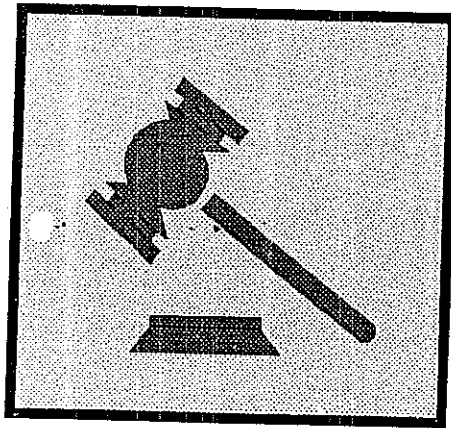


ZONING ORDINANCE
BRUNDIDGE, ALABAMA



Prepared by

South Central Alabama Development Commission
3968 Governors Drive
Montgomery, Alabama 36111

BRUNDIDGE CITY COUNCIL

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BRUNDIDGE PLANNING COMMISSION

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Hastin Harris, Vice Chairman

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Joseph Clayton
Dorothy Munningham
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History and Status

<u>Adoption</u>	<u>Ordinance</u>	<u>Pages Affected</u>
1/5/87	1988-1	All
	1990-	All

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ZONING ORDINANCE
CITY OF BRUNDIDGE, ALABAMA

ARTICLE 1

TITLE

1.1 Full Title.

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

1.2 Short Title.

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Brundidge, Alabama".

ARTICLE 2

AUTHORITY AND PURPOSE

2.1 Authority.

This ordinance establishes comprehensive zoning regulations for the City of Brundidge, Alabama, and provides for the administration, enforcement, and amendment thereof, in accordance with the provisions of Title 11, Chapter 52, Article 4, Section 11-52-70 to 11-52-84, inclusive, of the Code of Alabama (Recompiled 1975) as said provisions may be amended or superseded.

2.2 Purpose.

It is the purpose of this zoning ordinance:

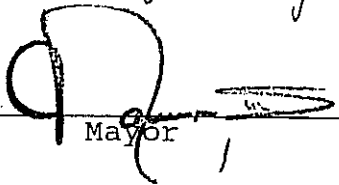
- To protect and provide for the public health, safety, and general welfare of the City.
- To guide the future growth and development of the City in accordance with any Land Use Plan duly adopted by the City Council.
- To provide for adequate light, air, and privacy; to secure safety from fire, flood and other danger, and to prevent overcrowding of land and undue congestion of population.
- To protect the character and the social and economic stability of all parts of the City of Brundidge, and to encourage the orderly and beneficial development of all parts of the City.
- To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land and to minimize the conflict between the land and buildings.
- 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.
- To provide the most beneficial relationship between the uses of land, and buildings, and the circulation of traffic throughout the City.

- To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.

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

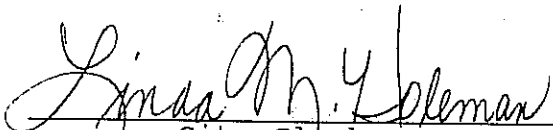
2.3 Adoption.

This ordinance was adopted as Ordinance No. 1991-1, by the City Council of Brundidge, Alabama, on January 8, 1991.



Mayor

Attest:



City Clerk

(SEAL)

ARTICLE 3

DEFINITION OF TERMS

3.1 Interpretation of Commonly Used Terms and Words.

3.1.1 Gender. The word "he" includes the word "she", and where used in this ordinance indicates a person of any gender.

3.1.2 Lot. The word "lot" includes the words "plot", "parcel" or "tract".

3.1.3 Map. The word "Map" or term "Zoning Map" means the "Official Zoning Map, City of Brundidge".

3.1.4 Non-conformity. The term "non-conformity" is synonymous with "non-conforming use" and "legal non-conforming use".

3.1.5 Number. Words used in the singular include the plural, and words used in the plural include the singular, unless the syntax indicates otherwise.

3.1.6 Person. The word "person" includes the words firm, association, corporation, trust, and company.

3.1.7 Shall. The words "shall" and "should" are always mandatory and never discretionary.

3.1.8 Tense. Words used in the present tense include the future tense.

3.1.9 Use. The term "used for" includes the term "designed for".

3.2 Definition of Commonly Used Terms and Words.

3.2.1 Abutting. Having one or more property or district lines in common.

3.2.2 Access. A way of approaching or entering a property.

3.2.3 Adjoining. Having one or more property lines that touch at one or more points.

3.2.4 Administrative Officer. The person appointed by the City Council to enforce the provisions of the zoning ordinance.

3.2.5 Alley. A public right-of-way designed to provide secondary access to the side or rear of lots abutting said alley, which lots front on some other public right-of-way.

3.2.6 Alteration. The modification of real property involving:

- Any addition to the height or depth of a building or structure.
- Any change in the location of any of the exterior walls of a building or structure.
- Any increase in the interior accommodations of a building or structure.

3.2.7 Board of Adjustment. The Zoning Board of Adjustment of the City of Brundidge, Alabama. Synonymous with "Board" as used herein.

3.2.8 Boarding House. An establishment, other than a hostelry, 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.

3.2.9 Buffer Area. A strip of land established to protect one type of land use from another with which it is incompatible, as specified at section 6.1.

3.2.10 Building. A structure having a roof impervious to weather and supported by columns or walls, which structure is intended to be used for sheltering people, animals, property or business activities.

3.2.11 Building Area. That portion of a lot remaining after required yard setbacks have been provided.

3.2.12 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.

3.2.12.1 Upper Appurtenances. 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.

3.2.13 Building Line. A line, parallel to the front property line, indicating the nearest distance to the street right-of-way line that a building may be erected on a lot. Synonymous with "front yard setback" as used in this ordinance.

3.2.14 Business. A single industrial, commercial or professional enterprise holding a single business license, engaged in as a means of livelihood, including home occupation as defined at 3.2.30.

3.2.15 Certificate of Occupancy. Official certification by the Administrative Officer that a premises conforms to the provisions of the zoning ordinance, building code and other applicable statutes, ordinances, codes and regulations, and may be used or occupied.

3.2.16 City. The City of Brundidge, Alabama.

3.2.17 City Council. The City Council of the City of Brundidge, Alabama.

3.2.18 Condominium. A multi-family dwelling or group of multi-family dwellings, including townhouse complexes, wherein each dwelling unit owner enjoys exclusive ownership of his individual dwelling unit and appurtenances, and holds fee simple title thereto, while retaining an undivided interest, as a tenant, in the common facilities and areas of those building(s) and grounds which are used by all unit owners.

3.2.19 Day Care Center. An establishment designed to provide daytime care or instruction for two (2) or more children, other than members of the resident family. The term includes day nurseries, kindergartens, child care centers, nursery schools or play schools.

3.2.20 District. A contiguous section of the City in which zoning regulations are uniform.

3.2.21 Domiciliary. An establishment which is compensated for providing lodging, sustenance and personal care assistance for three (3) or more persons, each of whom has been certified as requiring said personal care assistance by a health care provider licensed to make such certifications.

3.2.22 Dwelling. A building or portion thereof designed and/or used for residential purposes, including but not limited to a single family dwelling, duplex, mobile home, apartment building, high-rise condominium, patio-garden home unit, and townhouse complex.

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

3.2.22.2 Two-Family Dwelling. A building arranged to be occupied by two (2) families living independently of each other, the structure having two (2) dwelling units. Synonymous with "duplex" as used in this ordinance.

3.2.22.3 Multi-Family Dwelling. A building arranged to be occupied by three (3) or more resident families living independently of each other, but not serving as a hostelry as defined at section 3.2.31.

3.2.23 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 hostelries as defined at section 3.2.31.

3.2.24 Essential Services. Essential services are the water, sewer, gas, telephone, and electrical systems, including telephone exchanges, sub-stations, lift stations, and storage facilities necessary to provide such services to the properties in a zoning district. Components of these systems not essential to providing services in the district where located do not fall under this definition.

3.2.25 Family. One or more persons living as a single housekeeping unit and sharing expenses, common cooking and dining facilities, and household consumables, which family may consist of: 1) an individual; 2) two or more persons related by blood, marriage, or legal action; or 3) a group not exceeding five (5) unrelated persons.

3.2.26 Flood. An accumulation or overflow of surface water onto land not normally covered by water, that results in inundation of manmade structures, impedes traffic, or otherwise has significant adverse effects on human activity.

3.2.27 Garage Apartment. A dwelling unit for one family only, located in an accessory or subordinate building which is not part of or attached to the main building, and which contains also enclosed space for at least one automobile.

3.2.28 Group Development. A tract of land consisting of one or more lots under single, corporate, firm, partnership, or association ownership, which is planned and developed such that the tract will contain more than one principal building or use while still under said single ownership. A group development requires an approved site plan as specified at section 6.7. A

group development may be residential, commercial, industrial, public, or institutional in nature, or a mix of these.

3.2.29 Hardship. A situation that arises when the conditions imposed by the zoning ordinance would deprive a property owner of certain development rights that are enjoyed by other property owners within the same zoning district.

3.2.30 Home Occupation. A business that is permitted in a dwelling unit provided that the following conditions are met:

3.2.30.1 Outside Employees Prohibited. No person other than immediate members of the family residing on the premises shall be engaged in such occupation.

3.2.30.2 Floor Area Restricted. 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.

3.2.30.3 Exterior. 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 two (2) square feet in area, non-illuminated, and mounted flat against a wall of the principal building.

3.2.30.4 Accessory Buildings. No home occupation shall be conducted in any accessory building.

3.2.30.5 Traffic. No traffic shall be generated by a 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.

3.2.31 Hostelry. A building or group of buildings in which sleeping accommodations are offered to the public, and are intended primarily for rental to transients with daily charge. Synonymous with hotel, motel, motor hotel, motor lodge and tourist court. Hostelry does not include domiciles such as multi-family dwellings and rooming houses or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents of the community rather than transients. Where more than one-half (1/2) of the units in a hotel, motel, motor hotel, motor lodge, or tourist court have cooking facilities, such operation shall be deemed a multi-family dwelling and shall be subject to this zoning ordinance as a multi-family dwelling as defined at section 3.2.22.3.

3.2.32 Household. See Family.

3.2.33 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 salvage material. The term salvage material includes but is not limited to waste paper, glass, rags, scrap metal, manufacturing by-products, inoperative rolling stock and/or components thereof, and inoperable manufactured equipment, machinery and/or components thereof.

3.2.34 Land Use Plan. The Land Use Plan of the City of Brundidge as duly adopted by the City Council.

3.2.35 Lot. A parcel of land occupied or capable of being occupied by a principal building and/or use permitted in the district in which the lot is located, along with such accessory buildings or uses customarily incidental to the principal use, and meeting the dimensional requirements specified for the district in which located.

3.2.35.1 Corner Lot. 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.

3.2.35.2 Lot Depth. The mean horizontal distance between the front and rear lot lines.

3.2.35.3 Lot of Record. A lot, a plat of which has been recorded in the office of the Probate Judge of Pike County, or a lot described by metes and bounds, the description of which has been so recorded.

3.2.35.4 Lot Width. The distance between side lot lines measured at the building line as defined in this ordinance.

3.2.35.5 Substandard Lot. A parcel of land not meeting the definition of a lot as provided at section 3.2.35

3.2.36 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 and/or may consist of two separate units joined at the site into one 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.

3.2.37 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 home units 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.

3.2.38 Mobile Home Stand. An area within a mobile home park which has been improved for a single mobile home as provided at section 8.2.

3.2.39 Non-Conformity. A lot and/or one or more structures thereon which are in lawful use at the time of adoption or amendment of this ordinance, but which would be prohibited, regulated or restricted under this terms of this ordinance. Non-conformities are declared legal by Article 9, provided the terms and conditions of said Article are met.

3.2.40 Non-Residential Use. A use which is not a residential use or an accessory to a residential use.

3.2.41 Offstreet Loading Space. Offstreet loading space is space logically and conveniently located for pickup and/or delivery, or for loading and/or unloading, scaled to delivery vehicles expected to be used. See section 7.1.

3.2.42 Open Storage. Unroofed storage areas, whether fenced or not.

3.2.43 Parking Space. A permanently surfaced area, enclosed or open, 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 a motor vehicle.

3.2.44 Patio-Garden Home. A patio-garden home is a single family dwelling having a minimum of one (1) side yard, which may be attached by a party wall to one (1) other patio-garden home of similar design and construction, and which together with other patio-garden homes constructed under the same site plan shall constitute a patio-garden home area of similar and/or complementary design and construction.

3.2.45 Personal Goods and Services. Those goods and services purchased, rented or otherwise acquired by individuals for purposes such as, but not limited to sustenance, medication, comfort, security, convenience, edification, or entertainment of themselves, members of their households, or their beneficiaries.

3.2.46 Permitted Use. A use by right which is specifically authorized in a particular zoning district.

Adjustment is empowered to grant variances only under conditions that are prescribed at section 10.3.4.

3.2.60 Violation. A lot and/or one or more structures thereon that deviate from the provisions of this ordinance, and are not a non-conformity as defined at section 3.2.39.

3.2.61 Yard. An open space at grade between a principal structure and the adjoining lot lines.

3.2.61.1 Front Yard. 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 principal structure or any projection thereof, other than steps.

3.2.61.2 Rear Yard. 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 principal structure 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.

3.2.61.3 Side Yard. A yard between the principal structure and the side line of the lot, and extending from the front lot line to the rear lot line, and being the minimum horizontal distance between a side lot line and the side of the principal structure or any projections other than steps.

ARTICLE 4

USES REGULATED AND DISTRICTS ESTABLISHED

4.1 Regulation of Uses.

Use of land and structures in the City of Brundidge is hereby regulated according to the following rules:

4.1.1 Permitted Uses. Uses not designated as permitted uses or special exceptions in a given district shall be prohibited in that district.

4.1.2 Special Exceptions. Special exceptions are permitted according to additional conditions imposed either by this ordinance, or by the Board of Adjustment as provided at section 10.3.3. Special exceptions can be approved only by the Zoning Board of Adjustment.

4.1.3 Minimum Regulations. Regulations set forth by this ordinance shall be minimum regulations.

4.1.4 Conflict with Other Laws. Should permitted uses, special exceptions, or other requirements set forth in this ordinance be at variance with the requirements of any other statute, ordinance, code or regulation, the more restrictive or higher standard shall govern.

4.1.5 Land Covenants. Unless restrictions covered by covenants with the land are prohibited by, or are contrary to the provisions of this ordinance, nothing in this ordinance shall be construed to render such covenants inoperative.

