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ARTICLE I. PURPOSE

Section 10.0 Generally

Pursuant to the authority granted by Section 11-52-70 of the Code of Alabama, 1975, as amended, the zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have also been made with reasonable consideration, among other things, to the character of each district of the city and to the peculiar suitability of each for particular uses and with a view to conserving the value of buildings and property and toward encouraging appropriate uses of land throughout the city as defined in the comprehensive plan or parts thereof.

ARTICLE II. DISTRICTS, MAP, BOUNDARIES AND ANNEXED PROPERTY

Section 20.0 Short Title

The ordinance shall be known as the *Zoning Ordinance of Wetumpka, Alabama*, and the map herein referred to as the *Zoning Map of Wetumpka, Alabama*. The map and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this ordinance and of any amendments thereto.

Section 21.0 Establishment of Use Districts

For the purposes of this ordinance, the City of Wetumpka is hereby divided into several use districts, the names and purposes of which are set out below. The location, boundaries and area of each are and shall be shown on the zoning map.

Section 21.1 R-1 Low Density Residential District. This district is for single family detached residential development, in a manner compatible with the character of adjacent neighborhoods.

Section 21.2 R-2 and R-2.6 Low Density Residential Districts. These districts are primarily for single-family detached residential development in a manner compatible with the character of adjacent neighborhoods. The uses allowed in R-2 and R-2.6 districts are the same. However, to accommodate existing residential neighborhoods the R-2.6 district allows a smaller lot width and area than the R-2 district.

Section 21.3 R-3 Medium Density Residential District. This district is for most types of residential development, including single family detached, duplexes, townhouses, multiplexes, and patio homes in a manner compatible with the character of adjacent neighborhoods.

Section 21.4 R-4 High Density Residential District. This district is for all types of residential development, including single family detached, duplexes, townhouses, multiplexes, apartments, and patio homes, except mobile homes, in a manner compatible with the character of adjacent neighborhoods.

Section 21.5 R-5 High Density Residential District. This district is for all types of residential development, including single family detached, duplexes, townhouses, multiplexes, apartments, patio homes, and mobile homes, in a manner compatible with the character of adjacent neighborhoods.

Section 21.6 B-1 General Business District. This district provides for a variety of relatively large commercial and other uses typically organized and clustered into groups of related activities, that require a high volume of vehicular accessibility.

Section 21.7 B-2 Local Business District. This district is for small-scale, convenience retail, office and service uses and activities that cater primarily to the local neighborhood.

Section 21.8 B-3 Central Business District. This district is the traditional, downtown, central business core of Wetumpka. Appropriate uses in this district shall typically rely on pedestrian access, and shall include retail, office, banking, insurance, government, food service, and personal services, and upper story residential uses. Development within this district should be compatible with the context, character, scale, and density of adjacent activities, which typically are characterized by lot line to lot line construction, lack of on-premise, off-street parking for all but residential uses, and combined uses within buildings and properties.

Section 21.9 B-4 Business Conservation District. This district is intended in part to prevent existing established businesses and properties used for business purposes from becoming nonconforming; and in part to encourage and accommodate the adaptive re-use of such existing businesses and properties in a manner compatible with the surrounding area.

Section 21.10 M-1 Light Industrial District. This district is intended to provide locations for industrial, service and limited commercial uses, except those which would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions that could affect neighboring uses and activities. It is intended that each property so used provide the space necessary to accommodate the vehicles of all workers in the use, to store overnight all vehicles incidental to operation of the use, and for the loading or unloading of all vehicles or trucks incidental to the operation of the use.

Section 21.11 M-2 Heavy Industrial District. This district is intended to provide locations for industrial, service and limited commercial uses, except those which would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions that could affect a substantial portion of the city. It is intended that each property so used provide the space necessary to accommodate the vehicles of all workers in the use, to store overnight all vehicles incidental to operation of the use, and for the loading or unloading of all vehicles or trucks incidental to the operation of the use.

Section 21.12 R-H Rural and Holding District. This district is intended to provide for and protect those areas of Wetumpka that are predominantly agricultural in character and use and to provide areas for development. The R-H District is also intended to serve as a holding district for future development. As portions of this district are developed and/or complete

utility services become available, it is intended that such district designation be amended appropriately in accord with the comprehensive plan.

Section 22.0 Establishment of Overlay Districts

For the purposes of this ordinance, the City of Wetumpka hereby establishes several overlay districts, the names and purposes of which are set out below. The location, boundaries and area of each are and shall be shown on the zoning map.

Section 22.1 FH Flood Hazard Overlay District. This district is intended to account for the presence of flood hazards in and adjacent to Wetumpka and to protect persons and property from flooding.

Section 22.2 PUD Planned Unit Development District. This district is intended to provide the opportunity for appropriate development of tracts of land sufficiently large to allow comprehensive development planning and design and to provide flexibility in the application of certain of the regulations of this ordinance in a manner consistent with its general purposes.

Section 23.0 District Boundaries

The boundaries of the use and overlay districts are hereby established as shown on the zoning map. Unless otherwise shown on said map, the boundaries of districts shown thereon are intended to follow lot lines, center lines of streets or alleys, the centerline of railroad tracks, or the corporate limit lines as they exist at the time of enactment of this ordinance or amendments thereto. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on said map, the Board of Adjustment shall determine said boundaries as set forth in Article X.

Section 24.0 Annexed Property

Any property hereafter annexed to the City of Wetumpka should be annexed as a designated district or as R-H Rural and Holding District.

ARTICLE III. DEFINITIONS

Section 30.0 Generally

For the purpose of interpreting this ordinance, certain words or terms are herein defined.

Section 31.0 Interpretation of Certain Words and Terms

Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot* and *parcel*. The word *shall* is mandatory and not directory. The word *may* is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine. Except as defined herein or in the *Subdivision Regulations of Wetumpka, Alabama*, all other words used in this ordinance shall have their customary dictionary definition.

Section 32.0 General Definitions

Accessory Structure and Use. Any detached minor building or structure, or a portion of the main building or structure, the use of which is incidental to the main use of the premises. Accessory use is one which is incidental to the main use of the premises, and may include an accessory dwelling. A sign is considered accessory to the use permitted. A billboard is not so considered, but is rather considered a separate and distinct business use or activity.

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

Building. Any structure having a roof supported by columns or walls and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory building, and other structures.

Building, Height of. The vertical distance from the lowest ground elevation to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs, divided by two (2).

Build-to Line. A line contiguous or parallel to the property line to which the facade(s) of the main and/or accessory structure(s) shall extend.

Dwelling Unit. Any portion of a building used, intended or designed as a separate abode for a family.

Excavation. Any man made cavity or depression in the earth's surface including all sides, walls, or faces formed by earth removal and producing unsupported earth conditions by reasons of the excavation.

Facility. A place, structure or item that is built, installed, or established to serve a particular purpose.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, or hotel, as herein defined.

Grade. The slope of a street, or other public way, specified in percentage (%) terms.

Grade, Finished. The final elevation of the ground surface after development. Or, the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Grading. The preparation of a site for development, usually by leveling off to a smooth horizontal or sloping surface.

Gross Floor Area. The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.

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

Lot. Land occupied or intended for occupancy by a use including the yards and parking spaces required herein, and having its principal frontage upon a street.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge of Elmore County, Alabama, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot Width. The width of the lot at the front building setback line.

Nonconforming Use. The use of any building or land which was lawful at the time of

passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the use, height, yard, off-street parking, or off-street loading and unloading regulations of the district in which it is situated.

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

Parking Space, Off-Street. An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than one hundred sixty-two square feet, a minimum width of nine feet, and a minimum length of eighteen feet, exclusive of driveways and maneuvering area.

Plot. A measured piece of land.

Plot Plan. A scale drawing indicating the location of all existing and/or proposed structures in relation to the site.

Setback Line. A line parallel to the property line between which line and the property line no structure may be erected.

Sign. Any name, identification, description, display, illustration, or structure, which is affixed directly or indirectly upon a building, structure, or the ground, which is intended to communicate with the public or directs attention to an object, product, place, activity, service, person, institution, organization, or business; specifically excepting all public signs designed, constructed and placed in accord with the most recent edition of the *Alabama Manual on Uniform Traffic Control Devices*.

