

City of **Hanceville**

Zoning Ordinance

April 2006

Ordinance #51 0

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ARTICLE I
AUTHORITY AND ENACTMENT CLAUSE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE II, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF HANCEVILLE, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND; TO PROVIDE METHODS OF ADMINISTRATION AND PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ALL EXISTING ZONING ORDINANCES.

WHEREAS, the public welfare requiring it, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare to enact such an ordinance and,

WHEREAS, all requirements of the laws of the State of Alabama with the preparation of the ordinance by the Planning Commission and the subsequent action of the City Council has been made:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HANCEVILLE, ALABAMA, does hereby ordain and enact into law the following articles and sections:

ARTICLE II TITLE, JURISDICTION AND PURPOSES

Section 2.1 TITLE

This ordinance and all subsequent amendments, attachments and supplements thereto shall be known and may be cited as the "Zoning Ordinance of the City of Hanceville, Alabama" and the map herein referred to, identified by the title "Zoning Map of Hanceville, Alabama" shall be further identified by the signature of the Mayor of Hanceville and attested to by the City Clerk. The Zoning Map of Hanceville is hereby adopted and made a part of this Ordinance. Such map is filed with the City Clerk of Hanceville at the time of the introduction of this Ordinance and will remain on file in the office of said City Clerk. Upon the adoption of this Ordinance, said map shall show by endorsement thereon the date of such adoption.

Section 2.2 JURISDICTION

This Zoning Ordinance and the Zoning Map shall govern and regulate all land within the corporate limits of the City of Hanceville, Alabama.

Section 2.3 PURPOSES

The purpose of the zoning regulations and districts as set forth in this Ordinance is to protect, promote and improve the public health, safety, convenience, order, prosperity, and general welfare; to provide for the orderly development and growth of the City Hanceville; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Hanceville.

Section 2.4 METHOD

For the purposes hereinbefore stated, the City of Hanceville is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best, general civic use, protect the common rights and interest within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other structures, including the ratio of lots occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

ARTICLE III ESTABLISHMENT OF DISTRICTS

Section 3.1 DIVISION INTO USE DISTRICTS

To order to classify, regulate and restrict the use of land or the location of buildings and structures designed for specific purposes, to regulate and limit the height and bulk of structures hereafter erected or structurally altered, to regulate the intensity of the use of the land area, to regulate and determine the areas of open space within and surrounding such structures, and to achieve the intent and purposes of this Ordinance, the City of Hanceville is hereby divided into the following districts:

A-1	Agriculture District
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-4	Townhouse Residential District
MHP	Manufactured Home Park District
8-1	Local Shopping District
B-2	General Business District
M-1	Light Industrial District
M-2	General Industrial District
1-0	Institutional District

Section 3.2 ZONING MAP

The boundaries of the zoning districts are as shown on the map entitled "Zoning Map of Hanceville, Alabama", adopted herewith, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance. The original zoning map, properly attested, shall remain on file in the office of the City Clerk of the City of Hanceville, Alabama and shall show thereon the date of adoption of said map.

Section 3.3 INTERPRETATION AND RULES GOVERNING DISTRICT BOUNDARIES

The boundaries of the zoning districts are established as shown on the Zoning Map. Unless otherwise shown on said Zoning Map, the boundaries of districts are platted lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance. The Administrative Officer shall make an interpretation of the Zoning Map of Hanceville upon the request of any person.

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

3.3.1 Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets and alleys, platted lot lines, stream center lines, property lines, or corporate limit lines, such lines shall be construed to be such boundaries.

3 .. 3.2 In subdivided property or tracts where a district boundary divides a lot, the location of such boundaries shall be determined by the use of the scale appearing on the Zoning Map unless the boundaries are indicated by dimensions shown on the Zoning Map .

3.3.3 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main track(s) of said railroad line.

3.3.4 In case any further uncertainty exist after the Administrative Officer's interpretation; where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map; or in other circumstances not covered by the preceding rules, the Planning Commission shall determine the location of district boundaries.

Section 3.4 USE CATEGORIES

Within each type of zoning district there are two general categories of uses enumerated as follows:

3.4.1 PERMITTED USES

Uses listed as "Permitted Uses" are permitted subject to any specified conditions in Section 4.5 Table of Uses or conditions specified elsewhere in this Ordinance.

3.4.2 CONDITIONAL USES

Uses listed as "Conditional Uses" may be permitted upon review and approval by the Planning Commission as being in harmony with the orderly and appropriate development of the area in which the requested conditional use is proposed to be located. The following shall apply to the request for conditional use approval:

- A. The applicant for conditional use approval shall submit a completed application for such approval, on a form provided by the City, to the Administrative Officer at least fifteen (15) days prior to the Planning Commission meeting at which the request for conditional use approval is to be considered.
- B. A site plan, if required by Section 10.1.1, subparagraph C, shall accompany the application.
- C. The applicant for a conditional use shall, upon submission of each application, include a filing fee as set forth in the City of Hanceville's current fee schedule, a copy of which is available at the office of the Administrative Officer. The Planning Commission shall not review any application for a conditional use unless and until all applicable fees have been paid in full.
- D. The review and approval of a conditional use and site plan, if required, shall follow the public hearing and notice requirements of Section 15.4 of this Ordinance as they pertain to the Planning Commission.
- E. Before any conditional use is approved, the Planning Commission's review shall consider the proposed conditional use's specific location as being appropriate in regard to the following criteria and conditions, where applicable:
 - (1) Satisfaction that the proposed conditional use will not cause undue traffic congestion, or create a traffic hazard in regard to the location and width of adjacent streets, to ingress and egress to property and proposed structures with particular attention to vehicular and pedestrian safety and convenience, to traffic flow and to traffic control.
 - (2) Adequate provision of off-street parking and loading areas with particular attention to the items in subparagraph 1 above.

- (3) Location, availability and capability of utilities to adequately serve the proposed conditional use; and the ability of fire, police, medical emergency and other public facilities and services to serve the proposed use.
 - (4) Location, use, elevation, dimensions of each building or structure to be constructed.
 - (5) Location, dimension and arrangement of all open spaces, setbacks and access ways, entrances and exits, and walkways.
 - (6) Buffering with reference to type, location and dimensions.
 - (7) Location of signs and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties.
 - (8) Compatibility with adjacent properties and other properties in the general area
 - (9) Other planning and development factors that may be considered to be pertinent to the proper development and welfare of the City of Hanceville.
- F. The Planning Commission may impose such conditions and safeguards deemed desirable in granting the approval of a conditional use.

Section 3.5 DISTRICT PURPOSES

The purpose and intent of the use districts provided for in this Ordinance are as follows.

A-1 Agriculture District. This district is intended to provide for low-density residential development while allowing the continuation of agricultural or farm uses. It also serves to correlate growth with utility, service and transportation needs until more intensive urban development is warranted.

8.:1 Low Density Residential District. The purpose and intent of this district is to provide for and protect areas of traditional single-family detached dwellings at relatively low densities and free from incompatible land uses.

R-2 Medium Density Residential District. The purpose and intent of this district is to provide for and protect areas of single-family detached dwellings at moderate densities and free from incompatible land uses.

~3 High Density Residential District. The purpose and intent of this district is to provide areas for multi-family dwelling units, free from incompatible land uses.

R-4 Townhouse Residential District. The purpose and intent of this district is to provide areas for townhouse development by permitting small lot size and the potential for zero lot line dimensions.

MHP Manufactured Home Park District. The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be leased or rented.

8.:1 Local Shopping District. This district is intended to provide locations for limited retail convenience goods and personal service establishments convenient to and serving the needs of adjacent neighborhoods. The trade area of uses in this district is generally less than community wide in extent. Business establishments should be compatible with the character of adjacent residential neighborhoods.

B-2 General Business District. The intent of this district is to provide locations for a broad range of commercial activities. Generally this district is the least restrictive business district regarding the kinds of business uses permitted and the regulations imposed on the permitted uses. Uses permitted serve a regional as well as a local market. This district provides suitable locations for business or commercial activities which may not require the attractive premises, and which require heavy truck traffic.

M-1 Light Industrial District. The purpose of this district is to provide suitable locations for industrial activities, which are clean, quiet, free from hazardous or objectionable emissions, and do not generate heavy truck traffic. Industries desiring attractive surroundings are encouraged in this District.

M-2 General Industrial District. This district is intended for industrial activities which require special locations due to the employment of heavy equipment or machinery, appearance of premises and structures, generation of heavy truck traffic, and large site requirements.

I-D Institutional District. This district is intended to provide appropriate land use regulations for major public and private nonprofit institutions serving the public, such as universities, colleges, hospitals, parks, fairgrounds, and large state, federal and municipal facilities. Since these institutions operate in the public interest and are generally inoffensive in character, principal reliance is placed upon the voluntary cooperation of institutional authorities with municipal officials rather than upon detailed land use regulations.

ARTICLE IV USE PROVISIONS FOR ZONING DISTRICTS

The purpose of this Article is to provide for the determination of uses compatible with the various zoning districts established in Article III, Section 3.1 of this Ordinance.

Section 4.1 GENERAL

The Table of Uses contained in Section 4.6 of this Ordinance provides a list of land uses permitted or permitted upon special approval in the various zoning districts into which the City of Hanceville has been divided.

- 4.1.1 Uses identified in the Table of Uses by the letter "P" are permitted, subject to any conditions and requirements specified in the Table of Uses or elsewhere in this Ordinance.
- 4.1.2 Uses identified in the Table of Uses by the letter "C" may be permitted upon approval of the Planning Commission, subject to the conditions and requirements specified in the Table of Uses or elsewhere in this Ordinance.
- 4.1.3 In any case where a requested use is not specifically listed in Section 4.6, Table of Uses, of this Ordinance, the Planning Commission shall review and determine the status of the requested use. Such recommendation should be by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Uses. When the status of a use has been so approved by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Uses. If the applicant requesting a use not specifically listed in the Table of Uses is not satisfied with the decision of the Planning Commission, the applicant may appeal to the City Council.
- 4.1.4 Where any use or analogous use has blank spaces under zoning districts listed in the headings of the Table of Uses, such use is specifically not permitted in such zoning districts either by right or as a conditional use.

Section 4.2 OUTSIDE STORAGE

The following requirements shall apply to the outside storage of materials, equipment, supplies and other major outside storage, unless otherwise addressed in this Ordinance, in the various zoning districts:

- 4.2.1 All operations shall be conducted entirely within an enclosed building or structure with no outside storage permitted in the following districts: 8-1.
- 4.2.2 There shall be no outside storage of any kind in a public right-of-way in any district.

Section 4.3 BUFFER REQUIREMENTS

The following buffer provisions shall apply to lots on which the development of a new use or construction of a new building is proposed. The buffer requirements shall be enforced as part of the site plan, building permit and certificate of occupancy approval process. Buffers are required under the following situations or conditions:

- 4.3.1 Attached dwelling units in the R-4 district, when adjacent to an existing detached single-family dwelling unit or R-1 and R-3 district; and not separated there from by a street or alley, shall provide and maintain in healthy growing condition, a buffer strip (as defined in Article XVI), along said property line or district boundary.
- 4.3.2 All uses permitted in the B-1, B-2, M-1 and M-2 districts, when adjacent to an existing residence or residential district, and not separated there from by a street or alley, shall provide and maintain in healthy growing condition, a buffer strip (as defined in Article XVI), along said property line or district boundary.
- 4.3.3 All uses permitted in the M-1 and M-2 district, when adjacent to any district other than the M-1 or M-2 districts or from any use other than those permitted in the M-1 and M-2 districts, and not separated there from by a street or alley, shall provide and maintain in healthy growing condition, a buffer strip (as defined in Article XVI), along said property line or district boundary.
- 4.3.4 The Planning Commission may approve a substitute buffer where the view from the adjoining district or property is blocked by a change in grade or other natural feature or where because of intense shade or soil conditions, the planting of a buffer cannot be expected to thrive.

Section 4.4 FLOOR SPACE REQUIREMENTS IN THE B-1 LOCAL SHOPPING DISTRICT

The following floor space and area requirements shall be applicable to uses listed in the Table of Uses as a permitted or conditional use in the B-1 Local Shopping District.

- 4.4.1 The total floor area for each retail use shall not exceed four thousand (4,000) square feet.
- 4.4.2 The total floor area for each service use shall not exceed two thousand five hundred (2,500) square feet.
- 4.4.3 The total floor area for each office type use shall not exceed two thousand five hundred (2,500) square feet.
- 4.4.4 The maximum land area of each planned shopping center shall not exceed five (5) acres.

