| Special Districts:                       |                      |
| Flood Plain Overlay District             | FP                   |
| Airport District                         | AP                   |
| Gateway Corridor Overlay District        | GC-1, GC-2           |
| Planned Residential Development District | PRD                  |
| Planned Unit Development District        | PUD                  |
| Retail/Entertainment District            | R/E                  |
| Hospitality Overlay District             | HOD                  |

#### SECTION 6.2 MAP OF ZONING DISTRICTS

Zoning Districts established by this ordinance are bounded and defined as shown on the official Zoning Map of the City of Opelika, Alabama which, together with explanatory materials contained thereon, is hereby made a part of this ordinance.

#### SECTION 6.3 INTERPRETATION OF DISTRICT BOUNDARIES

1. The following rules shall be used to determine the precise location of any district boundary shown on the official Zoning Map of the City of Opelika:

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<sup>1</sup> Date of Amendment: December 6, 1995    Ordinance No. 138-95

- a) Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
- b) Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets.
- c) Boundaries shown as following or approximately following platted lot lines or other recorded property lines shall be construed as following such lines.
- d) Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- e) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- f) Boundaries shown as following or approximately following shorelines of any lakes shall be construed to follow the mean high water line of such lakes and, in the event of change in such mean high waterline, shall be construed as moving with the actual mean high waterline.
- g) Boundaries shown as following or approximately following streams or other continuously flowing watercourses shall be construed as following the thread, or channel centerline, of such watercourses taken at mean low water and, in the event of a natural change in the location of such watercourses, shall be construed as moving with the thread, or channel centerline, of such watercourses.
- h) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs a-g above shall be construed to be parallel to such features and at such distances there from as are shown on the map.

## SECTION 6.4 PURPOSE AND INTENT OF ZONING DISTRICTS

The following sections specify the purpose and intent of the zoning districts established by this ordinance. Uses specified in this section are examples only. Specific uses allowed in each district are defined in Section 7.

**R-1 Rural District.** This district is intended to protect those areas of Opelika, which are agricultural in character and use, and to provide areas for the development of extremely low-density residential uses. Development in these acres will be limited to acreage tracts and customary agricultural uses and it will be an area where mobile home living and recreational vehicle parks<sup>2</sup> will be conditionally permitted. As increased services become available it is intended that this area will transition to higher intensity uses.

**R-1A Residential Transition District.** This district is intended to protect those areas of the City of Opelika to develop as a residential transition district that permits residential lot sizes compatible with R-1 and R-2 densities.<sup>3</sup>

**R-2, R-3 Low Density Residential District.** These districts are intended to provide areas for development not exceeding four (4) dwelling units per acre. It is desirable that development in these districts be compatible with the character, scale, and density of the existing neighborhood.

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<sup>2</sup> Date of Amendment: September 1, 1992      Ordinance No. 131-92      add and recreational vehicle parks  
<sup>3</sup> Date of Amendment: November 7, 2007      Ordinance No. 118-07      create R-1A

**R-4, R-4M Medium Density Residential Districts.** These areas are for all types of residential development including, but not limited to single family detached, duplexes, cottages, townhouses, apartments, patio homes, cluster homes, mobile homes, subdivisions, and mobile home parks in developments not exceeding nine (9) units per acre. Developments in this district should be served by sanitary sewer, and should be in context with the scale and character of the existing neighborhood.

**R-5, R-5M High Density Residential Districts.** These districts are for areas with densities not exceeding sixteen (16) dwelling units per acre. Developments in these districts should be limited to areas having sanitary sewer. These developments should be in proper scale and context with the existing neighborhood.

**C-1 Downtown Commercial District.** This district is the central business core of Opelika located in the old, historic downtown area. Uses typically include retail, office, banking, insurance, government, food service, high density residential, service, and limited light assembly and manufacturing. Development here is characterized by lot line to lot line construction, lack of off-site parking, and mixed uses within building properties.

**C-2 Office/Retail District.** This district is intended to provide areas for offices and neighborhood small retail uses. Other uses would include residential, banks, fast food, convenience stores and similar uses.

**C-3 General Commercial District.** This district is characterized by a broad range of retail, wholesale, and service uses and is equivalent to previous general and highway business districts. Uses allowed are motels, individual businesses, small strip centers, banks, fast-food establishments, grocery stores, and similar uses. These areas should be served by sanitary sewer.

**M-1, M-2 Industrial Districts.** These districts are intended for a wide range of uses, including but not limited to, manufacturing, wholesale, warehouse, processing, assembling and commercial. Should be served by sanitary sewer or have provision for adequate on-site disposal. M-1 is for private ownership and M-2 is for public ownership such as the Opelika Industrial Development Board, etc.

**I-1 Institutional District.** This district is intended for major institutional uses such as; governmental buildings, parks, cemeteries, schools, the East Alabama Medical Center, and related medical uses. Uses in this district will be limited in order to establish areas for these uses and to protect them from the intrusion of incompatible uses.

