ZONING

ORDINANCE

HAMMONDVILLE, ALABAMA

This Report Prepared For:

TOWN OF HAMMONDVILLE, ALABAMA

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ZONING ORDINANCE OF THE TOWN OF HAMMONDVILLE, ALABAMA

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ZONING ORDINANCE

OF THE

TOWN OF HAMMONDVILLE, ALABAMA

Top of Alabama Regional Council of Governments

Suite 350
Central Bank Building
Huntsville, Alabama 35801

March, 1980

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Abstract: This Zoning Ordinance regulates land use within the corporate limits of Hammondville. The ordinance lists permitted uses and uses allowed as a Special Exception. The ordinance also lists dimensional requirements for the five zoning districts, along with off-street parking, loading and unloading requirements and provisions for enforcement and administration. The ordinance also contains provisions for the requlation of mobile home parks.

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Be it ordained by the Town Council of Hammondville, Alabama, as follows:

ARTICLE I

AUTHORITY AND PURPOSE

Section 1-1. Authority

Ordinance #80-1 establishing comprehensive zoning regulations for the Town of Hammondville, Alabama, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Title II, Chapter 52, Article IV, Section 11-52-70 to 11-52-84 inclusive of the Code of Alabama (recompiled 1975) and providing for the repeal of all ordinances in conflict herewith.

Section 1-2. Purpose

It is the purpose of this Zoning Ordinance:

a. To protect and provide for the public health, safety, and general welfare of the Town;

b. To guide the future growth and development of the Town in accordance with the Land Use Plan;

c. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population;

d. To protect the character and the social and economic stability of all parts of the Town of Hammondville and to encourage the orderly and beneficial development of all parts of the Town;

e. To protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings;

f. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, and other public facilities and services;

g. To provide the most beneficial relationship between the use of land, buildings, and the circulation of traffic throughout the Town;

h. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and

to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land;

i. To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.

ARTICLE II

TITLE

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

ARTICLE III

ESTABLISHEMENT OF DISTRICTS

Section 3-1. Use Districts Named

For the purpose of this Ordinance, the Town of Hammondville, Alabama, is hereby divided into the following districts:

R-1 Residential District
B-1 General Business District
B-2 Interchange Business District
M-1 Manufacturing District
AG-1 Agricultural District

Section 3-2. Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk under the following words: "This is to certify that this is the Official Zoning Map of the Town of Hammondville, Alabama", adopted April 26, 1980.

3-2-1 Changes in District Boundaries. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council, with an entry on the Official Zoning Map as follows: date of action of the Town Council and resolution or ordinance number of the zoning amendment. No amendment of this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

3-2-2 Unauthorized Changes Prohibited. No change of any nature shall be made in the Official Zoning Map, or matter thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article XI, Section 11-2.

3-2-3 Final Authority to Zoning. Regardless of the existence of purported copies of the Official Zoning Map, which may, from time to time, be made or published, the Official Zoning Map which shall be located in the Office of the Town Clerk shall be the final authority as to the current zoning sattus of land, buildings, and other structures in the Town.

3-2-4 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors of omission in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Hammondville, Alabama."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 3-3. Rules Governing Zoning District Boundaries

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

3-3-1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers or other bodies of water, shall be construed to follow such center lines.

3-3-2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3-3-3 Boundaries indicated as approximately following corporate limit lines shall be construed as following such corporate limit lines.

3-3-4 Where district boundaries are so indicated that they are approximately parallel to the center line of street or highway rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

3-3-5 Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 3-3-1 through 3-3-4 above, the Board of Adjustment shall interpret the district boundaries.

3-3-6 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as a Variance, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE IV

USE DISTRICTS

Section 4-1. R-1 Residential District

This district is established as a district in which the principal use of land is for single-family residences, and is designed to provide a compatible residential environment.

4-1-1 Permitted Uses

- Single-family dwellings, excluding mobile homes
- Parks and Playgrounds
- Customary accessory buildings, including private garages and non-commercial greenhouses and workshops

4-1-2 Special Exceptions

Amended by Ord. 93-01, Ord. 94-02

- General farming including horticulture; dairying; apiaries; livestock and poultry raising; and other similar enterprises or uses
- Churches and cemetaries
- Home occupations as defined in Article X, Subsection 10-2-26
- Duplexes
- Multiple family dwellings
- Mobile homes (no more than one per lot) provided the requirements of 4-1-3 are met and the location and utilities shall be approved by the DeKalb County Health Department in writing
- Mobile home parks provided the requirements of Article V, Section 5-6 are met
- Boarding and rooming houses
- Public and private schools
- Private day care homes, day nurseries, day care centers and kindergartens
- Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, and similar structures, provided buffering against fumes, noise, unsightliness, etc., shall be as requested by the Zoning Board of Adjustment
- Golf courses and country clubs, private clubs, lodges and summer camps
- Libraries, fire stations and any other municipal buildings and uses necessary for the provision of municipal services in a residential area, provided they are in keeping with the character and requirements of the district

- Group Housing Developments, subject to conditions set forth in Article VI, Section 6-5

NOTE: Special Exceptions in all residential districts except public utility structures and home occupations shall be permitted only on lots fronting on and with principal driveway access to a street, and so located, site-planned and designed as to avoid undue noise and other nuisances and dangers.

4-1-3 Dimensional Requirements

(1) Front Yard setback: thirty-five (35) feet. Multi-family developments may front on a public street or private access way. Multi-family dwellings shall be setback fifteen (15) feet from private project drives and walkways.

(2) Side yard setback: twelve (12) feet except on corner lots where the side adjoining the right-of-way shall be fifteen (15) feet. Multi-family developments shall have a side yard of eight (8) feet on ends of groups and for multi-family developments at corners, the side yard shall be a minimum of twenty (20) feet.

(3) Rear yard setback: thirty-five (35) feet. Unattached rear yard accessory buildings shall be setback one (1) foot from the utility easement line.

(4) Minimum lot size: fifteen thousand (15,000) square feet. Any dwelling which does not have public water service shall be located on a lot a minimum of 20,000 square feet in area. Dwelling units housing two or more families shall be subject to DeKalb County Health Department approval.

(5) Width in feet at building line: one hundred (100) feet for duplexes and five (5) feet additional width for each additional family occupying the structure.

(6) Lot coverage: main and accessory buildings shall not cover more than twenty-five (25) percent of the lot area. Multi-family developments subject to site plan approval.

(7) Height: no building shall exceed thirty-five (35) feet in height.

4-1-4 Required Conditions

(1) All multiple-family structures shall provide a ten (10) foot landscaped buffer when adjoining single-family residential districts as specified in Section 5-8.

Section 4-2. B-1 General Business District

The purpose of this district is to encourage the development of this district as the business center of the Town of Hammondville.

4-2-1 Permitted Uses

- Retail outlets for the sale of: food, general merchandise, wearing apparel, hardware, drugs and sundries, jewelry and gifts, flowers, books and stationery, sporting goods, cameras and photographic supplies, hobby crafts and art supplies, pets, furniture, antiques, appliances, dry goods, notions, toys, office equipment and supplies, paint and wallpaper
- Services establishments including dry cleaning and laundry pick-up station, self service laundries, barber or beauty shops, repair shops for jewelry, shoes, and household appliances, photographic studios, tailor, dressmaking and millinery shops
- Professional services, including medical clinics, governmental offices, offices of doctors, dentists, osteopaths, and similar professions, funeral homes
- Business establishments which perform services on the premises including banks, insurance offices, real estate offices and other business and professional offices
- Libraries, post office, fire station, armories and similar governmental buildings
- Business school, trade schools and dancing schools
- Day nurseries and day care centers
- Public and semi-public uses and structures
- Uses customarily accessory to permitted uses

4-2-2 Special Exceptions

- Commercial recreational facilities and amusement enterprises
- Service stations
- Motels
- Animal hospital and veterinary clinic
- Automobile repair service
- Automobile sales and service
- Mobile home sales lot
- Automatic car wash
- Farm equipment sales and service
- Buildings supplies
- Automobile parts supply, new or used
- Building, electrical, plumbing and heating supply
- Theaters, including drive-in
- Open air businesses including retail sales of plant materials, lawn furniture, playground equipment, and garden supplies

4-2-3 Dimensional Requirements

(1) Front yard setback: thirty (30) feet.

(2) Side yard setback: none required.

(3) Rear yard setback: none required.

(4) Minimum lot size: fifteen thousand (15,000) square feet

(5) Width in feet at building line: fifty (50) feet.

(6) Lot Coverage: main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

(7) Height: no building shall exceed thirty-five (35) feet in height.

4-2-4 Required Conditions

(1) Permitted Uses and Special Exceptions shall be located only on arterials, major thoroughfares and collectors as depicted on the Town's Land Use Plan.

(2) All uses shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(3) Wherever a lot line in a B-1 District adjoins a lot line in a residential district, a fifteen (15) foot landscaped buffer, exclusive of yard requirements, shall be provided as specified in Section 5-8.

Section 4-3. B-2 Interchange Business District

This district is intended primarily to encourage the development of recognizable, attractive specialized commercial facilities to serve tourists, persons traveling by automobile and local residents. Since these areas are designed to be located at limited access highway interchanges along Principal Arterials, they are subject to public view. They should provide an appropriate appearance, ample parking, and be designed to minimize traffic congestion.