Sign, Attached. Any sign that is permanently fastened, attached, connected, or supported by a building or structure permanently attached to the ground.

Sign, Building Wall. A sign painted upon the exterior wall of a building, or affixed to the exterior wall of a building but not extending more than 12 inches from the face of the building wall or above the top of the building wall.

Sign, Canopy. A sign directly painted or otherwise directly affixed upon a building canopy.

Sign, Detached. Any sign that is not permanently fastened, attached, connected, or supported by a building or structure permanently attached to the ground.

Sign, Ground. Any sign that is attached to or part of an upright support that stands removed from any building.

Sign, Off-Premise. Any sign advertising a business, person, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.

Sign, On-Premise. Any sign advertising a business, person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.

Sign Copy Area. The entire area of a sign within a single contiguous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Permitted copy area for double face signs shall be applied to the area of each of the two sign faces.

Site. The spatial location of an actual or planned structure or set of structures; or, a space of ground occupied or to be occupied by a building.

Site Plan. A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.

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

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things, gasoline pumps, and signs, but not including utility poles, overhead wires and fences.

Subdivision. The division of a lot, tract or parcel of land, into two or more lots, tracts, parcels or other divisions of land, less than five (5) acres in size, for sale or development. The following shall not be considered subdivisions within the meaning of these regulations if no new streets are created: (1) divisions of property by testamentary or intestate provisions, (2) divisions of property upon court order, including but not limited to judgments of foreclosure, (3) consolidation of existing lots by deed or other recorded instrument.

Tract. A lot, piece, or parcel of land of greater or less size; the term not meaning in itself any precise dimension, but generally referring to a larger piece of land. The words lot, parcel and tract can be used interchangeably.

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

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. For the purpose of determining the width or depth of a yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the district regulations.

Yard, Front. A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

Yard, Side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

Section 33.0 Use Definitions

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

Apartment. Five or more attached, multi-family dwellings within a building of three or less stories.

Assisted Living Facility, Domiciliary. A permanent building, portion of a building, or a group of buildings (not to include mobile homes and trailers) in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than 24 hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator and licensed by the State of Alabama.

Bank or Financial Service. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

Billboard. A freestanding, off-premise sign located on a lot not containing a building.

Broadcast Studio. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio, or a telegraphic service office.

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

Business Support Service. A place of business which supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.

Car Wash. A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

Combination Dwelling. A dwelling unit (other than a mobile home) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of an institutional, commercial, or industrial establishment.

Commercial Parking. Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

Commercial School. Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

Community Center. Buildings arranged for community gathering for social, cultural, or community service purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Community Service Club. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

Convenience Store. A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including, not more than one automotive fuel service island.

Construction Service. A place of business engaged in construction activities, incidental storage, and wholesaling of building material (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

Country Club. Land and buildings containing recreational facilities and club house for private club members and their guests.

Day Care Center. A licensed facility, other than a residence, providing day care on a regular basis to more than six persons.

Day Care Home. A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less persons.

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

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

Dwelling, Multi-Family. A building designed for or occupied exclusively by three or more families living independently of each other.

Dwelling, Single Family. A building designed for or occupied exclusively by one family.

Emergency Care Home. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to provide a protective sanctuary and emergency housing to victims of crime or abuse.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.

Entertainment, Outdoor. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, racing facilities, and amusement parks.

Farm Support Business. A commercial establishment engaged in the sale of farm support goods and services, including the following activities; the sale of feed, grains, fertilizers, pesticides, and similar farm support goods, the provision of warehousing and storage facilities for raw farm products, and the provision of veterinary services to large animals.

Family Care Home. A group care home, serving up to ten individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired children in a family-type living arrangement, and which meet or exceed the minimum requirements of Section 11-52-75.1 *Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone*, Code of Alabama, 1975 as amended.

Farm. A 10 acre or larger tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including the following farming activities: forages and sod crops; grains and seed crops; dairy animals and products; poultry, including egg production but excluding poultry processing; livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing; and nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation; bees and apiary products; fisheries, excluding fish and seafood processing; fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.

Forestry. Operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;

Funeral Home. A commercial establishment engaged in funeral and undertaking services for human burial.

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

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

General Retail Business, Unenclosed. Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and outdoor display or sales.

Heavy Industry. Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

Hobby Farm. A five acre or larger tract of land used for the production, keeping, or maintenance of farm animals, but excluding large swine and other livestock, personally useful to the occupants of a dwelling on the same tract.

Home Improvement Center. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

Home Instruction. Instruction in the arts, music, or academic subjects given from a dwelling by the resident to up to four students at a time, except in the case of musical instruction which shall be limited to up to two students at a time.

Home Occupation. A business, profession, occupation, or trade, specifically excluding beauty parlors, barbershops, and medical offices for the treatment of patients, conducted for gain or support and located entirely within the living area of a dwelling or accessory dwelling as an incidental activity of the resident and no more than one employee.

Hospital. An establishment which provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias, and staff offices.

Hotel. A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a rooming house or boarding house, which are herein separately defined.

Kenel. The keeping of more than three dogs over six months of age or the boarding or raising of small household pets for commercial purposes.

Laundry Service. A commercial establishment providing laundering, dry cleaning, or dyeing service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service, or laundromat.

Liquor Lounge. A licensed establishment engaged in the preparation, sale, or serving of liquor for consumption on the premises, including taverns, bars, cocktail lounges, night clubs, bottle clubs, private clubs, restaurant lounges, hotel lounges, motel lounges, discotheques, dance halls, and similar uses where liquor consumption is a primary or incidental activity on the premises for the establishment. Not included within this definition are establishments which sell or serve only beer or wine as an incidental activity on the premises or establishments which sell liquor, beer, or wine in packages for off-premise consumption.

Livestock Sales. The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

Maintenance Service. An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

Manufacturing, General. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

Manufacturing, Light. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assemble, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

Medical Clinic. A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out-patient basis.

Medical Support Service. A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescription and the sale of drugs and medical supplies), medical and surgical supply store, and optician, and the like.

Mini-Warehouse. A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

Mobile Home. A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site is three hundred-twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained herein and manufactured prior to June 15, 1976.

Mobile Home Park. Any plot of ground upon which one or more mobile homes occupied for dwelling purposes are located, regardless of whether a charge is made for accommodations.

Modular Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Alabama Manufactured Housing Commission.

Motel. A building or group of buildings used for the temporary occupancy of transients.

Multiplex. Three or four attached, multi-family dwellings within a building of three or less stories.

Nursing Care Facility. A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

Open Air Market. Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.

Patio Home. A detached, single family dwelling, constructed on-site in accordance with the Standard Building Code, that occupies a small lot and has an enclosed yard area with a porch or patio.

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

Place of Worship. Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating, and other integrally related activities.

Public Assembly Center. Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.

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

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

Recreation, Indoor. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

Recreation, Outdoor. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other commercial outdoor recreational and sports activities.

Rehabilitation Facility. An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

Research Lab. An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

Resource Extraction. The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining.

Restaurant, Fast Food. An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.

Restaurant, Standard. An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served.

Rooming House, Boarding House. Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms, which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly, for a definite period of time longer than thirty (30) days.

Salvage Yard. A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

Sanitary Landfill. A State-approved site for solid waste disposal.

School. Public or non-profit school.

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

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

Stable. A commercial establishment engaged in the raising, keeping, boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

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

Tourist Home, Bed and Breakfast Inn. A dwelling unit where lodging for persons not of the immediate family is provided for by compensation for definite periods of time up to thirty (30) days.

Townhouse. A single family dwelling constructed in a series or group of attached units with property lines separating each unit as defined by the Standard Building Code.

Transmission Tower. A tower used for the transmission of radio and television signals to the general public or private receivers, other than amateur radio towers and towers used by a public facility.

Upper-Story Apartment. A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional uses.

Vehicle and Equipment Repair, Major. A place of business engaged in the repair and maintenance of heavy trucks (over one ton), construction equipment, tractors and farm implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

Vehicle and Equipment Sales, Major. A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

Warehousing, Wholesaling, and Distribution, Enclosed. A place of business engaged in warehousing, wholesaling, or distribution services within a building.