4.2 Use Districts Named.

The City of Brundidge, Alabama, is hereby divided into districts as shown on the Official Zoning Map as adopted by the City Council, and filed with the City Clerk. The Map and all explanatory material thereon is hereby made a part of this ordinance by reference. Districts shall be designated, and are comparable to the Land Use Plan, as follows:

<u>Zoning Map District</u>	<u>Land Use Plan Comparability</u>
RR Reserved Residential	Rural Residential, Agriculture, Drainage Areas & Low Lands
R-1 Low Density Residential	Low Density Residential
R-2 Medium Density Residential	Medium Density Residential
R-3 Multi-Family Residential	Medium Density Residential
MHR Mobile Home Residential	Medium Density Residential

MH	Mobile Home Park	Medium Density Residential
B-1	Neighborhood Commercial	Neighborhood Centers
<u>B-2</u>	Community Commercial	Major Shopping Commercial
B-3	Highway Commercial	Highway Commercial
M-1	General Industrial	Heavy & Light Industrial

4.3 Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk under the following words: "This is to certify that this is the Official Zoning Map of the City of Brundidge, Alabama," together with the number and date of the adopting ordinance.

4.3.1 Changes in District Boundaries. If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map by the City Clerk within five (5) working days after the amendment has been approved by the City Council. Changes shall be entered as follows: 1) Date of action of the City Council, 2) Ordinance number, and 3) Annotation of Map to show area affected by the amendment. Any amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective at such time as the aforescribed entries have been made on said Map.

4.3.2 Unauthorized Changes Prohibited. No changes 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 under Article 13.

4.3.3 Final Authority as to Zoning. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published in multiple copies for convenience, the authoritative Official Zoning Map shall be located in the office of the City Clerk, shall contain certifications signed in ink, and shall be the final authority as to the current zoning status of land in the City.

4.3.4 Replacement of Official Zoning Map. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions thereto, the City Council may, by resolution, adopt an updated Official Zoning Map. The updated Map may correct drafting and other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map as it existed in

annotated form as prescribed at section 4.3.1, at the time of the update.

4.3.4.1 Certification. The updated Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map which was adopted on _____, 19____, as part of the Zoning Ordinance of the City of Brundidge, Alabama."

4.3.4.2 Retention of Old Maps. Unless a superseded Official Zoning Map has been lost or totally destroyed, the superseded Map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption and/or amendment.

4.4 Interpretation of Zoning Map.

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

4.4.1 Whole District Covered. District Regulations apply to all portions of districts surrounded by boundaries. Except as otherwise specifically provided, a district symbol or name shown within district boundaries of the Official Zoning Map indicates the district extends throughout the entire area surrounded by the boundary line.

4.4.2 Streets and Alleys. Boundaries indicated as approximately following streets and alleys shall be construed as following the centerlines of such features as they exist on the ground, except where variations of actual location from mapped location would change the zoning status of a lot or parcel. In the case of a street closure, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed as moving with the ownership.

4.4.3 Lot Lines. Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines, provided however, that where such boundaries are adjacent to a street or alley and the zoning status of the street or alley is not indicated, the boundaries shall be construed as running to the middle of the street or alley. In the event of street or alley closure, interpretation shall be based on section 4.4.2.

4.4.4 Corporate Limits. Boundaries indicated as approximately following corporate limits shall be construed as following the corporate limits.

4.4.5 Waterways. Boundaries indicated as approximately following centerlines of streams, creeks or other bodies of water shall be construed as following such centerlines.

4.4.6 Other Physical Features. Boundaries indicated as approximately following physical features other than those above shall be construed as following such physical features, except where variations of actual locations from mapped location would divide a lot containing five (5) acres or less, and in such case, the boundary shall be interpreted in such manner as to avoid placing any such lot into two different districts.

4.4.7 Extensions of Physical Features. Boundaries indicated as parallel to or extensions of features indicated in sections 4.4.2 through 4.4.6, shall be construed as being parallel to or extensions of such features.

4.4.8 Distance. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

4.4.9 Other Cases. In cases not cover by sections 4.4.1 through 4.4.8, above, the Administrative Officer shall interpret the Official Zoning Map in accordance with the intent and purpose of this zoning ordinance. Appeal from the interpretation of the Administrative Officer may be made to the Zoning Board of Adjustment as prescribed at section 10.3.1.

4.4.10 Split Lot. Where a district boundary divides a lot of record 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 for a distance not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE 5

USE DISTRICTS

5.1 RR Reserved Residential District.

5.1.1 Policy. The primary purpose of the RR district is to provide for the preservation of prime residential and forestry lands; to provide for the preservation of natural and scenic areas needed for outdoor recreation, open space, essential drainage areas, and to provide for the protection of such lands from premature or incompatible development, yet provide an opportunity for the best use of land through various development schemes.

5.1.2 Permitted Uses.

- Any use allowed as a Permitted Use in the R-1 district.
- Accessory uses and structures, including, but not limited to the following:
 - Roadside stands offering for sale only agricultural products grown on the premises.
 - Uses customarily associated with agricultural activities, such as tenant houses, residences, agricultural structures, stables, and parking areas.
- Agricultural uses including the raising of crops, livestock and poultry and other similar uses.
- Churches and cemeteries.
- Plant nurseries.
- Public schools, and private schools having curricula substantially the same as that ordinarily given in public schools.
- Parks of a nonprofit nature, whether owned by a public or private entity, including campgrounds, golf courses, riding trails, seasonal resort areas, hunting, fishing, country clubs, game preserves, and similar uses for the purpose of preserving and enjoying the natural resources of the property.
- Sanitoria, convalescent homes, and nursing homes.

5.1.3 Special Exceptions.

- Any use allowed as a special exception in the R-2 district subject to the dimensional requirements and restrictions of this RR district.
- Animal hospitals and kennels.
- Mobile home parks subject to the requirements and restrictions of the MH district.
- Mobile homes (no more than one per lot) subject to the dimensional requirements of this RR district, and provided the requirements of section 8.1 are met.

5.1.4 Minimum Dimensional Requirements.

- Front yard setback: Forty (40) feet, except as provided at section 6.4.14.
- Lot coverage: Main and accessory buildings shall not cover more than twenty-five (25) percent of the lot area.
- Lot size: One (1) acre.
- Lot width at building line: One hundred (100) feet.
- Lot width at street line: Thirty-five (35) feet.
- Rear yard setback: Forty (40) feet.
- Side yard setback: Fifteen (15) feet, except on corner lots where the side adjoining the right-of-way shall be thirty (30) feet.

5.2 R-1 Low Density Residential District.

5.2.1 Policy. The primary purpose of the R-1 district is to provide for the protection of existing single-family residential areas and the development of additional areas at a low population density served with a public water supply. The regulations for this district are designed to stabilize and protect the essential single-family amenities of the district, to promote and encourage a suitable environment for family life, and to prohibit activities of a non-residential nature that do not serve residents of this district.

5.2.2 Permitted Uses.

- Accessory uses and structures.
- Detached single-family homes (excluding mobile homes).
- Outdoor recreation parks and playgrounds.
- Signs, subject to the provisions of section 6.6.

5.2.3 Special Exceptions.

- Cemeteries.
- Churches and similar places of worship.
- Essential Services as provided at section 6.4.4.
- Fire Stations.
- Golf courses and country clubs.
- Home occupations as defined at section 3.2.30.
- Libraries.
- Public schools, and private schools having curricula substantially the same as that ordinarily given in public schools.
- Public utilities structures, including electrical substations, gas metering stations, water towers or tanks, sewage pumping stations, and similar structures.

5.2.4 Restrictions. Special exceptions, except for public utility structures and home occupations, shall be permitted only on lots fronting on, and with principal driveway access to a street with paving at least twenty-six (26) feet in width, and so located, site planned and designed as to avoid undue noise, and other nuisances and danger.

5.2.5 Minimum Dimensional Requirements.

- Building height: No building shall exceed thirty-five (35) feet in height.
- Front yard setback: Forty (40) feet, except as provided at section 6.4.14.
- Lot coverage: Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area.

- Lot size: Fifteen thousand (15,000) square feet.
- Lot width at building line: One-hundred (100) feet.
- Lot width at street line: Thirty-five (35) feet.
- Rear yard setback: Thirty (30) feet.
 - Exception: One unattached rear yard accessory building covering no more than four-hundred (400) square feet of the lot, may be placed in the rear yard setback, provided it is placed at least one (1) foot from any interior utility easement line, and five (5) feet from any property line.
- Side yard setback: Ten (10) feet except on corner lots where the side adjoining the right-of-way shall be twenty-five (25) feet.

5.3 R-2 Medium Density Residential District.

5.3.1 Policy. The primary purpose of the R-2 district is to provide for the protection of existing single-family residential areas and the development of new areas at densities that assure the continued stability of such areas. This district is established for medium density residential use, which generally requires the provision of both public water and sanitary sewer services. The regulations for this district are designed to stabilize and protect the essential single-family amenities of the district, to promote and encourage a suitable environment for family life and, to prohibit activities of a non-residential nature that do not serve residents of this district.

5.3.2 Permitted Uses.

- Any use allowed as a Permitted Use in the R-1 district.

5.3.3 Special Exceptions.

- Any use allowed as a special exception in the R-1 district.
- Day Care Homes, Day Nurseries and Day Care Centers.
- Duplexes.

5.3.4 Restrictions. Special exceptions, except for public utility structures and home occupations, shall be permitted only on lots fronting on, and with principal driveway access to a street with paving at least twenty-six (26) feet in width, and so

located, site planned and designed as to avoid undue noise, and other nuisances and danger.

5.3.5 Minimum Dimensional Requirements.

- Building height: No building shall exceed thirty-five (35) feet in height.
- Front yard setback: Thirty-five (35) feet, except as provided at section 6.4.14.
- Lot coverage: Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area.
- Lot size: Twelve thousand (12,000) square feet.
- Lot width at building line: Eighty-five (85) feet.
- Lot width at street line: Thirty-five (35) feet.
- Rear yard setback: Thirty (30) feet.

-- Exception: One unattached rear yard accessory building covering no more than four-hundred (400) square feet of the lot, may be placed in the rear yard setback, provided it is placed at least one (1) foot from any interior utility easement line, and five (5) feet from any property line.

- Side yard setback: Ten (10) feet, except on corner lots where the side adjoining the right-of-way shall be twenty-five (25) feet.

5.4 R-3 Multi-Family Residential District.

5.4.1 Policy. The primary purpose of the R-3 district is to provide sites for multi-family dwellings which will: (1) serve as zones of transition between non-residential districts and single-family districts, and (2) provide areas for low/medium density multi-family dwellings which will be compatible with adjoining single-family developments.

5.4.2 Permitted Uses.

- Any use allowed as a Permitted Use in the R-2 district.
- Domiciliaries
- Duplexes.

- Multi-family dwellings including condominiums, subject to the site plan requirements provided at section 6.7.
- Rooming and boarding houses.
- Townhouses and Patio-Garden Homes subject to the provisions of section 6.8, and the site plan requirements provided at section 6.7.
- Swimming pools, recreational and athletic facilities, community buildings and other similar and related facilities for the common use of occupants of multi-family dwellings and their guests.

5.4.3 Special Exceptions.

- Any use allowed as a special exception in the R-2 district subject to the R-2 district dimensional requirements and restrictions.
- Mobile Home Parks subject to the provisions, dimensional requirements and restrictions of the MH district.

5.4.4 Restrictions.

5.4.4.1 Buffer Areas. Wherever a lot containing multi-family dwelling(s) adjoins a lot containing a single, or two-family dwelling, a ten (10) foot buffer area, exclusive of yard requirements, shall be provided as specified at section 6.1.

5.4.4.2 Special Exceptions. Special exceptions, except for public utility structures and home occupations, shall be permitted only on lots fronting on, and with principal driveway access to a street with paving at least twenty-six (26) feet in width, and so located, site planned and designed as to avoid undue noise, and other nuisances and danger.

5.4.5 Minimum Dimensional Requirements.

- Building height: No building shall exceed thirty-five feet in height.
- Front yard setback:
 - Thirty-five (35) feet from public street or walkway, except as provided at section 6.4.14.
 - Fifteen (15) feet from private street, drive walkway or other common use area.

- Lot coverage:
 - Except for townhouses, main and accessory buildings shall not cover more than thirty (30) percent of the lot area.
 - Townhouse units shall adhere to front and rear yard setback requirements, and except for end units, shall occupy the full width of the lot on which they are located. Townhouse end units shall adhere to the side yard setback requirements specified for this R-3 district.
- Lot size:
 - Single family dwelling: Ten thousand five-hundred (10,500) square feet.
 - Two family dwelling: Twelve thousand (12,000) square feet.
 - Three or more family dwelling: Twelve thousand (12,000) square feet plus two thousand (2,000) square feet of additional area for each ground floor dwelling unit in excess of two (2).
- Lot width at building line:
 - Single family dwelling: Seventy-five (75) feet
 - Two family dwelling: Eighty (80) feet.
 - Three or more family dwelling: Except for townhouses, eighty (80) feet, plus ten (10) feet additional width for each additional ground floor dwelling unit in excess of two (2).
 - Townhouse units: Twenty (20) feet.
- Lot width at street line: Thirty-five (35) feet. (A townhouse complex shall be considered to occupy a single lot for purposes of this dimension).
- Rear yard setback: Thirty (30) feet.
 - Exception: One unattached rear yard accessory building covering no more than four-hundred (400) square feet of the lot, may be placed in the rear yard setback, provided it is placed at least one (1) foot from any interior utility easement line, and five (5) feet from any property line.

- Side yard setback:

-- One and two family dwelling: Eight (8) feet, except on corner lots where the side adjoining the right-of-way shall be twenty (20) feet.

-- Three or more family dwelling: Townhouse complexes and multi-family developments shall have a side yard of eight (8) feet on ends of interior dwellings, and twenty (20) feet on ends of dwellings at street corners.

- Units per acre: Multi-family developments, including townhouse areas shall not exceed an average of ten ground floor dwelling units per acre.

5.5 MHR Mobile Home Residential District.

5.5.1 Policy. The primary purpose of the MHR district is to allow for the placement of mobile homes as defined at section 3.2.36, on single-family lots in subdivisions established for the purpose of home ownership.

5.5.2 Permitted Uses.

- Accessory uses and structures.
- Outdoor recreation parks and playgrounds.
- Single-family mobile homes.
- Support services necessary to service the needs of the residents of the MHR district.

5.5.3 Special Exceptions.

- Any use allowed as a special exception in the R-3 district except duplexes, subject to the R-3 district dimensional requirements and restrictions.

5.5.4 Restrictions.

- Mobile homes shall conform to the Mobile Home Dwelling Standards prescribed at section 8.1.