Section 4.5 TABLE OF USES

The following table, which is hereby made a part of this Ordinance, contains a list of land uses permitted in the appropriate district column or columns, the letter "P" identifies those districts in which a particular land

use is permitted and the letter "C" identifies those districts in which a particular land use may be permitted only as a conditional use upon approval of the Planning Commission. All uses whether permitted by right or approved as a conditional use are subject to all of the requirements of this Ordinance.

[illegible]

[illegible]

SECTION 4.5 TABLE OF USES	A-1	R-1	R-2	R-3	R4	MHP	B-1	B-2	M-1	M-2	I-D
<p>Automobile and truck repair and maintenance shop of a minor nature.</p> <p>a. Major auto repair shall not be permitted in connection with such uses. Minor auto repair and maintenance shall include the installation of tires, carburetors, ignition parts and other minor accessory parts as shall be incidental to the normal upkeep of an automobile, but shall not include engine or body dismantling.</p> <p>b. There shall be no body or fender repair, painting or dismantling of vehicles on the premises.</p>							P	p			
Automobile sales, including trucks,								p	p	p	
<p>Automobile service station, provided:</p> <p>a. That repair work and services are only to the extent permitted in the District in which the service station is located.</p>							C	p	P	P	
<p>Automobile, truck, and trailer lease and rentals as an accessory use to an automobile service station.</p> <p>a. The use shall not be established on a lot of less than twenty thousand (20,000) square feet.</p> <p>b. The use shall not occupy more than ten (10) percent of the lot area.</p>							C	p	P	P	
Automobile, truck, and trailer lease and rentals as a principal use, provided that all parking areas shall be clearly marked and no unit shall be parked outdoors other than within such boundaries except when being serviced.								p	p	p	
Automobile upholstery shop.								P	P	P	
<p>Automobile wash service (car wash), provided:</p> <p>a. That a paved area shall be located on the same lot for the storage of vehicles awaiting service.</p> <p>b. That all runoff shall be discharged directly into a storm sewer.</p>								P	p	P	

SECrION 4.5 TABLE OF USES	A-I	R-I	R-I	R-3	IM	MR'	B-1	B-2	M-I	M-2	J-D
Automobile wrecking, salvage or junkyards. a. Such use shall be enclosed by a fence or wall not less than eight (8) feet in height which provides visual screening. b. No such activity may be conducted within one hundred (100) feet of any property line or two hundred (200) feet of any property zoned or used for residential purposes.										C	
Bait store or sales (live bait).								p			
Bakery shop including the manufacturing of products to be sold primarily on the premises.							P	P			
Bakery.									p	P	
Bank, including drive-in bank							C	p	P	P	
Barber shop.							P	p			
Beauty shop.							p	p			
Barber and beauty supplies and equipment sales.								p			
Baseball batting range.	C							C			
Bed and breakfast.	C	C	C	P			C	P			
Beverage distribution.									p	p	
Bicycle sales, service and repair.							C	p			
Billiard or pool hall.							c	p			
Blueprinting and photo copy shop).								p	p	P	
Boarding or rooming house.				P							
Boat construction, storage, service, and repair.									p	p	
Boat sales, accessories and service.								p	p	p	
Book store.							P	P			P
Bottling plants.									P	p	
Bowling alley.								p			
Building materials supply.								P	P	P	
Bus station.								p			
Business machines sales and service.								p			
Business school or college.								P	p		P
Butane and other liquefied petroleum gas products sales.										P	
Butane and other liquefied petroleum gas products sales that are incidental to a permitted use.								C	C	P	
Cabinet or carpenter shop.									p	p	
Cafeteria.							p	P	P	P	
Camera and photographic supply store.								P			
Candy, nut and confectionery store							P	P			
Candy products manufacture.									P	P	
Canvas products manufacture.									P	P	—

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R4	MR'	8-1	8-2	M-I	M-2	I-D
Card shop.							P	p			
Catering shop or service.							C	P	■ P		
Cemetery.	C	C	c	c				C	C		
Ceramic manufacture with dust, or and fume control.										p	
Chemical manufacture or										C	
Child day care centers and related accessory buildings.							P	p			P

SECTION 4.5 TABLE OF USES	A-1	R-1	R-2	R-3	R4	MIF	B-1	B-2	M-1	M-2	J-D
Dry cleaning pick-up station.							p	p	p	P	
Dry cleaning plant.									p	p	
Dry cleaning/laundry plants of not more than 2,500 square feet. a. Such dry cleaning plant shall comply with all of the requirements of the City Fire Prevention Code. b. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.								p			
Duplicating service.							p	p	p	p	
Dwellino, attached single-family.				p	p						c
Dwelling, detached single-family.	p	p		p							C
Dwellino, duplex.				p							C
Dwelling, garden home or cluster housino.			p								C
Dwelling, multi-family.				p							C
Dwelling, Townhouse, provided: a. The number of contiguous townhouse units in a single structure or group shall be not less than four (4) or more than eight (8) dwelling units. b. No two (2) contiguous townhouse units shall have identical front yard setbacks. Front yard setbacks shall vary by a minimum of three (3) feet. c. Each townhouse unit shall have a minimum livable floor area of one thousand (1,000) square feet with at least five hundred fifty (550) square feet on the first floor if a unit has more than one (1) floor. d. All structures shall be located so as to conform to the Southern Standard Building Code and the Standard Fire Prevention Code.					p						C
Dwelling unit above the first floor of a business establishment.							c	c			

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R4	MII'	8-1	8-2	M-1	M-2	1-D
Dwelling unit within a structure used predominantly as a business and occupied by the owner or a resident watchman, custodian or caretaker employed on the premises.								C	C	e	
Dwelling units for tenants on land used for bona fide agriculture purposes.	C										
Dyeing plants.										p	
Electrical equipment assembly.									p	p	
Electric Dower aenerating plant.										e	
Electric repair shop.								p	P	P	
Electric supply store.								p	p	p	
Electroplating or battery making with acid, fume & odor controls.										C	
Exterminator service office.								p	p	p	
Extractive operation of rock, gravel, sand, dirt, soil and natural mineral deposits, provided: e. The removal area shall be sealed by fencing or grading or other device from general public access; all entrances shall be fenced and locked during non-business hours. f. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit. g. The operational and removal area of such uses shall not be established within twothousand (2,000) feet of a residential use or five hundred (500) feet of any other use. h. No extraction shall be allowed except after advertisement of a public hearing by the Planning Commission for the purpose of determining whether or not any adverse effect would result to surrounding property owners and whether or not a nuisance, as defined by City Ordinances. e. This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.										C	

SECTION 4.5 TABLE OF USES	A-I	R-1	R-2	R-3	R4	MfF	B-1	B-2	M-1	M-2	I-D
Fabric, cloth stores.								P			
Fairgrounds, circus or carnival.	C							C	C	C	C
Farm and garden supplies and light equipment.								P	P		
Farm equipment (light or heavy) and supplies.										P	
Farmer's market.	C							C	C	C	
Fertilizer manufacture and processing.										C	
Finance office.								P			
Fire station.	P	C	C	C			C	P	P	P	
Fire works stand.								C	C	C	
Fixture sales.								P	P		
Floor covering sales and service.								P			
Florists.							P	P			
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.									P	P	
Food processing in wholesale quantity but excluding meat, fish, poultry, vinegar and yeast.									P	P	
Food processing in wholesale quantity of meat, fish and poultry, but excluding slaughtering of meat or poultry.									C	P	
Forestry.	P										
Foundry.										P	
Frozen food manufacture and packaging.									P	P	
Funeral home, mortuary or undertaking establishment including the sale and display of monuments, provided: a. the display of monuments shall be screened from view by a planted buffer or fence; b. no display of monuments shall be located on the portion of a lot that is adjacent to any residential district; and c. monument displays shall not be located in the front yard.								P			
Furniture and home furnishing store, including office furniture and equipment.								P			
Furniture manufacture.									C	P	
Furniture repair, including upholstering and refinishing.								P	P	P	
Gardens incidental to an				C	C						

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R-4	MIL'	B-1	B-2	M-I	M-2	I-D
Gardens incidental to a manufactured home.						C					
Game room.							C	p			
Gift shop.							P	P			
Glass products manufacture.									C	P	
Golf course.	C	C	C								

SECTION 4.5 TABLE OF USES	A-1	R-1	R-2	R-3	R4	MW	B-1	B-2	M-1	M-2	I-D
Incidental accessory retail uses and services such as food service, gift or novelty shops, soda bars, barber and beauty shops, children's daycare facilities, and similar activities, conducted primarily for the convenience of employees, patients, patrons or visitors, provided these activities are carried on entirely within a principal building and are no advertised to the general public by exterior signs or other advertisement display.								C	C	C	C
Industrial park limited to the uses permitted in the district in which the industrial park is located.									p	p	
Industrial research and educational facilities.									p	p	
Interior decorating								p			
Jewelry store and							p	p			
Junk yard, scrap and salvage material storage, sales, or wholesaling, provided that: a. Such uses shall be subject to such conditions as the Planning Commission may require to insure the public safety and to preserve and protect the character of the district where such uses are proposed. b. Storage of materials; junk and salvage shall be screened from view of a public street and adequate fencing and/or a planted buffer strip at least ten (10) feet wide shall be provided at the rear and side lines of the lot. c. If approved by the Planning Commission, such uses shall be at least hundred (100) feet from any property line and at least two hundred (200) feet from any property line zoned or used for residential purposes. Said setbacks may be increased by the Planning Commission, if deemed appropriate because of existing or potential use of adjacent land.										C	
Kennels											
Laboratory, medical or dental.								p	p	p	C

SECTION 4.5 TABLE OF USES	A-1	R-1	R-2	R-3	R4	MIF	8-1	8-2	M-1	M-2	1-0
Laboratory, scientific or testing.									p	p	C
Landfills, subject to all applicable state and federal laws and any conditions that might be imposed during the zoning approval process.										C	
Landscape garden sales.								p	p		
Landscape garden sales when incidental to a larger retail operation.								p			
Laundry/dry cleaning establishment of not more than 2,500 square feet. a. Such dry cleaning plant shall comply with all of the requirements of the City Fire Prevention Code. b. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.								p			
Laundry/dry cleaning pick-up station.							p	p	p	p	
Laundry/dry cleaning plant.									p	p	
Laundry/dry cleaning, self-service- (Laundromat).							p	p	p		
Leather goods or luggage goods sales.								p			
Leather goods, manufacture.									C	p	
Library.	C	C	C	C			P	P			P
Linen service.								C	p	p	
Loan office.								p			
Locksmith.								p	p		
Lodges and fraternal organizations.	C						C	P			P
Luggage store.								p			
Lumber and other building material, retail sales.									p	p	
Machine shop.									P	p	
Machinery, tools, sales and service.								C	p	P	
Manufactured/mobile home or prefabricated home sales including sales office.								P	P	P	

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R4	MK'	R-I	R-2	M-I	M-2	I-D
<p>Manufactured home on individual lot, provided:</p> <p>a. Such home shall be installed on a permanent foundation constructed of brick or block and shall meet current building code requirements.</p> <p>b. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations.</p> <p>c. A manufactured home shall not be temporarily or permanently parked, stored or occupied on any public street or alley, nor on any lot or parcel within the City of Hanceville, except when in complete conformity to zoning and other applicable ordinances and regulations.</p>	p										
Manufactured home park, subject to the provisions of Article V, Section 5.1 of this Ordinance.						p					
Manufacturing, repair, assembly or processing establishments of a light industrial nature not listed in the Table of Uses, which do not use water in the manufacturing operation either for processing, cooling, or heating, and which shall emit no smoke noise, odor, dust, vibrations or fumes beyond walls of building in which housed, unless such use is otherwise noted as a conditional use in this table.									C		
Manufacturing or industrial operations of any type not listed in the Table of Uses, which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zone district boundaries in which such operations are located, unless such use is otherwise noted as a conditional use in this table.										C	

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	IM	MIF	B-1	B-2	M-I	M-2	I-D
Manufacturing incidental to a pennitted retail business where articles are sold at retail on the premises.								P			
Marine stores and supplies.								p			
Martial arts studio.							C	p			
Meat slaughtering and/or packing house.										C	
Medical emergency/family clinic.							p	p	p		
Medical offices and clinics, excluding veterinarians.							p	p			
Metal product fabrication.									C	p	
Millwork and similar wood products manufacture.									C	p	
Mini-warehouse storage facilities.									p	p	
Mini-warehouse storage facilities for the storage of personal property provided that:								p			
a. The storage building(s) shall be subdivided by pennanent partitions into individual storage . compartments with no single storage compartment having a floor area exceeding 300 square feet.											
b. Each storage compartment shall have an exterior independent entrance under the exclusive control of the tenant thereof;											
c. The use of the storage compartments shall be limited to the storage of personal property and no other use shall be pennitted except a manager's office which is clearly incidental to the principal use;											
d. There shall be no outside storage of goods or materials of any type on the site of a mini storage facility;											
e. Building coverage may equal no more than 40 percent of total lot area;											
f. No part of any fence enclosure shall be located within any required front yard; and											
g. The design of facades and landscaping of premises shall be compatible with the purposes of the zone district in which the mini storage facility is located.											