Warehousing, Wholesaling, and Distribution, Open. A place of business engaged in open air warehousing, wholesaling, or distribution services.

Vehicle Repair Service. A place of business engaged in the repair and maintenance of automobiles, light trucks, travel trailers, recreational vehicles, or boats, including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Vehicle Sales or Rental. A commercial establishment engaged in the sale or rental of automobiles, light trucks, travel trailers, recreational vehicles, boats, or motorcycles, including incidental parking, storage, maintenance, and servicing.

Vehicle Service Station. A commercial establishment providing fuel, lubricants, parts, and accessories, and incidental repair and maintenance service to motor vehicles.

ARTICLE IV. APPLICATION OF REGULATIONS

Section 40.0 Uses

In each use district no use other than the types specified as "permitted", permitted by "special exception," or permitted "upon review" shall be allowed. Uses specified as "permitted" shall be permitted as of right. Uses specified as permitted by "special exception" may be authorized by the Board of Adjustment subject to such conditions as said board may require. Uses specified as permitted "upon review" may be authorized following review and recommendation by the Planning Board and approval by the City Council subject to any conditions the Council may require.

Section 41.0 Lots and Yards

In each use district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of a size at least the area and width specified in Article VI. No lot or yard required for a building or structure shall during its life be occupied by or counted as all or part of a lot or yard for another building or structure.

Section 42.0 Projections into Required Yards

Projections into required yards may be allowed as follows:

Architectural features, chimneys, eaves, and similar features may project up to two feet into any required yard, but no closer than three feet to any lot line.

Terraces, steps, uncovered porches, and similar features less than three feet above the ground may project into the required yard, but no closer than three feet to any lot line.

Within residential districts only, satellite dish antennas and other ground mounted antennas may be located within the required rear yard only, but no closer than ten feet from any lot line, measured from the closest edge of the structure, and subject to all height limitations of this ordinance.

Section 43.0 Height

In each district each structure hereafter erected or altered shall not exceed the heights specified in the district requirements in Section 61, subject to Section 82.0.

Section 44.0 Reductions in Lot Area

No lot shall be reduced in area so that yards and other open space total less than the minimum area required under this ordinance.

Section 45.0 Structures

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes, except in mobile home parks; no accessory structures shall be constructed or moved upon a lot (except in R-H districts) until the construction of the main building has actually commenced.

Section 46.0 Future Street Lines

On any lot which may be reduced in area by widening a public street to a future street line as indicated on the Major Street Plan and/or the Comprehensive Plan of the City of Wetumpka, the required minimum lot area, lot width, and yards shall be measured by considering the future street line as the lot line of such lot.

Section 47.0 Conflict with Other Regulations

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

Permits and/or development plan approvals issued prior to the adoption of this Ordinance shall be valid as issued. If after twelve (12) months from the date of issuance no construction work has been carried out above the foundation wall or other foundation support an application for a new permit and/or approval must be made.

ARTICLE V. GENERAL PROVISIONS

Section 50.0 Nonconformities

It is the purpose of this Section to provide for the regulation of legally nonconforming lots, structures, and uses; and to specify the circumstances and conditions under which such nonconformities can be continued, expanded, or modified; and under which they shall be terminated.

The zoning regulations established by this Ordinance are designed to promote and protect the public health, welfare, and safety by implementing the City of Wetumpka's developmental policies. These policies encourage the grouping of compatible and related land uses. It is consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property be controlled. Such controls also take into account the vested interests of the owners of nonconforming properties, and the extent to which such properties have any actual or potential adverse impacts upon the surrounding area.

To achieve these purposes, this Section distinguishes among nonconforming lots, nonconforming structures, nonconforming uses, and between major and minor nonconformities. Different regulations are applied to these categories on the basis of their actual or potential adverse impact due to incompatibility with the City's developmental policies and the regulations contained in this Ordinance.

Section 50.1 Definition of Nonconformities. For the purposes of this Section the following definitions shall apply:

Nonconforming Developed Lot. Any lot containing a building, structure, and/or activity legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the lot width or area or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance.

Nonconforming Structure. Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the yard, height or other dimensional regulations of the zoning district in which it is located as specified in this Ordinance.

Nonconforming Use. An activity using land, buildings, and/or structures for purposes which were legal prior to the effective date of this Ordinance or subsequent amendment thereto, but which does not fully comply with the use regulations for the zoning district in which it is located as specified in this Ordinance.

Minor Nonconformity. Any property comprising a nonconforming developed lot and/or nonconforming structure, but which is used for an activity which is fully in compliance with the regulations for the zoning district in which it is located as specified in this Ordinance.

Major Nonconformity. Any property comprising a nonconforming developed lot and or a nonconforming structure, or a conforming developed lot and/or conforming structure, but which is used for an activity that is not fully in compliance with the regulations for the zoning district in which it is located as specified in this Ordinance.

Section 50.2 Nonconforming Lots of Record. Nonconforming lots of record can be developed for any use permitted in the zoning district in which they are located provided such development conforms to all other regulations in this Ordinance unless a variance from such regulations is granted by the Board of Zoning Adjustment.

Section 50.3 Minor Nonconformities. Minor nonconformities can be modified, enlarged, and/or expanded provided that such modification, enlargement, or expansion conforms to all other regulations in this Ordinance, unless a variance from such regulations is granted by the Board of Zoning Adjustment.

Section 50.4 Major Nonconformities. A major nonconforming use may be changed to another nonconforming use provided the new use is in the same or a lesser use classification as the original use.

A major nonconforming use shall not be enlarged within a structure, nor occupy a greater area of land, than it did at the effective date of this Ordinance or subsequent amendment thereto.

A structure containing a major nonconforming use shall not be moved to any portion of the lot other than that occupied at the effective date of this Ordinance or subsequent amendment thereto.

A major nonconforming use shall not be altered, enlarged, or intensified in any way which increases its nonconformity, but may be altered or reduced to decrease its nonconformity.

A major nonconforming use which changes to a permitted use within the zoning district in which it is located, shall not thereafter revert to a nonconforming use.

If a major nonconforming use is damaged in any manner to the extent that the restoration costs would exceed seventy-five (75) percent of the value of that use immediately before such damage occurred, any subsequent use of that lot and/or structure shall be in full compliance with the regulations governing the zoning district in which it is located as specified in this Ordinance.

This provision does not apply to B-4 Zone.

Section 50.5 General Provisions. The following provisions shall apply to all nonconformities:

Except as otherwise provided in this Article, any nonconforming lot, structure or use lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful.

Nonconforming status runs with the land.

Nothing in this Section shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, internal renovations and modifications, and external improvements which do not increase in scope or scale the nonconformity of the structure.

Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition; provided that such restoration of such structure is not otherwise in violation of the provisions of this Article.

No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Any other provision of this Article to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all the regulations of this Ordinance.

The burden of establishing the nonconforming status of any structure or use under the terms of this Section, in all cases, shall be upon the **owner** of such nonconformity and not upon the City of Wetumpka.

Section 51.0 Off-Street Parking Requirements

Off-street parking standards shall be in accordance with the following requirements:

Section 51.1 Generally. No off-street parking required for a building or structure shall be occupied by or counted as off-street parking for another building or structure. Whenever combined uses shall be made of the same property, the requirements for each shall apply. Whenever a structure or use may qualify under two or more classifications, the one with the larger requirement shall govern.

Section 51.2 Residential. For new structures or converted structures which are increased in capacity, two off-street parking spaces for each dwelling unit shall be provided and maintained on the premises.

Section 51.3 Non-Residential. For new structures or converted structures which are increased in capacity, except in the B-3 Central Business District wherein no off-street

parking shall be required for non-residential uses, off-street parking requirements shall be as follows:

- a. **SCHOOLS:**
Elementary Schools - One space for every 20 students, based on design capacity, plus one space for each employee.

Junior High Schools - One space for every 15 students based on design capacity, plus one space for each employee.