5.5.5 Minimum Dimensional Requirements.

- Building height: No building shall exceed thirty-five (35) feet in height. No building on a lot containing a

mobile home as the principal building shall exceed eighteen (18) feet in height.

- Front yard setback: Twenty-five (25) feet, except as provided at section 6.4.14.

- Lot coverage: Main and accessory buildings shall not cover more than thirty (30) percent of the lot area.

- Lot size: Nine-thousand three-hundred seventy-five (9,375) square feet.

- Lot width in feet at building line: Seventy-five (75) feet.

- Lot width in feet at street line: Thirty-five (35) feet.

- Rear yard setback: Twenty-five (25) feet.

-- Exception: One unattached rear yard accessory building covering no more than four-hundred (400) square feet of the lot, may be placed in the rear yard setback, provided it is placed at least one (1) foot from any interior utility easement line, and five (5) feet from any property line.

- Side yard setback: Twelve (12) feet except on corner lots where the side adjoining the right-of-way shall be twenty (20) feet.

5.6 MH Mobile Home Park District.

5.6.1 Policy. The primary purpose of the MH district is to allow for mobile home parks to be established in appropriate locations for rental of mobile home spaces.

5.6.2 Permitted Uses.

- Accessory structures providing services only to residents of the mobile home park.

- Mobile home parks, provided the mobile home park standards at section 8.2, and the site plan requirements at section 6.7 are satisfied.

- Recreational facilities providing services only to residents of the mobile home park.

5.6.3 Special Exceptions.

- Any use allowed as a special exception in the R-3 district except duplexes, subject to the R-3 district dimensional requirements and restrictions.

5.6.4 Restrictions.

- Mobile homes shall conform to the mobile home dwelling standards prescribed at section 8.1.

5.6.5 Minimum Dimensional Requirements.

- For permitted uses, the provisions of section 8.2 shall apply.

5.7 B-1 Neighborhood Commercial District.

5.7.1 Policy. The primary purpose of the B-1 district is to provide retail outlets for the most frequent daily needs of residents of an immediate residential neighborhood. The B-1 district is not automotive oriented and is not intended for use by major or large scale commercial or service establishments. Compatibility with adjacent residential neighborhoods to be served is critical.

5.7.2 Permitted Uses.

- Governmental buildings, including but not limited to: post offices, libraries, and fire stations provided such facilities serve persons living in the adjacent residential area.
- Health services, including but not limited to medical clinics (out patient only), and offices of doctors, dentists, osteopaths, psychologists, counselors and similar or allied health professionals.
- Manufacture and/or assembly of personal goods, provided sale of such goods is a permitted use in this B-1 district, and such goods are sold on premises at retail.
- Neighborhood shopping centers containing uses specified in this section 5.7.2, subject to the site plan requirements specified at section 6.7.
- Personal services establishments, including but not limited to: banks, loan companies, insurance offices, real estate offices, travel agencies, attorney offices, dry cleaning and laundry pickup stations, self service (coin operated) laundries/dry cleaners, barber and beauty shops,

shoe repair shops, photographic studios, day nurseries and day care centers.

- Retail outlets for the sale and/or rental of personal goods, including but not limited to: groceries, household supplies, household appliances, wearing apparel, furniture, hardware, drugs and sundries, jewelry and gifts, flowers, antiques, books and stationery, sporting goods, cameras and photographic supplies, arts and crafts, pets and pet supplies, home and garden tools, and seeds and garden supplies.

- Signs subject to the provisions of Section 6.6.

5.7.3 Special Exceptions.

- Essential services as provided at section 6.4.4.

- Funeral homes.

- Restaurants, excluding drive-in restaurants.

- Service stations as defined at section 3.2.49, subject to the restrictions provided at section 6.5, and subject to the site plan requirements provided at section 6.7.

5.7.4 Restrictions.

5.7.4.1 Buffer Areas. Wherever a lot line in a B-1 district abuts the boundary of a residential, reserved residential, or mobile home district, a twenty (20) foot buffer area, over and above yard requirements, shall be provided as specified at section 6.1.

5.7.4.2 Enclosed Building Required. All business activity, including displays, shall be conducted within an enclosed building.

5.7.4.3 Frontage on Major Street. Permitted uses and special exceptions shall be located only on arterials, major thoroughfares and collectors as depicted on the City's Land Use Plan.

5.7.4.4 Ingress/Egress. Ingress and egress to offstreet parking and loading shall be a minimum of sixty (60) feet from the intersection of any two (2) or more streets.

5.7.4.5 Separation and Size of Districts. B-1 districts shall be spaced a minimum of one-half mile apart and shall not exceed five (5) acres in size.

5.7.4.6 One Business Per Lot. Except for shopping centers, there shall be only one (1) business per lot.

5.7.5 Minimum Dimensional Requirements.

- Building Height: No building shall exceed thirty-five (35) feet in height.
- Front yard setback: Thirty (30) feet, except as provided at section 6.4.14.
- Lot Coverage: Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
- Lot Size: None.
- Rear yard setback: None, except where a rear lot line abuts the boundary of a residential, reserved residential, or mobile home district, and/or the commercial building is designed to be serviced from the rear, in which case, there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty (30) feet for lots with alleys.
- Side yard setback: None, except on the side of a lot which abuts the boundary of a residential, reserved residential or mobile home district, in which case, there shall be provided a side yard of not less than fifteen (15) feet.

5.8 B-2 Community Commercial District.

5.8.1 Policy. The primary purpose of the B-2 district is to provide for the needs of a larger consumer population than is served by the B-1 Neighborhood Commercial District. The B-2 district is characterized by larger volumes of vehicular and/or pedestrian traffic, and as such, should be properly located with respect to existing development and thoroughfares.

5.8.2 Permitted Uses.

- Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, and similar service establishments that require a retail adjunct.
- Any retail business not otherwise prohibited by law whose principal activity is the sale of merchandise in an enclosed building.

- Any use allowed as a permitted use in the B-1 district.
- Automatic car wash.
- Bowling alley and similar forms of indoor commercial recreation.
- Business college or business school.
- Funeral home.
- Hostelry.
- Manufacture and/or assembly of personal goods, provided sale of such goods is a permitted use in this B-2 district, and such goods are sold on premises at retail.
- Mobile home sales lot.
- New and used car sales room, sales lot, and/or offices, including vehicle leasing.
- Open air lawn and garden merchandising, including but not limited to retail sales of live plants not grown on the site, lawn furniture, playground equipment, and garden supplies, tools and equipment.
- Private club, fraternal organization and lodge hall.
- Recreational vehicle sales lot.
- Restaurant, excluding drive-in restaurant.
- Veterinary hospital or clinic.
- Service station as defined at section 3.2.49, subject to the restrictions provided at section 6.5, and subject to the site plan requirements provided at section 6.7.
- Theater, assembly hall or similar places of assembly when conducted within an enclosed building.

5.8.3 Special Exceptions.

- Automobile repair service.
- Bus passenger station.
- Drive in restaurant.
- Essential Services as provided at section 6.4.4.

- Retail outlet for building materials provided any manufacturing or fabrication conducted on the premises consists solely of assembling retail merchandise, and/or shaping, cutting, trimming, bundling etc. of building materials to a retail customer's specifications.

5.8.4 Restrictions.

5.8.4.1 Buffer Areas. Wherever a lot line in a B-2 district abuts the boundary of a residential reserved residential, or mobile home district, a twenty (20) foot buffer area, over and above yard requirements, shall be provided as specified at section 6.1.

5.8.4.2 Enclosed Building Required. All business shall be transacted within an enclosed building, with the exception of open air lawn and garden businesses as specified under section 5.8.2.

5.8.4.3 Frontage on Major Street. Permitted uses and special exceptions shall be located only on arterials, major thoroughfares and collectors as depicted on the City's Land Use Plan.

5.8.4.4 Ingress/Egress. Ingress and egress to offstreet parking and loading shall be a minimum of sixty (60) feet from the intersection of any two (2) or more streets.

5.8.5 Minimum Dimensional Requirements.

- Building Height: No building shall exceed thirty-five (35) feet in height.

- Front yard setback: None, except as may be specified in an approved site plan for a group development.

- Lot size: None.

- Lot coverage: None, except as may be specified in an approved site plan for a group development.

- Rear yard setback: None, except where a rear lot line abuts the boundary of a residential, reserved residential, or mobile home district and/or where the commercial building is designed to be serviced from the rear, in which case, there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty (30) feet for lots with alleys.

- Side yard setback: None, except on the side of a lot which abuts the boundary of a residential, reserve residential or mobile home district, in which case, there

shall be provided a side yard of not less than fifteen (15) feet.

5.9 B-3 Highway Commercial District.

5.9.1 Policy. The primary purpose of the B-3 Commercial district is to protect and control highway-oriented commercial uses and to establish suitable areas along major thoroughfares and major collector streets for this type of development.

5.9.2 Permitted Uses.

- Agricultural implement and machinery sales, service and repair.
- Animal hospitals and veterinary clinics.
- Any retail business or service not otherwise prohibited by law, that is directly related to serving the needs of highway traffic, provided such businesses shall front on a major thoroughfare or major collector street.
- Any use permitted or allowed as a special exception in the B-2 Community Commercial district, subject to the restrictions and dimensional requirements specified for this B-3 district.
- Automobile parts sales.
- Automobile and truck sales and service, including used car lots.
- Bakery shops, including the manufacture of products to be sold primarily on the premises.
- Bus terminals, provided that they shall front on a major thoroughfare or major collector street.
- Car washing establishments.
- Cemeteries.
- Commercial amusement and recreational services.
- Drive-in theaters and outdoor theaters, provided they shall front on a major thoroughfare or major collector street.
- Drive-in restaurants.
- Garden centers, nurseries, and green houses.

- Shopping centers containing uses specified in this section 5.9.2, subject to the site plan requirements provided at section 6.7.

- Travel trailer parks, subject to the site plan requirements provided at section 6.7.

5.9.3 Special Exceptions.

- Essential Services as provided at section 6.4.4.

5.9.4 Restrictions.

5.9.4.1 Buffer Areas. Wherever a lot line in a B-3 district abuts the boundary of a residential, reserved residential, or mobile home district, a twenty (20) foot buffer area, over and above yard requirements, shall be provided as specified at section 6.1.

5.9.4.2 Frontage on Major Street. Permitted Uses and special exceptions shall be located only on arterials, major thoroughfares and major collectors as depicted on the City's Land Use Plan.

5.9.4.3 Ingress/Egress. Ingress and egress to offstreet parking and loading shall be a minimum of sixty (60) feet from the intersection of any two (2) or more streets.

5.9.4.4 One Business Per Lot. Except for shopping centers, there shall be only one (1) business per lot.

5.9.5 Minimum Dimensional Requirements.

- Building Height: No building shall exceed thirty-five (35) feet in height.

- Front yard setback: Thirty-five (35) feet, except as provided at section 6.4.14.

- Lot size: None.

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

- Rear yard setback: None, except where a rear lot line abuts the boundary of a residential, reserved residential, or mobile home district and/or where the commercial building is designed to be serviced from the rear, in which case, there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty (30) feet for lots with alleys.

- Side yard setback: None, except on the side of a lot adjoining a residential, reserved residential or mobile home district, in which case, there shall be provided a side yard of not less than fifteen (15) feet.

5.10 M-1 General Industrial District.

5.10.1 Policy. The primary purpose of the M-1 district is to establish areas in the City having adequate infrastructure and location to support industrial and related activities.

5.10.2 Permitted Uses.

- Accessory uses and structures.
- Group developments containing uses permitted in this section 5.10, subject to the site plan requirements provided at section 6.7.
- Light manufacturing including, but not limited to assembling, modifying, compounding, processing, finishing and/or packaging finished or semi-finished products, provided such businesses do not use, produce, package or warehouse volatile, dangerous and/or hazardous materials (see section 5.10.3).
- Office buildings.
- Printing, publishing or similar establishments.
- Public utility structures, including electrical substations, gas metering stations, water tanks, sewage pumping stations, fire stations and other necessary public facilities.
- Radio and television stations and transmitters.
- Service establishments catering to commerce and industry including but not limited to laundry plants, dry cleaning plants, linen supply, freight movers, communications services, business machine services, canteen services, restaurants (including drive-in restaurants), union halls and employment agencies and centers.
- Signs, subject to the provisions of section 6.6.
- Wholesale, warehousing, storage or distribution establishments.

5.10.3 Special Exceptions.

- Automobile repair shop.
- Building materials sales yard.
- Concrete and cement products manufacturing, provided that such industry shall not be located on a lot with any boundary closer than two-hundred (200) feet to the boundary of any residential, reserve residential or mobile home district.
- Essential Services as provided at section 6.4.4.
- Junk and salvage yard of any kind, subject to the provisions of section 5.10.4.7, and provided that such industry shall not be located on a lot with any boundary closer than two-hundred (200) feet to the boundary of any residential, reserve residential or mobile home district.
- Manufacturing not otherwise specified in this section 5.10.3, including but not limited to assembling, rebuilding, repairing, fabricating, compounding, processing, finishing and/or packaging of raw materials, semi-finished and/or finished products, including automobiles, automotive components and other rolling stock and components thereof.
- Quarry or sand and gravel operations, provided that such industry shall not be located on a lot with any boundary closer than two-hundred (200) feet to the boundary of any residential, reserve residential or mobile home district.
- Sanitary landfill, provided that such industry shall not be located on a lot with any boundary closer than two-hundred (200) feet to the boundary of any residential, reserve residential or mobile home district.
- Sewage treatment and/or disposal plant, provided that such industry shall not be located on a lot with any boundary closer than two-hundred (200) feet to the boundary of any residential, reserve residential or mobile home district.
- Storage yard for storing equipment, raw materials, semi-finished products and finished products, but not salvage material as defined at section 3.2.33, and subject to the provisions of section 5.10.4.7.
- Truck and farm implement sales and service.
- Volatile, dangerous and hazardous materials compounding, refining, processing, production, packaging or warehousing,

provided that such industry shall not be located on a lot with any boundary closer than one thousand (1,000) feet to the boundary of any residential, reserve residential or mobile home district, and provided such industries comply with state and federal regulations governing such activities.

- Water treatment plant.

5.10.4 Restrictions.

5.10.4.1 Buffer Areas.

5.10.4.1.1 Permitted Use. Any permitted use on a lot which abuts the boundary of a residential, reserved residential, or mobile home district shall provide a twenty-five (25) foot buffer area as specified at section 6.1.

5.10.4.1.2 Special Exception. Any use allowed by special exception on a lot which abuts the boundary of a residential, reserved residential, or mobile home district shall provide a fifty (50) foot buffer area as specified at section 6.1.