SECTION 4.5 TABLE OF USES	A-I	R-1	R-2	R-3	R4	MII'	B-1	B-2	M-1	M-2	I-D
Monument sales retail, with incidental processing to order, but excluding the shaping of stones and similar processing.								p			
Monument sales and processing.									p	p	
Motel or hotel.								p	C		
Motorcycle sales and service.								p	p		
Museum.								p			p
Music or dancing school.							p	p			p
Music and musical instruments store.								p			
Neighborhood recreation centers or swimming pool provided: a. Site plans shall be approved by the Planning Commission to insure that all the provisions of this Ordinance and all other applicable laws are complied with. b. Buildings and structures established in connection with such use shall be set back not less than one hundred (100) feet from any property line (exterior property line in a planned development) except when such property line is a street line. In such case the front yard setback of the district shall apply. When a property line is on a natural waterway, a property line setback shall not be required. c. Outdoor activity shall cease by 11 :00 p.m. d. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways. e. Such use shall be permitted only upon written approval of the Health Department to indicate compliance with Health Department swimming pool regulations.	C	C	C	C	C						C
Newsstand.							p	p			C
Newspaper publishing.								P	P		
Newspaper or magazine distribution.								P	P	P	
Newspaper or magazine distribution rack.							P	P	P	P	C

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R4	MIF	B-1	B-2	M-I	M-2	I-D
Novelty shop.							P	p			
Novelty and souvenir manufacture.									p	p	
Nursing, convalescent, rest or retirement home.				C				p			
Office: professional, business, administrative, executive, and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sale of commodities on the premises.							p	p	p		C
Offices incidental to a permitted use.	p					p	p	p	p	p	
Office equipment and supply, manufacture.									p	p	
Office equipment and supply, retail.								p			
Oil and gas exploration and production activities.										C	
Oil well equipment, supplies and machinery.										p	
Optical and scientific instrument manufacture.									p	p	
Optician.							p	p			
Orthopedic braces, artificial limbs, orthopedic equipment and supplies.								p			
Outdoor advertising services, including the construction, repair and maintenance of outdoor advertising signs.									C	p	
Paint and wallpaper store.								p			
Paint, oil, shellac and lacquer manufacture.										C	
Paper supplies, wholesale.									p	p	
Park, QUblic.	p	P	P	P	P	P	P	P	P	P	P
Pawn or loan shop.								p			
Pet shop, including grooming, provided that, all animals are housed within the principal building so that no sound is perceptible beyond the premises.								p			
Petroleum and petroleum products, manufacture, processing or storage provided that all structures or buildings shall be located not less than one hundred (100) feet from any property line and not less than two hundred (200) feet from any property used or intended to be used for residential purposes.										C	
Pharmaceutical manufacturing.										P	
Phtoengraving, typesetting, electrotyping and stereotyping.								P	p	P	

SECTION 4.5 TABLE OF USES	A-1	R-1	R-2	R-3	R-4	MK'	B-1	B-2	M-1	M-2	I-D
Picture framing and/or mirror silvering.								P			
Pipe storage.										p	
Pistol, rifle range, skeet or trap shoots, and gun club.	C									C	
Pistol or rifle range or gun club located wholly within an enclosed building.								C	P	P	
Plant nursery.	C							C	C	C	
Plant nursery provided that no retail sales are made on the premises.	P										
Plant shop.								p			
Plastic fabrication.									p	p	
Plastic products manufacture not including the processing of raw materials.									p		
Plastic products manufacture.										p	
Plumbing contractor.								p	p	p	
Police station or substation, including Highway Patrol.	C						C	P	P	P	
Post office.	C						P	P	P	P	C
Pottery shop.								p			
Pottery manufacture with dust, odor and fume control.										p	
Poultry processing, storage and/or dressing.										p	
Printing, blueprinting, bookbinding, photostating, lithography and publishing establishment.								p	p	p	
Print shop of not more than one thousand five hundred (1,500) square feet.							P				
Prison or correctional institution	C								C	C	
Produce stand or market.							P	p			
Produce, wholesale.									p	p	
Radio and television broadcasting stations.	C							P	P	P	C

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R4	MH'	IH	B-Z	M-1	M-2	I-D
Radio, television and other communication transmission towers. a. All towers in excess of one hundred (100) feet must be set back from any lot used or intended to be used for a residential structure a distance equal to one-half the height of the tower or five hundred (500) feet, whichever is greater. b. All towers in excess of one hundred (100) feet must be set back from any off-site structure a distance of one-third the height of the tower or one hundred (100) feet, whichever is greater. d. All towers less than one hundred (100) feet must be set back from all property lines a distance of one-third the height of tower. e. The Planning Commission shall apply the Radio, Television and Communication Tower Standards in its consideration of applications for Conditional Use approval. f. All towers shall meet the requirements of Section 8.1 of this Ordinance.	c						c	c	c	p	
Radio and television sales, service and repair store.								P			
Recreational vehicle park.	e							e	e	e	
Reducing, exercise, karate, gymnastic or other body fitness type salon.							e	p			
Religious meeting, temporary for a period not to exceed fourteen (14) days. Tents may be allowed if approved by the Administrative Officer and the Fire Department.	e							e	e	e	e
Rental of equipment~.								P	P	P	
Rental of household furnishings and small items.							p	p			
Repair shop for repairs or adjustments to bicycles, small appliances, watches, locks, musical instruments, guns, and similar items.							P	p	p		
Restaurant; drive-in.								p	p	p	c
Restaurant, excluding drive-in restaurant.							p	p	p	p	e
Restaurant supplies and sales.								P	p		

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-J	R4	MIT	B-1	B-2	M-I	M-2	I-D
Riding stable or academy. a. Such stable shall be established on a lot having an area of not less than ten (10) acres. b. Any structure shall be located at least two hundred (200) feet from any property line. c. All animals shall be maintained at least one hundred (100) feet from any property line.	p										e
Roofing and sheet metal shop.									p	p	
Rug and/or drapery cleaning service.								p	p	p	
Sand and gravel storage yard.	e									p	
Satellite dish antennas										p	
Satellite dish antennas, ground mounted subject to the following: a. The maximum height shall be thirteen (13) feet from the grade where it is mounted. b. The antenna shall be located within the rear yard and shall be located a distance inside all property lines at least equal to its height. In the case of a corner lot, the antenna shall not be located closer to the street than the main structure. In the case of a double frontage lot, the antenna shall not be located closer to the rear street right-of-way than the rear building line. c. All cables and lines serving the antenna shall be located underground. d. No such antenna shall be utilized as a sign.	C	C	C				e	e	C		C
Satellite dish antennas, roof mounted subject to the following: a. The antenna shall not extend more than thirteen (13) feet above the roof surface. b. No such antenna shall be utilized as a sign. c. Any antenna of a temporary nature shall not be on the premises over seventy-two (72) hours.							C	C	C		C
Sawmill.										P	
Sawmill, temporary or portable.	C									C	

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R4	MIF	B-1	B-2	M-1	M-2	1-0
Schools, for grades one to twelve inclusive and no other, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama, provided that: a. All buildings are located not less than fifty (50) feet from any property line. b. There is a planted buffer strip at least ten (10) feet wide along any property line abutting residential property.	e	e	e	e							p
Seafood store, retail.								p			
Sewage disposal plant.										c	
Shoe repair shop.							p	p			
Shoe store, retail.								p			
Shopping center limited to the uses permitted in the district in which the shopping center is located.							p	p			
Sign manufacture.									c	p	
Sign shop.								p	p	p	
Skating rink.								p	e		
Sporting goods store.							p	p			
Stamp sales.							p	p			
Stationary store.							p	p			
Stockyard.										e	
Storage tanks for gasoline, oil, heating fuel or volatile liquid, provided: a. There is no extraction or processing on the premises. b. Tanks shall not contain more than one thousand (1,000) gallons unless the tank is completely below ground.								c	p		
Storage tanks for gasoline, oil, heating fuel or volatile liquid, provided there is no extraction or processing on the premises.									c	p	
Storage yards.									c	p	

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-3	R4	MIT	B-1	B-2	M-I	M-1	I-D
Storage yards, provided that:								p	p		
a. All open storage and display of merchandise, material and equipment shall be screened by adequate fencing and/or planting at the side and rear of the lot on which open storage or display occurs.											
b. All servicing of equipment or vehicles carried-on as an incidental part of the operation shall be conducted within a completely enclosed building.											
c. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be a flashing or intermittent type.											
Summer camp>.s.	C										C
Surgical or dental supplies manufacture.									p	p	
Surgical or dental supplies retail.								p			
Tailor shop.							p	p			
Tattoo parlor.											
Taxi stands and dispatching station.								p	p	p	
Taxi terminal; storage and repair of vehicles.									p	p	
Taxidermy shop.								P	P		
Teen club or youth center.	C						C	P			P
Telephone answering service.								p			
Telephone exchange.								P	p	P	
Temporary uses, including the sale of Christmas trees, seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year.	C						C	C	C	C	
Textile manufacture with dust and odor control.									P	p	
Theater, indoor.								p			

SECTION 4.5 TABLE OF USES	A-I	R-I	R-2	R-J	R4	MH'	B-1	B-2	M-I	M-2	I-D
Union hall.								P	P	P	P
Upholstery shop.								P	P	P	
Utility company storage or maintenance facility.										P	
Utility facilities, such as distribution lines and transmission lines. Unless elsewhere permitted in the district, such facility shall not include a business office or storage yards.	C	C	C	C			C	P	P	P	
Utility substations incidental to electrical when essential for service, provided: a. The structure(s) are located not less than fifty (50) feet from any property line; b. The structure(s) are enclosed by a fence or wall at least eight (8) feet high; c. The premises are not used for vehicle or equipment storage; and d. The lot is suitable landscaped, including a buffer strip at least ten (10) feet wide along side and rear property lines.	C	C	C	C	C		C	P	P	P	
Utility substations incidental to gas, water, sewage or telephone when essential for service, provided the premises are not used for vehicle or equipment storage.	C	C	C	C			C	P	P	P	
Variety store.							P	P			
Veterinary service (see animal clinic).											
Video rental							P	P			
Vocational or trade school.								P	P		P
Warehousing and storage facilities.								P	P	P	
Waste disposal company, solid or recycling, office and truck storage.									P	P	
Waste disposal transfer station, solid or recycling.									C	P	
Welding shop.									C	P	
Watershed reservation areas and reservoirs.	C										
Well-drilling company.										P	
Wholesaling or distribution.								P	P	P	
Wholesale or distribution sales office.								P	P		
Wildlife refuges, game preserves, sanctuaries and forest reserves.	C										
Woodworking and planina mill.										P	
Woodworking and planing mill with dust and noise control.									P	P	

SECTION 4.5 TABLE OF USES	A-1	R-1	R-2	R-3	R4	MH ¹	B-1	B-2	M-1	M-2	I-D
Wood preserving by creosote or other impregnation treatment.										C	

ARTICLE V
USE PROVISIONS FOR SPECIAL ZONING DISTRICTS

Section 5.1 MHP MANUFACTURED HOME PARK DISTRICT

The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be leased or rented. An application for Manufactured Home Park District zoning shall require a site plan as specified in Section 5.1.5. Any space or lots to be sold shall require a different zoning district classification that permits manufactured homes and shall meet all requirements of the Subdivision Regulations of the City of Hanceville.

5.1.1 DEFINITIONS

- A. **Manufactured Home.** A structure, built or fabricated in an off-site manufacturing facility for installation or assembly at a building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401, et. seq.), which first became effective on June 15, 1976.
- B. **Manufactured Home Space.** Land within a manufactured home park that has been designated for the placement of one single or multi-sectional manufactured home for the exclusive use of its occupants.
- C. **Manufactured Home Park.** A parcel of land that has been developed in accordance with the provisions of this Ordinance and divided into spaces for the placement of manufactured homes for residences.
- D. **Manufactured Home Stand.** The part of an individual manufactured home space that has been reserved for the placement of the manufactured home, appurtenant structures or additions.
- E. **Recreational Vehicle.** A vehicular unit mounted on wheels and designed to provide temporary living quarters for recreational, camping or travel use and of such size and weight as to not require special highway movement permits when drawn by a motorized vehicle.
- F. **Seal.** A device, label or insignia issued by the U. S. Department of Housing and Urban Development, to be displayed on the exterior of the manufactured home to evidence compliance with applicable codes.