4-3-1 Permitted Uses

- Retail outlet for the sale of: food and beverages, drugs and sundries, and general merchandise
- Automatic car wash
- Banks
- Motels
- Novelty and souvenir shops
- Restaurants, including drive-in restaurants
- Service stations, including truck stops but not including major automobile or truck body or engine overhaul or repair work
- Tourist information facility
- Campground

4-3-2 Special Exceptions

None specified at this time.

4-3-3 Dimensional Requirements

(1) Front yard setback: thirty-five (35) feet.

(2) Side yard setback: none required.

(3) Rear yard setback: none required.

(4) Minimum lot size: fifteen thousand (15,000) square feet.

(5) Width in feet at building line: fifty (50) feet.

(6) Lot coverage: main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

(7) Height: no building shall exceed thirty-five (35) feet in height.

4-3-3 Required Conditions

(1) Permitted Uses and Special Exceptions shall be located only on arterials and major thoroughfares as depicted on the Town's Land Use Plan.

(2) All uses shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where purchased.

(3) Wherever a lot line in a B-2 District adjoins a lot line in a residential district a fifteen (15) foot landscaped buffer, exclusive of yard requirements, shall be provided as specified in Section 5-8.

Section 4-4. M-1 Manufacturing District

This district is established for those areas of the Town where the principal use of land is for industrial and related activities.

4-4-1 Permitted Uses

- Wholesaling, warehousing, storage or distribution establishments
- Printing, publishing or similar establishments
- Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant (including drive-in restaurant), union halls and employment agencies and centers
- Light manufacturing including assembly, compounding, processing, packaging or treatment of finished or semi-finished products from previously prepared materials
- Office buildings
- Radio and television stations and transmitters
- Public utility structures, including electrical substations, gas metering stations, water tanks, sewage pumping stations, fire stations and other necessary public facilities
- Customary accessory uses and structures

4-4-2 Special Exceptions

- Manufacturing, assembly, fabricating, compounding, processing, packaging or treatment of finished or semi-finished products
- Concrete or cement products manufacturing provided the use does not adjoin any residential district
- Asphalt manufacture or refining provided the use does not adjoin any residential district
- Automobile repair shops
- Sanitary landfill
- Building materials sales yard
- Contractor's equipment storage yard
- Truck and farm implement sales and service
- Quarry or sand and gravel operation provided the use does not adjoin any residential district
- Sewage Disposal Plant
- Volatile uses and volatile industries provided that such use or industry shall not be located closer than one thousand (1,000) feet to any residential district
- Junk or salvage yard of any kind provided that any article or material stored permanently or temporarily outside of an enclosed building shall be so screened by ornamental walls, fences and/or evergreen plantings that it cannot be seen from public streets or adjoining lots when viewed by a person standing at ground level

4-4-3 Dimensional Requirements

(1) In no instance shall a structure, parking lot, or any other accessory use, other than a landscaped yard, be located closer than fifty (50) feet to any residential district.

(2) Front yard setback: forty (40) feet.

(3) Side yard setback: twenty (20) feet.

(4) Rear yard setback: forty (40) feet.

(5) All yards adjacent to a street which are created by the setback requirements contained herein shall be maintained as open landscaped yards bisected only by access drives, and their use for any other purpose, including off-street parking, is specifically prohibited. Each individual use shall be located on a lot having not less than twenty thousand (20,000) square feet in area.

(6) Lot Coverage:

a. Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

b. The coverage of main and accessory buildings plus the area used or designed for use by parking and loading

facilities, shall not exceed eighty (80) percent of the lot area. Not less than twenty (20) percent of the lot area shall be maintained as an open landscaped yard.

(7) No building shall exceed forty-five (45) feet in height.

4-4-4 Required Conditions

(1) All required buffering, whether planted or architectural, shall be properly maintained. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.

(2) Any permitted use in a M-1 District which adjoins a lot in a residential district shall provide a twenty-five (25) foot landscaped buffer as specified in Section 5-8. Any use in a M-1 District allowed by Special Exception which adjoins a lot in a residential or agricultural district shall provide a fifty (50) foot landscaped buffer as specified in Section 5-8.

(3) No outside storage shall be permitted which is visible from any street or residential lot.

(4) Any lighting including any permitted illuminated sign shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(5) All of the uses permitted under this Section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit glare, dust, smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level or vibration at the property line that is greater than the average noise or vibration level occurring on the adjacent lot.

Section 4-5 AG-1 Agricultural District

This district is established to protect existing and future agricultural activities.

4-5-1 Permitted Uses

- Single-family dwellings, including mobile homes
- Customary accessary buildings, including private garages and non-commercial greenhouses and workshops
- Parks and Playgrounds
- General farming including horticulture, dairying, apiaries, livestock and poultry raising and other similar enterprises or uses
- Churches and cemeteries

4-5-2 Special Exceptions

- Home occupations as defined in Article X, Subsection 10-2-26
- Private day care homes, day nurseries, day care centers and kindergartens
- Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, and similar structures, provided buffering against fumes, noise, unsightliness, etc., shall be as requested by the Zoning Board of Adjustment
- Golf courses and country clubs, private clubs, lodges and summer camps
- Libraries, fire stations and any other municipal buildings and uses necessary for the provision of municipal services in a residential area, provided they are in keeping with the character and requirements of the district
- Private airfields

4-5-3 Dimensional Requirements

(1) Front yard setback: fifty (50) feet

(2) Side yard setback: twenty five (25) feet

(3) Rear yard setback: fifty (50) feet

(4) Minimum lot size: five (5) acres

(5) Width in feet at building line: two hundred (200) feet

(6) Lot coverage: no maximum lot coverage

(7) Height: no building or structure intended for dwelling purposes shall exceed thirty-five (35) feet in height

4-5-4 Required Conditions

None specified at this time.

ARTICLE V

GENERAL PROVISIONS

Section 5-1. Application of Regulations

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

5-1-1 Use. No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this Ordinance for the district in which it is located.

5-1-2 Height and Density. No building shall hereafter be erected or altered so as to exceed the height and density regulations of this Ordinance for the district in which it is located.

5-1-3 Lot Size. No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this Ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

5-1-4 Yard Use Limitations. No part of a yard or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part or a yard or other open space similarly required for another building or use.

5-1-5 One Principal Building on a Lot. Every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal building and its customary accessory buildings, on the lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings.

5-1-6 Buildings to have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required offstreet parking. No dwelling shall be erected on a lot or portion of a lot which does not abut on at least one public street or approved private street for at least twenty (20) feet.

5-1-7 Use of Residentially Zoned Property for Access. No land which is residentially zoned shall be used for driveway, walkway, or access purposes to any land which is non-residentially zoned, or used for any purpose not permitted in a residential district except for ingress/egress to an existing use which does not abut on a street.

5-1-8 Visibility at Intersections in Residential Districts. On a corner lot in all residential zoning districts, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one half (2½) and six (6) feet above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the right-of-way lines at points which are thirty (30) feet distant from the intersection of the right-of-way lines and measured along said right-of-way lines.

5-1-9 Fences, Walls and Hedges. Notwithstanding other provisions of this Zoning Ordinance, fences, walls and hedges may be permitted in any yard, or along the edge of any yard; provided that no solid fence, solid wall, or hedge along the side edge of any required front yard or along the front edge of any required front yard shall constitute any obstruction of visibility between two and one half (2½) and six (6) feet above ground level.

5-1-10 Accessory Uses and Structures. In Residential Districts, accessory uses and structures with a roof impervious to weather shall not be located in any front or side yards. Accessory structures, if not attached to a principal structure, shall be separated by at least eight (8) feet from said structure.

5-1-11 Parking and Storage of Certain Vehicles. Automotive vehicles, or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings on any residentially zoned property.

5-1-12 Moving of Buildings or Structures. No building or structure shall be moved from one lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of this Zoning Ordinance.

5-1-13 Essential Services. Essential services are permissible by Special Exception in any zoning district. Essential services are hereby defined to include and be limited to water, sewer, gas, telephone, and electrical systems, including sub-stations, lift stations, and similar sub-installations necessary for the performance of these services; provided, however, that this Subsection shall not be deemed to permit the location in a district of such establishments as electric or gas generating plants, sewage treatment plants, or water pumping or water aeration facilities from which they would otherwise be barred.

Where permanent structures are involved in providing such services, such structures shall conform insofar as possible to the character of the district in which the property is located, as to architecture and landscaping characteristics of adjoining properties.

5-1-14 Necessary Repairs Permitted. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared to be unsafe or unlawful.

Section 5-2. Non-Conformities

Within the districts established by this Zoning Ordinance or amendments that may later be adopted there may exist (a) lots, (b) structures, (c) uses of land and structures, and (d) characteristics of use which were lawful before this Zoning Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance or future amendments. It is the intent of this Zoning Ordinance to permit these non-conformities to continue until they are voluntarily removed or removed as required by this Zoning Ordinance, but not to encourage their continuance. It is further the intent of this Zoning Ordinance that non-conformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with Permitted Uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after the effective date of this Zoning Ordinance or its amendment by attachment on structures or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of the building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved.

5-2-1 Non-conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected, expanded or altered on any single lot of record in single ownership existing at the effective date of adoption of this Zoning Ordinance provided that the District Regulations, other than minimum lot area and lot width, are met.

Such non-conforming lots of record for single-family dwellings must be in separate ownership and not of continuous frontage with other lots in the same ownership. If such lots are in the same ownership, they shall be combined to comply with the regulations of the District in which they are located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Adjustment.