5.10.4.2 Distance from Residential Area. 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 the boundary of any residential, reserved residential, or mobile home district.

5.10.4.3 Enclosed Building Required. All permitted uses specified in section 5.10.2 shall be conducted wholly within an enclosed building, except for parking, loading and unloading, utilities and signs. Uses permitted as a special exception shall adhere to the conditions of the special exception granted by the Board of Adjustment.

5.10.4.4 Landscaping Required. All yards which abut a public street, and 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.

5.10.4.5 Lighting. Any lighting, including any permitted illuminated sign, that produces an annoying glare directed or reflected toward residential buildings in a residential district is hereby declared a public nuisance and is prohibited.

5.10.4.6 Nuisances. Any use that emits excessive glare, dust, smoke, or noxious odor or fumes outside the premises on which the operation takes place, or produces a noise level or vibration at the property line that is greater than the average noise and vibration level occurring on the adjoining lot, is hereby declared a public nuisance and is prohibited..

5.10.4.7 Visibility of Outside Storage. No outside storage shall be permitted which is visible from any public street or residential lot to a person of average height standing at ground level.

5.10.5 Dimensional Requirements.

- Building Height: No building shall exceed forty-five (45) feet in height.
- Front yard setback: Forty (40) feet, except as provided at section 6.4.14.
- Lot Coverage:
 - Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
 - 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.
- Lot width at street line: Thirty-five (35) feet.
- Rear yard setback: Twenty-five (25) feet.
- Side yard setback: Twenty-five (25) feet.

ARTICLE 6

GENERAL PROVISIONS

6.1 Buffer Area Specifications.

6.1.1 Building Permit/Site Plan Information. When a buffer area is required, the following information shall be submitted at the time a building permit and/or site plan application is filed:

6.1.1.1 Composition of Buffer. The applicant shall describe the composition of the proposed buffer area, to include types and numbers of plantings for planted buffers, and/or design and materials to be used for structural buffers.

6.1.1.2 Maintenance Plans. The applicant shall describe how the buffer area will be irrigated and/or otherwise maintained in the future.

6.1.2 Construction Standards. Where this ordinance requires a buffer area, the following shall apply:

6.1.2.1 Composition.

6.1.2.1.1 Planted Buffer. Plantings shall be of a size and type which will insure the meeting of opacity requirements specified at section 6.1.2.3, within no longer than twelve (12) months after the date of first planting. When questions arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Administrative Officer, with appeal to the Board of Adjustment authorized.

6.1.2.1.2 Structural Buffer. Except when specifically prohibited elsewhere in this ordinance, a six (6) foot high opaque structure set in a five (5) foot wide landscaped strip may be substituted for the six (6) foot high, planted buffer specified at section 6.1.2.1.1. When questions arise as to the suitability of proposed materials to meet this requirement, final determination of suitability shall be made by the Administrative Officer, with appeal to the Board of Adjustment authorized.

6.1.2.2 Coverage. The buffer area shall be established along the entire length of and contiguous to the designated property line or lines.

6.1.2.3 Opacity. The buffer area shall be so designed, planted, constructed and/or maintained so as to be eighty (80)

percent or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally.

6.1.2.4 Width. The buffer area shall not be less than the width specified in this ordinance, or in a special exception, as measured at right angles to the property lines.

6.1.3 Maintenance Required. Required buffer areas shall be maintained by the property owner in a manner such that the buffer serves its purpose of opacity. Failure to so maintain a buffer area as set out above shall be a violation of this ordinance, punishable as provided at Article 13.

6.1.4 Waiver by Administrative Officer. When the Administrative Officer finds that the public safety so requires, 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.

6.2 Flood hazard Areas.

The flood hazard areas applicable to the Official Zoning Map of Brundidge, Alabama, shall be identical to those shown on the Flood Hazard Boundary Map, City of Brundidge, Alabama, issued by the Department of Housing and Urban Development, Federal Insurance Administration, effective date October 22, 1976, as it may be amended or superseded from time to time, which map is made a part of this ordinance. For informational purposes, flood hazard areas in the City of Brundidge lie in those vicinities of Mims, Bowden Mill, Bear, Sandy Run and Whitewater Creeks and their tributaries, which are subject to inundation during the 100 year flood, i.e. which have a one percent or greater chance of flooding in any given year.

6.2.1 Permitted Uses. All uses permitted in the zoning districts which include Flood Hazard Areas, including special exceptions, shall be permitted also in flood hazard areas, subject to the requirements of Section 1910.13 of the National Flood Insurance Program regulations, as they may be amended or superseded, which regulations are made a part of this ordinance.

6.3 Mobile Home Hardship Permits.

6.3.1 Policy. To alleviate personal hardship, placement of one (1) mobile home for use as a dwelling may be permitted as a temporary accessory use on a lot already having a dwelling, provided the Board of Adjustment determines that a personal hardship does in fact exist, and provided such placement meets the requirements specified in this section 6.3.

6.3.2 Restrictions.

6.3.2.1 Hardship Finding Required. The Zoning Board of Adjustment shall make a finding that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a permit of this nature.

6.3.2.2 Location. A mobile home placed on a lot under the provisions of this section 6.3, shall comply with the setback requirements for the applicable district, and shall be placed in a rear yard, unless the Board of Adjustment explicitly authorizes a deviation from this provision. In no case shall a mobile home be placed in a front yard under the authority of this section 6.3.

6.3.2.3 Mobile Home Dwelling Standards. A mobile home placed on a lot under the provisions of this section 6.3, shall conform to the mobile home dwelling standards at section 8.1.

6.3.2.4 Temporary Use Permit Required. The Administrative Officer shall issue a Temporary Use Permit for a one (1) year period when the provisions of this section 6.3 have been met, which permit may be renewed for additional one (1) year periods by the Administrative Officer, for so long as he determines that the hardship continues to exist.

6.4 Provisions Applicable to All Districts.

6.4.1 Access to Public Way Required. Every building hereafter erected or moved shall be on a lot abutting a public street, or abutting a private street system having access to a public street, with lot width at the street line as specified for the applicable district.

6.4.2 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 principal structure.

6.4.3 Conformity Required.

6.4.3.1 Erection and Use. No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved or altered except in conformity with the regulations of this ordinance for the district in which said structure or land is located.

6.4.3.2 Height and Density. No structure shall hereafter be erected or altered so as to exceed the height and density regulations of this ordinance for the district in which said structure is located.

6.4.3.3 Lot Size. No lot, even though it may abut one or more adjacent lots of record in single ownership, shall be reduced in size such that the dimensional requirements of the applicable district, and/or any other provisions of this ordinance are violated.

6.4.3.3.1 Right of Way Exempted. This prohibition shall not apply to the purchase or condemnation of narrow strips of land for public right-of-way purposes, to include but not be limited to streets, walkways and public utilities, provided the taking of such a strip does not reduce the size of an affected lot to less than the dimensional requirements prescribed for the district in which the affected lot is located.

6.4.4 Essential Services.

6.4.4.1 Facilities Authorized. Facilities for the provision of essential services as defined at section 3.2.24, are permissible by Special Exception in any zoning district, when such services are required to provide essential services to properties in the affected district, and will not provide services to another district. The location in a district of essential services facilities not required to provide such services to the affected district, or which provide services to more than one zoning district are prohibited, unless such facilities are a permitted use or explicitly listed as a special exception.

6.4.4.2 Restrictions. Where permanent structures are involved in providing essential services in a district, 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. The Board of Adjustment may require as a condition of a special exception, that a facility be screened, landscaped and otherwise designed to fit in with its surroundings.

6.4.5 Fences, Walls and Hedges. Notwithstanding other provisions of this ordinance, fences, walls, and hedges are permitted in any yard, or along the edge of any yard, provided that no fence, 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 to visibility between two and one half (2 1/2) and six (6) feet above ground level. See also section 6.4.15.

6.4.6 Lots Not Meeting Dimensional Requirements.

6.4.6.1 Adjoining Lots in Single Ownership. If adjoining lots which fail to meet dimensional requirements of the district in which they are located are in single ownership, the owner shall resubdivide the land into lots which conform to this ordinance prior to building, otherwise improving, or transferring ownership of such lots.

6.4.6.2 Substandard More Than Twenty Percent. A lot failing to meet a given dimensional requirement of the district in which it is located by more than twenty (20) percent, shall not be used as a building site and/or structures may not be erected, altered or moved, until and unless a variance is granted by the Board of Adjustment.

6.4.6.3 Substandard Twenty Percent or Less. When a lot in existence at the time this ordinance is adopted does not conform to one or more dimensional requirements of the district in which it is located, and the present owner does not own sufficient adjoining land to resubdivide such that a conforming lot can be created, such lot may nonetheless be used, and structures may be erected, altered or moved, without appeal to the Board of Adjustment, provided that dimensions of the lot do not fail to meet a given dimensional requirement for the district by more than twenty (20) percent.

6.4.7 Measurement of Yards. Measurements made for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, shall be the least horizontal distance between the lot line and the principal structure.

6.4.8 Moving of Structures. No structure shall be moved from one lot to another lot, or moved to another location on the same lot, unless such structure shall thereafter conform to all of the applicable provisions of this ordinance.

6.4.9 Necessary Repairs Permitted. Nothing in this ordinance shall prevent the strengthening or restoration to a safe and lawful condition of any part of any structure declared to be unsafe or unlawful.

6.4.10 Non-Residential Access Restricted. Land zoned residential, reserve residential, or mobile home shall not be used for driveway, walkway, or other access purposes to any land which is not in one of these districts, except for ingress/egress to a use existing at the time this ordinance is adopted, which use does not abut on a street.

6.4.11 One Principal Structure on Lot. Every structure hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal structure and its customary accessory structures on the lot, except in the case of a group development as defined at section 3.2.28.

6.4.12 Parking and Storage of Unlicensed Vehicles. Vehicles or trailers of any type subject to State of Alabama license tag law and not displaying current license plates, shall not be parked or stored on any lot zoned residential, reserve residential, or mobile home, except in completely enclosed buildings.

6.4.13 Public Safety, Servicing and Parking. Every building hereafter erected shall be so located on its lot so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

6.4.14 Reduction of Front Yard Setback. The minimum front yard setback requirements for a given lot shall be no more than the average front yard setback of at least two existing buildings located wholly or in part within one hundred (100) feet on each side of such lot, and within the same block, and within the same zoning district, and fronting on the same side of the street.

6.4.15 Visibility At Intersections. On a corner lot in a residential, reserve residential or mobile home district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one-half and six feet (2 1/2 and 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 such corner lot and a straight line joining said 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.

6.4.16 Yard Use Limitations. No part of a yard or other open space required about a structure or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other space similarly required for another structure or use.

6.5 Service Stations Restricted. Service stations are restricted as follows: 1) All structures, including pumps and underground storage tanks, shall be placed not less than twenty-five (25) feet from any property line; 2) Such use shall front on a major thoroughfare or major collector street; and, 3) Points of ingress and egress shall be located not less than twenty (20) feet from the intersection of streets, and from lots containing

dwellings, mobile homes, prefabricated homes, travel trailers, and power boats both on and off trailers.

6.6 Sign Regulation.

6.6.1 Policy. Sign permitting requirements are established in this ordinance so that the location, size, placement and certain features of signs will enable the public to locate goods, services and facilities without difficulty or confusion, and at the same time minimize the wasteful use of resources and hazards to life and property, which combined will assure the continued attractiveness of the City and the protection and enhancement of property values. No sign shall be posted, reposted, placed, replaced, hung, painted or repainted in any district except in conformity with this ordinance.

6.6.2 Certain Signs Not Permitted. In the interest of public safety, the following types of signs are prohibited:

- Any sign extending or protruding more than six (6) inches over public property except by variance granted by the Zoning Board of Adjustment, as provided at section 10.3.4.
- Blinking illuminated signs.
- Signs with moving parts.
- Signs hung from, or in any way affixed to any other sign.
- Noise-making signs.
- Signs illuminated in red, or equipped with red lights, or equipped with blue flashing lights that could be mistaken for a public safety vehicle.

6.6.3 Legally Non-Conforming Signs. Any sign legally in existence as of the effective date of this ordinance may be continued in use despite any non-conformity with this ordinance. If such non-conforming sign is removed or altered by an act of God, vandalism, or accident, it may be restored to its former condition. If such non-conforming sign needs to be changed, painted or relettered by reason of change of business, the same may be done. If such sign needs to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Complete and total restoration, replacement or re-erection of a non-conforming sign as a result of fair wear and tear is prohibited.

6.6.4 Permit Required. Signs other than as listed in section 6.6.5 require a permit.

6.6.4.1 Permitting Procedure. An applicant desiring to erect a sign not exempt under section 6.6.5, shall apply for a permit from the Administrative Officer prior to erecting said sign. Each application for a permit shall be accompanied by plans indicating the following:

- Proposed site identifying the property owner, location, present use and zoning.
- Location of the sign on the lot in relation to property lines and existing signs and structures.
- Complete structural specifications, including any proposed illumination.
- Any additional information needed to determine if such sign is to be erected in conformity with this ordinance.

6.6.4.2 Restrictions on Permitted Signs.

- Signs requiring permits shall be located only on lots fronting Alabama Highways 10 and 51, and U.S. Highway 231, in the B-1, B-2, B-3, M-1 districts.
- There shall be no more than one (1) sign per lot when a lot contains a sign requiring a permit.
- Illumination which casts beams and/or glare into the eyes of oncoming motorists, and or in and about any dwelling located in a residential, reserve residential or mobile home district, is hereby declared a public nuisance and is prohibited.

6.6.5 Signs Not Requiring a Permit. The following types of signs may be erected in any district without a permit, except as prohibited at section 6.6.2:

- Agricultural product advertizing by signs no more than ten (10) square feet in area, provided the products for sale were produced on the premises.
- Decorative or architectural features of buildings, except letters, trademarks, commercial logos, and features having moving parts or moving lights.
- Directional and informational signs of a public or quasi-public nature, not exceeding eight (8) square feet in area, such as a community's name, a place of worship, meeting place of civic body, or event of public interest.

- Flags, insignia, legal notices, identification, information, or directional signs erected or required by governmental bodies, except where displayed in connection with commercial promotion.
- On-site business signs in a B-1, B-2, B-3, or M-1 district.
- Signs for churches or public buildings to include bulletin boards, lighted or unlighted, not exceeding thirty-two (32) square feet in area.
- Small signs, not exceeding two (2) square feet in area and bearing only property numbers, names of occupants, and/or business and professional information.
- Temporary outdoor advertising devices including but not limited to plaques, banners, pennants, streamers, or posters for a period of not more than fourteen (14) calendar days after the opening of a new business or start of a sale in a B-1, B-2, B-3 or M-1 district.
- Temporary signs for sale or rental of real estate, provided such signs do not exceed four (4) square feet in area, are not illuminated, and are placed on the affected premises.
- Traffic and other signs directing and/or guiding traffic to parking areas on private property, but bearing no advertising matter.