5.1.2 PERMITTED USES

Within a MHP Manufactured Home Park district no building, structure, land or premises shall be

- C. Recreation Buildings and Playground.
- D. Service facilities for the exclusive use of manufactured home park residents including self-service laundry.
- E. Structures and uses required for the operation of a public utility or the operation or maintenance of the manufactured home park.
- F. One identification sign not exceeding twelve (12) square feet containing thereon only the name and address of the manufactured home park. Said sign may be lighted by indirect light only.
- G. One accessory storage building per manufactured home space is permitted. Said storage building shall meet all of the requirements of Section 5.1.4U of this Article.
- H. Traffic control signs.

5.1.3 GENERAL

- A. In manufactured home parks, recreational vehicles shall not be occupied as living quarters and manufactured home sales lots shall not be permitted, but manufactured homes may be sold on manufactured home parks spaces they occupy while in residential use.
- B. Prior to the placement of a manufactured home in a manufactured home park, a permit shall be obtained from the Administrative Officer, subject to compliance with all provisions of this Ordinance.
- C. Manufactured home units that do not bear a seal as defined in Section 5.1.1, Paragraphs A and F shall not be permitted within a manufactured home park within the City of Hanceville.

5.1.4 SITE STANDARDS

The following site standards shall apply for all manufactured home parks hereinafter established or altered.

- A. Land Area Requirements. The minimum area for any manufactured home park shall be five (5) acres.
- B. Site Dimensions and Setbacks. The following standards for each manufactured home space shall apply for all manufactured home parks hereinafter established or altered.
 - (1) Each individual manufactured home space shall have a minimum area of four thousand (4,000) square feet with a width of not less than forty (40) feet. Manufactured home space to be occupied by a double-wide or multi-section manufactured home shall have a minimum area of five thousand (5,000) square feet with a width of not less than fifty (50) feet.
 - (2) Manufactured homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between manufactured homes or any attachments thereto or any building within the park.

- (3) The minimum front, side, and rear yard setback for each manufactured home space within the manufactured home park shall be as follows:

<u>Front</u>	<u>Rear</u>	<u>Side</u>
15	15	10
feet	feet	feet

- c. Peripheral Buffer Area. A buffer area twenty-five (25) feet wide shall be located along all manufactured home park property lines not bordering a public street. Ten (10) feet of the buffer area shall be landscaped and planted with vegetation in accord with the definition of buffer strip contained in Article XVI of this Ordinance. No building or structure of any kind shall be erected or maintained in the required buffer area.
- D. Minimum Frontage. All manufactured home parks shall have access to and a minimum frontage of fifty (50) feet on a dedicated, public street. The yard setback for all parts of the manufactured home park that abuts a public street shall be thirty-five (35) feet.
- E. Internal Roadways. All interior manufactured home spaces shall abut upon an internal roadway having a paved surface not less than thirty (30) feet in width. The internal roadway shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal roadway ending in a cul-de-sac shall exceed four hundred (400) feet in length. Such roadways shall be hard surfaced and shall meet the design standards and construction specifications for residential streets required by the Hanceville Subdivision Regulations. A concrete lay-down curb or acceptable substitute shall be used as approved by the Administrative Officer. Internal roadways and parking areas shall be maintained free of cracks, holes and other hazards at the expense of the operator/manager of the manufactured home park. All roadways shall be numbered or named in an approved manner.
- F. Future Rights-of-Way. The applicant/developer of a manufactured home park should be aware that any future development or subdividing of the parcel on which the manufactured home park is located will require rights-of-way widths as provided for by the Hanceville Subdivision Regulations. Therefore, future access through the manufactured home park could require redevelopment that might eliminate spaces or otherwise decrease the functional use of the site.
- G. Height. The height of any manufactured home, building or structure shall not be greater than thirty-five (35) feet. The height of the manufactured home frame above the ground elevation, measured at 90° to the frame, shall not be greater than three (3) feet.
- H. Required Stand. Each manufactured home space shall contain a cement or asphalt stand upon which the manufactured home will be situated.
- I. Common Recreation Area. Not less than ten percent (10) of the gross land area of the manufactured home park shall be devoted to common recreational areas and facilities. Such open space shall be separate and aside from the open space required and provided on each manufactured home space or by public road setback requirements. Said open space shall be grassed and/or landscaped or otherwise designed and made available for recreational use and shall be maintained in a usable and sanitary condition. Such areas shall be consolidated into usable, central areas with minimum dimensions of not less than thirty (30) feet in any direction.

- J. Deck or Patio Requirements. Each Manufactured home space shall be provided with a deck or paved patio of at least one hundred twenty (120) square feet. No horizontal dimension of the deck or paved patio shall be less than eight (8) feet. Patios shall be surfaced with concrete, asphalt or other approved hard surface. Required parking areas may not be considered to meet the requirements for a deck or patio.
- K. Off-Street Parking. There shall be two (2) paved, all weather off-street parking spaces for each manufactured home space; two (2) spaces for the park office; one (1) space for every two (2) washing machines in a self-service laundry facility. All off-street parking shall have direct access to an interior street within the manufactured home park and there shall be no driveway access to an exterior street. The required off-street parking space shall meet all design and construction specifications of the City of Hanceville.
- L. Water and Sanitary Sewer Requirements. The entire area of the manufactured home park shall be adequately served by water and sanitary sewer facilities. Each manufactured home shall be connected to the municipal water system and to the municipal sewage disposal system, if available. The design and specifications of the utility systems shall meet all city specifications and shall be approved by the City of Hanceville. If a municipal system is not available, then a private central system shall be required until such time as the municipal system(s) become available. The design and specifications of any private system shall meet Marshall County Health Department specifications and shall be installed under inspection of the appropriate City of Hanceville Department.
- M. Electrical Facilities. All electrical lines, equipment and installation leading to each manufactured home space shall be designed, constructed and maintained in compliance with the National Electrical Code (NFPA 70). When separate meters are installed, each meter shall be located on a standard post on the lot line of each manufactured home space. Wiring shall comply with applicable local and state electrical codes.
- N. Lighting. Adequate lighting shall be provided in a manner approved by the City of Hanceville. All electric and telephone lines must be placed underground when possible.
- O. Drainage. The ground surface in all parts of a manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.
- P. Soil and Ground Cover. Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
- Q. Skirting. The installation of skirting shall be required for all manufactured homes in the manufactured home park. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.
- R. Storage Underneath Manufactured Home. There shall be no storage of any kind underneath any manufactured home.

- S. Tie-Downs. Each manufactured home shall have tie-downs, anchoring or other devices securing the stability of the manufactured home. The installation of tie-downs or anchoring shall be in conformance with Alabama Law.
- T. Fencing. Fences, if provided, on individual manufactured home sites shall be uniform in height and shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to provide fire fighting personnel access to all sides of each manufactured home.
- U. Design and Location of Storage Facilities. One (1) storage building with a maximum capacity of one hundred fifty (150) square feet and a maximum height of fifteen (15) feet per manufactured home may be provided on the rear of the manufactured home space within two (2) feet of the space line. Storage buildings shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry porcelain steel, baked enameled steel or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Administrative Officer. A storage building shall only be used by the occupants of the manufactured home.

5.1.5 MANUFACTURED HOME PARK SITE PLAN APPROVAL

An application for MHP Manufactured Home Park zoning shall be accompanied by a site plan, which, if approved, shall become a requirement of the zoning district. No building permit shall be issued for construction of any part of the manufactured home park unless the proposed development is in accord with the approved site plan.

- A. The site plan shall be drawn to a suitable scale not smaller than one-inch equals one hundred (100) feet and shall show the following information.
 - (1) Scale, north arrow, location, total site acreage and acres to be developed, proposed title of the park, vicinity map showing the location of the project in relation to the surrounding community, and legal description of the proposed Manufactured Home Park
 - (2) The name of the owner and the designer (architect, engineer, or landscape architect) of the proposed manufactured park development.
 - (3) Existing zoning of the project site and the zoning of adjacent land.
 - (4) The boundaries of the property involved including the location of all existing easements, section lines, and property lines, existing streets, buildings, approximate location of all utilities on or near the project site and other physical features in or adjoining the project site.
 - (5) Names and addresses of all adjacent landowners.
 - (6) The proposed use of all building or structures and the proposed number, location, and dimensions of all manufactured home spaces along with a typical layout of a manufactured home space showing landscaping, location and type of stand, patio, walkways, parking area, curb and gutter location, storage building, if any, and other improvements.
 - (7) The location and dimensions of proposed points of entry and exit for vehicles, roadways, parking facilities and walkways, location and width of proposed right-of-ways and

easements, the location of proposed buffer areas and landscaping, location and dimensions of proposed recreational areas.

- (8) The location of all utilities and a description of their availability and capability to serve the proposed development.
- (9) All other significant information required by Section 5.1 of this Ordinance, and any other information which would assist in the Planning Commission's review of the request for MHP zoning.

5.1.6 LICENSE REQUIRED FOR MANUFACTURED HOME PARK

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by them, a manufactured home park without having first secured a license for each such park from the City of Hanceville pursuant to this Article. The license shall expire on June 30th of each year but may be renewed under the provisions of this Section for additional periods of one (1) year. The annual license fee shall be as set forth in the City of Hanceville's current fee schedule, a copy of which is available at the Office of the Administrative Officer.

The application for such license shall be accompanied by a surety bond in the sum of one thousand dollars (\$1,000.00). This bond shall guarantee the collection by the licensee of any fine or forfeiture including legal costs imposed upon or levied against such licensee for a violation of the provisions of this Ordinance. The bond shall be for the use and benefit and may be prosecuted and recovered thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this Article. A fee as set forth in the City of Hanceville's current fee schedule, a copy of which is available at the Office of the Administrative Officer, shall be paid for each transfer of license.

The application for a license or a renewal thereof shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by the person that the application is authorized by him/her to construct or maintain the park and make the application), and such a legal description of the premises, upon which the park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by one (1) copy of the park plan and one (1) copy of the ordinance granting the rezoning of the property.

ARTICLE VI
AREA AND DIMENSIONAL REQUIREMENTS

The following table identifies the area, yard and height requirements for the various zoning districts established by this Ordinance.

DISTRICT	MINIMUM LOT SIZE (Sq.Ft.)	WIDTH AT BUILDING LINE (Foot)	FRONT YARD (Feet)	REAR YARD (Feet)	SIDE YARD(1) (Foot)	MAXIMUM HEIGHT	MAXIMUM BUILDING AREA
A-1{}	43,560{}	150	35	40	15		20{}
R-1	15,000	100	40	30	10	35 feet, 2½ Stories	25
R-2	3,094	64	25	30	3	35 feet, 2½ Stories	30
R-3	7,500 one unit; add 1,000 each additional unit	60 feet 1 st unit; add 5 feet each additional unit	40	30	10	35 feet 2½ Stories	25
R-4 ⁽⁴⁾	2,200	20	10	-	0{5}	35 feet, 2½ Stories	0
MHP	See Article V, Section 5.1.4 for Area and Dimensional Requirements						
B-1	0{6}	0	25	20	0{7}	45 feet, 3 Stories	50 %
B-2	0{6}	0	0	0	0{7}	65 feet, 5 Stories	50 %
M-1	0{6}	0	50	50	50	50 feet, 4 Stories	0
M-2	0{6}	0	100	100	100	50 feet, 4 Stories	0

1. A side yard, which abuts a dedicated public street, shall adhere to the requirements for corner lots in Section 8.6 of this Ordinance.
2. A plot having a minimum area of fifteen thousand (15,000) square feet and a minimum width of one hundred (100) feet, and platted as a single lot or acquired by the present owner prior to the effective date of this Ordinance, may be utilized for a single-family dwelling.
3. Plots less than one (1) acre shall not exceed twenty-five (25) percent.
4. No portion of any townhouse group or its accessory structures may be closer than twenty (20) feet to any other townhouse group or its accessory structures.
5. A minimum side yard of ten (10) feet shall be maintained at the unattached end of each group of townhouses.
6. It is the intent of this Ordinance that lots of sufficient size be used for any permitted use to provide adequate parking and loading space in addition to the space required for other normal operations of the permitted use.
7. A lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than fifteen (15) feet wide.

ARTICLE VII GENERAL REGULATIONS

This article establishes certain conditions that must be met except as otherwise provided in this Ordinance:

Section 7.1 USE OF LAND AND STRUCTURES

- 7.1.1 No land, building or structure shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, converted, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Section 7.2 HEIGHT AND DIMENSIONAL REGULATIONS

- 7.2.1 No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.
- 7.2.2 The minimum building lines, parking spaces, open spaces, and lot areas, required by this Ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.
- 7.2.3 No lot, even though it may consist of one (1) or more adjacent lots of record or lots in the same ownership, shall be reduced below the minimum dimensions required by this Ordinance. This section shall not be construed to prevent the purchase or condemnation of narrow strips of land or portion of a lot for public purposes.
- 7.2.4 No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 7.3 ONE PRINCIPAL BUILDING ON LOT

Every principal building or structure hereafter erected shall be located on one lot, tract or parcel and in no case shall there be more than one (1) principal building or structure on a lot or parcel. However, lots or parcels occupied by apartments, commercial, office, industrial, and institutional uses may have more than one (1) principal building on one (1) lot, where multiple buildings and the land are owned by one entity, except as specified otherwise by the regulations of the district in which the use is located.