5-2-2 Non-Conforming Uses of Land. Where, at the effective date of adoption or amendment of this Zoning Ordinance, a lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Ordinance, and where such use involves no individual, permanently-fixed structures with a replacement cost exceeding $4,000, the use may be continued for the period provided in (d) below so long as it remains otherwise lawful, provided:

a. Enlargement, Increase, Intensification, Alteration. No such non-conforming use shall be enlarged, increased, intensified or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.

b. Discontinuance. If any such non-conforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, and subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the District in which such land is located.

c. Subdivision or Structural Additions. No land in non-conforming use shall be subdivided, nor shall any structures be added on such land, except for the purposes and in a manner conforming to the regulations for the District in which such land is located, provided, however, that subdivision may be made which does not increase the degree of non-conformity of the use.

d. Cessation of Non-Conforming Uses of Land (or land with minor structures only) in certain Districts. In implementing the intent of Subsection 5-5-2, the nonconforming use of land or use of land with minor structures only, as defined in Subsection 5-5-2 above, is hereby declared to be a public nuisance and shall be discontinued no later than five (5) years from the effective date of this Zoning Ordinance.

5-2-3 Non-Conforming Structures. Where a structure exists lawfully under this Zoning Ordinance at the effective date of its adoption or amendment that could not be built under this Zoning Ordinance by reason of restrictions on area, residential densitites, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

a. Enlargement. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

b. Reconstruction. Should such non-conforming structure or non-conforming portion of structure, except a residence, be destroyed by any means to an extent of more than fifty (50) percent of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.

c. Relocation. 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.

5-2-4 Non-Conforming Use of Major Structures, or of Major Structures and Premises in Combination. Where, at the effective date of adoption or amendment of this Zoning Ordinance, a lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding $1,000 or a combination of permanently-fixed structures with a replacement cost at or exceeding $4,000, such use may be continued so long as it remains otherwise lawful provided:

a. Enlargement, Extension, Alteration, Etc., to Structures. No existing structure devoted to a use not permitted by the Zoning Ordinance in the District in which such use is located shall be enlarged, extended, constructed, reconstructed, moved to another location on the property, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.

b. Change in Tenancy or Ownership. There may be a change in tenancy, ownership, or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use.

c. Discontinuance. If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, any subsequent use shall conform to the regulations for the District in which the use is located.

d. Destruction of Major Structure or Structures. Where non-conforming use status applies to a major structure or structures, or to a major structure or structures and premises in combination, removal, or destruction of the structures shall eliminate the non-conforming status of the land. "Destruction" of the structure for purposes of this Subsection is hereby

defined as damage to an extent for more than fifty (50) percent of the replacement cost at the time of destruction. Upon removal or destruction as set out in this Subsection, the use of land and structures shall thereafter conform to the regulations for the District in which such land is located.

5-2-5 Non-Conforming Structures Unsafe Because of Lack of Maintenance. If a non-conforming structure or portion of a structure or any structure containing a non-conforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by the Administrative Officer to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the District in which it is located.

5-2-6 Uses Under Special Exception Provisions not Non-Conforming Uses. Any use which is permitted as a Special Exception in a District under the terms of this Zoning Ordinance shall not be deemed a non-conforming use in such District, but shall without further action, be deemed a conforming use in such District.

Section 5-3. Interpretation of District Regulations

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

5-3-1 Permitted Uses. Uses not designated as Permitted Uses or subject to additional conditions shall be prohibited. Special Exceptions are permitted according to additional regulations imposed. These Special Exceptions can be approved only by the Zoning Board of Adjustment. Additional uses may be added to the Ordinance by amendment.

5-3-2 Minimum Regulations. Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted uses, regulations or ordinances, the more restrictive or higher standard shall govern.

5-3-3 Land Covenants. Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 5-4. Off-Street Parking

It is the intent of this Zoning Ordinance that the public interest, welfare, and safety requires that every building and use erected or instituted after the effective date of this Zoning Ordinance shall be provided with adequate offstreet parking facilities for the use of occupants, employees, visitors, customers, or patrons. Such offstreet parking facilities shall be maintained and continued so long as the main use continues.

5-4-1 General

(1) Offstreet parking and offstreet loading facilities shall be provided as set out in this Zoning Ordinance. Conforming buildings and uses existing as of the effective date of this Zoning Ordinance may be modernized, altered, or repaired without providing additional offstreet parking or offstreet loading facilities, provided there is no increase in floor area or capacity.

(2) Where a conforming building or use existed as of the effective date of this Zoning Ordinance and such building or use is enlarged in floor area, volume, capacity, or space occupied, offstreet parking and offstreet loading as specified in this Zoning Ordinance shall be provided for the additional floor area, volume, capacity, or space so created or used.

(3) Required offstreet parking shall not be used for sales, storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting offstreet parking requirements.

(4) Subject to required buffer areas, required side and rear yards may be used for offstreet parking in residential districts; subject to required buffer areas, all required yards in commercial and industrial districts may be used for offstreet parking. Offstreet parking facilities, both required and provided, shall meet the following requirements:

a. Be identified as to purpose and location when not clearly evident;

b. Be paved with a permanent, all-weather surface of asphalt, bituminous, or concrete material or an equivalent material acceptable to the Town Engineer and maintained in a smooth, well-graded condition such that no dust will result from continued use;

c. Be drained so as not to cause any nuisance on adjoining or nearby properties;

d. If artifically lighted, be so designed and arranged that no source of such lighting is visible from any adjoining or nearby property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind;

e. Be so arranged for convenient access and safety of pedestrians and vehicles;

f. Be so arranged that no vehicle shall be required to back from such facilities directly onto public streets;

g. If such area exceeds five (5) offstreet parking spaces, individual spaces shall be marked;

h. Have curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public-rights-of-way or adjacent property.

5-4-2 Offstreet Parking: Location. The required offstreet parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided, however, that for other than residential uses, the Board of Adjustment may allow the establishment of such offstreet parking facilities within three hundred (300) feet of the premises they are intended to serve when practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve. The owner of the said parking area shall enter into a written agreement with the Town Council providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required.

5-4-3 Offstreet Parking: Uses not Specifically Mentioned. Requirements for offstreet parking for uses not specifically mentioned in the District Regulations shall be the same as provided in the District Regulations for the use most similar to the one sought, it being the intent of this Zoning Ordinance to require all uses to provide offstreet parking; unless specific provision is made to the contrary.

5-4-4 Offstreet Parking: Fractional Measurements. When units of measurements determining the number of required offstreet parking spaces result in a requirement of a fractional space, then such fraction equal or greater than one-half (½) shall require a full offstreet parking space.

5-4-5 Offstreet Parking: Minimum Requirements. Irrespective of any other requirement of this Zoning Ordinance, each and every separate individual store, office or other buisness shall be provided with offstreet parking spaces as specified below unless this Ordinance makes specific provision to the contrary.

USE CLASSIFICATION	PARKING SPACE REQUIREMENT
Automobile sales and repair	One (1) parking space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space.
Automatic car wash	One (1) space for each two (2) employees at maximum employment on a single shift.

	Reserve space equal to five (5) times the capacity of the facility at the location of both ingress and egress.
Elementary schools and junior high schools, both private and public	Two (2) spaces for each classroom and administrative office.
Churches	One (1) space for each four (4) seats.
Kindergartens or nurseries	One (1) space for each employee and four (4) spaces for off-street drop-off and pickup.
Libraries	One (1) space for each four (4) seats provided for patron use.
Mortuary or funeral homes	One (1) space for each four (4) seats provided in the assembly room or chapel.
Motel, tourist home or tourist court	One (1) space per guest room plus two (2) additional spaces for each twenty (20) units.
Offices: professional, business or public, including banks	One (1) space for each 400 square feet of gross floor space.
Medical offices and clinics	Six (6) spaces for each doctor practicing at the clinic, plus one (1) space for each employee.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, theaters, stadiums, gymnasiums, community centers, and all similar places of public assembly	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats.
Rooming and boarding houses	One (1) space for each three (3) guest rooms, plus one (1) additional space for the owner, if resident on the premises.
Residential dwelling	Two (2) spaces for each dwelling unit.

Restaurants, drive-in	Parking spaces equivalent to five (5) times the floor space in the main building.
Restaurants, indoor	One (1) space for each three (3) seats or stools, plus one (1) space for each two (2) employees on the shift with the larger employment.
Retail business and other service establishments not covered	One (1) space for each 200 square feet of gross floor space.
Rest and convalescent homes for the aged, and similar institutions	One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees.
Senior high schools, both private and public	One (1) space for each ten (10) students for whom the school was designed, plus one (1) space for each classroom and administrative office.
Shopping centers	Two (2) square feet of parking space for each square foot of gross floor space.
Service Stations	Two (2) spaces for each gas pump, plus three (3) spaces for each grease rack or similar facility.
Mobile homes and mobile home parks	Two (2) spaces for each mobile home.
Wholesaling, warehousing (general) and industrial uses	One (1) space for each two (2) employees at maximum employment on a single shift.

Section 5-5. Offstreet Loading: Specifications, Amounts

Offstreet loading facilities are required by this Zoning Ordinance so that vehicles engaged in unloading will not encroach on, or interfere with, the public use of streets and alleys and so that adequate space is available for the unloading and loading of goods, materials, or items for delivery and shipping. Offstreet loading facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use. Offstreet parking facilities may not be used or counted as meeting offstreet loading requirements.