High Schools - One space for every 10 students based on design capacity, plus one space for each employee.
- b. **PLACE OF WORSHIP, COMMUNITY BUILDING, AUDITORIUM, AND PLACE OF PUBLIC ASSEMBLY:** One parking space for each five seats in the main assembly area.
- c. **HOTEL:** One parking space for each guest room plus one space for each 200 square feet of net commercial area contained therein.
- d. **HOSPITAL:** One parking space for each three beds, plus one space per employee per shift.
- e. **MOTEL, BOARDING HOUSE, ROOMING HOUSE, TOURIST HOME, BED AND BREAKFAST INN:** One parking space for each guest room or unit offered for rent plus three parking spaces for employees and vendors.
- f. **RESTAURANT OR OTHER EATING PLACE:** One parking space for every four patron seats or one space for every 200 square feet of net seating area, whichever is greater.
- g. **PROFESSIONAL AND MEDICAL OFFICE AND BUILDING:** Three parking spaces plus one additional space for each 400 square feet of gross floor area over 1,000 square feet.
- h. **INDUSTRIAL USE, WHOLESALE USE, STORAGE BUILDING, WAREHOUSE, LUMBER OR FUELS BUSINESS, TRUCK TERMINAL, AND SIMILAR USES:** One parking space for each on-site employee, plus two parking spaces.
- i. **MOBILE HOME PARK AND SUBDIVISION:** Two parking spaces for each mobile home.
- j. **SHOPPING CENTER OR RETAIL ESTABLISHMENT:** One parking space for each 200 square feet of gross floor area, except utilitarian spaces.

- k. NURSING HOME: One parking space for each six beds, plus one space per employee per shift.
- l. PRIVATE CLUB OR LODGE: One parking space for each 200 square feet of gross floor area.
- m. FOOD STORE AND MARKET: One parking space for each 200 square feet of gross floor area.
- n. ANY USE NOT OTHERWISE SPECIFIED: One parking space for each 200 square feet of gross floor area.

Section 51.4 Existing Parking. Any use which does not meet the parking requirements of this ordinance, or of an amendment thereto, shall be deemed a nonconforming use.

Section 51.5 Design. No off-street parking space shall be so located or designed as to require the vehicle parked therein to back directly onto a public street, with the exception of those at single and two family residences. All parking areas shall be surfaced with a suitable, hard surface permanent type of pavement.

Section 51.6 Required Front Yard. No off-street parking shall be permitted in the required front yard of "R" Districts except in or upon a driveway, garage, carport or parking area for a dwelling.

Section 52.0 Off-Street Loading and Unloading

In each business district, except the B-3 Central Business District, and in each industrial district, each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities suitable to the use.

Section 53.0 Frontage Requirement

All lots shall front on a public street.

Section 54.0 Corner Visibility

In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between 3½ and 15 feet above street level shall be permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad.

ARTICLE VI. USE DISTRICT REGULATIONS

Section 60.0 Generally

Each of the use districts as defined and established in Article II shall be subject to specific regulations regarding uses permitted, uses permitted by special exception, conditional uses, uses subject to review, uses not permitted, required lot area and width, yard setbacks, and maximum building height.

Section 60.1 Use Limitations. Although a use may be permitted according to specified procedures in a particular district, such use may not necessarily be permitted on every parcel of land in the district. A use may be permitted only if it can meet all of the standards of this ordinance and other applicable codes, ordinances and regulations.

Section 60.2 Classification of Uses. This ordinance recognizes the limitations of a finite listing of use classifications as utilized in Section 62.0. Therefore, the Building Inspector is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. Appeals of such interpretations may be made to the Board of Adjustment per Section 102.2.

Section 60.3 Unclassified Uses. In the event the Building Inspector receives application for permitting of a use that is not listed or that cannot appropriately fit a use listed in Section 62.0, the following procedure shall apply:

- a. If compatible with the existing use district intent, the unclassified use may be permitted as a special exception by the Board of Adjustment pursuant to Section 102.4.
- b. If the unclassified use would not be compatible with the intent of the existing use district, the Building Inspector shall make a determination of the most appropriate use district, and require the applicant have the property rezoned, and special exception granted by the Board of Adjustment pursuant to Section 102.4 before granting approval.
- c. Following final action on the unclassified use per above paragraphs, the Planning Board may initiate an amendment to this ordinance to list the newly permitted use in the most appropriate district(s).

Section 60.4 Accessory and Combined Uses. Unless otherwise prohibited by this ordinance, more than one permitted use may be combined on a lot if all of the combined uses are commonly associated with and integrally related to one another and if all zoning regulations for each of the combined uses shall be met.

Whenever a use or activity, which may or may not be separately listed as a permitted use, is conducted in conjunction with a listed permitted use as an incidental or insubstantial part of the total activity on a lot, the incidental activity shall be permitted as an accessory use if the combined uses are commonly associated with and integrally related to one another.

For this purpose of this section, *commonly associated* means that the association of such combined uses takes place with sufficient frequency that there is common community acceptance of their relatedness.

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Section 61.0 District Area, Yard, Height, and Setback Regulations

The following regulations govern the minimum lot size, minimum lot width at building line, yard setback, and height for each district, subject to Section 63.0: Supplemental Use Regulations; Section 80.0: Front Yard Setback Modifications; Section 82.0: Height Limitations; and Section 84.0 Mobile Home Parks.

Requirements	Use Districts											
	<u>R1</u>	<u>R2</u>	<u>R2.6</u>	<u>R3</u>	<u>R4</u>	<u>R5</u>	<u>B1</u>	<u>B2/B4</u>	<u>B3</u>	<u>M1</u>	<u>M2</u>	<u>RH</u>
Density	Low	Low	Med	Med	High	High	Gen.	Local	CBD	Lt	Hvy	Ag
Min Lot Size-sf	14,000	10,000	7,200	7,200[a]	6,000[b]	7,500	[d]	[d]	[c]	[d]	[d]	43,560
Min Lot Width - ft	100	75	60	50	50	50	[d]	[d]	[c]	[d]	[d]	[d]
Front Yard Setback - ft	35	20	20	20	20	25	50	20	0[f]	40	40	40
Rear Yard Setback - ft												
Main Structure	30	30	20	15	15	25	20	20	n/a	20	50	50
Acc. Structure	10	10	10	5	5	10	10	10	n/a	10	10	10
Side Yard Setback - ft	12	10[h]	10[h]	8/5	8/5	10	30/10[g]20/10[g]0[f]			30/10[g]40/10[g]10		
Max Bldg Height - ft	35	35	35	35	45	15	45	45	50	35	45	35
Max Story	2	2	2	2	3	1	2	2	3	2	3	2

[a] Except for dwellings listed in Section 63 (accessory dwelling, patio/garden home, townhouse, and multiplex).

[b] Except for dwellings listed in Section 63 (accessory dwelling, patio/garden home, townhouse, multiplex, and apartment).

[c] Lots must be of sufficient size to provide adequate space required for the normal operation of the uses permitted.

[d] Lots must be of sufficient size to provide adequate parking and loading space as outlined in Sections 51.0 through 51.5, in addition to the space required for the other normal operation of the uses permitted.

[f] No setback -- the property line is a required build-to line.

[g] Adjacent to a residential district only, the wider distance will prevail.

[h] On corner lots this distance shall be doubled.

Section 62.0 Uses Allowed

Uses allowed in each district are determined from **Table 6-1, Chart of Uses Allowed**. Categories for each use are:

Permitted (**Y**). Allowed as of right; applicant need only submit the necessary plans for review to the Building Inspector.

Special Exception (**E**). Use is subject to review and decision by the Board of Adjustment in accordance with Section 105.0 of this Ordinance.

Conditional Use (**C**). Use is subject to review by the Planning Board and decision by the City Council in accordance with Section 94.0 of this Ordinance

Statutory Review (**R**). Use is subject to review by the Planning Board and decision by the City Council in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended, and Section 95.0 of this Ordinance.

Not Permitted (**N**). Use not allowed in this district.

Subject to Supplemental Use District Regulations (*) in accordance with Section 63.0 of this Ordinance.