Section 7.4 NECESSARY REPAIRS PERMITTED

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

Section 7.5 VISIBILITY AT INTERSECTIONS AND RAILROAD CROSSINGS

On lots at intersections and at railroad crossings, no structure or planting which materially obstructs traffic visibility shall be permitted or maintained between the height of two and one-half (2U,) feet and ten (10) feet above the finished street grade within a triangular space bounded by the two intersecting right-of-

way lines of streets or of streets and railroads and a straight line connecting the right-of-way lines twenty (20) feet from their intersection.

Section 7.6 THROUGH LOTS

- 7.6.1 On lots having frontage on two streets, the required front yard shall be provided on each frontage street.
- 7.6.2 On lots having frontage on more than two streets, the required front yard shall be provided on at least two of the frontage streets. The front yard setback on the other frontage or frontages may be reduced up to one-half (1/2) of the required front yard distance, provided that the setback shall not be reduced to less than fifteen (15) feet.

Section 7.7 STREET FRONTAGE

No building shall hereafter be erected on a lot that does not abut and have access to at least one (1) publicly approved and accepted street or unless it abuts on a street shown on a final subdivision plat as approved by the Hanceville Planning Commission.

Section 7.8 ABANDONED RIGHT-OF-WAY

Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Hanceville, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

Section 7.9 ZONING OF NEWLY ANNEXED LAND

All land hereafter annexed to the City of Hanceville shall be zoned in accordance with the following procedure:

- 7.9.1 The Planning Commission shall, within thirty (30) day of receiving a request for annexation, make a study and review of the land to be annexed, hold a public hearing at its first regularly scheduled meeting after a timely request as specified in Section 7.9.1 and submit a recommendation to the City Council for the zoning of the proposed annexed area.
- 7.9.2 The City Council shall schedule a public hearing on the recommended zoning of the proposed land to be annexed for the same meeting date that the Council is scheduled to act on the proposed annexation. The City Council shall hold the zoning public hearing immediately after approval of the proposed annexation and in no case shall the City Council hold the zoning public hearing prior to the annexation of the property.
- 7.9.3 The above procedures shall follow the requirements for zoning amendments set forth in Article XV of this Ordinance.

Section 7.10 PRIVATE ROADS AND RIGHTS-OF-WAY

Private roads and rights-of-way shall not be permitted which provide access through land zoned R-1 or R-2 to any other zoning district; land zoned R-3 to any business or industrial zoning district; land zoned for any business district to any industrial district; and land zoned M-1 to land zoned M-2.

ARTICLE VIII
SUPPLEMENTAL REGULATIONS AND MODIFICATIONS

Section 8.1 ACCESSORY USES OR STRUCTURES

Accessory uses or structures shall be permitted only in rear yards and shall meet the following requirements except as otherwise provided in this Ordinance.

- 8.1.1 Detached accessory buildings shall be permitted only in rear yards with the exception of detached automobile garages, which may be permitted in a side yard.
- 8.1.2 Detached accessory buildings in residential districts shall not exceed a single story of fifteen (15) feet in height, and shall not be nearer than five (5) feet to any side or rear lot line. Detached automobile garages located in a side yard must maintain the side yard and front yard setbacks for the applicable zoning district.
- 8.1.3 The total square footage of all detached, enclosed accessory structures in residential districts such as garages, barns, pool houses, etc. are counted toward the total allowable lot coverage for the zoning district in which they are located.
- 8.1.4 No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
- 8.1.5 No mobile home, recreation vehicle, travel trailer or manufactured home may be used as an accessory structure in any zoning district unless otherwise permitted in this Ordinance.

Section 8.2 LOT OF RECORD

Section 8.5 HEIGHT MODIFICATIONS

The height limitations of this Ordinance shall not apply to barns, silos, or other farm structures when located on farms; church spires, belfries, cupolas and domes, monuments, water towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio or television towers, masts and aerials and similar structures not intended for human occupancy, except as otherwise restricted by other existing or hereafter adopted ordinances of the City of Hanceville.

Section 8.6 CORNER LOTS

For any lot platted or re-platted after the effective date of this Ordinance that is adjacent to the intersection of two (2) public streets, each yard abutting a public street shall be considered a front yard and shall meet the front yard setback requirements for that particular district. Furthermore, corner lots shall also have one (1) side yard and one (1) rear yard that will meet those setbacks for the particular district. The rear yard shall be defined at the time a building permit is issued.

Section 8.7 HOME OCCUPATIONS

The following regulations shall apply to the conduct of a home occupation in any permitted zoning district:

8.7.1 APPROVAL OF HOME OCCUPATION

The following home occupations are permitted provided all of the provisions of this Section 8.5 are met, a permit is approved by the Administrative Officer and a business license is obtained.

- A. Computer Programming.
- B. Dressmaking, Sewing and Tailoring.
- C. Office, professional, business or service.
- D. Telephone Answering Service.
- E. Tutoring, limited to no more than two (2) students at a time.
- F. Secretarial Service.

Any home occupation not listed above may be permitted as a conditional use upon application to and approval of the Board of Adjustment. If approved, the home occupation shall have a business license.

8.7.2 GENERAL RESTRICTIONS

The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other conditions, which would

constitute an objectionable use of residentially zoned property. Where permitted, a home occupation shall comply with the following limitations and restrictions:

- A. Home occupations shall not be conducted in any building on the premises other than the building used by the occupant as the private dwelling.
- B. No interior or exterior business sign shall be permitted unless authorized by the City's sign regulations for residential districts.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25) of the total floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. No person other than immediate members of the family residing on the premises shall be engaged in the conduct of the home occupation.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street.
- F. Off-street parking requirements as required in Article IX of this Ordinance must be provided.
- G. No display of products shall be visible from the street.
- H. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail, or the sale of merchandise on the premises is incidental.
- I. Any business or activity, which produces noxious matter or perceptible noise beyond the lot line is prohibited.
- J. The owner of a home occupation must reside at the location of the home occupation.
- K. Vehicles having passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation.
- L. The activity conducted as a home occupation shall be limited to the hours between 7 a.m. and 10 p.m.
- M. No portion of any dwelling shall be used for a home occupation, which has direct access thereto other than through the main entrance to the dwelling unit.
- N. No external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- O. No outside storage shall be permitted in connection with a home occupation.
- P. The Administrative Officer of the City of Hanceville or an authorized representative of the Administrative Officer shall be permitted to make an inspection, upon receipt of the initial application for a home occupation; and, in addition, make annual inspections at license renewal time or at any time, upon reasonable request, to enter and inspect the premises of

the home occupation for safety and compliance purposes. A written report of the inspection shall be filed with the Board of Adjustment.

- Q. In the event of the death or relocation of a home occupation licensee, the right to conduct a home occupation shall automatically terminate unless a surviving spouse or adult child residing at the same residence desires to continue the home occupation.

Section 8.8 FENCES, WALLS AND HEDGES

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard with the following restrictions:

- 8.8.1 No fence, wall or hedge along the perimeter of any front yard in a residential district shall exceed four and one-half (4 1/2) feet in height.
- 8.8.2 No fence, wall or hedge along the perimeter of any side yard or rear yard in a residential district shall exceed six and one-half (6 1/2) feet in height except as required for a retaining wall or where authorized by the Board of Adjustment.
- 8.8.3 In the case of corner lots, the provisions of Section 7.5 shall restrict the location of fences, wall, or hedges.

Section 8.9 PARKING, STORAGE OR USE OF MAJOR RECREATION EQUIPMENT

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases of boxes used for transporting recreational equipment whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district for a period of time not to exceed forty-eight (48) hours during loading or unloading unless the following conditions are met:

- 8.9.1 All such vehicles shall be placed in a carport or enclosed building or located behind the front building line or lines in the case of a corner lot, but no closer than five (5) feet to any side or rear lot line.
- 8.9.2 Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
- 8.9.3 In the case of multi-family structures, all such recreation vehicles or equipment shall be stored at one (1) location and be screened from view by a fence or vegetation adequate to conceal the vehicles or equipment from view.
- S.9.4 Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and not used for living, sleeping or housekeeping purposes and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas when parked or stored on a residential lot, or in any location not approved for such use.

Section 8.10 **TELECOMMUNICATIONS TOWER REGULATIONS AND STANDARDS**

The following standards shall apply to all communications or broadcast towers regardless of type, purpose or function constructed in the City of Hanceville. These standards shall be used by the Planning Commission in the granting of Conditional Use approval for towers and accessory communications facilities.

- 8.10.1 At a tower site, the design of the building and related telecommunication facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and built environment to reduce visual obtrusiveness.
- 8.10.2 If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunication facilities must be of a color that is identical to, or closely compatible with, the color of supporting structure so as to make the antenna and related facilities as visually unobtrusive as possible.
- 8.10.3 Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- 8.10.4 No portion of any antenna array may extend beyond the property line.
- 8.10.5 Accessory telecommunications facilities shall be no taller than fifteen (15) feet in height, and shall be compatible with the surrounding area.
- 8.10.6 A landscaped buffer, reviewed and approved by the Planning Commission, shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
- 8.10.7 The telecommunications facility shall be fully secured with a chain link fence of at least eight (8) feet in height that is installed around the perimeter of the compound. Other security measures shall include locks and alarms.
- 8.10.8 Driveways and parking, consisting of an all-weather paved surface, shall be provided to assure access to the telecommunication facility for maintenance or emergency services. Provisions shall be made to provide access clearances for emergency vehicles. A copy of a recorded access easement or a copy of a lease granting access may be required in the absence of a dedicated right-of-way.
- 8.10.9 No new tower shall be established if space is structurally, technically and economically available on an existing tower which would serve the area that the new tower would serve. Documentation that reasonable efforts have been made to achieve co-location shall be submitted to the Planning Commission. Towers shall be designed to provide and maximize shared use to the extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged and preferred to new installation alternatives.

Section 8.11 SWIMMING AND WADING POOLS

The following standards shall apply to all swimming pools and wading pools with a depth of one foot or more in any portion of the pool.

- 8.11.1 Swimming pools and wading pools not located within a permanently and completely walled structure shall be constructed no closer than ten (10) feet of any property line and shall be completely fenced off from the ground up to a height of at least five (5) feet.
- 8.11.2 Fences and gates shall be so constructed and of such materials so as to prevent the entry of children and usual household pets into the pool area.
- 8.11.3 Gates shall be provided with adequate locking devices and shall be locked at all times when pool is not in use.

ARTICLE IX
OFF-STREET PARKING AND LOADING

There shall be provided at the time of creation or enlargement of any use or of any main building or accessory structure, off-street parking and loading spaces, as required in this Article, for motor vehicles with adequate access to all spaces. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements shall be in place and ready for use. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the temporary parking of motor vehicles, is prohibited.

Section 9.1 LOCATION OF PARKING SPACES

Parking spaces for all uses or structures shall be located on the same lot with the principal use unless offsite parking facilities are approved by the Planning Commission. Offsite parking facilities shall not be located more than two hundred (200) feet from the lot on which the principal use to be served is located. Offsite parking must be located in a zoning district where off-street parking facilities for employees and customers are permitted. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such offsite facilities to serve the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and shall be filed with the application for a building permit.

Section 9.2 COMBINED PARKING SPACES

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half () of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

Section 9.3 DESIGN STANDARDS

An off-street parking space shall be a paved asphalt or concrete surfaced area not located in a street or alley, permanently reserved for the temporary storage of motor vehicles and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space. The driveway and required off-street parking spaces shall meet all City of Hanceville design standards for parking space size and driveway widths, according to parking space angles shown on the site plan. Paved asphalt or concrete surfaces shall comply with City of Hanceville parking lot construction standards.