When the use of a structure or land or any part thereof is changed to a use requiring offstreet loading facilities, the full amount of offstreet loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires offstreet loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

Each offstreet loading space shall be directly accessible from a street or alley without crossing or entering any other required offstreet loading space. Such loading space shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

5-5-1 Offstreet Loading: Combined Offstreet Loading. Collective, joint, or combined provisions for offstreet loading facilities for two or more buildings or uses may be made, upon the approval of the Planning Commission, provided that such offstreet loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

5-5-2 Offstreet Loading Requirements. Offstreet loading spaces shall be provided and maintained as follows:

Retail Operation:	One (1) loading space for each twenty thousand (20,00) square feet of gross floor area or fraction thereof.

Wholesale and Industrial Operations:

Building Area in Square Feet	Number of Spaces
0 - 40,000	1
40,000 - 100,000	2
100,000 - 160,000	3
160,000 - 240,000	4
240,000 - 320,000	5
320,000 - 400,000	6
Each 90,000 above 400,000	1

Section 5-6. Regulations for Mobile Home Parks

5-6-1 Purpose. The purpose of this Section is to provide requirements for the development of mobile home parks while deriving for the Town the advantage of improved appearance, compatibility of uses, optimum service by community facilities and adequate vehicular access and circulation.

5-6-2 Procedure. No mobile home park shall hereafter be developed, redeveloped, altered, or expanded without a Special Exception Permit granted in accordance with the procedures provided in Subsection 7-4-3 and Section 8-4 of this Ordinance. In addition, a site plan approved by the Planning Commission containing the following additional information shall be required:

a. Location of mobile homes on stands and dimensions of each stand. Location and number of sanitary conveniences including toilets, washrooms, laundries, and utility rooms to be used by the occupants of units.

b. A typical stand detail showing the patio, if any, and mobile home with the location of utility connections including gas, water and sewer, and electrical.

c. Any area within or adjacent to the proposed mobile home park subject to periodic inundation by storm drainage, overflow, or ponding, shall be clearly shown and identified on the plan.

d. Any and all other physical improvements as specified in Subsection 5-6-4.

5-6-3 License Required. 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 him, a mobile home park without having first secured a license for each such park from the Town Council pursuant to this Section. The license shall expire on September 30th of each year, but may be renewed under the provisions of this Section for additional periods of one year. The annual license fee shall be fifty dollars ($50.00) plus ten dollars ($10.00) per unit. In the event an application is made during the license year, the fee for such license shall be prorated in proportion to the number of months remaining in the license year on the basis of one twelfth of the annual license fee per month.

The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract; if the fee is vested in some other person, or duly verified statement by that person, that the applicant is authorized by him 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 and definitely locate the premises. The application shall be accompanied by one (1) copy of the park plan and one (1) copy of the Special Exception permit.

5-6-4 Requirements. Any development, redevelopment, alteration, or expansion of a mobile home park within the Town of Hammondville shall be done in compliance with these requirements:

A. Location

A mobile home park shall be located only in designated zoning areas and with a Special Exception Permit for the purpose as provided in this Ordinance.

B. Basic Minimum Requirements

(1) Area Requirements: The minimum size of a mobile home park shall be two (2) acres.

(2) Stand Requirements: Each stand shall provide a minimum area of 4,000 square feet.

(3) Buffer: Where a mobile home park adjoins a single-family or multi-family area within a residential district, a permanent twenty (20) foot landscaped buffer as specified in Section 5-8 shall be provided.

(4) Open Space Requirements: The minimum front yard setback shall be fifteen (15) feet from the nearest corner of the mobile home to the front line of the stand. The minimum distance between mobile homes shall be twenty (20) feet on the sides and fifteen (15) feet on the rear.

(5) Height Regulations: The height limit for any mobile home in the park shall be eighteen (18) feet. The height of the mobile home frame above the ground elevation, measured at 90° to the frame, shall not be greater than three (3) feet.

(6) Soil and Ground Cover: Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.

(7) Drainage: The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.

(8) Design and Location of Storage Facilities: Storage facilities with a minimum capacity of 200 cubic feet per stand may be provided on the stand, or in compounds located within one hundred (100) feet of each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry, porcelained steel, baked enameled steel or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Administrative Officer.

(9) Mobile Home Stands: The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.

(10) Parking: Every mobile home stand shall have two (2) offstreet parking spaces.

5-6-5 Access and Traffic Circulation. Internal streets shall be privately owned, built and maintained and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities.

a. An internal street or common access route shall be provided to each stand. The street shall be a minimum of thirty (30) feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal street ending in a cul-de-sac shall exceed four hundred (400) feet in length.

b. All streets shall be constructed to meet the minimum specifications for streets as approved by the Town of Hammondville. A concrete lay-down curb or acceptable substitute shall be used as approved by the Administrative Officer.

c. Every mobile home stand shall have two (2) offstreet parking spaces. Offstreet parking shall be hard surfaced with all weather materials.

d. Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the licensee.

e. All streets within each park shall be numbered or named in an approved manner.

f. Interior streets shall intersect adjoining public streets at ninety degrees (90^{o}) and at locations which will eliminate or minimize interference with the traffic on those public streets.

g. At each entrance to the park, an 18" by 24" sign should be posted stating "Private Drive, No Thru Traffic". The licensee may also post a speed limit sign on this same post.

5-6-6 Parking Lighting. Adequate lighting shall be provided in a manner approved by the Sand Mountain Electric Cooperative. All electric and telephone lines should be placed underground when possible.

5-6-7 Recreation Area. All mobile home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits and usable for recreation purposes. Not less than ten (10) percent of the gross park area shall be devoted to recreation facilities. Such space shall be maintained in a usable and sanitary condition by the park owner.

5-6-8 Utility Requirements. Each mobile home shall be connected to the municipal water system. The design and specifications of the utility system shall meet Town specifications and shall be approved by the Water Utilities Board, Town of Valley Head. If the municipal

utility system is not available, then a private system shall be required until such time as the municipal system becomes available. The design and specifications of such systems shall meet DeKalb County Health Department specifications and shall be installed under inspection of the appropriate Town Department.

5-6-9 Mobile Home Standards. To protect the health and safety of the public and assure quality construction, all mobile home units shall conform to standards approved by the American National Standards Institute (ANSI) in its standards for Mobile Homes, A 119.1 - 1969 as amended.

Section 5-7. Flood Hazard Areas

The Flood Hazard Areas, as depicted on the Official Zoning Map of Hammondville, Alabama, are established in order to allow, but restrict, development in all affected zoning districts without causing undue damage to property and structures as well as any danger to life. The Flood Hazard Areas are identified as areas in the vicinity of Wills Creek within the Town of Hammondville which are subject to inundation by a flood having a one percent or greater chance of occurrence in any given year (i.e., the 100 year flood).

For the purposes of this Zoning Ordinance and the Official Zoning Map, the Flood Hazard Area boundaries are also depicted and identified on the Town of Hammondville Flood Hazard Boundary Map, community number 010388 00.1 A, which map is made a part of this Ordinance.

All Permitted Uses allowed in the zoning districts lying within the boundaries of the Flood Hazard Areas, shall be permitted subject to the requirements contained in Section 1910.3 of the National Flood Insurance Program's regulations, which regulations are made a part of this Ordinance. (See Appendix I.)

Section 5-8. Required Buffers

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

5-8-1 Requirements. Where this Ordinance requires a landscaped buffer area, the following requirements shall be met:

a. The landscaped buffer area shall not be less than the width specified in the Ordinance measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines;

b. The area shall be so designed, planted, and maintained as to be eighty (80) percent or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally;

c. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit, along

with plans and statements demonstrating how the buffer will be irrigated in the future. No building permit shall be issued without such data, where this Ordinance requires a landscaped buffer area or areas.

d. Plantings shall be of a size and type which will insure the meeting of the eighty (80) percent opacity requirement within no longer than twelve (12) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Administrative Officer.

e. Failure to maintain the landscaped buffer area as set out above shall be a violation of this Ordinance.

5-8-2 Substitution for Landscaped Buffer Area. Except when otherwise specifically provided by this Ordinance, a six (6) foot high opaque structure set in a five (5) foot wide landscaped buffer area may be substituted for the six (6) foot high, planted buffer in Subsection 5-8-1.

5-8-3 Waiver by Administrative Officer. When the Administrative Officer finds that the public safety requires it, he may waive or modify the buffer requirements set out above. The finding of the Administrative Officer shall be in writing and shall be filed with the approved Building Permit.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

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

Section 6-1. Existing Lots

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

Section 6-2. Minimum Required Front Yard for Dwellings

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

Section 6-3. Height Limitations

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shaft enclosures, solar energy collectors, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from the height limitations, these structures should not significantly impair solar access of buildings or solar collector locations.

Section 6-4. Temporary Use Permits for Mobile Homes

In any Residential District not more than one (1) mobile home may be permitted in a rear yard as an accessory use on a temporary basis, provided

the Zoning Board of Adjustment shall first make a finding that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a Special Exception of this nature. Temporary use permits shall be issued in such cases for one (1) year, but may be renewed so long as the hardship continues to exist. All such mobile homes situated in rear yards must have access to Town water and sewer service, or well and septic tank approved by the Health Department, and such mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a Variance must be obtained from the Zoning Board of Adjustment.

Section 6-5. Group Development

In the case of a Group Development either residential, commercial, industrial or institutional consisting of one (1) or more structures designed for occupancy by three (3) or more families or two (2) or more businesses, firms, or uses, not subdivided, the developer shall submit to the Planning Commission for approval a site plan as required in Article VIII, Subsection 8-4.