6.7 Site Plans Required.

6.7.1 Policy. It shall be a violation of this ordinance punishable as provided at Article 13, 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 exterior character of the structure) of any structure prior to a site plan having been reviewed and approved by the Planning Commission for any of the following types of structures and/or uses:

- Gasoline service station abutting any residential, reserve residential or mobile home district.
- Group development, including residential, commercial, industrial and/or institutional.
- Mobile home parks.

- Multi-family dwellings, including condominiums.
- Patio-garden homes.
- Shopping centers.
- Townhouses.
- Travel trailer parks.

6.7.2 Application for Site Plan Approval. Any person may file a request for a site plan review with the Planning Commission by filing with the Administrative Officer the completed application upon 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. The site plan shall be submitted to the Administrative Officer not less than fifteen (15) days prior to the meeting of the Planning Commission at which the application for site plan approval is to be considered.

6.7.3 Format. A site plan application shall consist of one or more narrative descriptions, lists, maps, plats, diagrams etc., as necessary to meet the requirements of section 6.7.4.

6.7.4 Contents of Site Plan. A site plan submitted for Planning Commission review and approval shall meet the following requirements:

- Above Ground Structures. The site plan shall show for principal and accessory structures, existing and proposed:
 - Height.
 - Residential density schedule, if applicable, listing the number of dwelling units per net acre for each type of dwelling (i.e. single, duplex, multi-family; single story, two story etc.).
 - Location of structure(s) on the lot.
 - Proposed finished floor and grade line elevations.
 - Size of ground floor in square feet, and total square footage for multi-story buildings..
 - Relation of structures one to another (i.e. how accessory structures support use of the principal structure).
- Acreage. The total site acreage and the acreage to be developed shall be indicated.

- Adjacent Property Owners. The names and addresses of all adjacent land owners shall be included with the site plan.
- Clarity. Readability of information shall be such that the Planning Commission can readily interpret the site plan. A site plan may include more than one drawing where required for clarity.
- Grading and Drainage. Site plans shall include a determination that the terrain has or will be graded and equipped to drain all surface water in a safe and efficient manner. The adequacy of drainage facilities shall be certified on the site plan by a licensed civil engineer.
- Offstreet Parking and Loading. The site plan shall show the location, size and number of spaces in any offstreet parking and or loading area(s) as prescribed at sections 7.2 and 7.1 respectively,
- Open Space. The location, layout and composition of any prescribed buffer area(s) shall be provided as provided at section 6.1, and the location of other open space(s), including type and location of landscaping, fences and/or walls, and any areas to be set aside for outdoor recreation purposes shall be shown.
- Physiography. Topography of the site shall be indicated on a map, plat or plan by appropriately scaled contour lines. Any proposed alteration to the topography and other natural features shall be indicated. Unique or otherwise significant natural features on or adjacent to the project shall be shown.
- Property and Land Lines. The boundaries of the property involved, the general location of all easements, benchmarks, and other appropriate property description information shall be indicated.
- Scale. The main site plan shall be scaled between one (1) inch equals twenty (20) feet, and one (1) inch equals two hundred (200) feet. Accessory sheets (e.g. vicinity map) may vary from these limits so long as readability and clarity are maintained.
- Structures and Facilities. The location of existing and/or proposed sanitary and storm sewers, water mains, culverts, and other infrastructure in or adjacent to the project shall be indicated.
- Title. The proposed title of the project, the name of the owner(s), engineer, architect, designer or landscape

architect of the development, a north arrow, and the date shall be shown on the site plan.

- Traffic Circulation. The site plan shall show proposed street(s), driveway(s), sidewalk(s) and other vehicular and pedestrian circulation features within and adjacent to the site, including identification of service lanes and service parking.

- Vicinity Map. A vicinity map showing the location of the project in relation to the surrounding community shall be included either on the site plan sheet, or on a separate sheet.

- Zoning. Existing zoning and zoning district boundaries of the proposed site shall be included in the site plan and/or vicinity map. In the case of a special exception approved by the Board, any appropriate conditions and safeguards imposed by the Board of Adjustment shall also be indicated on the site plan.

6.7.5 Planning Commission Review of Site Plan. Upon receipt of an application for site plan approval from the Administrative Officer, the Planning Commission shall review and within thirty (30) days, approve or disapprove such site plan as specified in this section 6.7.5.

6.7.5.1 Standards for Site Plan Review. In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with this ordinance, and other applicable statutes, ordinances, codes and regulations.

6.7.5.2 Approval of Site Plan. When a site plan application is approved by the Planning Commission, one (1) copy shall be returned to the applicant by the Administrative Officer after he shall have marked such copy as approved, and attested to same by his signature on such copy. One (1) copy similarly marked shall be retained by the Administrative Officer as the official record.

6.7.5.3 Disapproval of Site Plan. When a site plan application is disapproved by the Planning Commission, one (1) copy shall be returned to the applicant by the Administrative Officer after he shall have marked such copy as disapproved, and attested to same by his signature on such copy. One (1) copy similarly marked shall be retained by the Administrative Officer as the official record.

6.7.5.4 Disapproval; Reasons Required. Should the Planning Commission disapprove a site plan application, it shall state in its record its reasons for doing so. Such reason shall cite the particular regulation relating to the disapproval.

6.7.5.5 Notification of Applicant. The Administrative Officer shall advise the applicant in writing of the approval or disapproval of a site plan by the Planning Commission within five (5) working days after such determination is made. Notification shall include a description of any changes or modifications in the proposed site plan needed to achieve conformity with the standards specified in this ordinance and/or other applicable statutes, ordinances, codes or regulations.

6.7.6 Public Involvement. No public notice and hearing is required for site plan consideration by the Planning Commission, however, site plan review and approval deliberations by the Planning Commission shall be held 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 or disapproval shall require formal action of the Planning Commission.

6.7.7 Expiration of Site Plan Approval. A site plan approval shall expire, and be of no effect, three hundred and sixty-five (365) calendar days after the date of issuance thereof, 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 approval.

6.7.8 Amendment/Revision of Site Plan. An approved site plan application may be amended by the Planning Commission when requested by the applicant. Such amendment shall be made in accordance with the procedure provided in this section 6.7.

6.8 Townhouses/Patio-Garden Homes.

6.8.1 Common Areas. In the event common areas are provided in a townhouse and/or patio-garden home (TPG) area, which common areas are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by, and be the sole responsibility of the developer-owner of the TPG area, until such time as the developer-owner conveys such common areas to a non-profit corporate owner, whose members shall be all of the individual owners of townhouses/patio-garden homes in the TPG area. Said common areas shall be conveyed to, and shall be held by said non-profit corporate owner solely for the common use of the owners of the individual lots in the TPG area. In the event of such conveyance by the developer-owner to a non-profit corporate owner, the instrument of conveyance shall contain protective covenants and restrictions, and shall be approved by the City Council prior to said conveyance.

6.8.2 Party Walls. A party wall shall separate each townhouse unit in a townhouse complex. The party wall shall have a minimum nominal solid thickness of six (6) inches, be constructed of non-combustible material, and extend six (6) inches above the roof line. Patio-garden homes with party walls also shall meet this standard.

ARTICLE 7

OFFSTREET LOADING AND PARKING

7.1 Offstreet Loading .

7.1.1 Policy. Offstreet loading requirements are established by this ordinance so that vehicles engaged in loading and unloading will not encroach on or interfere with public use of streets and alleys, and so that adequate space is available for safe loading and unloading operations.

7.1.2 Dimensions of Spaces. Each loading space provided, whether required or not, shall be accessible to such vehicles as customarily service the use for which space is provided, provided that the minimum size of any required offstreet loading space at a minimum shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platform and piers and a clear vertical dimension of fourteen (14) feet.

7.1.3 Existing Uses Excepted. Buildings and uses not in compliance with this section 7.1 as of the effective date of this ordinance, may be modernized, altered, or repaired without providing additional offstreet loading facilities, provided there is no increase in floor area or capacity.

7.1.4 Expanded Uses Must Comply. Buildings and/or uses not in compliance with this section 7.1 as of the effective date of this ordinance, which are enlarged in floor area, volume, capacity, or space occupied, shall provide offstreet loading as specified in this ordinance, for the additional floor area, volume, capacity, or space so created or used.

7.1.5 Fractional Spaces: When the computed number of spaces results in a fractional space, any fraction less than 1/2 shall be rounded down to the next whole space, and any fraction of 1/2 or more shall be rounded up to the next whole space.

7.1.6 Non Loading Uses Prohibited. Required offstreet loading space shall not be used for parking, displays, sales, storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting offstreet loading requirements.

7.1.7 Offstreet Loading Requirements. Offstreet loading spaces shall be provided and maintained as follows:

7.1.7.1 Commercial and Industrial. Commercial and/or industrial operations that ship and/or receive raw materials,

goods in process, or finished goods by truck, including but not limited to retail stores, wholesale establishments, warehouses, industrial plants, freight terminals, markets, restaurants, mortuaries, laundries and dry cleaning establishments, shall provide offstreet loading facilities as follows:

<u>Sq. Ft of Establishment</u>	<u>No. of Spaces</u>
< 5,000	0
> 5,000 < 25,000	1
> 25,000 < 60,000	2
> 60,000 <120,000	3
>120,000 <200,000	4
>200,000 <290,000	5
>290,000	*

* One additional offstreet loading space is required for each 90,000 sq. ft., or major fraction thereof, over 290,000 sq. ft.

7.1.7.2 Institutional and Entertainment. Institutional and entertainment operations that ship and/or receive raw materials, goods in process or finished goods by truck, including but not limited to auditoria, convention halls, exhibition halls, museums, motels, hotels, office buildings, sports arenas, stadia, hospitals, sanitarium, and welfare institutions, shall provide offstreet loading facilities as follows:

<u>Sq. Ft. of Establishment</u>	<u>No. of Spaces</u>
< 10,000	0
> 10,000 < 40,000	1
> 40,000 <100,000	2
>100,000	*

* One additional offstreet loading space is required for each 60,000 sq. ft., or major fraction thereof, over 100,000 sq. ft.

7.1.7.3 Multi-family Dwellings. One (1) space is required for each multi-family dwelling having at least twenty (20) dwelling units.

7.1.8 Restrictions.

7.1.8.1 Accessibility. 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 accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

7.1.8.2 Change in Use. When the use of a structure or land or any part thereof is changed to a use requiring different offstreet loading facilities, the full amount of offstreet loading space required by the new use shall be provided and maintained.

7.1.8.3 Consolidation of Spaces Permitted. The Planning Commission shall have the prerogative to approve collective, joint and combined provisions for offstreet loading facilities for two or more buildings or uses. Joint use offstreet loading facilities shall be equal in size and capacity to the combined requirements of the several buildings or uses affected.

7.1.8.4 Enlargement of Use. When any use is enlarged, such that the size of the resulting occupancy requires different offstreet loading space, the full amount of such space shall be provided and maintained for the structure or use in its enlarged or extended size, except as provided at section 7.1.4.

7.1.8.5 Plans Required. An offstreet loading plan shall be submitted with every application for a site plan and building permit, for any use or structure required to provide offstreet loading facilities. The plan shall accurately designate the required offstreet loading spaces, access thereto, dimensions, and clearance.

7.1.8.6 Sharing of Spaces Prohibited. Other requirements of this ordinance notwithstanding, offstreet loading facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use.

7.2 Offstreet Parking.

7.2.1 Policy. The public interest, welfare, and safety require that every building and use erected or instituted after the effective date of this 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 as prescribed herein, for so long as the use continues.

7.2.2 Existing Uses Excepted. Buildings and/or uses not in compliance with this section 7.2 as of the effective date of this ordinance may be modernized, altered, or repaired without providing additional offstreet parking facilities, provided there is no increase in floor area or capacity.

7.2.3 Expanded Uses Must Comply. Buildings and/or uses not in compliance with this section 7.2 as of the effective date of this ordinance, which are enlarged in floor area, volume, capacity, or space occupied, shall provide offstreet parking as specified in this ordinance, for the additional floor area, volume, capacity, or space so created or used.

7.2.4 Fractional Spaces: When the number of computed spaces results in a fractional space, any fraction less than 1/2 shall be rounded down to the next whole space, and any fraction of 1/2 or more shall be rounded up to the next whole space.

7.2.5 Location of Offstreet Parking. Offstreet parking spaces shall be located as indicated by the following uses of land:

7.2.5.1 Residential District. In residential, reserve residential and mobile home districts, the required offstreet parking facilities shall be located on the same lot or mobile home stand they serve.

7.2.5.2 Non-Residential District. In commercial and industrial districts, the Board of Adjustment may grant a variance allowing the establishment of an offstreet parking area within three hundred (300) feet of the premises it is intended to serve when practical difficulties prevent the placing of the parking area on the same lot as the premises it is intended to serve. The owner of the lot containing such a parking area shall place a covenant on said lot which stipulates that said lot will never be disposed of except in conjunction with the disposition of the use which the parking area serves, for so long as the parking area is required by this ordinance.

7.2.6 Non Parking Uses Prohibited. Required offstreet parking shall not be used for offstreet loading, displays, sales, storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting offstreet parking requirements.

7.2.7 Quality Standards. Offstreet parking facilities, both required and provided, shall meet the following standards:

7.2.7.1 Curbs/Bumpers. Except for parking areas provided for single-family dwellings or duplexes, offstreet parking areas shall have curbs or motor vehicle stops, or similar

devices so as to prevent vehicles from overhanging onto a public right-of-way or adjacent property.

7.2.7.2 Drainage. A parking area shall be drained so as not to cause any nuisance on adjoining or nearby properties.

7.2.7.3 Identification. A parking area shall be identified as to purpose and location when not clearly evident.

7.2.7.4 Layout. A parking area shall be arranged for convenient access and safety of pedestrians and vehicles; and except when serving a single family dwelling or duplex, shall be designed such that no vehicle shall be required to back from the parking area directly onto a public street.

7.2.7.5 Lighting. If artificially lighted, a parking area shall be designed such that no source of said lighting is visible from any adjoining or nearby property used or zoned for residential purposes, and said lighting shall be designed and arranged so as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.

7.2.7.6 Marking. If a parking area exceeds four (4) offstreet parking spaces, individual spaces shall be marked.

7.2.7.7 Surface. A parking area shall be surfaced with a permanent all-weather surface of asphalt, bituminous, or concrete material and maintained in a smooth, well graded condition; except that offstreet parking for single-family dwellings and duplexes may be surfaced with gravel, chert crushed limestone, or a comparable material.