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TABLE 6-1: CHART OF USES ALLOWED

	Zoning Districts											
	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
RESIDENTIAL USES:												
SINGLE-FAMILY DWELLING	Y	Y	Y	Y	Y	N	N	N	Y	N	N	Y
PATIO HOME*	N	E	Y	Y	Y	N	N	N	Y	N	N	N
DUPLEX	N	C	Y	Y	Y	N	N	N	C	N	N	N
TOWNHOUSE*	N	N	Y	Y	Y	N	N	N	C	N	N	N
MULTIPLEX*	N	N	Y	Y	Y	N	N	N	N	N	N	N
APARTMENTS*	N	N	N	Y	Y	E	E	E	N	N	N	N
UPPER STORY APARTMENTS	N	N	N	N	N	N	Y	Y	C	N	N	N
ACCESSORY DWELLING*	E	E	E	E	E	N	N	N	N	N	N	N
COMBINATION DWELLING	N	N	N	N	N	Y	Y	Y	Y	E	E	N
EMERGENCY CARE HOME	N	N	E	E	E	N	N	N	N	N	N	E
FAMILY CARE HOME	N	N	E	E	E	N	N	N	N	N	N	E
MOBILE HOME PARK	N	N	N	N	Y	N	N	N	N	N	N	C
INSTITUTIONAL USES:	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
AIRPORT	N	N	N	N	N	N	N	N	N	C	C	C
ANIMAL SHELTER	N	N	N	N	N	Y	E	N	N	N	N	Y
ASSISTED LIVING FACILITY	N	N	N	N	N	Y	Y	N	N	N	N	Y
CEMETERY	N	N	N	N	N	E	N	N	N	N	N	Y
COMMUNITY CENTER	N	E	E	Y	Y	Y	Y	Y	C	N	N	Y
COMMUNITY SERVICE CLUB	N	N	N	N	N	E	E	E	N	N	N	C
DAY CARE CENTER	N	N	N	N	N	E	Y	Y	C	E	E	C
DAY CARE HOME	E	E	E	E	E	N	N	N	C	N	N	E
HELIPORT	N	N	N	N	N	C	C	N	N	Y	Y	C
HOME INSTRUCTION	E	E	E	E	E	N	N	N	E	N	N	E
HOSPITAL	N	N	N	N	N	Y	Y	Y	N	E	N	Y
NURSING CARE FACILITY	N	N	N	N	N	Y	Y	N	N	N	N	Y

PLACE OF WORSHIP	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
INSTITUTIONAL USES (Cont.):												
PUBLIC ASSEMBLY CENTER	N	N	N	N	N	R	R	R	N	N	N	R
PUBLIC FACILITY	R	R	R	R	R	R	R	R	R	R	R	R
PUBLIC UTILITY FACILITY	R	R	R	R	R	R	R	R	R	R	R	R
REHABILITATION FACILITY	N	N	N	N	N	Y	E	N	N	N	N	C
SCHOOL	R	R	R	R	R	R	R	R	R	N	N	R
COMMERCIAL USES:	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
ANIMAL HOSPITAL	N	N	N	N	N	Y	Y	N	N	N	N	Y
BANK/FINANCIAL SERVICE	N	N	N	N	N	Y	Y	Y	C	Y	Y	N
BROADCAST STUDIO	N	N	N	N	N	Y	Y	Y	N	N	N	N
BUSINESS/PROFESSIONAL OFF.	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N
BUSINESS SUPPORT SERVICE	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N
CAR WASH	N	N	N	N	N	Y	Y	E	C	E	E	N
COMMERCIAL SCHOOL	N	N	N	N	N	Y	Y	Y	N	E	E	N
CONVENIENCE STORE	N	N	N	N	N	Y	Y	Y	C	N	N	N
ENTERTAINMENT, INDOOR	N	N	N	N	N	Y	Y	E	N	N	N	C
ENTERTAINMENT, OUTDOOR	N	N	N	N	N	E	E	N	N	N	N	C
FARM SUPPORT BUSINESS	N	N	N	N	N	Y	Y	N	N	E	N	Y
GARDEN CENTER, NURSERY	N	N	N	N	N	Y	Y	N	N	N	N	Y
GENERAL RETAIL, ENCLOSED	N	N	N	N	N	Y	Y	Y	C	N	N	N
GENERAL RETAIL, UNENCLOSED.	N	N	N	N	N	E	E	E	N	N	N	N
FUNERAL HOME	N	N	N	N	N	Y	Y	Y	N	N	N	C
HOME OCCUPATION	E	E	E	E	E	N	N	E	E	N	N	E
HOME IMPROVEMENT CENTER	N	N	N	N	N	Y	Y	N	N	N	N	N
HOTEL	N	N	N	N	N	Y	Y	Y	N	N	N	N
LAUNDRY SERVICE	N	N	N	N	N	Y	Y	N	N	Y	N	N
LIQUOR LOUNGE	N	N	N	N	N	Y	Y	Y	N	N	N	N

LIVESTOCK SALES	N	N	N	N	N	N	N	N	N	N	N	Y
MEDICAL CLINIC	N	N	N	E	E	Y	Y	Y	N	N	N	Y
COMMERCIAL USES (Cont.):	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
MEDICAL SUPPORT SERVICE	N	N	N	N	N	Y	Y	Y	N	N	N	Y
MINI-WAREHOUSE	N	N	N	N	N	Y	Y	N	N	E	N	N
MOTEL, ETC	N	N	N	N	N	Y	Y	E	N	N	N	C
OPEN-AIR MARKET	N	N	N	N	N	E	E	E	N	N	N	C
PERSONAL SERVICE	N	N	N	N	N	Y	Y	Y	Y	N	N	N
RECREATION, INDOOR	N	N	N	N	N	Y	Y	Y	N	N	N	C
RECREATION, OUTDOOR	N	N	N	N	N	Y	Y	E	N	N	N	C
RECREATIONAL VEHICLE PARK	N	N	N	N	N	Y	N	N	N	N	N	C
RESTAURANT, STANDARD	N	N	N	N	N	Y	Y	Y	C	N	N	N
RESTAURANT, FAST FOOD	N	N	N	N	N	Y	Y	Y	N	N	N	N
RESTAURANT, TAKE-OUT ONLY	N	N	N	N	N	Y	Y	Y	N	N	N	N
ROOMING/BOARDING HOUSE	N	E	E	E	E	Y	Y	Y	N	N	N	Y
SHOPPING CENTER, MAJOR	N	N	N	N	N	Y	Y	N	N	N	N	N
SHOPPING CENTER, MINOR	N	N	N	N	N	Y	Y	N	N	N	N	N
STUDIO	N	N	N	N	N	Y	Y	Y	Y	E	N	N
TOURIST HOME/BED & BRKFST.	N	E	E	E	E	Y	Y	Y	Y	N	N	Y
VEHICLE REPAIR SERVICE	N	N	N	N	N	Y	Y	E	N	N	N	N
VEHICLE SALE OR RENTAL	N	N	N	N	N	Y	Y	E	N	N	N	N
VEHICLE SERVICE STATION	N	N	N	N	N	Y	Y	Y	N	N	N	N
INDUSTRIAL USES:	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
CONSTRUCTION SERVICE	N	N	N	N	N	Y	Y	N	N	Y	Y	N
HEAVY INDUSTRY	N	N	N	N	N	N	N	N	N	N	Y	N
MAINTENANCE SERVICE	N	N	N	N	N	Y	Y	Y	N	Y	Y	N
MANUFACTURING, GENERAL	N	N	N	N	N	N	N	N	N	Y	Y	N
MANUFACTURING, LIGHT	N	N	N	N	N	Y	Y	N	N	Y	Y	N
RESEARCH LAB	N	N	N	N	N	E	E	N	N	Y	Y	N

RESOURCE EXTRACTION	N	N	N	N	N	N	N	N	N	N	N	C
SALVAGE YARD	N	N	N	N	N	N	N	N	N	C	C	N
SANITARY LANDFILL	N	N	N	N	N	N	N	N	N	N	N	R
INDUSTRIAL USES (Cont.):	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
TRANSMISSION TOWER	R	R	R	R	R	R	R	R	R	R	R	R
VEHICLE/EQUIP REPAIR, MAJOR	N	N	N	N	N	Y	E	N	N	Y	Y	N
VEHICLE/EQUIP SALES, MAJOR	N	N	N	N	N	Y	E	N	N	Y	N	N
WHOLESALE, STORAGE, ENCLOSED	N	N	N	N	N	Y	Y	N	N	Y	Y	N
WHOLESALE, STORAGE, UNENCLOSED	N	N	N	N	N	N	N	N	N	Y	Y	N
AGRICULTURAL USES:	R1	R2 2.6	R3	R4	R5	B1	B2	B3	B4	M1	M2	RH
FARM	N	N	N	N	N	N	N	N	N	N	N	Y
FORESTRY	N	N	N	N	N	N	N	N	N	N	N	Y
HOBBY FARM	N	N	N	N	N	N	N	N	N	N	N	Y
KENNEL	N	N	N	N	N	N	N	N	N	N	N	C

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Section 63.0 Supplemental Use Regulations

The uses identified in Section 62.0 as subject to supplemental use regulations, namely Patio/Garden Homes, Townhouses, Multiplexes, Apartments, Accessory Dwellings, and Combination Dwellings, shall comply with the following requirements.