ARTICLE VII

ZONING BOARD OF ADJUSTMENT

Section 7-1. Establishment of a Zoning Board of Adjustment

A Zoning Board of Adjustment is hereby established. Said Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the Town Council, except that in the first instance, one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. Thereafter, each member appointed shall serve for a term of three years or until his successor is duly appointed. In addition to the five regular members provided for in this section, two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing.

7-1-1 Qualifications of Members. Members of the Board of Adjustment shall not hold any other public position or office in the government of the Town of Hammondville. All members of the Board of Adjustment shall be electors of the Town of Hammondville.

7-1-2 Vacancies. Vacancies in Board membership shall be filled by appointment by the Town Council for the unexpired portion of the term of the member affected.

7-1-3 Removal. Members of the Board of Adjustment may be removed from office for cause by the appointing authority upon written charges and after a public hearing.

Section 7-2. Proceedings

7-2-1 Officers and Voting. The Board of Adjustment shall select a chairman and vice-chairman from among its members and may create such other offices as it may determine.

7-2-2 Rules of Procedures. The Board of Adjustment shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the Code of Alabama and this Zoning Ordinance. Such rules of procedure shall be in written form available to persons appearing before the Board and to the public.

7-2-3 Meetings. Meetings shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. Meetings shall not be held without at least twenty-four (24) hours notice to each member. The Board of Adjustment shall have the power to take testimony under oath and compel the attendance of witnesses.

7-2-4 Quorum; Minutes; Public Records. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member (including the Chairman or Vice-Chairman) or if absent or failing to vote indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately in the Office of the Board.

Persons appearing before the Board shall have no right of challenge of any Board member; provided, this provision shall not prohibit any person appearing before the Board from placing in the record a statement alleging bias and requesting disqualification for bias of any member or alternate member.

A quorum for the transaction of business shall consist of three (3) members; provided that no action that reverses the decision of the Administrative Officer shall be taken without the concurring votes of four (4) members.

7-2-5 Disqualification of Members. If any member of the Board of Adjustment shall find that his private or personal interests are involved in the matter coming before the Board, he shall disqualify himself from all participation in that case; or he may be disqualified by the votes of four (4) members of the Board, not including the member about whom the question of disqualification has been raised. No member of the Board of Adjustment shall appear before the Planning Commission or Town Council as agent or attorney for any person.

Section 7-3. Hearings; Appeals; Notice

Appeals to the Board of Adjustment concerning interpretation or administration of this Zoning Ordinance or for Variance under this Zoning Ordinance may be taken by any person aggrieved or by any officer, agency, or bureau of the Town of Hammondville affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within reasonable time.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated

in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Court of Adjustment or by a court of record on application, on notice to the Administrative Officer and due cause shown.

Section 7-4. Powers and Duties of the Zoning Board of Adjustment

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

7-4-1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of the Zoning 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 all the power of the Administrative Officer from whom the appeal is taken.

7-4-2 Variances. To authorize upon appeal in specific cases such Variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A Variance from the terms of this Zoning Ordinance shall not be granted by the Board of Adjustment unless and until:

(1) Written Petition. A written petition for a Variance is submitted demonstrating that:

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

b. The special conditions and circumstances do not result from the actions of the applicant;

c. Literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Ordinance and would work unnecessary and undue hardship on the applicant;

d. The Variance, if granted, is the minimum Variance that will make possible the reasonable use of the land, building, or structure;

e. Granting the Variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance or other lands, buildings, or structures in the same zoning district;

f. The grant of the Variance will be in harmony with the general intent and purpose of this Zoning Ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

g. The Variance is not a request to permit a use of land, building or structure which is not permitted in the district involved.

(2) Findings. The Board of Adjustment shall make findings that the requirements of Subsection 7-4-2, A. (1-7) have or have not been demonstrated by the applicant for Variance.

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a Variance.

(3) Conditions and Safeguards. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance including, but not limited to, reasonable time limits within which the action for which Variance is required shall be begun or completed, or both. 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 Zoning Ordinance and punishable as provided under Article XI, Section 11-2 of this Ordinance.

7-4-3 Special Exceptions; Conditions Governing Applications; Procedure. The Board of Adjustment is empowered to hear and decide only such Special Exceptions as it is specifically authorized to pass on by the terms of this Zoning Ordinance; to decide such questions as are involved in determining whether or not a Special Exception should be granted; to grant Special Exceptions with such conditions and safeguards as are reasonable and appropriate under this Zoning Ordinance; or to deny Special Exceptions when not in harmony with the purpose and intent of this Zoning Ordinance. A Special Exception shall not be granted by the Board of Adjustment unless and until:

(1) Written Application. Written application for Special Exception is submitted indicating the section of the Zoning Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.

(2) Fee. A fee of twenty-five dollars ($25.00) shall be paid to the Town Clerk to cover the cost and expense of the application to the Board of Adjustment.

(3) Notice of Public Hearing. Upon receipt of said written application and fee, notice of public hearing shall be given in accordance with Section 9-4 of this Zoning Ordinance.

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

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

a. Satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;

b. Provision of off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, and odor effects of the Special Exception on adjoining properties in the area;

c. Utilities, with reference to locations, availability and compatibility;

d. Buffering with reference to type, location, and dimensions;

e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

f. Location, use, plan elevations and dimensions of each building or structure to be constructed;

g. The location, dimensions, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets and sidewalks;

h. General compatibility with adjacent properties and other property in the district.

(6) Conditions and Safeguards. In granting any Special Exception, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Special Exception is granted, shall be deemed a violation of this Zoning Ordinance and punishable as provided under Article XI, Section 11-2 of this Ordinance. The Zoning Board of Adjustment shall prescribe a time limit within which action for which the Special Exception is required shall be commenced or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the Special Exception.

(7) Denial. If the Zoning Board of Adjustment shall deny a Special Exception, it shall state in its record its reasons for doing so. Such reason shall take into account the factors stated in Subsection (4) above, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific Special Exception requested, if any.

Section 7-5. Appeals from Decisions of Zoning Board of Adjustment

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

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT: BUILDING PERMITS AND DEVELOPMENT PLANS

Section 8-1. Administrative Officer

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

If the Administrative Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal uses of land, buildings, or structures; removal 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 8-2. Building Permit

It shall be unlawful to commence the excavation for the construction of any building or other structure, including accessory structures or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not involving Southern Standard Building Code Enforcement) of any structure without a Building Permit issued by the Administrative Officer.

All applications for Building Permits shall be made to the Administrative Officer on forms provided for that purpose and shall be accompanied by a fee according to a fee schedule, currently in use by the Town, and plot and construction plans in duplicate drawn to scale which indicate the following:

a. The shape and dimensions of the lot on which the proposed building or use is to be erected or constructed;

b. The location of said lot with respect to adjacent rights-of-way;

c. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;

d. The nature of the proposed use of the buildings or land including the extent and location of the use on the said lot and existing zoning;

e. The location and dimensions of off-street parking and means of ingress and egress to such space;

f. Any other information which the Administrative Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

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

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

8-2-1 Expiration of Building Permit. If the work described in any Building Permit has not begun within six (6) months 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 within 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 notice that further work as described in the cancelled Permit shall not proceed unless and until a new Building Permit has been obtained.

8-2-2 Zoning Action on Building Permits. The Administrative Officer shall be responsible for determining whether applications for Building Permits are in accord with the requirements of this Zoning Ordinance, and no Building Permit shall be issued without written certification that plans submitted conform to applicable zoning regulations. No Building Permit shall be issued by the Administrative Officer except in conformity with the provisions of this Zoning Ordinance, unless he shall receive a written order in the form of an interpretation, Special Exception, or Variance as provided by this Zoning Ordinance, or unless he shall receive a written order from a court of competent jurisdiction.

8-2-3 Construction and Use to be as Provided in Applications: Status of Building Permit Issued in Error. Building Permits issued on the basis of plans and specifications approved by the Administrative Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use,

arrangement, or construction. Any use, arrangement, or construction different from that authorized shall be deemed a violation of this Zoning Ordinance and punishable as set out in this Zoning Ordinance, Article XI, Section 11-2.

Statements made by the applicant on the Building Permit application shall be deemed official statements. Approval of an application by the Administrative Officer shall in no way exempt the applicant from strict observance of the applicable provisions of this Zoning Ordinance and all other applicable regulations, ordinances, codes, and laws.

A Building Permit issued in error shall not confer any rights or privileges to the applicant to proceed to construction.

Section 8-3. Certificate of Occupancy Required

No land or building or other structure or part thereof hereafter erected moved or altered in its use shall be used until the Administrative Officer of the Town shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

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

Section 8-4. 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 buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

8-4-1 Buildings, Structures, and Uses Requiring Site Plan. The Administrative Officer shall not issue a Building Permit or Certificate of Occupancy for the construction of the buildings and structures identified in this Section unless a detailed Site Plan has been reviewed and approved by the Planning Commission and such review and approval is in effect for the following uses:

a. Mobile Home Parks

b. Townhouses

c. Condominiums

d. A multiple-family building containing three (3) or more dwelling units

e. Any gasoline service station abutting any Residential District

f. Any Group Development, including residential, commercial, industrial, or institutional uses

g. Any Planned Shopping Center

8-4-2 Application for Site Plan Review. Any person may file a request for a Site Plan Review by the Planning Commission by filing with the Administrative Officer the completed application upon the forms furnished by the Administrative Officer. As an integral part of said application, the applicant shall file at least four (4) copies of a Site Plan.

8-4-3 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 thirty (30) 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.