Section 9.4 . MINIMUM OFF-STREET PARKING SPACES FOR INDIVIDUAL USES

The following are the minimum off-street parking spaces required by this Ordinance. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

Residential Uses

Single-Family Detached Dwelling	2 spaces
Two-Family Dwelling	2 spaces per dwelling unit

Multi-Family and Townhouse Dwelling	2 spaces per dwelling unit
Dormitory, Boarding or Rooming House	1 space per bedroom
Manufactured or Mobile Home	2 spaces per unit
Retirement Apartments	1 space per dwelling unit
<u>Public, Semi-Public Uses</u>	
Auditorium, Arena Stadium, Theater, Concert Hall, and other spectator facilities	1 space for each 3 seats
Churches	1 space for each 3 seats
Golf and Country Clubs	7 spaces per hole or 1 space per three members
Government Offices	1 space per 250 square feet of floor area
Hospitals, Nursing Home, Assisted Living Facilities	1 space for each 3 beds plus 1 space per two employees
Libraries, Museums	1 space per 800 square feet of floor area plus 1 space per two employees
Post Office	1 space per 250 square feet of floor area
Private Clubs and Lodges	1 space per 200 square feet of floor area
School, Elementary and Junior High	1 space per eight auditorium seats or 2 spaces per classroom, whichever is greater
School, High	1 space per six students plus 1 space per two employees
School, Vocational	1 space per 50 square feet of classroom floor area
<u>Commercial and Industrial Uses</u>	
Automotive Dealership	1 space per 1,000 square feet of floor area
Automotive Repair and Service	1 ½ space per employee
Automotive Parts and Accessory Sales (retail)	1 space per 150 square feet of floor area
Bank	1 space per 150 square feet of floor area
Barber Shop and Beauty Shop	2 ½ spaces per employee

Bowling Alley	2 spaces per alley
Car Wash	1 space per 2 employees
Convenience Store	1 space per 125 square feet of floor area
Dance or Music Studio	1 space per 100 square feet of floor area
Day Care or Nursery	1 $\frac{1}{2}$ spaces per employee
Doctor-Dentist Office	1 space per 250 square feet of floor area
Funeral Home	1 space per 50 square feet of floor area
Gasoline Service Station	1 space per pump and 2 spaces per service bay
Golf, Carpet	1 space per golf hole
Golf Course	7 spaces per golf hole (public) or 1 space per five members (private)
Laundromat	1 space for each 2 machines
Light Industry	1 space per 3 employees, maximum work shift
Lumber Yard - Building Material Sales	1 space per 200 square feet of floor area and 1 space per 1,000 square feet of outdoor storage area
Mini-Warehouses, self-storage facility	1 space for every 10 warehouse/storage units
Motel or Hotel	1 space per unit plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc., as required in this Article
Office	1 space per 200 square feet of floor area
Recording or broadcast studio studio, photographic studio, research or testing lab, quick copy service, optician, and other similar services.	1 space per 400 square feet
Restaurant, Food Service Restaurant Tavern, Bar and Night Club	1 space per 100 square feet of floor area
Restaurant, Drive-Up	1 space per 100 square feet of floor area
Retail establishments such as: major appliance, carpet, furniture, bicycle and motorcycle showrooms which require an unusually large showroom area to display	1 space per 800 square feet of floor area

oversized commodities

Retail stores and service establishments	1 space per 200 square feet of floor area plus 1 space per 500 square feet of permanent outdoor sales or storage area
Wholesale Establishments	1 space per 2 employees
Veterinary Establishments and other Kennel Facilities	1 space per 1,000 square feet of floor and kennel area

Section 9.5 OFF-STREET LOADING AND UNLOADING SPACE

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by commercial or industrial uses requiring the receipt or distribution of goods by trucks, there shall be provided off-street loading or unloading berths as follows:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
4,000 - 30,000 square feet	1 berth
30,001 - 45,000 square feet	2 berths
45,001 - 65,000 square feet	3 berths
For each additional 100,000 square feet	1 berth

The berth(s) required in each instance shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard.

ARTICLE X SITE PLAN REVIEW

Section 10.1 REQUIRED SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain uses, buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage. The degree and/or detail of required Site plan review varies depends upon the type of application, permit or procedure that is requested.

10.1.1 BUILDINGS, STRUCTURES, USES AND/OR APPLICATIONS AND PROCEDURES REQUIRING SITE PLAN APPROVAL

Site plan review and approval is required under the following conditions:

- A. An application for MHP Manufactured Home Park District zoning shall require site plan review and approval as set forth in Section 5.1 of this Ordinance.
- B. A application to the Planning Commission for approval of a conditional use listed in Section 4.6, Table of Uses, which involves the uses or situations listed in Subparagraphs (1) and (2) below shall require site plan review and approval as set forth in Section 10.2.1 of this Article. However, the Planning Commission may require a site plan as set forth in Section 10.2.1 of this Article for any conditional use request if after inspection of the site of a proposed conditional use, a site plan is considered necessary to arrive at a proper decision regarding the proposed conditional use.
 - (1) Any request for a non-residential conditional use that will be located adjacent to a . residential zoning district.
 - (2) Any request for a multi-family or townhouse conditional use that will be located adjacent to an R-1 or R-2 residential zoning district.
- C. Any application for an amendment to rezone property, which involves the uses or situations listed in Subparagraphs (1) and (2) below shall require Site plan review and approval as set forth in Section 10.2.1 of this Article. However, the Planning Commission may require a site plan as set forth in Section 10.2.1 of this Article for any rezoning request if after inspection of the site of a proposed rezoning, a site plan is considered necessary to arrive at a proper decision regarding the proposed rezoning.
 - (1) Any request for a non-residential zoning district that will be located adjacent to a residential zoning district.
 - (2) Any request for a R-3 High Density Residential District that will be located adjacent to a R-1 or R-2 residential zoning district.

D. The Administrative Officer shall not issue a Building Permit or Certificate of Occupancy for the construction of buildings and structures for the following types of uses unless a site plan has been reviewed and approved as set forth in Section 10.2.2 of this Article.

(1) Any new commercial, industrial or institutional development or additions to such developments resulting in a building size increase that meets or exceeds five thousand (5,000) square feet for commercial and institutional uses and ten thousand (10,000) square feet for industrial uses.

(2) Any new multi-family building, which contains three (3) or more dwelling units or any addition of three (3) or more dwelling units to a multi-family building.

(1) Townhouses or any addition to a townhouse building.

Section 10.2 SITE PLAN SUBMISSION REQUIREMENTS

The following submission requirements shall apply to the various site plans required under Section 10.1 of this Ordinance.

10.2.1 SITE PLAN REQUIREMENTS FOR CONDITIONAL USE AND REZONING APPLICATIONS

The site plan required to be submitted by Section 10.1.1, subparagraph C with an application for conditional use and Section 10.1.1, subparagraph D with the application for the rezoning of property shall include an original and one (1) copy of the following data and information:

A. The location, total size and dimensions of the site.

B. A vicinity map showing the site in relation to surrounding property.

C. Topographic information shall be provided if specifically requested by the Planning Commission or City Council at any point in the site plan review process. Such request shall specify the degree of topographic information desired.

D. The relationship of the site to existing development in the area including streets, utilities, existing zoning, other development and physical features of the land.

E. The location of all streets, rights-of-way, points of ingress and egress, walkways, bodies of water, open space and buffers.

F. Location and number of proposed parking facilities and loading/unloading space.

G. The location, size and character of any common open space and commonly owned facilities.

H. The proposed location and type of signs.

I. Location of utilities.

J. Amount of impervious surface.

- K. Generalized drainage plan with special attention given to assure that it will not adversely affect neighboring properties.
- L. Landscape plan showing the proposed landscape treatment of the site. Existing trees, tree stands and natural vegetation shall be integrated into the landscape plan to the maximum extent possible.

Written statements shall accompany the site plan and shall address the following:

- A. The recorded ownership interests and the nature of the developer's interest if the developer is not the owner.
- B. A description how utilities are to be provided and of their availability and capability to serve the proposed development.
- C. A legal description of the subject property.
- D. Proposed covenants, grants of easement or other restrictions, which will be imposed upon the use of the land structures and facilities, and the form of organization, which will own and maintain any private common areas, buildings or other facilities.
- E. If plans call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.

10.2.2 SITE PLAN REQUIREMENTS FOR BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY

Any development or addition, which is required by Section 10.1.1,E to submit a detailed site plan for review and approval shall provide an original and one (1) copy of the following data and information to the Administrative Officer. All information requested below that involves physical improvements to land or structures shall meet the design standards and specifications of City of Hanceville construction policies, building codes and subdivision regulations.

- A. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the site plan and shall include more than one drawing where required for clarity. All drawings shall include a north arrow and date.
- B. The proposed title of the project and the name, address, phone number and fax number of the applicant and/or property owner(s).
- C. A legal description of the subject property.
- D. The name, address, phone number and fax number of the owner's surveyor, engineer, architect, landscape architect and contractor.
- E. Vicinity map showing the location of the project in relation to the surrounding community.
- F. Address and Parcel Identification Number of the development site.

- G. Identification of the type of land uses in the proposed development and of existing zoning district boundaries for the site and adjacent land. In the case of a Conditional Use, approved by the Planning Commission, any appropriate conditions and safeguards imposed by the Planning Commission shall also be indicated on the site plan or in a separate written statement.
- H. The boundaries of the property involved including total acreage or square footage in the project site and the acres or square feet to be developed; the general location of all easements, section lines, and property lines; and the dimensions of all property lines.
- I. Names and addresses of all adjacent property owners.
- J. The physical and natural features in or adjoining the project
- K. The location of existing and proposed buildings, sanitary and storm sewers, water mains, culverts, and other public utilities in or adjacent to the project.
- L. The location of proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area; the location of loading and unloading areas; and the identification of service lanes and service parking.
- M. The proposed location, use, size and type of buffer areas, open spaces, recreation areas, landscaping, fences, or walls on the site.
- N. The location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- O. The location and dimensions of all front, side and rear yard setbacks; and building coverage area required in the zoning district where the development is located.
- P. The proposed location and types of signs.
- Q. A drainage plan showing the detail and specifications required for the submission of a preliminary plat under the Hanceville Subdivision Regulations.
- R. The location of any proposed alterations to the topography and other natural features.
- S. A boundary survey, sealed by a surveyor registered by the State of Alabama that is less than one year old at the time of submission of the site plan review application.

Section 10.3 REVIEW AND APPROVAL PROCEDURES FOR SITE PLANS REQUIRED BECAUSE OF AN APPLICATION FOR REZONING OR CONDITIONAL USE

The review and approval of a site plan required for an application for rezoning of property shall follow and be part of the zoning amendment process specified in Article XIV of this Ordinance. The review and approval of a site plan required for an application for approval of a conditional use shall follow the

public hearing and notice requirements of Section 3.4.2 of this Ordinance as they pertain to the Planning Commission.

Section 10.4 REVIEW AND APPROVAL PROCEDURES FOR SITE PLANS REQUIRED UPON APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY

10.4.1 PLANNING COMMISSION REVIEW OF SITE PLAN

Upon receipt of such application from the Administrative Officer, the Planning Commission shall undertake a study of the same and shall, within sixty (60) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

10.4.2 HEARINGS AND NOTICE

No public notice and hearing is required for site plan consideration in connection with an application for a building permit or certificate of occupancy by the Planning Commission, but such matters shall be handled in a public session, as part of a previously prepared agenda. All matters relating to Planning Commission consideration of site plans shall be a public record and approval shall require formal action of the Planning Commission.

10.4.3 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of the Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of this Section of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses are located as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

10.4.4 PLANNING COMMISSION APPROVAL AND CERTIFICATION OF SITE PLAN

Upon the Planning Commission's recommended approval of a site plan, the applicant shall within ten (10) days file one (1) reproducible copy with the Planning Commission

10.4.5 EXPIRATION OF SITE PLAN CERTIFICATION

The site plan shall expire, and be of no effect three hundred sixty-five (365) days after the date of the Planning Commission's certification of the site plan, unless within such time the Administrative Officer has issued a Building Permit or Certificate of Occupancy for any proposed work authorized under the site plan approval and certification.

10.4.6 AMENDMENT, REVISION OF SITE PLAN

An approved site plan may be amended, at the request of the applicant, under the procedures applicable to the initial approval of the Site Plan.

ARTICLE XI
RESERVED FOR FUTURE USE

ARTICLE XII NONCONFORMING USE OF LAND, BUILDINGS AND STRUCTURES

Within the districts established by this Ordinance, or any amendment thereto, there exists lots, buildings, structures, uses of land, buildings and structures, and characteristics of use which were lawful before this Ordinance was adopted, or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance may be continued subject to the requirements and restrictions of this Article.