Requirements	Supplemental Use Districts			
	<u>Patio/Garden</u>	<u>Townhouse</u>	<u>Multiplex</u>	<u>Apartment</u>
Minimum Site Area-sf	4,000	10,000	14,000	1 acre
Minimum Lot Size-sf	4,000	2,000	14,000	n/a
Maximum Density-units per ac.	n/a	n/a	n/a	18
Max Units Per Bldg	n/a	12	4	
		6 w/o 3' setback		
Minimum Lot Width-ft	40	20	70	60
Front Yard Setback-ft	20	20	20	20
Rear Yard Setback-ft				
Main Structure	15	10	20	20
Accessory Structure	5	5	5	5
Side Yard Setback-ft	10/0	10 at end unit	10	10
Max Bldg Height-ft	35	35	35	45
Max Story	2	2	1	3

NOTES:

Patio/Garden Homes

1. No more than two (2) contiguous patio/garden homes shall be connected.
2. If 0' lot line construction is utilized, a thirty (30) inch easement shall be required on adjacent lot to facilitate maintenance. All architectural overhangs or decorative features shall be restricted to eighteen (18) inches.
3. Privacy fencing shall be required at front wall of structure and rear, but shall not block drainage or restrict access for fire protection. The maximum fence height shall be eight (8) feet.
4. Side yard requirement shall be fifteen (15) feet at end units abutting a street.
5. Each patio/garden home shall have on its own lot with one (1) yard containing no less than 400 square feet, exclusive of driveway and/or parking.

Townhouses

1. No more than six (6) contiguous townhouses shall be built in a row with same front line; and, no more than twelve (12) townhouses shall be built contiguous. For groups of townhouses of more than six (6) units, the required difference in the front line shall be a minimum of three (3) feet.
2. All end units shall have a minimum side yard of ten (10) feet. No building complex shall be closer than twenty (20) feet to any other structure.

Apartments

1. A distance of at least 15 feet shall be required between all apartment unit buildings.
2. All apartment buildings shall be set back a minimum of 10 feet from all parking areas and street.
3. At least 10 percent of the site area, but not less than 2,000 square feet, shall be improved for recreational use of the residents, exclusive of parking, drives and sidewalks.
4. Parking must meet the requirements of Section 51.0 of this Ordinance.

to **Section 63.1 Accessory Dwelling.** Occupancy of the accessory dwelling shall be limited to household servants or immediate family members of the resident of the principal dwelling. *Immediate family member* shall include only a person who is a naturally or legally defined offspring, spouse, parent, grandparent, sibling, aunt, or uncle.

The floor area of the accessory dwelling shall be at least 300 square feet and shall not exceed 25% of the floor area of the principal dwelling

. of If attached to the principal dwelling, the accessory dwelling shall maintain the appearance of the principal dwelling, and shall not create additional entrances toward the front of the property.

If detached from the principal dwelling, the accessory dwelling shall be limited to the rear of the principal dwelling or within the upper floor of a garage, and shall be so placed as to avoid objectionable views from the street and surrounding properties.

Section 63.2 Family Care Home. The use shall be conducted within a single family residence.

The building shall maintain the exterior appearance of a single family residence, with no separate outside entrances to individual bedrooms.

The family care home shall be sponsored by a public or non-profit organization; all state licensing requirements shall be met.

Section 63.3 Mini-Warehouse. No storage space shall exceed 400 square feet in area and one story in height.

Each storage space shall be served by an all weather surface which is properly graded and drained and having a minimum width of fifteen feet for each direction of travel.

The entire site shall be kept lit with security lighting throughout. All exterior lights shall be shielded to focus and direct light onto the uses established and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.

ARTICLE VII. OVERLAY DISTRICT REGULATIONS

Section 70.0 Generally

Each of the overlay districts defined and established in Article II shall be subject to specific regulations pertaining to special characteristics as follows.

Section 71.0 Flood Hazard Overlay District

A Flood Hazard Overlay District may overlay, or include, properties located in one or more use districts. Regulations to govern activities within such districts, as outlined herein, shall be applied in addition to other regulations required in the underlying use districts. The more restrictive of such regulations shall apply.

Section 71.1 Designation of Districts. This district has been devised and designated in response to flood hazard information as provided by the Federal Emergency Management Agency and its Flood Insurance Rate Maps for Wetumpka and adjacent Elmore County, which information has been accounted for in the development of this ordinance and map. Before the City Council shall amend the boundaries of a Flood Hazard Overlay District, the Planning Board shall first submit a report to the City Council outlining the boundaries of such district and the source and nature of such new information.

Section 71.2 Development in Designated Floodways. No structure or other development that could constitute an obstruction to the discharge of the base flood waters of the Coosa River shall be permitted in the floodway unless, following appropriate engineering studies, the Planning Board shall find that:

- a. The proposed structure is in the public interest and will not significantly increase the water surface elevation during discharge of the base flood; and
- b. The proposed structure is not habitable, is designed to avoid damage due to flooding and is designed to avoid interruption of utility service due to flooding.

Section 71.3 Development In Special Flood Hazard Areas. All uses permitted in the underlying use district shall be permitted, subject to a finding by the Planning Board that the proposed use shall not be inconsistent with the principles of reasonable flood plain management, and provided that:

- a. No structure or land shall hereafter be located, extended, converted or structurally altered in a Flood Hazard District without full compliance of this Zoning Ordinance, the City of Wetumpka Flood Damage Prevention Ordinance and other applicable regulations. In the event that this Zoning Ordinance and the Flood Damage

Prevention Ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- b. All development which occurs or is planned to occur in a Flood Hazard District must comply with all specifications, regulations and restrictions as detailed in the City of Wetumpka Flood Damage Prevention Ordinance, as adopted in 1987, and as hereafter amended.

Section 72.0 Planned Unit Development (PUD) Overlay District

A Planned Unit Development Overlay District may overlay, or include, properties located in one or more use districts. The Planning Board shall, in accord with this ordinance, apply additional regulations, in the form of design and development review guidelines, to govern development of land within such districts, and those guidelines shall be applied in lieu of or in addition to, as the case may be, other regulations required in the underlying use districts. The Planning Board may, from time to time and subsequent to a public hearing, add to those guidelines in a manner not inappropriate to the purposes of this district.

Section 72.1 Designation of Districts. A Planned Unit Development Overlay District may be established for any tract with a minimum site area of five acres whose development could be undertaken as an integral unit under single ownership or control. Before the City Council shall designate or amend the boundaries of any Planned Unit Development Overlay District(s), the Planning Board shall first submit a report to the City Council, which shall include the conceptual site plan required by Section 72.2 and shall, in addition, outline the boundaries of the proposed overlay district and indicate the Board's specific intent for development within the overlay district and how implementation of the city's Comprehensive Plan would be furthered by such development.

Section 72.2 Application Requirements. A conceptual site plan shall accompany each application for rezoning to the PUD Overlay District. The site plan shall be drawn to scale and dimensioned, and prepared by a professional engineer, land surveyor, architect, or landscape architect licensed to practice in the State of Alabama. The site plan shall show, in schematic detail, the concept for use and development of the entire PUD overlay district, including the location of the proposed uses and major buildings, the proposed residential density, housing types, dimensional standards for all lots, layout of roads, location of all entrances, and layout and configuration of all common open spaces. The site plan shall be accompanied by a brief narrative text describing the general design and architectural policies for the PUD, the treatment of environmentally sensitive lands, and the proposed time frame for phased development.