No public notice and hearing is required for Site Plan consideration 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.

8-4-4 Required Data for Detailed Site Plan. Every Site Plan submitted to the Planning Commission shall be in accordance with the following requirements:

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;

b. The proposed title of the project and the name of the owners, engineer, architect, designer, or landscape architect of the development, north arrow and date;

c. Vicinity map showing the location of the project in relation to the surrounding community;

d. Existing zoning and zoning district boundaries. In the case of a Special Exception, approved by the Zoning Board of Adjustment, any appropriate conditions and safeguards imposed by the Board shall also be indicated on the Site Plan;

e. The boundaries of the property involved, the general location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project;

f. Names and addresses of all adjacent landowners;

g. Acreage in total project; acres to be developed;

h. The location of existing and proposed buildings, sanitary and storm sewers, water mains, culverts, and other public utilities in or adjacent to the project;

i. The Site Plan shall show the proposed street, 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, and the identification of service lanes and service parking;

j. Location and type of buffer strip and other open spaces including recreation areas;

k. The Site Plan shall show 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;

l. The Site Plan shall show the proposed location, use and size of open spaces and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.

8-4-5 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 this Ordinance. Further, in consideration of each Site Plan, the Planning Commission shall find that the provisions of this Section of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses (as indicated in the proposed Site Plan) have been satisfactorily demonstrated and met by the applicant.

8-4-6 Planning Commission Approval of Site Plan. Upon the Planning Commission's recommended approval of a Site Plan, the applicant shall file with the Planning Commission one (1) copy thereof.

The Town Clerk shall, within ten (10) days, transmit to the Administrative Officer one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved Site Plan conforms to the provisions of this Ordinance as determined. If the Site Plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Planning Commission action. The Administrative Officer shall not issue a Building Permit or Certificate of Occupancy until he has received a certified approved Site Plan.

8-4-7 Expiration of Site Plan Certificate. The Site Plan Certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance therof, unless within such time the Administrative Officer has issued a Building Permit or Certificate of Occupancy for any proposed work authorized under a Site Plan Certificate.

8-4-8 Amendment, Revision of Site Plan. A Site Plan, and Site Plan Certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made in accordance with the procedure provided in Section 8-4 of this Ordinance.

ARTICLE IX

AMENDMENTS

Section 9-1. Initiation of Amendment

The regulations, restrictions, procedures, Official Zoning Map, District Regulations, and other material set out in this Zoning Ordinance may from time to time be amended, supplemented, changed or repealed. Proposed changes or amendments may be initiated by:

a. Town Council;

b. Planning Commission;

c. Board of Adjustment;

d. Any other Department or Board of the Town;

e. Any person other than those listed in (a), (b), (c), or (d) above; provided, however, that no such person shall propose an amendment for the rezoning of property which he does not own except as agent or attorney for an owner.

All zoning amendments shall be considered first by the Planning Commission in the manner herein set out.

Section 9-2. Application for Zoning Amendment

Petitions for change or amendment shall be on forms available at the office of the Town Clerk. Such applications shall be filed with the Secretary of the Planning Commission or the Town Clerk not later than twenty (20) days prior to the Commission's meeting at which the application is to be considered. The Planning Commission will not reconsider said application, if denied by the Town Council for a period of twelve (12) months. In considering an application for a zoning amendment, the Planning Commission shall take into account the following:

a. Whether the proposed change would be contrary to the Land Use Plan and would have an adverse effect on the Comprehensive Plan;

b. The existing land use pattern;

c. Possible creation of an isolated district unrelated to adjacent and nearby districts;

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc;

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

f. Whether changed or changing conditions make the passage of the proposed amendment necessary;

g. Whether the proposed change will adversely influence living conditions in the neighborhood;

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;

i. Whether the proposed change will create a drainage problem;

j. Whether the proposed change will seriously reduce light and air to adjacent areas;

k. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;

l. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare;

m. Whether there are substantial reasons that the property cannot be used in accord with existing zoning;

n. Whether the change suggested is out of scale with the needs of the neighborhood or the Town.

Section 9-3. Fee

A fee of twenty-five dollars ($25.00) shall be paid to the Town Clerk of the Town of Hammondville, Alabama, for each application for an amendment to cover the costs of advertising and other administrative expenses involved.

Section 9-4. Public Hearing Notice

No request for amendment may be considered by the Planning Commission until such time as notice of a public hearing on the proposed amendment has been given to the citizens of the Town of Hammondville. Upon receipt of said written application, and fee, notice of public hearing shall be published in a newspaper, then by posting the same in four (4) conspicuous places within the Town of Hammondville, together with a notice stating the time and place, and stating further at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such amendment.

Section 9-5. Planning Commission Report to Town Council

If the Planning Commission does not submit its report and recommendations within sixty (60) days from the date of the public hearing, the Town Council

may proceed to act on the proposed amendment without further awaiting the report or recommendations of the Planning Commission.

Section 9-6. Nature and Requirements of Planning Commission Report

When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Town Council required by Section 9-5 above shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:

a. Whether it is impossible to find other adequate sites in the Town for the proposed use in districts already permitting such use.

When pertaining to other proposed amendments of this Zoning Ordinance, the Planning Commission shall consider and study:

a. The need and justification for the change;

b. The relationship of the proposed amendment to the purpose and objectives of the Town's Comprehensive Planning Program and to the Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this Zoning Ordinance and other Town ordinances, regulations and policies.

Section 9-7. Status of Planning Commission Report and Recommendations

The report and recommendations of the Planning Commission required by Sections 9-5 and 9-6 above shall be advisory only and shall not be binding upon the Town Council.

Section 9-8. Town Council Action on Planning Commission Report

Upon receipt of the Planning Commission's report and recommendations, or in the event that the Planning Commission has not made its report and recommendations within the time limit specified in Section 9-5 above, the Town Council shall hold a public hearing with notice to be given as set out in Section 9-4 above.

Section 9-9. Failure of Town Council to Act

If a Planning Commission recommendation for a change is not acted upon within sixty (60) days of the date of the Planning Commission's report to the Town Council, the petition upon which the report and recommendation is based shall be deemed to have been denied.

Section 9-10. Limitations on the Rezoning of Property

(1) No amendment to rezone property shall contain conditions, limitations, or requirements not applicable to all other property in the district to which the particular property is rezoned.

(2) Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning

classification of property, the Planning Commission shall not then consider any petition for rezoning of any part of all of the same property for a period of six (6) months from the effective date of the amendatory ordinance.

(4) Whenever the Town Council has denied an application for the rezoning of property, the Planning Commission shall not thereafter:

a. Consider any further application for the same rezoning of any part or all of the same property for a period of one (1) year from the date of such action;

b. Consider an application for any other kind of rezoning on any part or all of the same property for a period of six (6) months from the date of such action.

Section 9-11. Waiver of Time Limits

The time limits of Section 9-10 (3 & 4) above may be waived by three (3) affirmative votes of the Town Council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the Town of Hammondville.

ARTICLE X

DEFINITION OF TERMS

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

Section 10-1. Interpretation of Commonly Used Terms and Words

10-1-1 Words used in the present tense include the future tense.

10-1-2 Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.

10-1-3 The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.

10-1-4 The words "used for" shall include the meaning "designed for".

10-1-5 The word "structure" shall include the word "building".

10-1-6 The word "lot" shall include the words "plot", "parcel", or "tract".

10-1-7 The word "shall" is always mandatory and not merely directory.

10-1-8 The word "map" or "zoning map", shall mean the "Official Zoning Map, Town of Hammondville".

Section 10-2. Definitions of Commonly Used Terms and Words

10-2-1 Abutting. Having property or district lines in common.

10-2-2 Access. A way of approaching or entering a property.

10-2-3 Accessory Building or Use. A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use except as herein provided. Examples of accessory uses are private garages, storage sheds and swimming pools.

10-2-4 Administrative Officer. The person appointed by the Governing Body to enforce all provisions of the Zoning Ordinance.

10-2-5 Alley. A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

10-2-6 Alteration.

a. Any addition to the height or depth of a building or structure.

b. Any change in the location of any of the exterior walls of a building or structure.

c. Any increase in the interior accommodations of a building or structure.

10-2-7 Board. The Zoning Board of Adjustment of the Town of Hammondville, Alabama.

10-2-8 Boarding House. An establishment, other than a hotel, cafe, or restaurant, with lodging for three (3) or more persons, where meals are regularly prepared and served for compensation and where food is placed upon a table family style, without service or ordering of individual portions from a menu.

10-2-9 Buffer Strip. A strip of land, established to protect one type of land use from another with which it is incompatible.

10-2-10 Building. A structure, having a roof supported by columns or walls and intended to be used for sheltering people, animals, property or business activity.

10-2-11 Building Area. That portion of a lot remaining after required yard setbacks have been provided.

10-2-12 Building Height. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

10-2-13 Building Line. A line, parallel to the property line, indicating the nearest distance to the street right-of-way line that is permissible by this Ordinance.

10-2-14 Building Principal. A building in which is conducted the main or principal use of a lot on which said building is situated.

10-2-15 Certificate of Occupancy. Official certification that a premise conforms to the provisions of the Zoning Ordinance (and building code) and may be used or occupied.

10-2-16 Condominium Ownership. Condominium is that form of ownership of condominium property under which units of improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in the common elements.

10-2-17 Day Care Center. A day care center is an establishment designed to provide daytime care or instruction for two (2) or more children, other then members of the family. The term includes day nurseries, kindergartens, child care centers, nursery school or play school.