7.2.8 Computation of Parking Area Requirements. Numbers of spaces stipulated in section 7.2.9 shall be computed as follows:

- Floor area shall mean the total floor area inside the exterior walls of a business conducted in a building, or inside the area containing goods or services for sale at an open air business.

- In hospitals, bassinets shall not count as beds, In stadia, sports arenas, churches, and other places of public assembly in which occupants use benches, pews, or other similar seating arrangements, each eighteen (18) linear inches of such seating facilities shall be counted as one seat for the purpose of computing offstreet parking requirements.

7.2.9 Parking Space Requirements.

<u>USE CLASSIFICATION</u>	<u>PARKING SPACE REQUIREMENT</u>
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 class-room and administrative office
Churches	One (1) space for each four (4) seats
Dwellings	See Residential Dwellings
Hospitals	One (1) space for each four (4) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees
Industrial Sites	See Wholesaling
Kindergartens and nurseries	One (1) space for each employee and four (4) spaces for offstreet drop-off and pickup
Libraries	One (1) space for each four (4) seats provided for patron use
Medical offices and clinics	Six (6) spaces for each doctor practicing at the clinic, plus one (1) space for each employee
Mobile homes and mobile home parks	Two (2) spaces for each mobile home stand
Mortuary or funeral home	One (1) space for each four (4) seats provided in the assembly room(s) or chapel(s)

Motel, tourist homes	One (1) space per guest room or tourist court unit, plus two (2) added spaces for each twenty (20) units
Motor vehicle sales and repair, including farm implements	One parking space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of showroom and/or service space
Offices: professional business or public, including banks	One (1) space for each 400 square feet of gross floor space
Places of public assembly, including, but not limited to private clubs and lodges, auditoria, dance halls, theaters, stadia, gymnasias and community centers	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, not containing fixed seats
Residential dwellings	Two (2) spaces for each dwelling unit
Rest and convalescent homes and comparable institutions	One (1) space for each four (4) beds, plus one (1) space for each staff or visiting doctor, plus one space for each four (4) employees
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 space for each two (2) employees on the shift with the larger employment

Retail businesses and retail service establishments not specified elsewhere	One (1) space for each 200 feet of gross floor space
Rooming and boarding houses	One (1) space for each three (3) guest rooms, plus one (1) additional space for the owner, if residing on the premises
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
Service stations	Two (2) spaces for each gas pump, plus three (3) spaces for each grease rack or similar facility
Shopping centers	Two (2) square feet of parking space for each square foot of gross floor space
Wholesaling, warehousing (general) and industrial employment	One (1) space for each two (2) employees at maximum on a single shift

7.2.10 Restrictions.

7.2.10.1 Change in Use. When the use of a structure or land or any part thereof is changed to a use requiring different offstreet parking facilities, the full amount of offstreet parking spaces required by the new use shall be provided and maintained.

7.2.10.2 Consolidation of Spaces Permitted. The Planning Commission shall have the prerogative to approve collective, joint and combined provisions for offstreet parking facilities for two or more buildings or uses. Joint use offstreet parking facilities shall be equal in size and capacity to the combined requirements of the several buildings or uses affected.

7.2.10.3 Enlargement of Use. When any use is enlarged, such that the size of the resulting occupancy requires different offstreet parking space, the full amount of such space shall be provided and maintained for the structure or use in its enlarged or extended size, except as provided at section 7.2.3.

7.2.10.4 Plans Required. An offstreet parking plan shall be submitted with every application for a site plan and building permit, for any use or structure required to provide offstreet parking facilities. The plan shall accurately designate the required offstreet parking spaces, access thereto, dimensions, and clearance.

7.2.10.5 Sharing of Spaces Prohibited. Other requirements of this ordinance notwithstanding, offstreet parking facilities supplied to meet the needs of one use may not be considered as meeting the needs of another use.

7.2.11 Use of Side/Rear Yards and Buffer Areas.

7.2.11.1 Residential District. Required side and rear yards may be used for offstreet parking in residential, reserved residential and mobile home districts; required buffer areas shall not be used for parking.

7.2.11.2 Non-Residential District. Any required yard may be used for offstreet parking in commercial and industrial districts; required buffer areas shall not be used for parking.

7.2.12 Uses Not Listed in Section 7.2.9 . Requirements for offstreet parking for uses not specifically mentioned in section 7.2.9 shall be for the use most similar to the one proposed, as determined by the Administrative Officer, with appeal to the Board of Adjustment authorized as provided at section 10.3.1.

ARTICLE 8

MOBILE HOMES AND MOBILE HOME PARKS

8.1 Mobile Home Standards.

8.1.1 Policy. The following standards apply to mobile homes as defined at section 3.2.36, which are used as dwellings and/or are located in a residential, reserve residential or mobile home district, whether on single lots, in mobile home parks, or on a lot with another dwelling as provided at section 6.3.

8.1.2 Distance from Permanent Building. A mobile home shall be located no closer than fifteen (15) feet to any permanent building.

8.1.3 Offstreet Parking. Each mobile home shall be served by a minimum of two (2) offstreet parking spaces, as prescribed at section 7.2.

8.1.4 Plumbing. Each mobile home shall comply with the Southern Standard Plumbing Code, 1982 edition, as it applies to mobile homes, and as it may be amended or superseded.

8.1.5 Principal Building. If a mobile home is located on a lot, it shall be the principal building on that lot, except as provided at section 6.3.

8.1.6 Quality Standards. Mobile home units shall conform to standards approved by the American National Standards Institute (ANSI) in its Standards for Mobile Homes, A119.1-1969, as it may be amended or superseded.

8.1.7 Removal of Tongues and Skirting. No later than thirty (30) days after placement of a mobile home on a site, the towing tongue and/or hitch shall be removed or screened such that it cannot be seen from the street, and the area between the bottom of the unit and the ground shall be enclosed by brick, block, insect-resistant wood, or commercially available screening (skirting) made for such purposes.

8.1.8 Sewer Service. Each mobile home shall be connected to a public sewer system, or to a sewer system approved by the Pike County Health Department.

8.1.9 Tie Downs. Each mobile home shall be tied down in accordance with the State of Alabama tie-down regulations, S.219, "Uniform Code for the Anchoring of Mobile Homes," effective January 1, 1976, as it may be amended or superseded.

8.1.10 Water Supply. Each mobile home shall be connected to a public water supply, or to a water supply approved by the Pike County Health Department.

8.2 Mobile Home Park Standards.

8.2.1 Policy. The following requirements shall apply to all mobile home parks in the City of Brundidge:

8.2.2 Layout and Development Standards.

8.2.2.1 Buffer Areas. Where the lot boundary of a mobile home park abuts the boundary of a residential, reserve residential, or mobile home residential district, a permanent twenty (20) foot buffer area as specified at section 6.1 shall be provided.

8.2.2.2 Electrical Code. The electrical plant within a park shall conform to the National Electrical Code, as it may be amended or superseded. At least one (1) street or night light shall be provided for each ten (10) stands or fraction thereof.

8.2.2.3 Fire Extinguishers Required. All mobile home parks shall have either a five (5) pound dry chemical fire extinguisher or pressure water hose protected from freezing within one hundred (100) feet of each mobile home stand.

8.2.2.4 Ground Cover. All ground in a mobile home park shall be paved, covered with stone screening or other solid material, or protected with vegetative growth no more than six (6) inches in height, that is capable of preventing soil erosion and eliminating dust.

8.2.2.5 Offstreet Parking. Each mobile home stand shall be provided a minimum of two (2) offstreet vehicle parking spaces, as provided at section 7.2.

8.2.2.6 Park Size. The minimum size of a mobile home park shall be two (2) acres.

8.2.2.7 Play Space Required. A mobile home park providing ten (10) or more mobile home stands shall provide one or more safe children's playground area(s) of not less than three hundred (300) square feet for each mobile home stand in the park.

8.2.2.8 Plumbing Code. All plumbing within any mobile home park shall comply with the "Plumbing Installation Standards for Mobile Homes and Travel Trailers and Parks," set forth by the Southern Standard Plumbing Code, 1982 Edition, as it may be amended or superseded.

8.2.2.9 Refuse Containers Required. Each stand shall be provided with one or more non-leaking refuse cans having a total capacity of at least sixty (60) gallons. Refuse cans shall have vermin-proof lids, and shall be so secured that animals cannot spill them.

8.2.2.10 Refuse Collection Required. Garbage and refuse pick-up service shall be provided throughout each mobile home park no less frequently than once each seven (7) calendar days.

8.2.2.11 Setbacks. Minimum front yard setback shall be fifteen (15) feet from the nearest corner of a mobile home to the front line of the stand. The minimum distance between mobile homes shall be twenty-five (25) feet on the sides and fifteen (15) feet on the rear. No structures, permanent, portable or temporary are permitted within these setbacks, except that one (1) individual fire resistant storage shed or locker having no more than one hundred (100) square feet of floor space may be provided on any one stand within these setbacks.

8.2.2.12 Stand Size. Each stand shall average no less than forty (40) feet in width nor less than eighty (80) feet in depth, and shall contain a minimum area of 4,000 square feet when public water and sewer services are available, or as prescribed by the Pike County Health Department when public water and/or sewer services are not available.

8.2.2.13 Streets.

8.2.2.13.1 Access from Stands. An internal street or common access route shall be provided for each mobile home stand.

8.2.2.13.2 Width. Streets shall be a minimum of twenty (20) feet in width.

8.2.2.13.3 Naming of Streets. All streets within a mobile home park shall be numbered or named in an acceptable manner as determined by the Administrative Officer, with appeal to the Board of Adjustment authorized.

8.2.2.13.4 Street Signs. Each street intersection shall be identified by a street sign comparable in quality and appearance to street signs currently being installed by the City of Brundidge on public streets.

8.2.2.13.5 Ownership and Maintenance. Internal streets in a mobile home park shall be privately owned, built and maintained, and shall be designed and maintained for safe and

convenient access to all stands and parking spaces, and to common use park facilities.

8.2.2.13.6 Intersection with Public Streets.

Interior mobile home park streets shall intersect adjoining public streets at a nominal ninety (90) degrees, and at locations which will eliminate or minimize interference with the traffic on those public streets.

8.2.2.13.7 Entry Signs. At each entrance to the park, an eighteen by twenty-four (18 X 24) inch sign shall be posted stating "Private Drive, No Through Traffic." The licensee may also post a speed limit sign on this post.

8.2.3 License Required. For the information of potential developers and/or operators, mobile home parks are subject to the City's business license ordinance.

8.2.4 Management Standards.

8.2.4.1 Manager Required. Each mobile home park shall operate under supervision of a manager who shall be reasonably available to tenants and City officials during normal business hours, and at all times during emergencies.

8.2.4.2 Rules Required. The mobile home park management shall furnish and hand to each resident upon occupancy, a printed set of rules for residents of the park as provided at section 8.2.5.2.

8.2.4.2.1 Amendments to Rules. Proposed changes to mobile home park rules shall be approved by the Administrative Officer prior to being put into effect, with appeal to the Board of Adjustment authorized.

8.2.5 Site Plan Required. In addition to the site plan requirements specified at section 6.7, site plan applications for mobile home parks shall contain the following:

8.2.5.1 Environmental Factors. The applicant shall identify and describe the proximity of environmental factors which exist or may result from the park with regard to the health, safety and/or comfort of persons who are to reside in the park, or of persons using land in the vicinity of the park site.

8.2.5.2 Park Rules. The applicant shall include proposed rules for operation of a mobile home park, which proposed rules shall be submitted to the Pike County Health Department for review and comment. Said rules shall include a statement of when and where the park manager will be available, when and how refuse is collected, and the rules in regard to storage, garbage, trash, animals, pets, water and sewer frost

proofing, and other matters having a bearing on sanitation, health and safety within the park.

8.2.5.3 Tenant Facilities. The site plan shall show in detail the location and numbers of: 1) common-use conveniences available to park tenants, including toilets, washrooms, laundries and storage rooms; 2) the location of mobile home stands with dimensions thereof; 3) detailed plans for water supply, sewage disposal, and solid waste disposal.

8.2.6 Special Conditions Authorized. In approving a mobile home park site, the Planning Commission may impose such reasonable special conditions as to screening and other features of the development, as it deems necessary to protect property and prevent objectionable conditions.

ARTICLE 9

NON-CONFORMITIES (NON-CONFORMING USES)

9.1 Policy. Within the districts established by this ordinance or amendments that may later be adopted, there may exist (a) land, (b) structures, (c) uses of land and/or structures, and/or (d) characteristics of use which were lawful before this ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed voluntarily or as required by this ordinance, but not to encourage their continuance. It is further the intent of this 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.

9.2 Provisions.

9.2.1 Change in Tenancy or Ownership Permitted. Changes in the tenancy, ownership, or management of a non-conformity are permitted, provided there is no change in the nature or character of such non-conformity.

9.2.2 Construction in Progress Excepted. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated uses of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual construction has been carried on diligently.

9.2.2.1 Meaning of Actual Construction. Actual construction means the start of site contouring involving earth moving, demolition of existing structures on the site, and/or the start of erection of one or more structures on the site, provided that work shall be carried on diligently, and shall not be discontinued until the new construction is complete.

9.2.2.2 Placement of Equipment and Materials. The mere placement of equipment and/or construction materials on the site shall not be deemed to mean actual construction, and shall not be deemed to fall under the protection of this section 9.2.2.

9.2.2.3 Discontinued Work. A site under construction on the effective date of adoption or amendment of this ordinance,

and upon which no actual construction has taken place for a period of 180 days or more prior to, and/or for a period of 180 days subsequent to the adoption and/or amendment of this ordinance, shall not be deemed to fall under the protection of this section 9.2.2.

9.2.3 Extension/Enlargement Restricted. Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts involved, and thereby subject to the following restrictions:

9.2.3.1 Land. A non-conformity shall not 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 ordinance.

9.2.3.2 Structures. Except as provided at sections 9.2.4 and 9.2.6.2, non-conforming structures devoted to a use not permitted by this ordinance in the district in which such use is located, shall not 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.

9.2.3.3 Signs. A non-conformity shall not be extended or enlarged after the effective date of this ordinance or its amendment, by attachment on structures or premises of additional signs intended to be seen from off the premises

9.2.3.4 Additional Uses. A non-conformity shall not be extended or enlarged after the effective date of this ordinance or its amendment, by the addition of other uses of a nature which would be prohibited generally in the district involved.