Section 12.1 NONCONFORMING USE OF LAND

Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 12.1.1 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except as provided in Section 12.2.1.
- 12.1.2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 12.1.3 If any such nonconforming use of land ceases or is discontinued, or abandoned for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 12.1.4 No additional structures-not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

Section 12.2 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on the area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 12.2.1 No such nonconforming structure may be enlarged or altered in any way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, a nonconforming detached single-family dwelling or manufactured home may, upon approval of the Board of Adjustment, increase the square footage of living space if such increase does not change the single-family use, cause undue density, and is considered an upgrade in living standards.
- 12.2.2 Should such nonconforming structure or nonconforming portion of structure, other than detached residential dwellings and except as provided in Section 12.2.4, be destroyed by any means to an extent of more than eighty (80) percent of its replacement cost, as determined by the Administrative Officer, at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

12.2.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

12.2.4 Nonconforming commercial or business establishments which are not located in a residential or office-institutional district and manufacturing establishments which are not located in a residential, office-

ARTICLE XIII ADMINISTRATION AND ENFORCEMENT

Section 13.1 ADMINISTRATIVE OFFICER

The provisions of this Ordinance shall be administered and enforced by the Administrative Officer of the City of Hanceville, Alabama or his/her duly authorized agent. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a Certificate of Occupancy for the purpose of making inspections of building or premises necessary in carrying out duties required in the enforcement of this Ordinance.

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

Section 13.2 BUILDING PERMIT REQUIRED

It shall be unlawful to commence earthwork; the excavation for the construction of any building or other structure including accessory structures or signs; installation of any mobile home or house trailer; store building materials or erect temporary field offices; or commence the moving, alteration or repair (except repairs not exceeding the City of Hanceville's current minimum cost policies or painting or wallpapering) of any structure, until the Administrative Officer of the City of Hanceville has issued a building permit for such work.

No building permit shall be issued by the Administrative Officer except in conformity with the provisions of this Ordinance, unless a written order is received from the Board of Adjustment in the form of an administrative review or variance or from the Planning Commission in the form of an approved conditional use as provided by this Ordinance.

No utility corporation, company or cooperative shall furnish either temporary or permanent utility service of any nature or kind to any building or structure or to any person desiring to undertake any excavation until said utility corporation, company or cooperative shall be furnished satisfactory evidence that a building permit has been issued as herein provided for.

Section 13.3 GENERAL PROCEDURE

All persons desiring to undertake any excavation, new construction, structural alteration, or changes in the use of a building or lot shall apply to the Administrative Officer for a building permit and certificate of occupancy by filling out the appropriate application form and submitting the required fee. Upon receipt of an application, the Administrative Officer will then either issue or refuse to issue a building permit. If the application is denied, the applicant may appeal the decision to the Board of Adjustment. After the receipt of the building permit, the applicant may proceed to undertake the action permitted by the building permit. If the Administrative Officer finds that the action of the applicant has been taken in accordance with the building permit, a certificate of occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued.

Section 13.4 REVIEW OF BUILDING PERMIT APPLICATIONS

It shall be unlawful for the Administrative Officer to approve any plans or issue a building permit for any excavation or construction until the plans for such projects have been inspected and found to be in conformity with this Ordinance. To this end, the Administrative Officer shall require that every application for a building permit for excavation, construction, use of land, moving or alteration for uses specified in Section 10.1.1 E be accompanied by a site plan that meets all of the requirements and approval procedures of Article X of this Ordinance. The site plan required under Article X will enable the Planning Commission and Administrative Officer to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance as well as other codes and ordinances of the City of Hanceville.

If the proposed excavation, construction, moving, or alterations as set forth in the application are in conformity with the provisions of this Ordinance, the Administrative Officer shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of the building permit shall in no case be construed as waiving any provisions of this Ordinance.

Section 13.5 EXPIRATION OF BUILDING PERMIT

If the work described in any building permit has not begun within the time period specified by the Hanceville Building Code from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Administrative Officer and written notice thereof shall be given to the person affected.

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

Section 13.6 CERTIFICATE OF OCCUPANCY REQUIRED

No land or building, manufactured or mobile home or house trailer, or other structure or part thereof hereafter erected, converted or altered in its use shall be used, occupied or changed in use and no land may be used until and unless the Administrative Officer shall have issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

Within three (3) days after the owner or the owner's agent has notified the Administrative Officer that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof, and to issue a certificate of occupancy if the building or premise or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the cause and reason for the refusal in writing. If the certificate of occupancy is denied, the applicant may appeal the action of the Administrative Officer to the Board of Adjustment.

Permanent utility service of any nature or kind shall not be applied for or furnished to any building or other structure until said utility company, corporation or cooperative shall be furnished satisfactory evidence that a certificate of occupancy has been issued as herein provided for.

Section 13.7 ENFORCEMENT

Upon good cause and upon presentation of proper credentials, the Administrative Officer or his/her authorized agent, may enter at any reasonable time, any building, structure, or premises, for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the Administrative Officer, or the City in his/her behalf, is authorized and directed to institute any appropriate action to put an end to such violation.

In addition to the criminal penalties and enforcement procedures provided in Section 13.8 of this Ordinance, the Administrative Officer, or the City in his/her behalf, may institute any lawful civil action or proceeding to prevent, restrain or abate:

- 13.7.1 The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or
- 13.7.2 The occupancy of such building, structure, land or water; or
- 13.7.3 The illegal act, conduct, or use, in or about any building, structure, or premises.
- 13.7.4 Prior to any criminal prosecution, the Administrative Officer, or his/her authorized agent, shall give a written notice or citation to the person, firm, corporation, or organization violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm, corporation, or organization to cease and desist such violation immediately. Otherwise, such person, firm, corporation, or organization will be prosecuted as provided herein.

Section 13.8 PENALTIES

Any person, owner, agent, lessee, tenant, contractor, firm, corporation, or any other person violating any provision of this Ordinance shall be fined on conviction not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) and cost of court for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 13.9 REMEDIES

In case any building or other structure is erected, altered, constructed, reconstructed, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the City of Hanceville or any appropriate authority of any adjacent property owner, who would be affected by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.

ARTICLE XIV
ZONING BOARD OF ADJUSTMENT

Section 14.1 ESTABLISHMENT OF A ZONING BOARD OF ADJUSTMENT

A Zoning Board of Adjustment is hereby established which shall consist of five (5) members to be appointed by the City Council. One (1) member shall be appointed for a term of three (3) years, two (2) members for two (2) years and two (2) members for one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. In addition to the five regular members, two (2) supernumerary members shall be appointed to serve on the Zoning Board of Adjustment at the call of the Chairman only in the absence of regular members and while serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by the City Council for the remaining term of any member whose term becomes vacant.

Section 14.2 PROCEEDINGS OF THE ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall adopt rules necessary to conduct its affairs, and in keeping with all applicable state statutes or provisions of this Ordinance. Meetings shall be held at the call of the Chairmen and at such other times as the Board may determine; the Chairman, or in the chairman's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failure to note indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record.

Section 14.3 POWERS AND DUTIES OF THE ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall have the following powers and duties when considering matters within its jurisdiction as defined by state statutes and this Ordinance:

- 14.3.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.
- 14.3.2 Special Exceptions: Conditions: Procedures. To hear and decide any such special exceptions, conditions or procedures as the Zoning Board of Adjustment is specially authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions, conditions or procedures should be granted; and to grant special exceptions; conditions or procedures with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.
- 14.3.3 Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:

- A. That the granting of the variance will not be contrary to the public interest.
- B. That exceptional and special conditions and circumstances pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands, structures, or buildings in the same district.
- C. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- D. That the special conditions and circumstances do not result from the actions of the applicant.
- E. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, structures or buildings in the same district. In granting a variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- G. That granting the variance shall not permit a use of land, building or structure which is not permitted in the zoning district involved; and
- H. That the grant of the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- I. The burden of proving to the Zoning Board of Adjustment that the foregoing conditions have been met is the responsibility of the applicant.
- J. In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted. Shall be deemed a violation of this Ordinance. No nonconforming use of neighboring lands, structures, or buildings in other zone districts shall be considered grounds for the authorization of a variance.

Section 14.4 APPEALS TO THE ZONING BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Hanceville affected by any decision of the Administrative Officer or any other city officials based on this Ordinance. Such appeal shall be taken within thirty (30) days, as provided by the rules of the Board, by filing with the Administrative Officer a written notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board of Adjustment.

An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of

appeal shall have been filed with him that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application of notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

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

Section 14.5 DECISIONS OF THE ZONING BOARD OF ADJUSTMENT

In exercising the above-mentioned powers, the Zoning Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

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

Section 14.6 FEES

The applicant for all applications for variances, special exceptions and appeals for review before the Zoning Board of Adjustment shall, upon submission of each application, include a filing fee as set forth in the City of Hanceville's current fee schedule, a copy of which is available at the office of the Administrative Officer. No application for a variance, special exceptions or appeal shall be reviewed by the Board of Adjustment unless and until all applicable fees have been paid in full.

Section 14.7 APPEALS FROM A DECISION OF THE BOARD OF ADJUSTMENT

Any party aggrieved by any final judgment or decision of the Zoning Board of Adjustment may within fifteen (15) days thereafter appeal there from to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, such 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 de novo.

ARTICLE XV AMENDMENTS

Section 15.1 REZONING OR AMENDMENTS

A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the City Council, the Planning Commission, or at the request of the owners of the property to be rezoned or their authorized agent. In addition, the City Council and/or the Planning Commission may initiate, in accordance with state law, proposed amendments to the provisions of this Ordinance.

Section 15.2 APPLICATION FOR REZONING BY PROPERTY OWNER

Whenever the owner of record of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, the following procedure shall be followed.

15.2.1 Allocation. The applicant shall submit a complete zoning amendment application, on a form provided by the City, to the Administrative Officer at least fifteen (15) prior to the Planning Commission meeting at which the amendment is to be considered including a site plan, if required by Section 10.1.1, subparagraph D of this Ordinance, or if a site plan is not required, the application shall include, as a minimum, the following:

A. Fee. The applicant for rezoning shall, upon submission of each application for amendment, include a filing fee as set forth in the City of Hanceville's current fee schedule, a copy of which is available at the office of the Administrative Officer.

B. Written Statement. A written statement indicating:

- (1) Reason for the request.
- (2) Legal description of the subject property.

Section 15.3 PLANNING COMMISSION REVIEW

Regardless of the source of the proposed zoning change, the City Council shall not hold its public hearing or take actions on any amendment to this Ordinance until it has received a report and recommendation on such amendment from the Planning Commission. The Planning Commission shall hold a public hearing before submitting its recommendation to the City Council.

Section 15.4 PUBLIC HEARINGS AND NOTICES

The following procedures for hearings and notices shall be followed for the rezoning of specific property upon request of the property owner. The following procedures for hearings and notices shall be required for amendments or revisions to the Zoning Ordinance initiated by the City of Hanceville. Such amendments or revisions shall follow the requirements of State Law regarding notices and hearings.

15.4.1 Mailed Notice. At least fifteen (15) days prior to the public hearing to be held by the Planning Commission, notice shall be sent to owners of record of property within the City limits that is

Located within three hundred (300) feet of the property on which the change in zoning is requested. Such notice shall be served by posting the same postage paid, in the United States Post Office, to owner(s) of record as said name and address appears on the last approved tax roll of Cullman County.

15.4.2 Publication of Notice. A notice of public hearing shall be published in a newspaper of general circulation in the City of Hanceville at least once each week for two (2) successive weeks prior to the public hearing.

15.4.3 Planning Commission Hearing. The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

15.4.4 City Council Hearing. Upon receipt of a favorable recommendation from the Planning Commission, the Administrative Officer shall, in accord with State law, schedule and advertise the proposed amendment for a public hearing before the City Council. No amendment shall be adopted by the City Council until after public notice and hearing. Notice of the City Council's public hearing shall be published in a newspaper of general circulation in the City of Hanceville at least once each week for two (2) successive weeks prior to the hearing.

Section 15.5 CONDITIONAL REZONING

In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned.

. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the Regulations provided for in the desired zoning district.

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15.5.1 Proffered conditions must adhere to the following criteria:

- A. The rezoning itself must give rise to the need for the conditions.
- B. Such conditions shall have a reasonable relation to the rezoning.
- C. Such conditions shall not include a cash contribution to the City.
- D. Such conditions shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Hanceville Subdivision Regulations.
- E. Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Hanceville Subdivision Regulations.
- F. No condition shall be proffered that is not related to the physical development or physical operation of the property.
- G. No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
- H. All such conditions shall be in conformity with the purposes and considerations of this Ordinance.

15.5.2 The Administrative Officer shall be vested with all necessary authority on behalf of the City Council to administer and enforce conditions attached to a rezoning amendment.

15.5.3 The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The Administrative Officer shall maintain and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, B-1-C), and the zoning map shall reference the conditional zoning index by ordinance number. Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

Section 15.6 LIMITATIONS ON REZONING AMENDMENTS

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning for the same tract of land will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the City Council? Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the City Council shall also require a one (1) year time period before another application may be submitted. However, the Planning Commission may adjust this time period if in the opinion of a majority of the commission, an unusual situation or circumstance exists which would warrant another hearing. The required administrative fees must be paid each time an application is made for a zoning amendment. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.