10-2-18 District. Any section of the Town of Hammondville in which zoning regulations are uniform.

10-2-19 Dwelling. Any building or portion thereof which is designed for use for residential purposes.

10-2-20 Dwelling, Single-Family. A building arranged to be occupied by one (1) family, the structure having only one (1) dwelling unit.

10-2-21 Dwelling, Two Family. A building arranged to be occupied by two (2) families living independently of each other, the structure having two (2) units.

10-2-22 Dwelling, Multiple-Family. A building arranged to be occupied by three (3) or more families living independently of each other.

10-2-23 Dwelling Unit. A building, or portion thereof, designed, arranged and/or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

10-2-24 Flood. An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

10-2-25 Group Development. A tract of land under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved development plan. A group development may be residential, commercial, industrial, or institutional in nature.

10-2-26 Hardship. A condition existing when the conditions imposed by the Zoning Ordinance would deprive the property owner of certain development rights that are enjoyed by other property owners within the same zoning district. Upon examination of the hardship claimed it should be determined that: (1) the property owner did not bring this hardship upon himself; (2) the physical site conditions are such that a hardship does exist; or (3) the property owner would be deprived of rights which are normally

afforded under the same regulations for the zone in which his property is located. The term "hardship" should never be interpreted as meaning personal or economic hardship to the property owner.

10-2-27 Home Occupation. An occupation conducted in a dwelling unit provided that:

a. No person other than immediate members of the family residing on the premises shall be engaged in such occupation;

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;

d. No home occupation shall be conducted in any accessory building;

e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.

10-2-28 Hotel, Motel, Motor Hotel, Motor Lodge, Tourist Court. The words hotel, motel, motor hotel, motor lodge, tourist court, are to be considered synonomous terms and to mean a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Where more than one-half (½) of the units in a hotel, motel, motor hotel, motor lodge, or tourist court have cooking facilities, such an operation shall be deemed a multiple-family dwelling and shall be subject to this Zoning Ordinance as a multiple-family dwelling.

10-2-29 Junk Yard. The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of motor vehicles or machinery.

10-2-30 Loading Space, Offstreet. Offstreet loading space is space logically and conveniently located for pickups and/or deliveries or

for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, provided the minimum size of any required offstreet loading spaces shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

10-2-31 Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

10-2-32 Lot, Corner. A lot which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front.

10-2-33 Lot, Depth. The mean horizontal distance between the front and rear lot lines.

10-2-34 Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate Judge of DeKalb County, or a lot described by metes and bounds, the description of which has been so recorded.

10-2-35 Lot Width. The distance between side lot lines measured at the building setback line.

10-2-36 Mobile Home. A single-family dwelling unit constructed on a chassis and which has been so designed that it may be occupied and used with or without a permanent foundation. It is intended for year-round occupancy and is equipped with appliances and electrical and sanitary systems that function independently of auxiliary facilities so that only simple utility connections are needed. A mobile home unit may have collapsing or telescoping parts that can be expanded, or consist of two separate units joined at the site into a single home (double-wide). Removal of wheels or chassis and placing such a structure on the ground, piers, or other foundation shall not remove such a unit from this definition.

10-2-37 Mobile Home Park. A parcel of land under single ownership, designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more mobile homes for non-transient use. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

10-2-38 Non-Conforming Use. Any lawful use of land, building or structure existing at the time of adoption of the Zoning Ordinance, which does not conform with the regulations of the district in which it is located.

10-2-39 Non-Residential Use. A use which is not a residential use or accessory to a residential use.

10-2-40 Open Storage. Unroofed storage areas, whether fenced or not.

10-2-41 Parking Space. A permanently surfaced area, enclosed or unenclosed, of not less than ten (10) feet by twenty (20) feet, together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. It shall be located outside the street right-of-way and required side yards.

10-2-42 Permitted Use. A use by right which is specifically authorized in a particular zoning district.

10-2-43 Planning Commission. Planning Commission of the Town of Hammondville, Alabama.

10-2-44 Rooming House. Any building or portion thereof which contains not less than three (3) nor more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.

10-2-45 Special Exception. A Special Exception is a use that would not be appropriate, generally or without restriction, throughout a zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning classification or district as a Special Exception if specific provision for such a Special Exception is made in this Ordinance. (For procedure in securing Special Exceptions, see Section 7-4.)

10-2-46 Stand. An area within the mobile home park which has been improved for a single mobile home as provided in this Ordinance.

10-2-47 Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

10-2-48 Street Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

10-2-49 Street Line. The dividing line between a right-of-way and the contiguous property.

10-2-50 Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to

something having a permanent location on the ground, including buildings, signs, walls, fences and mobile homes.

10-2-51 Town. The Town of Hammondville, Alabama.

10-2-52 Town Council. The Town Council of the Town of Hammondville, Alabama.

10-2-53 Townhouses or Rowhouses. Townhouses or rowhouses are three (3) or more single-family attached structures separated by fire party walls.

10-2-54 Variance. A Variance is a relaxation of the terms of this Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship on the land. As used in this Ordinance, a Variance is authorized only for height, area, and size of a structure and open spaces. Establishment or expansion of use otherwise prohibited or not permitted shall not be allowed by Variance, nor shall a Variance be granted because of the presence of nonconformities in the zoning classification or district or adjoining zoning classifications or districts.

10-2-55 Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

10-2-56 Yard, Front. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than steps.

10-2-57 Yard, Rear. A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

10-2-58 Yard, Side. A yard between the building and the side line of the lot and extending from the lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

ARTICLE XI

REMEDIES AND PENALTIES

Section 11-1. Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of this Ordinance or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the Town in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, to use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure use in or about such premises.

Section 11-2. Penalties for Violation

Penalties for violation of this Ordinance may be instituted as prescribed in Title 11, Chapter 45, Section 11-45-9 of the Code of Alabama (recompiled 1975).

ARTICLE XII

LEGAL STATUS PROVISIONS

Section 12-1. Separability

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

Section 12-2. Effective Date

This Ordinance shall be in full force after its passage by the Town Council of the Town of Hammondville, State of Alabama, this the 26th day of April, 1980.

Vesta Hawkins
Mayor

Dorothy Blackburn
Town Clerk

STATE OF ALABAMA
COUNTY OF DEKALB
TOWN OF HAMMONDVILLE

ORDINANCE NO. 92-02

AN ORDINANCE TO AMEND THE TOWN ORDINANCE ENTITLED "ZONING ORDINANCE OF THE TOWN OF HAMMONDVILLE, ALABAMA", APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONDVILLE ON APRIL 26, 1980

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONDVILLE, ALABAMA, AS FOLLOWS:

Section 1. Under and pursuant to Section 3-2-1 of the Zoning Ordinance of the Town of Hammondville, adopted by the Town Council on April 26, 1980, and under and pursuant to the authority granted in Sections 11-52-77 and 11-52-78, Code of Alabama, 1975 (as supplemented and amended), the Town of Hammondville Zoning Map is amended by changing the area of real property hereinafter described as follows:

The following-described property is hereby changed from R1 (Residential District), to B1 (General Business District), and is located on Alabama Highway No. 11 and is owned by William W. Hawk, Jr. and wife, Frances L. Hawk, and is described as follows:

Begin at an iron stake located by starting at the SW corner of the SW 1/4 of the NW 1/4 of Section 30, Township 5 South, Range 10 East, run East 1268 feet; thence North 14 deg. East 1288 ft. to a beginning point; thence West about 366 feet to U.S. Highway 11 right-of-way; thence South 30 deg. West 381 ft. to a ditch; thence in a southeasterly direction with the ditch to a point where the ditch crosses a line running in a southeast direction about 851 ft. from the starting point; said line being the East boundary line of lands of Ward Hawkins and wife, Mavis Hawkins, purchased from Hance Harper and wife, Bessie Harper, and described in deed recorded in Book 101, page 266 in the records of the Probate Judge, DeKalb County, Alabama; thence in a Northeasterly direction up above mentioned line 851 feet to point of beginning, all in DeKalb County, Alabama, and being a portion of the NW 1/4 of Section 30, Township 5 South, Range 10 East, DeKalb County, Alabama and being the same property conveyed from George W. Stallings and wife, Rose Stallings, to T.A. Blansit and wife, Nellie Blansit, by deed of January 30, 1951, recorded in Deed Book 139 at page 115 in the Probate Office of said County.

Section 2. That the property hereinabove described be outlined and the boundaries established on the "Town of Hammondville Zoning Map", which map is on file in the office of the Town Clerk and the changes as hereinabove described provided delineating the boundary of the real property described above is hereby incorporated into and made part of this ordinance.

Section 3. This ordinance effecting a change of boundaries on the "Town of Hammondville Zoning Map" has been posted in four public places within the Town of Hammondville, for two consecutive weeks in advance of its passage and after a public hearing thereon, and after adoption by the Town Council of the Town of Hammondville, Alabama.

Section 4. This ordinance shall become effective after its publication as required by law.

APPROVED AND ADOPTED by the Town Council of the Town of Hammondville this 7th day of July, 1992.