9.2.4 Non-Conforming Mobile Home Parks. A mobile home occupying a space in a mobile home park may be removed from the space it occupies to a location such that it thereafter conforms to the regulations for any zoning district in which it is located, and may be replaced by a mobile home which complies with the City's Housing Code, and for which a Certificate of Occupancy is issued as provided at Section 11.3 of this Ordinance, whether or not such replacement mobile home is in the same ownership as the mobile home it replaces.

9.2.5 Non-Conforming Use of Land. Where on the effective date of the adoption or amendment of this ordinance, a lawful use of land exists which would not be permitted under the terms of this ordinance, and where such use involves neither an individual, permanently-fixed structure with a replacement value of four-thousand dollars (\$4,000.00) or more, nor an individual, mobile home in use as a dwelling with a replacement value of

four-thousand dollars (\$4,000.00) or more such use may be continued for a period of not more than five (5) years after the effective date of adoption or amendment of this ordinance, subject to the following restrictions:

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

9.2.5.2 Structural Additions. No structure(s) shall be added on land in non-conforming use, except for the purposes and in a manner conforming to the regulations for the district in which the land is located.

9.2.5.3 Subdivision. Land in non-conforming use shall not be subdivided, provided however, that a subdivision may be made which decreases the degree of non-conformity of the use.

9.2.6 Non-Conforming Use of Structures. Where a structure, including a mobile home in use as a dwelling, having a replacement value of four-thousand dollars (\$4000.00) or more exists lawfully and is in lawful use on the effective date of adoption or amendment of this ordinance, but could not be built and/or used lawfully under this ordinance, use of said structure may be continued for so long as it remains otherwise lawful, subject to the following provisions:

9.2.6.1 Destruction or Removal. Where non-conformity status applies to a principal structure, or to a principal structure, accessory structures and/or premises in combination, the removal or destruction of the principal structure shall eliminate the non-conformity, except as provided at sections 9.2.4 and 9.2.6.2. Upon removal or destruction as set out in this section 9.2.6.1, the use of the land and structures thereon shall thereafter conform to the regulations for the district in which such land is located.

9.2.6.1.1 Meaning of "Destruction". "Destruction" of the structure(s) for purposes of this section 9.2.6.1, is hereby defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

9.2.6.2 Mobile Homes in the R-3 Zone. Where non-conforming use status applies to a mobile home serving as the principal building on a lot in the R-3 District, and said mobile home otherwise fails to meet the requirements of one or more provisions of one or more City ordinances, regulations or codes,

said mobile home may be moved to another location on the property, reconstructed, and/or replaced, and said non-conforming use status continued, provided such relocation, reconstruction, and/or replacement results otherwise in conformity with City ordinances, regulations and codes. A mobile home relocated, reconstructed and/or replaced under the provisions of this paragraph shall not be occupied until and unless a Certificate of Occupancy is issued as provided at Section 11.3 of this Ordinance.

9.2.6.3 Discontinuance of Use. Except for mobile homes, if the use of a non-conforming structure, or of structure(s) 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.

9.2.6.3.1 Mobile Homes. If a non-conforming mobile home is vacant for six consecutive months in any calendar year, or for nine consecutive months in any two-year period, any subsequent use shall conform to the regulations for the district in which the use is located.

9.2.6.4 Lack of Maintenance. If a non-conforming structure, a portion of a non-conforming structure, or any structure containing a non-conformity, including a mobile home, 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 such 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.

9.2.6.5 Relocation. If a non-conforming structure is 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, except as provided at sections 9.2.4 and 9.2.6.2.

9.2.7 Special Exceptions Are Conforming Uses. Any use that is permitted as a special exception by action of the Board of Adjustment as provided at section 10.3.3, shall not be deemed a non-conformity in the applicable district, but shall without further action, be deemed a conforming use in such district for so long as the use complies with any terms and/or conditions of the special exception.

9.2.8 Upper Appurtenances. An upper appurtenance shall be deemed a non-conformity if it impairs solar access of other buildings, or of solar collectors.

ARTICLE 10

BOARD OF ADJUSTMENT

10.1 Establishment of a Board of Adjustment.

A Board of Adjustment is hereby established as follows:

10.1.1 Regular Members. Said Board shall consist of five (5) regular members, each to be appointed for a term of three (3) years by the City Council, except that in the first instance, one member shall be appointed for a term of three (3) years, two for a term of two (2) years, and two for a term of one (1) year. Thereafter, each regular member appointed shall serve for a term of three (3) years or until his successor is duly appointed. Regular members shall be eligible for reappointment.

10.1.2 Supernumerary Members. In addition to the five regular members, two supernumerary members shall be appointed by the City Council to serve on said Board at the call of the chairman only in the absence of regular members. Supernumerary members shall meet the same qualifications as regular members, and while serving shall have and exercise the power and authority of regular members and shall be subject to the same rules of proceedings as regular members. Supernumerary members shall be appointed to serve for three (3) year terms. Supernumerary members shall be eligible for reappointment.

10.1.3 Qualifications of Members. All members of the Board shall be electors of the City of Brundidge. Members of the Board shall not hold any other public office, nor be employed or retained by the City of Brundidge.

10.1.4 Vacancies. Vacancies in Board membership shall be filled by appointment by the City Council for the unexpired portion of the term of the member affected.

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

10.1.6 Conflict of Interest. No member of the Board shall appear before the Board, Planning Commission or City Council as agent or attorney for another person.

10.2 Proceedings.

10.2.1 Challenge of Members. Persons appearing before the Board shall have no right of challenge of any member; provided

however that this provision shall not prohibit any person from making before the Board, and/or from placing in the record a statement alleging bias and requesting disqualification for bias of any member.

10.2.2 Disqualification of Members. If any member of the Board shall find that his private or personal interests are involved in a 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

10.2.3 Meetings. Meetings shall be held at the call of the Chairman, and at such other times as at least three regular members of the Board shall petition the Chairman to call a meeting. Meetings shall not be held without at least twenty-four (24) hours notice to each member. The Board shall have the power to take testimony under oath and to compel the attendance of witnesses.

10.2.4 Minutes Required. The Board shall keep minutes of its proceedings, showing the vote of each member (including the Chairman and Vice-Chairman), or if absent or failing to vote, indicating such fact. Minutes shall include records of the Board's examinations and other official actions. Minutes of the board shall be reviewed, corrected and/or approved at the next Board meeting after an examination or action is taken, shall be filed in the office of the Board following approval, and shall be a public record.

10.2.5 Officers. The Board shall select a Chairman and Vice-Chairman from among its regular members, and may create such other offices as it may determine.

10.2.6 Quorum. A quorum for the transaction of business shall consist of four Board members.

10.2.7 Rules of Procedure Required. The Board 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 ordinance. Such rules of procedure shall be in written form, and shall be made available to persons appearing before the Board, and to the public.

10.2.8 Voting. A majority of those present and voting shall be required for a motion to carry, provided however that no action that reverses the decision of the Administrative Officer shall be taken without the concurring votes of four (4) members.

10.2.9 Standing.

10.2.9.1 Administrative Officer Action. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, agency, or bureau of the City of Brundidge affected by any decision of the Administrative Officer involving administration and/or enforcement of this ordinance, including the Official Zoning Map. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days after the action being appealed. The Administrative Officer shall forthwith transmit to the Board any and all papers constituting the record upon which the action appealed from was taken.

10.2.9.2 Mobile Home Hardships. Appeals for a mobile home hardship determination shall be made by the owner of record of the lot for which such determination is requested.

10.2.9.3 Variances and Special Exceptions. Appeals for variances and special exceptions shall be made by the owner of record of the lot for which variances and/or special exceptions are requested.

10.2.10 Timeliness Required. The Board shall hear an appeal within a reasonable time after a petition is filed.

10.2.11 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in his certification, a stay would, in his opinion, cause imminent peril of life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Administrative Officer and due cause shown.

10.3 Powers and Duties.

10.3.1 Administrative Officer's Actions. The Board is empowered to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or interpretation of this ordinance, including the Official Zoning Map, or in any determination made by the Administrative Officer in the enforcement of this ordinance. In exercising the above mentioned powers, the Board may, provided such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such 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.

10.3.2 Mobile Home Hardships. The Board is empowered to make mobile home hardship determinations as provided at section 6.3.

10.3.3 Special Exceptions. The Board is empowered to hear and decide such special exceptions as it is specifically authorized to pass on by the terms of this ordinance. The Board may grant a request for a special exception, with such conditions and safeguards as are reasonable and appropriate under this ordinance, or deny a request for special exception when such request is not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board unless and until the following conditions are met:

10.3.3.1 Written Application. A written application for a special exception shall be submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

10.3.3.2 Adjoining/Facing Property Owners. Each application for a special exception shall include the names and addresses of the owners of record of all property adjoining the exterior boundary of the subject property, and of all property facing across a public right of way. Said list shall be developed from official records (e.g. deed book, tax rolls), and shall be current and complete.

10.3.3.3 Fee. A fee of twenty-five dollars (\$25.00) shall be paid to the City Clerk to cover the cost and expense of an application for a special exception.

10.3.3.4 Public Hearing. Upon receipt of a written application, the specified fee, and the list of property owners, a public hearing shall be held by the Board. Any party may appear by agent or attorney.

10.3.3.4.1 Public Notice. Notice of the public hearing shall be published as prescribed in section 12.4.1 of this ordinance, and shall contain the following:

- Legal description of the property in question and the street address, or approximate location in the City of Brundidge.
- Present zoning classification of said property and the nature of the special exception requested.
- Date, time, and place of hearing.

10.3.3.4.2 Property Owners Notice. Notice over the Chairman's signature shall be sent by certified mail, not less than fourteen (14) calendar days before the hearing at which a request for special exception will be considered, to owners of all adjoining/facing property, which notice shall contain a description of the petitioner's property and a description of the special exception requested.

10.3.3.5 Findings. Before any request for special exception is approved, the Board shall make a determination that the specific rules governing the individual special exception, if any, have been met by the petitioner, and that satisfactory provision and arrangement have been made concerning the following where applicable:

- Buffering with reference to type, location, and dimensions.
- General compatibility with adjacent properties and other property in the district.
- Location, dimensions and arrangement of all open space, yards, access ways, entrances, exits, offstreet parking facilities, pedestrian ways, location and width of roads, streets and sidewalks.
- Location, use, plan elevations and dimensions of each building or structure to be constructed.
- Provision of offstreet parking and loading areas where required, with particular attention to safety, convenience, traffic flow and control, economic effects, noise, glare, and odorous effects of the special exception on the surrounding area.
- Satisfactory ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, and traffic flow and control.
- Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- Utilities, with reference to locations, availability and compatibility.

10.3.3.6 Declaration of Power Required. When a special exception is approved, the Board shall declare that it is empowered under this section 10.3.3 of this ordinance to grant

the special exception, and that the special exception will not adversely affect the public interest.

10.3.3.7 Conditions and Safeguards Permitted. In granting a special exception, the Board may prescribe appropriate conditions and safeguards consistent with the purposes and intent of this 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 ordinance and punishable as provided under Article 13.

10.3.3.8 Time Limit Shall be Specified. The Board shall prescribe a time limit within which the action for which the special exception is required shall be initiated or completed, or both. Failure to begin and/or complete such action within the time established by the Board shall void the special exception.

10.3.3.9 Denial; Reasons Required. Should the Board deny a request for special exception, it shall state in its record its reasons for doing so. Such reason shall take into account the factors stated in section 10.3.3.5, or such of them as may be applicable to the action of denial, and the particular regulation relating to the special exception requested, if any.

10.3.4 Variances. The Board is empowered to authorize upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, and which will alleviate hardship under the following conditions and criteria:

10.3.4.1 Hardship to be Determined. Variances shall be granted only in cases where owing to physical conditions affecting an individual lot, a literal enforcement of the provisions of this ordinance would deprive the property owner of development rights that are enjoyed by other property owners within the same zoning district, thereby creating a hardship.

10.3.4.2 Case Must Stand Alone. Neither the non-conforming use of neighboring lands, structures, or buildings in the same district, nor permitted use of lands, structures, or buildings in other districts shall be considered as grounds for the issuance of a variance.

10.3.4.3 Petition Required. A variance from the terms of this ordinance shall not be granted by the Board unless and until a written petition for a variance is submitted demonstrating that the criteria specified in section 10.3.4.5 have been met.

10.3.4.4 Adjoining/Facing Property Owners.

10.3.4.4.1 List Required. Each petition for a variance shall include the names and addresses of the owners of record of all property adjoining the exterior boundary of the subject property, and of property facing across a public right of way. Said list shall be developed from official records (e.g. deed book, tax rolls), and shall be current and complete.

10.3.4.4.2 Notification Required. Notice over the Chairman's signature shall be sent by certified mail, not less than fourteen (14) calendar days before the Board meeting at which a request for variance will be considered, to owners of all adjoining/facing property, which notice shall contain a description of the petitioner's property and a description of the variance requested.

10.3.4.5 Criteria for Variance. The Board shall not grant a variance unless each of the following conditions exists:

- Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance, and would thereby work unnecessary and undue hardship on the applicant if a variance were not granted.
- The variance requested will be in harmony with the general intent and purpose of this ordinance, will not be injurious to the neighborhood, and/or will not otherwise be detrimental to the public welfare.
- The variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
- Physical conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which generally are not applicable to other lands, structures or buildings in the same zoning district.
- The physical conditions and circumstances causing the hardship do not result from the actions of the applicant.
- The variance requested will not permit a use of land, building or structure which is not permitted in the district involved.

- The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.

10.3.4.6 Conditions and Safeguards Permitted. In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance including, but not limited to, reasonable time limits within which the action for which variance is requested shall be initiated 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 ordinance and punishable as provided under Article 13.

10.3.4.7 Denial; Reasons Required. Should the Board deny a request for variance, it shall state in its record its reasons for doing so. Such reason shall take into account the factors stated in section 10.3.4.5, or such of them as may be applicable to the action of denial, and the particular regulation relating to the variance requested, if any.

10.4 Appeals From Decisions of Board of Adjustment.

Any party aggrieved by any final judgment or decision of the Board, may within 15 days thereafter appeal therefrom to the circuit court by filing with the Board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In the case of such notice of appeal, the Board shall forward a certified transcript of the proceedings in the action specified to the court to which the appeal is taken.

ARTICLE 11

ADMINISTRATION AND ENFORCEMENT

11.1 Administrative Officer.

11.1.1 Policy. This ordinance shall be administered and enforced by an Administrative Officer, who shall be appointed by the City Council.

11.1.2 Powers and Duties. The Administrative Officer is empowered, and shall carry out the duties prescribed in this Article 11.