Section 72.3 Permitted Uses and Development. Development of the PUD shall be in substantial accord with the approved conceptual site plan required in Section 72.2, and with all other site plan and subdivision approval procedures as required by this ordinance and the Subdivision Regulations. There shall be permitted a mix of uses within a single development and within lots as shown on the Final Subdivision Plat as required by the Subdivision Regulations. Such mix shall reflect and appropriately account for the relative land areas and development densities called for in the underlying use districts, but may relocate, within the spirit of this ordinance and the city's Comprehensive Plan, such uses within the planned unit

development. The purpose of this limitation is to ensure that this overlay district is not used, intentionally or unintentionally, to create higher density development than called for by the underlying use districts.

ARTICLE VIII. EXCEPTIONS AND MODIFICATIONS

Section 80.0 Front Yard Setback Modifications

Where a new structure is to be built between two existing structures with front yards greater or less in depth than required, the owner should use the setbacks of adjacent buildings as a guide, and the Board of Adjustment shall account for same in its review of variance requests. No new building shall be erected closer to the street than the average front yards so established by existing buildings.

Section 81.0 Signs

All types and makes of signs that are located within the city limits of Wetumpka shall have the following general provisions and regulations to apply as set out and described herein. No sign, except for non-illuminated, temporary real estate, construction, and political signs not exceeding 32 square feet in area, shall be placed or erected without a permit from the Building Inspector.

The following requirements shall apply to all signs:

- a. All signs shall be located at least five (5) feet behind the public right-of-way line unless otherwise provided for in this section.
- b. No sign shall exceed 45 feet in height above grade. No sign shall exceed 672 square feet in area size, one side per facing.
- c. No sign shall be attached to, or painted on, any utility fixture, or on any tree, rock, or other natural object.
- d. No sign shall be located so as to prevent or hinder free access to, or egress from, any door, window, or fire escape.
- e. All construction and operation of signs shall be in accordance with the building, electrical, and other applicable codes.
- f. Should any sign be or become unsafe or unsightly, the person responsible for maintaining the sign shall, upon notice from the building official, put the sign in a safe, secure condition or remove it within 90 days.
- g. No part of any sign shall be located within 25 feet of the intersection of any two streets or within 25 feet of the intersection of any street and/or railroad.

- h. No sign shall be located within ten feet of the intersection of any street and driveway.
- I. Face signs shall be flush with the face or side of the building and extend not more than 12 inches beyond said face or side of the building.
- j. Projecting signs will be allowed for business identification purposes and may be mounted on the front of the building facing the main thoroughfare. Projecting signs may not exceed 20 square feet and may not project further than five feet from the building face towards the street or sidewalk. The minimum heights for projecting signs will be nine feet above sidewalk or road level, whichever is greater.
- k. No sign shall be illuminated by or contain flashing, intermittent, moving, or rotating light or lights without the consent of the Board of Adjustment, which body shall make certain that light intensity, color, and movement will not likely be so distracting to motor vehicle operators as to constitute a traffic hazard. This subsection does not apply to time and temperature signs and similar signs displaying information.
- l. With the approval of the Building Inspector, directional signs may be located closer than five feet to the right-of-way line, but not on the public right-of-way, provided such signs are no higher than 2-1/2 feet above the grade of the adjacent street.
- m. Temporary real estate and political signs may be placed closer than five feet to the right-of-way line, but not on the public right-of-way; provided, that such signs are not higher than 2-1/2 feet above the grade of the adjacent street.

Section 81.1 Billboards. For the purpose of this section, a "billboard" shall be defined as any sign, structure, or device which advertises or contains information about a business, product, or service not located on or offered on the premises on which the sign is located. In addition to any regulations applying to all signs in general, the following regulations shall apply to billboards:

- a. No billboard within the City of Wetumpka, Alabama, shall be located closer than 500 feet to any other billboard on the same side of the street; and, on U.S. Highway 231 and State Highways 14, 111, and 9, no billboard shall be located closer than 500 feet to another billboard on the same side of the highway.
- b. No billboard shall exceed 672 square feet in area per facing, excluding base and trim.
- c. No billboard shall be located closer than 100 feet to any residential district or any property used for residential purposes.
- d. The lowest portion of any billboard must be at least 30 feet above grade.

- e. No billboard shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights, or animated, without consent of the Board of Adjustment (or Planning Board), which body shall make certain that light intensity, color, and movement will not likely be so distracting to motor vehicle operators as to constitute a traffic hazard.
- f. All billboards shall be of all metal, either steel beams or steel single-pole, construction, except for the sign face and trim, which may be of other durable materials.
- g. Subject to the provisions of this section, billboards shall be permitted in Districts B-1, B-2, B-3, M-1 and M-2. Billboards shall not be permitted in any other districts.

Section 81.2 Portable Signs. For the purpose of this section, a "portable sign" shall be defined as any sign, whether on wheels, its own trailer, or otherwise, which is designed or constructed in such a manner as to be easily transported from one place to another. In addition to any regulations applying to signs in general, the following regulations shall apply to portable signs.

- a. Portable signs must comply with the same setback and distance requirements as all other signs.
- b. No portable sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights.
- c. One portable sign per premise will be allowed and shall be used only for on-premise advertising and shall not be used as billboards.
- d. Subject to the provisions of this section, portable signs shall be permitted uses only in Districts B-1, B-2, B-3, M-1 and M-2.

Section 81.3 Nonconforming Signs. Notwithstanding any other provisions of this Ordinance, legally nonconforming signs existing on the date of adoption of this Ordinance may be continued, subject to the following requirements, except for portable signs, which shall immediately comply with the provisions of this ordinance.

- a. Existing signs which became legally nonconforming as a result of the passage of this section shall be allowed to be rebuilt on the same premise as long as they conform to the structural provisions of this ordinance.
- b. Any legally conforming or nonconforming signs which cease to be used for a period of more than six consecutive months shall be removed or made to comply with the provisions of this ordinance.

Section 81.4 Abandoned Signs. Any sign that is located on property which becomes vacant and is unoccupied for a time period of six months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of nine months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises.

Section 81.5 Removal of Signs. The Wetumpka Building Inspector shall cause to be removed any sign that endangers the public safety, such as: abandoned; dangerous; or materially, electrically or structurally defective sign; or a sign for which no permit has been issued. The Building Inspector shall prepare a notice which shall describe in detail the nature of the violation or violations involved and which shall state that, if the sign is not removed or the violation is not corrected within 30 days, this sign shall be removed in accordance with the provisions of this Ordinance. However, the following shall apply to signs placed in public rights-of-way: any sign installed or placed on a public right-of-way, except in conformance with the requirements of this Ordinance, shall be forfeited to the public and subject to confiscation. In addition to other remedies provided under this Article, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal.

Section 81.6 Commercial and Business Signs. All signs to be viewed in a B-1 General Business district shall conform to the following requirements:

- a. All signs shall be placed flat against the main building, or parallel to the building on a canopy; and, may face only public street or parking areas which are part of the development.
- b. The sign height may not exceed 20 percent of the building height, and the total area of all signs shall not exceed 20 percent of the area of the nearest building face with which they are parallel.
- c. Signs may be illuminated, but not flashing.
- d. One additional sign may be placed freestanding or attached to the building but not extending over a public right-of-way, near one entrance of each street upon which the lot or parcel fronts. Such a sign shall convey only the identification of the permitted use, shall be located so that view of traffic within or without the development is not obstructed for pedestrians or motorists, and may not exceed 100 square feet in area.
- e. Signs purely for traffic regulation and direction within the development may be utilized as required.

All signs to be viewed in a B-2 Local Business District shall conform to the following requirements. Any sign or signs may be displayed if they pertain exclusively to the business carried on within the building, and if no part of any sign projects into a public right-of-way in excess of six inches except as herein provided.