**AP<sup>4</sup>, FP<sup>5</sup>, GC-1<sup>6</sup>, GC-2<sup>7</sup>, PRD<sup>8</sup>, PUD<sup>9</sup>, R/E<sup>10</sup>, HOD<sup>11</sup>** **Special Districts.** Districts such as the Airport District, Flood Plain Overlay District, and Gateway Corridor Overlay District are intended to provide special designated areas to take advantage of or highlight unique opportunities or situations in an area. They are characterized by special controls or design factors within those districts, and may not in all cases exist at the time of the adoption of this ordinance at any location in the city.<sup>12</sup>

**HOD Hospitality Overlay District.** This district is intended to provide an area in downtown Opelika with a special classification for unique mixed use commercial and residential development. The HOD will be characterized by its focus in a variety of entertainment and art venues, retail, personal services, offices and restaurants. (See Section 7.9 Hospitality Overlay District)<sup>13</sup>

**PRD Planned Residential Development District.** An area of minimum contiguous size, as set forth in the ordinance, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more residential types and limited commercial uses incidental to the residential development.<sup>14</sup>

**SEE SECTION 8.18.1** for complete regulations.

**PUD Planned Unit Development District**

**SEE SECTION 8.18** for complete regulations.

**R/E Retail/Entertainment District**

**A.** The Retail/Entertainment District (the “R/E District”) is intended to provide an area in Opelika with a special classification for unique, mixed-use developments. The R/E District will be characterized by its focus on tourism, with a variety of entertainment venues, retail, service, and residential. Due to the intended uses, size, scope and breadth of the development, the R/E District will have a regional economic impact and cannot be reasonably served by existing zoning classifications and districts. Because of the District’s size, location and opportunities, modification of and limitation in the restrictions imposed by typical or conventional zoning and ordinances, including those governing noise, signage, parking and landscaping, is vital. The R/E District will be limited to developments meeting the criteria set forth herein and will only be granted upon application to and approval by the Council, No property may be zoned for R/E District status unless its meets the following criteria:

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<sup>4</sup> Date of Amendment: December 6, 1995      Ordinance No. 138-95

<sup>5</sup> Date of Amendment: December 6, 1995      Ordinance No. 138-95

<sup>6</sup> Date of Amendment: December 6, 1995      Ordinance No. 138-95

<sup>7</sup> Date of Amendment: December 6, 1995      Ordinance No. 138-95

<sup>8</sup> Date of Amendment: November 7, 2007      Ordinance No. 118-07

<sup>9</sup> Date of Amendment: November 7, 2007      Ordinance No. 118-07

<sup>10</sup> Date of Amendment: November 7, 2007      Ordinance No. 118-07

<sup>11</sup> Date of Amendment: November 3, 2010      Ordinance No. 124-10

<sup>12</sup> Date of Amendment: December 6, 1995      Ordinance No. 138-95

<sup>13</sup> Date of Amendment: November 3, 2010      Ordinance No. 124-10

<sup>14</sup> Date of Amendment: November 7, 2007      Ordinance No. 118-07

1. The initial development must include no less than 500 contiguous acres at the time of application. After an area is zoned Retail/Entertainment, the original applicant, or its assignee, may add additional contiguous tracts to the R/E District and no other property may be included into the R/E District without the express written consent of the original applicant, or its assignee;
2. The designated area must be contiguous with Interstate 85 and have access to at least two (2) interstate interchanges. For this purpose, “access” shall be deemed to mean that the main road(s) into the R/E District must intersect another roadway having direct access to the interstate within one half mile of an interstate interchange;
3. At the time of the original application, the applicant must submit a conceptual master plan for the entire R/E District;

**B.** No portion of the zoning regulations (including but not limited to those specifically set forth below) for the City of Opelika for any other zoning district shall apply to the R/E District all of which shall be superseded by this amendment.

**C.** Lots within the R/E District shall have no minimum lot size or setback requirements.

**D.** Limitations and restrictions on parking, signage, noise, lighting and landscaping shall not apply within an R/E District except to the extent specifically addressed herein. The height of any building may not exceed seventy-five feet (75') exclusive of architectural features, fascia and screening walls.

**E.** On-premise/off-premise business and advertising signs, reader boards and banners are permitted throughout the R/E District and may include advertising material for any business or activity located within and without the R/E District so long as the same complies with applicable state and federal laws.

**F.** Uses Allowed/Disallowed. Any use permitted as “Allowed” or “Conditional Use” in any other District may be permitted anywhere within an R/E District, including but not limited to residential (as hereinafter limited), commercial and office, and such uses may be integrated within a single development or within a single building. Further, the uses may be mixed with multiple uses, for example residential and retail/office, being located within the same building.

Notwithstanding the foregoing, the following uses are prohibited:

1. Any use with an obnoxious odor;
2. Any noxious, toxic, caustic, or corrosive fuel or gas related use; provided however this shall not prevent the operation of a gasoline service station;
3. Any dust, dirt, or fly ash in excessive quantities;
4. Any unusual fire, explosion or other damaging or dangerous hazard, except that this shall not prevent the storage, display, sale or use of fireworks;
5. Any assembling, manufacturing, refining, smelting, or mining operation; provided however, this shall not prevent the manufacture or assembling of crafts and other artisan products by tenants or owners with retail outlets within the R/E District;

6. Any manufactured home or trailer court; provided however this shall not prevent any property within the R/E District from being used for a RV park, and the temporary use of construction trailers during periods of construction, reconstruction or maintenance;
7. Labor camp, salvage yard, stock yard, animal raising (notwithstanding the foregoing, pet shops, veterinary clinics or hospitals shall be permitted, provided that such business shall be so conducted with all laws or ordinances governing such operations, and provided further, that this shall not prevent equestrian events, rodeos, animal shows and related animal boarding);
8. Any drilling for, in or removal of subsurface substances;
9. Any dumping, disposing, incinerating or reduction of garbage or refuse (exclusive of garbage compactors located in the rear of any building and screened as required herein);
10. Funeral establishments or mortuaries;
11. Any unsightly or unscreened garbage or trash receptacle or accumulations of garbage or trash;
12. Residential Density is limited to a maximum of twenty-five (25) dwelling units per acre.<sup>15</sup>

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<sup>15</sup>Date of Amendment: November 7, 2007 Ordinance 118-07