11.1.3 Right to Enter Premises. The Administrative Officer shall have the right to enter upon and within any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

11.1.4 Notice of Violation. When the Administrative Officer becomes aware of a violation, or potential violation(s) of the provisions of this ordinance, he shall issue a notice of violation in writing to the person responsible for such violation(s). Notices of violation shall be issued not only concerning an in-place non-conforming use, but also for work planned and/or in progress that when completed would constitute a violation of this ordinance. A notice of violation shall indicate the nature of the violation(s), and shall order the action necessary to correct such.

11.2 Building Permits Required.

It shall be a violation of this ordinance punishable as specified at Article 13, to commence the excavation for and/or to begin the construction of any 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 issuance of a building permit by the Administrative Officer.

11.2.1 Application for Building Permit.

11.2.1.1 Fee Required. Applications for building permits shall be accompanied by a fee according to the fee schedule most recently adopted by the City Council.

11.2.1.2 Plans Required. Applications for building permits shall be accompanied by plot plans and construction plans, in duplicate and drawn to scale, which indicate the following:

- The shape and dimensions of the lot on which the proposed building or use is to be erected or carried out.
- The location of said lot with respect to adjacent rights-of-way.
- The shape, dimensions, and location of all buildings, existing and proposed, on the said lot.
- The layout and structure of any prescribed buffer area(s) as provided at section 6.1.
- The nature of the proposed use of the structure(s), including the extent and location of the use on the lot.
- Existing zoning.
- The location and dimensions of offstreet parking and loading as provided at section 7.2 and 7.1 respectively, and means of ingress and egress to such spaces.
- Any other information which the Administrative Officer may deem necessary in order to enforce the provisions of this ordinance.

11.2.1.3 Statements Authoritative. Statements made by the applicant on the building permit application shall be deemed official statements.

11.2.2 Legal Conformity Required. The Administrative Officer shall determine whether applications for building permits conform to the requirements of this ordinance, the building code, and other applicable statutes, ordinances, codes and/or regulations. The Administrative Officer shall deny applications for building permits that do not conform to applicable statutes, ordinances, codes and/or regulations, unless he shall receive a written order in the form of an interpretation, special exception, or variance as provided at section 10.3 of this ordinance, or unless he shall receive a written order from a court of competent jurisdiction.

11.2.3 Approval of Application.

11.2.3.1 Issuance of Building Permit. When an application for a building permit is approved, the Administrative Officer shall issue a building permit without delay. Issuance of a building permit shall in no case be construed as waiving any provision of this ordinance.

11.2.3.2 Approval of Plans. When a building permit is issued, one (1) copy of the plans shall be returned to the applicant by the Administrative Officer after he shall have marked such copy as approved, and attested to same by his signature on such copy. One (1) copy of the plans similarly marked shall be retained by the Administrative Officer as an official record.

11.2.4 Disapproval of Application.

11.2.4.1 Disapproval of Building Permit. 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.

11.2.4.2 Disapproval of Plans. When a building permit is denied, one (1) copy of the plans shall be returned to the applicant by the Administrative Officer after he shall have marked such copy as disapproved, and attested to same by his signature on such copy. One (1) copy of the plans similarly marked shall be retained by the Administrative Officer as an official record.

11.2.5 Expiration of Building Permit.

11.2.5.1 Failure to Start Work. If the work described in any building permit has not begun within one-hundred eighty (180) calendar days from the date of issuance thereof, said permit shall expire and be cancelled by the Administrative Officer and written notice thereof shall be provided the person affected.

11.2.5.2 Failure to Complete Work. If the work described in any building permit has not been substantially completed within two (2) years from 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 person 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.

11.2.6 Conformity to Application Required. 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 specifications, and no other use, arrangement or construction is authorized. Use, arrangement or construction different from that authorized shall be deemed a violation of this ordinance and punishable as set out in this ordinance at Article 13.

11.2.7 Applicant Responsible for Conformity. Approval of an application by the Administrative Officer shall in no way exempt or relieve the applicant from strict observance of applicable provisions of this ordinance and all other applicable statutes, ordinances, codes and regulations.

11.2.8 Building Permit Issued in Error. A building permit issued in error shall not confer any rights or privileges to the applicant to proceed with construction.

11.2.9 Appeal of Administrative Officer's Action. If a building permit application is disapproved by the Administrative Officer, the applicant may appeal the action of the Administrative Officer to the Board of Adjustment as provided at Section 10.3.1.

11.3 Certificates of Occupancy Required.

It shall be a violation of this ordinance punishable as specified at Article 13, to use any land or structure, or part thereof hereafter erected, moved or altered in its use until the Administrative Officer shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance, the building code, and any other applicable statutes, ordinances, codes or regulations.

11.3.1 Request for Certificate of Occupancy. Parties wishing to use structures affected by this section 11.3, shall request issuance of a certificate of occupancy from the building inspector in writing.

11.3.1.1 Administrative Officer Action. Within three (3) working days after the owner or his agent has notified the Administrative Officer that a structure or premises or part thereof is ready for occupancy or use, the Administrative Officer shall make a final inspection thereof, and proceed as follows:

11.3.1.1.1 Approval. The Administrative Officer shall issue a Certificate of Occupancy if the structure or premises or part thereof is found to conform with the provisions of this ordinance and other applicable statutes, ordinances, codes and regulations.

11.3.1.1.2 Disapproval. The Administrative Officer shall deny a Certificate of Occupancy in those cases where a structure or use does not conform to this ordinance and/or other applicable statutes, ordinances, codes or regulations. When a Certificate of Occupancy is denied, the Administrative Officer shall state the reason for refusal in writing.

11.3.2 Appeal of Administrative Officer's Action. If the Certificate of Occupancy is denied by the Administrative Officer, the applicant may appeal the action of the Administrative Officer to the Board of Adjustment, as provided at section 10.3.1.

ARTICLE 12

AMENDMENTS

12.1 Initiation of Amendment.

12.1.1 Policy. The regulations, restrictions, procedures, Official Zoning Map, district regulations, and other matters set out in this ordinance may, from time to time, be amended, supplemented, changed, or repealed.

12.1.2 Standing. Proposed changes or amendments to this ordinance may be initiated by:

- City Council
- Planning Commission
- Board of Adjustment
- The head of a Department or Board of the City
- The Owner(s), or the attorney or official agent of the owner(s) of property proposed for rezoning.

12.1.3 Application Required. Except for the Planning Commission, any party specified in section 12.1.2 proposing an amendment of this ordinance shall submit an application, prepared as prescribed in section 12.2, to the Planning Commission for its review and recommendation. Applications may be submitted to the Planning Commission through the City Clerk or Administrative Officer.

12.1.4 Resubmittal of Applications. The City will not accept resubmittal of applications to rezone property for which a rezoning application was previously denied by the City Council, except as provided in section 12.5 of this ordinance.

12.2 Application for Amendment.

An application for change or amendment shall be on forms available at the offices of the City Clerk and Administrative Officer. Such application shall be filed with the Planning Commission, through the City Clerk no later than twenty (20) days prior to the Planning Commission meeting at which the application is to be considered.

12.2.1 Fee Required. A fee of twenty-five (25) dollars plus actual cost of any required newspaper advertizing, shall be paid to the City Clerk for each application filed. This provision does not apply to the City Council, Planning Commission, Board of Adjustment, or any other department or board of the City.

12.2.2 Adjoining/Facing Property Owners. Each application for change or amendment shall include the names and addresses of all owners of record of property adjoining the exterior boundary of the subject property, and property facing across a public right of way. Said list shall be developed from official records (e.g. deed book, tax rolls), and shall be current and complete.

12.3 Planning Commission Review. The Planning Commission shall review and make recommendations to the City Council concerning any proposed amendment to this ordinance, including those initiated by the City Council.

12.3.1 Factors to be Considered. In considering an application for a zoning amendment, the Planning Commission shall take into account the following:

- **Air Rights:** Whether or not the proposed change will have an adverse effect on light and air to adjacent areas.
- **Changed Conditions:** Whether or not recently changed conditions make the passage of the proposed amendment necessary.
- **Development Effects:** Whether or not the proposed change will affect either positively or negatively, the improvement or development of adjacent property in accord with existing regulations.
- **Drainage:** Whether or not the proposed change will create a drainage problem.
- **Evolving Conditions:** Whether or not the requested change is consistent with the evolution of district boundaries.
- **Hardship Conditions:** Whether or not there are substantial reasons that the property cannot be used in accord with existing zoning.
- **Land Use Pattern:** Whether or not the proposed change is consistent with evolving land use patterns.
- **Land Use Plan:** Whether or not the proposed change would be consistent with or contrary to the Land Use Plan, if any.

- Living Conditions: Whether or not the proposed change will adversely influence living conditions in the neighborhood.
- Property Values: Whether or not the proposed change will adversely affect the value of adjacent properties.
- Public Facility Capacity: Whether or not the population density pattern that would result from the requested change would over tax and/or overload one or more public facilities, including but not limited to schools, utilities, public safety services, streets, and storm drainage.
- Public Need: Whether or not the change requested is consistent with the needs of the neighborhood and/or the City.
- Special Privilege: Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- Spot Zoning: Whether or not the proposed change will result in one or more of the following to an excessive degree:
 - An island of land will be created on which far more, or far less intensive use will be permitted than is the case on surrounding land.
 - The island of land created will be small.
 - The island of land created will be one, or a very few parcels owned by a single, or very few persons.
 - The rezoning confers special benefits or treatment on the owner(s) of the island of land.
 - The rezoning will not be in the public interest.
 - The rezoning will not be supported by a duly adopted comprehensive plan.
 - The rezoning will not be consistent with, and/or will not reflect the pattern of zoning map evolution resulting from past rezonings.
- Traffic Circulation: Whether or not the proposed change will create or excessively increase traffic congestion, or otherwise adversely affect public safety.

12.3.2 Public Hearing. The Planning Commission may opt to hold one or more public hearings concerning a proposed amendment to this ordinance. Should the Planning Commission so opt, all

public hearings shall be held as prescribed in section 12.4.1 of this ordinance.

12.3.3 Report to City Council

The Planning Commission shall submit its report and recommendations to the City Council concerning its review of an application to amend this ordinance, which report shall state that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:

- Whether or not the factors listed in section 12.3.1 indicate a need and justification for the change.
- Whether or not adequate sites for the proposed use are available in districts already permitting such use.
- Whether or not the proposed amendment is consistent with the purpose and objectives of the City's comprehensive planning program and the land use plan, if any.
- Whether or not the proposed change will further the purposes of this ordinance and other City ordinances, codes, and regulations.

12.3.4 Failure of Planning Commission to Act. If the Planning Commission does not submit its report and recommendations to the City Council within sixty (60) days from the date it receives an application, the City Council shall act on the proposed amendment without waiting further for the report and recommendations of the Planning Commission.

12.3.5 Planning Commission Report Advisory Only. The report and recommendations of the Planning Commission required by section 12.3.3 shall be advisory only and shall not be binding upon the City Council.

12.4 City Council Action.

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 12.3.4, the City Council shall hold a public hearing, with notice as prescribed at section 12.4.1, subject to the provisions of section 14.1.

12.4.1 Public Hearing and Notice. The City Council will not consider any request for amendment until such time as notice of a public hearing on the proposed amendment has been given to the citizens of the City, and said hearing has been held.

12.4.1.1 Procedure. Upon receipt of 1) a Planning Commission report and recommendations by the City Council (or expiration of the time period specified in 12.3.4), 2) the required fee, and 3) the list of property owners, the City Clerk shall cause a notice of public hearing to be published in a newspaper of general circulation in the City of Brundidge at least once each week for two (2) consecutive weeks prior to the hearing, or if there is no such newspaper, then by posting the notice in four (4) conspicuous public places within the City.

12.4.1.2 Contents of Notice. Notice of public hearing shall contain:

- The legal description of the property, and the street address or appropriate location information in the City of Brundidge.
- The present zoning classification of the property and the nature of the proposed change.
- The date, time, and place of the hearing.
- The assurance that at such time and place all persons who desire shall have an opportunity to be heard in support of or in opposition to such amendment.

12.4.1.3 Notice to Adjoining/Facing Owners. In addition to the prescribed public posting, the City Clerk shall:

- Mail a copy of the notice of public hearing by certified mail, to owners of adjoining and facing property, postmarked not less than fourteen (14) calendar days before the hearing date. A copy of the published notice may be mailed in lieu of written notice.
- Mail notice of Council meeting by certified mail to owners of adjoining and facing property, postmarked not less than 14 days before any meeting of the City Council at which the zoning request is scheduled to be considered, if such date(s) differ from the public hearing date.

12.4.2 Failure of City Council to Act. If an application for amendment to this ordinance is not acted upon within sixty (60) calendar days after the date of the hearing specified at section 12.4.1, the application shall be deemed to have been denied.

12.5 Limitations on the Rezoning of Property.

- Denials of Rezoning: Whenever the City Council has not approved an application for rezoning of property, the Planning Commission shall not thereafter:

-- Consider any further application for the same rezoning for a period of three-hundred sixty-five (365) calendar days from the date of previous application.

-- Consider an application for any other kind of rezoning on any part or all of the same property for a period of one-hundred eighty (180) days from the date of previous application.

- Minimum Area to be Rezoned: Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than forty thousand (40,000) square feet of area, or less than two hundred (200) feet of street frontage.

- Requests for Subsequent Rezoning: Whenever the City Council has, by amendment, changed the zoning classification of property, the Planning Commission shall not then consider the same property for rezoning for a period of one-hundred eighty (180) days after the effective date of the amendatory ordinance.

12.5.1 Waiver of Limitations. The limitations specified in this section 12.5 may be waived by three (3) affirmative votes of the City Council when such action is deemed to be necessary to prevent injustice or to facilitate the proper development of the City of Brundidge, and said necessity is declared in a motion to waive.

12.6 Special Conditions Prohibited.

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.

ARTICLE 13

REMEDIES AND PENALTIES

13.1 Remedies.

In the event any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure and/or land is used in violation of this ordinance or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, and/or use, in order to restrain, correct or abate such violation, and/or to prevent the occupancy of such structure and/or use.

13.2 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, 1975, as amended or superseded.

ARTICLE 14

LEGAL STATUS PROVISIONS

14.1 Conflict with Other Regulations.

Whenever the regulations of this Ordinance require more restrictive standards than are required in or under any other statute, ordinance, code, or regulation, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute, ordinance, code, or regulation, require more restrictive standards that are required by this Ordinance, the provisions of such statute, ordinance, code or regulation shall govern.

14.2 Separability.

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

14.3 Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance are repealed to the extent necessary to give this ordinance full force and effect.

14.4 Effective Date.

This ordinance shall be in full force after its passage by the City Council of the City of Brundidge, State of Alabama, as recorded at Article 2.