TOWN OF HAMMONDVILLE

BY Kenneth Frazier
Its Mayor

ATTEST:

Sandy Hulgan
Its Clerk

(seal)

STATE OF ALABAMA
COUNTY OF DEKALB
TOWN OF HAMMONDVILLE

ORDINANCE 93-01
AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF HAMMONDVILLE, ALABAMA, ADOPTED APRIL 26, 1980, REFERRED TO AND IDENTIFIED IN SECTION 2-2.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONDVILLE, ALABAMA, AS FOLLOWS:

SECTION 1. Under and pursuant to Section 9-1-11 of the Zoning Ordinance of the Town of Hammondville, adopted by the Town Council on April 26, 1980, and under and pursuant to the authority granted in Sections 11-52-77 and 11-52-78, Code of Alabama, 1975 (as supplemented and amended), the zoning ordinance of the Town of Hammondville is amended as follows:

Section 4-1-2, Special Exceptions. Hereby amended to delete paragraph six (6) of section 4-1-2, entitled mobile homes.

Following this amendment, section 4-1-2, Special Exceptions shall read as follows:

1. General Farming including horticulture; dairying; apiaries; livestock and poultry raising; and other similar enterprises or uses
2. Churches and cemetaries
3. Home occupations as defined in Article X, Subsection 10-2-26
4. Duplexes
5. Multiple family dwellings
6. Mobile home parks provided the requirements of Article V, Section 5-6 are met
7. Boarding and rooming houses
8. Public and private schools
9. Private day care homes, day nurseries, day care centers and kindergartens
10. Public utility structures, including electrical substations, gas metering stations, sewage pumping stations, and similar structures, provided buffering against fumes, noise, unsightliness, etc., shall be as requested by the Zoning Board of Adjustment
11. Golf courses and country clubs, private clubs, lodges and summer camps.
12. Libraries, fire stations and any other municipal buildings and uses necessary for the provision of municipal services in a residential area, provided they are in keeping with the character and requirements of the district
13. Group Housing developments, subject to conditions set forth in Article VI, Section 6-5.

SECTION 2. This ordinance amending the zoning ordinance of the Town of Hammondville and has been published in a newspaper of general circulation in the Town of Hammondville and by posting in four (4) public places within the Town of Hammondville and after a public hearing thereon and after an adoption of the Town Council of the Town of Hammondville, Alabama.

Section 3. This ordinance shall become effective after its final publication as required by law.

Adopted and approved by the Town Council of the Town of Hammondville on this the 21th day of **October**, 1993.

Kenneth Frazier
Kenneth Frazier, Mayor

ATTEST:

Sandy Hulgan
Sandy Hulgan, Town Clerk

STATE OF ALABAMA
COUNTY OF DEKALB
TOWN OF HAMMONDVILLE

ORDINANCE No. 94-02

AN ORDINANCE AMENDING THE MOBILE HOME ORDINANCE OF THE TOWN OF HAMMONDVILLE, ALABAMA, ADOPTED APRIL 26, 1980, AND AS AMENDED, REFERRED TO AND IDENTIFIED IN SECTION 2-2.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONDVILLE, ALABAMA, AS FOLLOWS:

SECTION 1. Under and pursuant to Section 9-1-11 of the Zoning Ordinance of the Town of Hammondville, adopted by the Town Council on April 26, 1980, as amended on October 5, 1993, (No. 93-01), and under and pursuant to the authority granted in Sections 11-52-77 and 11-52-78, Code of Alabama, 1975 (as supplemented and amended), the zoning ordinance of the Town of Hammondville is amended as follows:

Section 4-1-2, Special Exception. Hereby amended to add paragraph fourteen (14), entitled **Certain Mobile Homes.**

Following this amendment, **Section 4-1-2, Special Exceptions** shall read as follows:

1. General farming including horticulture; dairying; apiaries; livestock and poultry raising; and other similar enterprises or uses

2. Churches and cemeteries

3. Home occupations as defined in Article X, Subsection 10-2-26

4. Duplexes

5. Multiple family dwellings

6. Mobile home parks provided the requirements of Article V, Section 5-6 are met

7. Boarding and rooming houses

8. Public and private schools

9. Private day care homes, day nurseries, day care centers and kindergartens

10. Public utility structures, including electrical sub-station, gas metering stations, sewage pumping stations, and similar structures, provided buffering against fumes, unsightliness, noise, etc., shall be as requested by the Zoning Board of Adjustment

11. Golf courses and country clubs, private clubs, lodges and summer camps

12. Libraries, fire stations and any other municipal buildings and uses necessary for the provision of municipal services in a residential area, provided they are in keeping with the character and requirements of the district.

13. Group housing developments, subject to conditions set forth in Article VI, Section 6-5

14. Certain Mobile Homes

(a) Any mobile home (no more than one per lot) in existence within the town limits of Hammondville on October 28, 1993, or its replacement as hereinafter authorized, which meets the requirements of 4-1-3 and the location and utilities have been approved by the DeKalb County Health Department in writing may continue to be used for a primary or principal residence until removed, abandoned, destroyed, or otherwise no longer occupied as a principal or primary residence, provided such use complies with the requirements of this zoning ordinance and all other applicable federal, state, and local laws, rules, and regulations.

(1) The owner of record on October 28, 1993, herein after referred to as Owner, of any such moblie home, may replace such mobile home with a similar mobile home where such mobile home is damaged, destroyed, or otherwise rendered uninhabitable by an event, act, or occurrence beyond the control of the owner.

(2) The Owner of any such single-wide mobile home may, at the Owner's discretion, replace such single mobile home with a double-wide mobile home, provided such replacement is for the sole purpose of increasing the principal or primary residential living space of the Owner.

(3) Any mobile home (no more than one per lot) in existence within the town limits of Hammondville on October 28, 1993, which meets the requirements of 4-1-3 and which would otherwise qualify for continued use as a primary or principal residence as described above but whose location and utilities have not been approved by the DeKalb County Health Department in writing may continue to be used as a primary or principal residence for a period of forty-five (45) days beyond the effective date of this ordinance while the Owner actively attempts to secure written approval of the location and utilities from the DeKalb County Health Department. Upon written approval of the location and utilities by the DeKalb County Health Department within the forty-five (45) day period, such mobile home may continue its use in accordance with the terms of this section 4-1-2, paragraph 14.

(b) Any owner of record of a permanent family dwelling subject to this zoning ordinance may, upon obtaining a special use permit from the Town of Hammondville, temporarily locate and use a mobile home (no more than one per lot) at the site of such permanent family dwelling for a period of time for repair or replacement not to exceed one (1) year where such permanent family dwelling has been damaged, destroyed, or otherwise rendered uninhabitable, provided, however, the requirements of 4-1-3 are met and the location and utilities have been approved by the DeKalb County Health Department in writing prior to commencing the use thereof.

SECTION 2. This ordinance amends the zoning ordinance of the Town of Hammondville and has been published in a newspaper of general circulation in the Town of Hammondville and by posting in four (4) public places within the Town of Hammondville and after a public hearing thereon and after an adoption of the Town Council of the Town of Hammondville, Alabama.

SECTION 3. Adopted and approved by the Town Council of the Town of Hammondville on this 19th day of April 1994.

Kenneth R. Frazier

Kenneth R. Frazier, Mayor
Town of Hammondville
Hammondville, Alabama

ATTEST:

Ruth Freeman

Ruth Freeman, Town Clerk

STATE OF ALABAMA
COUNTY OF DEKALB
TOWN OF HAMMONDVILLE

NUMBER 99-02

ORDINANCE

ZONE AND REZONE CERTAIN PROPERTY
(Zone Sections 18 and 19 - Rezone Sections 25 and 30)

WHEREAS, The Town of Hammondville has the authority to zone and rezone properties in order to promote the welfare and best interests of its citizens and to ensure the best possible use of its limited land area.

WHEREAS, The Town Council of The Town of Hammondville, Hammondville, Alabama, in accordance with the recommendation of the Planning Commission of The Town of Hammondville dated May 12th and June 6th 1995, respectively, wish to change the zoning of certain property in Sections 25 and 30, and to confirm the zoning of certain property in Sections 18 and 19.

BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMMONDVILLE, HAMMONDVILLE, ALABAMA, AS FOLLOWS:

1. That part of Sections 25 and 30 lying between Lowry Road and Kirby Road East of U.S. Highway 11, previously zoned Manufacturing, shall now be zoned Residential.

2. That part of Sections 18 and 19 annexed May 18, 1989, under State Act 89-840, is confirmed as being zoned Residential, since it was predominantly residential in use when annexed.

3. That this Ordinance shall become effective immediately after its approval, passage, publication and adoption.

Approved and adopted by the Town Council of the Town of Hammondville, Hammondville, Alabama, on the 6th day of July, 1999.

TOWN OF HAMMONDVILLE

Gary McKenzie, Mayor Pro-Tem

ATTEST:

Deborah L. Graves, Town Clerk

TOWN OF HAMMONDVILLE
ALABAMA
ZONNING MAP

LEGEND:

- ROADS1
- STREAMS
- PLSECTION
- PARCELS

ZONING_DIST

ZONING

- AG - 1
- B - 1
- B - 2
- M - 1
- R - 1
- CITYLIMIT

SECTION NO.

N

LEAS CHAPEL ROAD
U.S. HWY 117
ALABAMA HWY 117
BETHEL ROAD
INTERSTATE 59
LYON'S ROAD
KIRBY ROAD
U.S. HWY 11
Hammondville Corp Limits

23 24 20
25 30
R 9 E
2 T 6 S
35 36 31
2 1
3 2 1 7 7 8
R 9 E
R 9 E
1 6
T 6 S
26 25 25 30
34 35 36 31
2 1 1 T 6 S 5

7,100 3,550 0 7,100 14,200 21,300 Feet

THIS MAP WAS PREPARED BY:
SLEIMAN RESEARCH AND DEVELOPMENT
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