ARTICLE XVI DEFINITIONS

The purpose of this Article is to clarify the meaning of certain words as they are used in this Ordinance.

Section 16.1 INTERPRETATION OF CERTAIN TERMS AND WORDS.

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain terms or words are to be interpreted as follows:

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

16.1.2 Words used in the singular include the plural, and words used in the plural include the singular...

16.1.3 The word shall is always mandatory.

16.1.4 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

16.1.5 The word "lot" includes the word "plot" or "parcel".

16.1.6 The word "building" includes the word "structure".

16.1.7 The word "used" or "occupied", as applied to any land or building, shall be constructed to include the words "intended, arranged or designed to be used or occupied".

16.1.8 The words "zoning map" mean and refer to the Zoning Map, City of Hanceville, Alabama".

Section 16.2 LIST OF DEFINITIONS

For the purposes of this Ordinance, certain terms or words are defined as follows:

Accessory Building or Structure. A building or structure or portion of the main building the use of which is customarily incidental to, subordinate to and devoted exclusively to the principal or main structure or building.

Accessory Use. A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal or main use of the premises.

Administrative Officer. The person appointed by the City Council of the City of Hanceville and authorized to administer and enforce all provisions of the Zoning Ordinance.

Alley. A permanent public way that provides only a secondary means of access to abutting properties.

Alteration. The word alteration shall include any change in use or any addition to a building or structure or any change in the location or height of any of the exterior walls of a building or structure.

Assisted Living Facility. A licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four (24) hours in any week to a minimum of two (2) ambulatory adults not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for person, who, because of age or disability, are incapable of living independently in their own homes or in a commercial room and board situation, yet who do not require the medical and nursing services provided by a nursing home.

Buffer Strip. A planting strip at least ten (10) feet in width, composed of evergreen trees, spaced not more than ten (10) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart, and said strip shall be planted and maintained in a healthy, growing condition by the property owner. Within one (1) full year of the installation, said planting shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of six (6) feet tall.

Buildable Area. The portion of a lot remaining after required yards have been provided.

Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals or chattel.

Building, Area. The percent of total lot area covered by buildings and structures including porches, carports, accessory buildings, and other structures but excluding roof overhangs.

Building, Floor Area. The total floor area of all spaces within a building as measured within the outside of the exterior walls, exclusive of uncovered porches, terraces and loading docks.

Building, Height. The vertical distance measured from the average elevation of the finished grade to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building Line. A line defining the distance from the property line or lines in front of which no structure may be built.

Building, Principal. The principal building on a lot, including an attached garage, carport or porch, in which is conducted the main or principal use of the lot on which said building is situated.

City. City shall mean the City of Hanceville, Alabama.

City Council. As used in this Ordinance City Council shall mean the governing body of the City of Hanceville and any future governing body regardless of its official name.

Clinic. An establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as outpatients by physicians, dentists, optometrists or other members of the medical profession.

Condominium. An ownership arrangement (not a land use) involving individually owned attached dwelling units, situated on property, which is owned and maintained by an association of residents, for their common use and benefit.

Day Care Center. Any childcare facility receiving more than four (4) children for care during all or part of the day. The term does not include: programs operated as part of public or private schools; program operated on governmental premises; and special activities programs such as athletics, crafts and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Dwelling. A building or portion thereof, which is built on site and designed or used exclusively for permanent residential occupancy.

Dwelling, Apartment. A building, which is built on-site and arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

Dwelling, Duplex (two-family). A single building, which is built on-site and contains two contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.

Dwelling, Multi-Family. A dwelling unit within a building containing three (3) or more dwelling units so arranged that their occupants live independently of each other.

Dwelling, Single-Family Attached. A dwelling unit, which is built on-site and designed for occupancy by one (1) family, which is joined, to another dwelling unit at one or more sides by a party wall or abutting separate wall and such dwelling unit is erected on its own individual lot of record.

Dwelling, Single-Family Detached. A dwelling unit, which is built on-site and designed and constructed for occupancy by one (1) family and located on a lot or separate building track and having no physical connection to a building located on any other lot or track.

Dwelling, Townhouse. One (1) of a series of more than two (2) attached single-family dwelling units constructed side by side with platted property lines and with a common fire wall between each two units. At points of attachment, such buildings are separated from one another by a continuous vertical wall without openings from the ground to the roof. The common firewall shall meet the requirements of the Southern Building Code.

Dwelling Unit. A room or group of rooms including a kitchen and sanitary facilities designed, arranged and/or used exclusively as living quarters for one (1) or more persons as a single housekeeping unit, but not including units in hotels or other structures designed for transient residence.

Family. An individual, or two (2) or more persons living together as a separate housekeeping unit with a single set of culinary facilities.

Fence. An artificially constructed barrier or enclosure of any material or combination of materials, which is retained as a means to enclose or screen areas of land or land uses.

Garage, Private. A building or space used as an accessory to or part of a principal building permitted in any residential district for the purpose of storing privately owned vehicles.

Garage, Public. Any building or premises, other than a private garage used exclusively for the temporary parking or storage of motor vehicles.

Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Hazardous Substances. Shall mean any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such material or substance.

Hazardous Uses. All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops or property.

Home Occupation. An accessory use of a dwelling, which is clearly incidental and secondary to residential occupancy, employs only the inhabitants thereof and does not change the character of the dwelling or area in which it is located.

Hotel or Motel. A building or structure under a single management, which is designed, used or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, or cafes where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than ten (10) individual guests' rooms, maintain an inner lobby, provide services such as room cleaning, linen supply, telephone, and furnishings.

Hospital. The use of a building or premises, operating under license by the Alabama State Health Department, for the provision of diagnostic health services and medical or surgical care to human inpatients and outpatients suffering from illness, disease, injury, deformity and other physical or mental afflictions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Junk or Salvage Yard. A place, structure or lot used for the collection, storage and/or sale of junk, waste, discarded, salvaged or similar materials such as metal, paper, rags, wood, glass, cloth or other materials or for the collection, dismantling, storage and salvaging of machinery or vehicles and/or for the sale of parts therefrom.

Lot. A portion of a subdivision or any parcel or plot intended as a unit for the transfer of ownership or for development, or both. Such lot may or may not coincide with a "lot of record" and may contain two (2) or more lots of record.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

Lot, Depth. The depth of a lot is the mean distance of the sidelines of the lot measured from the midpoint of the front and rear lot lines.

Lot, Double Frontage. A lot, other than a corner lot, which has frontage on more than one street.

Lot Frontage. Lot width measured at the street lot line.

Lot Line. Any line dividing one (1) lot from another.

Lot One - Front. The front lot line is the line separating the lot from a street. In the case of a corner lot. The front lot line shall be considered as parallel to the streets upon which the lot is located.

Lot Line - Rear. The rear lot line is that opposite the front lot line. In the case of corner lots or uncertainty, the Administrative Officer shall determine the rear lot line.

Lot Line - Side. Any lot line other than a front or rear lot line.

Lot. Width. The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this Ordinance to be measured at the front building line.

Lot of Record. A lot which is part of a recorded plat or plot which has been recorded in the Office of the Probate Judge of Marshall County, or a lot described by metes and bounds, the map or description of which has been recorded according to Alabama Law.

Manufactured Home. A structure, built or fabricated in an off-site manufacturing facility for installation or assembly at a building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards *Act* of 1974, as amended (42 U.S.C. 5401, et. seq.), which first became effective on June 15, 1976.

Mobile Home. A dwelling unit manufactured prior to June 15, 1976, whether on wheels or a foundation, which is designed for a long-term occupancy, and containing sleeping accommodations, a flush toilet. A tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

Modular Unit. A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, industrial or institutional purposes. Modular units do not include structures defined as manufactured or mobile homes or constructed with an integral chassis and attached wheels.

Nonconforming Use. A use of any building, structure, or land which was lawful when the use commenced, but does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.

Nursing Home. A licensed facility providing care for compensation to convalescents, the aged or infirm who are unable to care for themselves and require continuous, skilled care; but not including hospitals, clinics or similar establishments devoted to the diagnosis and treatment of the sick or injured.

Open Space. Shall mean an unoccupied space open to the sky.

Open Space. Common. Usable land area of a site that is available to all occupants of a development on a continuing and permanent basis and is not covered by buildings (except recreational structures) or public rights-of-way.

Open or Outdoor Storage. The keeping within an unroofed area, whether fenced or not, any goods, material, merchandise or vehicles.

Parking Area or Lot. Except as provided for in Article IX of this Ordinance, a parking lot or area is an open, unoccupied space that is surfaced by either asphalt pavement or concrete and used or intended to be used for the purpose of parking motor driven vehicles, and in which no business is conducted.

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley and having an area that meets the City of Hanceville design standards for parking space size exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved. An off-street parking space shall always be located outside the street right-of-way and shall meet all the requirements of Article IX of this Ordinance.

Parking Structure. A structure or portion thereof designed or used primarily for the parking of motor driven vehicles.

Plat. Shall mean a map, plan or layout of a City, parcel of land, or subdivision indicating the location and boundaries of individual properties.

Poultry. Shall mean any chickens, turkeys, ducks, geese, or other fowl.

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

Public Utility. Any person, firm, corporation, governmental department or board, duly authorized by the Alabama Public Services Commission, to provide electricity, gas, steam, telephone, telegraph, transportation, water or sewer service to the general public.

Rooming House. Either a one (1) or two (2) family dwelling other than a hotel, motel or apartment building where lodging for one (1) or more persons not of the immediate family is provided for compensation and by pre-arrangement for definite time periods.

Shopping Center. A group of two (2) or more retail sales or service establishments located within one (1) building or a group of architecturally unified buildings; and having an integrated parking area.

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

Story - half. A half story is a story situated within a sloping roof, the floor area of which, at a height of five (5) feet above the floor, does not exceed two-thirds (2/3) of the floor area in the story directly below it.

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

Street One. The dividing line between the street and the abutting property.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, overhead wires, dish antennas, fences, retaining walls, decks, storage buildings, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Structure, height. Except for buildings, the height of a structure shall be measured from the average ground elevation at the bottom of the structure to the highest point of the structure.

Use. The purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on or intended to be Carried on in a building or other structure or on land.

Variance. A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be authorized only for height area, size of structure, size of yards and open spaces, off-street parking and loading requirements, or height of fencing or buffering. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard. Front. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street lines and the front line of the building projected to the sidelines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

Yard. Rear. An open space unoccupied (except for open air off-street parking) on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

Yard. Side. An open space unoccupied (except for open air off-street parking) on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE XVII LEGAL STATUS PROVISIONS

Section 17.1 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience and general welfare of the community. It is not Intended by this Ordinance to interfere with or abrogate or annul easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall control. Where other ordinances or regulations require higher standards than the provisions of this Ordinance, such other applicable ordinances or regulations shall govern.

Section 17.2 VALIDITY

If any section, clause or portion of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of any other clause, section or portion of this Ordinance, which is not so declared to be invalid or unconstitutional.

Section 17.3 CONFLICTING ZONING ORDINANCES

This Ordinance supersedes any existing zoning ordinances. Any existing zoning ordinance is hereby repealed.

Section 17.4 EFFECT UPON OUTSTANDING BUILDING PERMITS

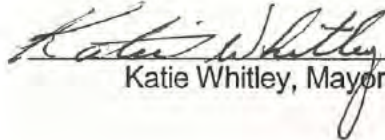
Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which a building permit has been granted by the City before the time of passage of this Ordinance; provided, that where construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this Ordinance or where it has been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction or use shall be in conformance with the provisions of this Ordinance.

ARTICLE XVIII
EFFECTIVE DATE

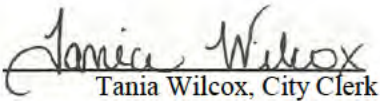
D.

This Ordinance shall take effect and be in force immediately after its adoption by the City Council of the City of Hanceville, Alabama.

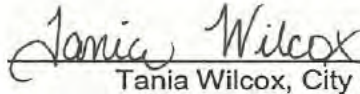
ADOPTED on the 24th day of April, 2006.


Katie Whitley, Mayor

ATTEST:


Tania Wilcox, City Clerk

I Tania Wilcox City Clerk of the City of Hanceville Alabama do hereby certify that the foregoing is a true and correct copy of Ordinance No. **510**, which ordinance was adopted by the City Council on April 24, 2006. This Ordinance was duly advertised as required by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended.


Tania Wilcox, City Clerk


City of Hanceville

This certificate states the time and manner of publication

Posted in four public places:
Hanceville City Hall
Hanceville Library
Hanceville Drug
Hanceville Post Office

Date: April 25, 2006