- a. A sign shall be placed flat against the main building, or parallel to the building on a permitted canopy, and shall face only public streets or parking areas which are part of the development, and shall not project above the cornice or roof lines.
- b. The sign height may not exceed 20 percent of the building height, and the total area of all signs shall not exceed 20 percent of the area of the nearest building face with which they are parallel.
- c. A sign may be illuminated, but if intended to have moving illumination, such illumination must be approved in advance by the Board of Adjustment (or Planning Board), which body shall make certain that light intensity, color, and movement will not likely be so distracting to motor vehicle operators as to constitute a traffic hazard.

All signs to be viewed in a B-3 Central Business District shall conform to the following requirements. Any sign or signs may be displayed if they pertain exclusively to the business carried on within the building, and if no part of any sign projects into a public right-of-way in excess of six inches except as herein provided:

- a. A sign shall be placed flat against the main building, or parallel to the building on a permitted canopy, and shall face only public streets or parking areas which are part of the development, and shall not project above the cornice or roof lines.
- b. The sign height may not exceed 20 percent of the building height, and the total area of all signs shall not exceed 20 percent of the area of the nearest building face with which they are parallel.
- c. A sign may be illuminated, but if intended to have moving illumination, such illumination must be approved in advance by the Board of Adjustment (or Planning Board), which body shall make certain that light intensity, color, and movement will not likely be so distracting to motor vehicle operators as to constitute a traffic hazard.
- d. Outdoor advertising signs or structures permitted on appeal in this district shall be subject to such conditions or regulations as the Board of Adjustment may require in order to preserve and protect the character of the district in which such use is proposed.

Section 81.7 Industrial Signs. All signs to be viewed from without any building in a M-1 Light Industrial District shall conform to the following requirements. Any sign or signs permitted in and regulated by the requirements of this ordinance for a B-1 General Business District, are permitted in a M-1 District, with the following additional allowance. One

additional sign may be placed freestanding near one entrance on each street upon which the lot or parcel fronts. Such a sign shall convey only identification of the permitted use; shall be located so that view of traffic within or without the development is not obstructed for pedestrians or motorists, and may not exceed 100 square feet into any public right-of-way or easement.

All signs to be viewed from without any building in a M-2 Heavy Industrial District shall conform to the following requirements. Any sign or signs permitted in and regulated by the requirements of this ordinance for a B-1 General Business District or M-1 Light Industrial District, are permitted in a M-2 District.

Section 81.8 Residential Signs. Only subdivision signs and temporary real estate signs shall be allowed in any residential district. Business signs, even for a home occupation, or political signs are not allowed in a residential district. All signs to be located in a residential zoning district must be approved in advance by the Board of Adjustment (or Planning Board). All signs to be located in a residential district (R-1, R-2, R-2.6, R-3, R-4 or R-5) shall conform to the following requirements.

- a. All entrance signs shall be constructed of lasting and durable material and shall provide neighborhood identification. Plywood entrance signs are not permissible.
- b. A sign may be illuminated, but not flashing.

Section 82.0 Height Limitations

Height limitations, as stated in Section 61.0 of this ordinance, shall apply to satellite dish antennas in residential districts, but shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers and water tanks.

Section 83.0 Moved Structures

Any building or structure which is to be moved to any location within the city limits of Wetumpka whether from within or without the corporate city limits, shall be considered for the purpose of this ordinance to be a new building under construction, and as such shall conform to all applicable provisions of this ordinance.

Such building or structure shall not be permitted in an R-1, R-2 or R-2.6 zoning district except on special exception from the Board of Adjustment.

In conforming to the building code requirements, all electrical wiring and plumbing shall be installed after building is placed on the lot. One exception is modular homes that carry all certifications of inspection.

A certificate of occupancy must be obtained within 120 days after the building or structure is placed on the lot. Failure to do so will subject owner to a penalty as defined in Section 99.0 of this ordinance.

Section 84.0 Mobile Home Parks

All mobile homes shall be located within an R-5 zoning district. Prior to development and/or location of a mobile home within the City of Wetumpka, a site plan meeting the requirements as set forth below is required to be submitted for approval of a mobile home location.

In order to provide for a clean, safe, and healthy living environment for residents living in mobile homes, this section applies to the development of mobile home parks. Plans meeting these minimum specifications will be approved by the Building Inspector in those zones permitting mobile home parks.

Section 84.1 Standards For Design. The following standards shall govern the design of mobile home parks.

- a. **Minimum site size.** Minimum site size shall be five (5) acres with a maximum density of seven (7) units per acre. In no case shall a mobile home cover more than 40 percent of the lot area. Minimum lot width shall be fifty (50) feet wide. Yard dimensions shall be as follows:

Front Setback: 20 feet from property line, roadway, drive or parking area

Side Yard: 10 feet minimum

Rear Yard: 10 feet minimum

When lots are designed for homes to be placed at 45-degree or 60-degree angles to the street, side yard and rear yard requirements may be reduced to five (5) feet, provided that there must be 30 feet of clear space between homes.

- b. **Recreational Vehicles.** Each park may devote a maximum of ten (10) spaces to transient recreational vehicles and shall license each space devoted to such use, whether rented or not. This provision does not prohibit the use of any space for temporary use for a recreational vehicle or mobile home.
- c. **Roadways.** Mobile homes shall be located upon a roadway having a right-of-way of not less than 30 feet. No mobile home shall have its own access into a public street. Dead-end streets shall have turnarounds and each mobile home lot shall have two (2) paved off-street parking spaces provided. The location of all driveways shall be shown on the required site plan.

Section 84.2 Installation and Maintenance. All mobile homes, whether in mobile home parks or on individual lots, whether on wheels or on piers or other type of foundation shall be skirted and maintained to the degree that is compatible with the existing residences and lots in the neighborhood.

All mobile homes shall be installed according to all requirements of the Standard Building Code, Appendix H, or same as may be amended. It shall be completely skirted within thirty (30) days from the date the mobile home is moved into the park with a weather resistant material. Skirting shall be adequately vented.

All units must be anchored and blocked to conform to standards found in the Uniform Code for the Anchoring of Mobile Homes Act (Code of Alabama, 1975, Section 24-5-30.)

Section 84.3 Utilities. Utilities shall be provided to each lot as follows:

- a. All mobile homes shall have the sanitary sewer drainage system extended to each mobile home lot and the connection from the mobile home into the sanitary sewage system shall be made under and/or within five feet of the mobile home with an airtight seal.
- b. Each mobile home shall be provided with an individual branch service line delivering safe, pure, potable water. The minimum size branch service to each mobile home shall be three-quarter inch and cutoff shall be installed on each branch, along with a backflow prevention device approved by a nationally recognized testing agency. All connections shall be made under and/or within five feet of the mobile home.
- c. In mobile home parks where gas distribution systems are installed, the installation shall conform with the requirements set forth by the Alabama Public Service Commission and/or the Alabama Liquefied Petroleum (LP) Gas Board.
- d. Each mobile home lot shall be provided with an individual electrical service of adequate size to serve the mobile home placed on it. Each service shall be mounted on a treated pole or metal pedestal and shall have a disconnecting means consisting of a circuit breaker or a switch and fuses housed in a panel approved for exterior use. The power supply wiring from the service to the mobile home shall be of a direct burial type, properly sized for service being connected and buried in the earth from the service to underneath the mobile home. If the supply cable is encased in metal or plastic pipe, the minimum depth buried and the cable used shall be as required by the current adopted addition of the National Electrical code.

Section 84.4 Identification. Mobile home lots shall be plainly staked off or marked. Each mobile home lot shall be permanently numbered with minimum two and one half (2.5) inch numbers and/or letters so they may be easily read from the street. The electrical service must also be permanently numbered for easy identification by meter readers.

Section 84.5 Submission of Plans. A site plan shall be submitted to the Building Inspector for review showing the following items:

- a. title, scale, north point, date, and name of site planner
- b. existing buildings and structures
- c. streets
- d. service and maintenance building, if applicable
- e. mobile home spaces, consecutively numbered or lettered
- f. driveways and parking spaces with dimensions
- g. recreational facilities, if applicable
- h. drainage
- I. proposed sanitary sewer system including size
- j. proposed water distribution system and fire hydrants
- k. proposed street lighting system and other lighting for benefit and safety of residents
- l. site acreage
- m. landscaping and buffer plans.

Section 84.6 Applicability to Existing Mobile Home Parks. The provisions of this section shall not apply to any mobile home park presently licensed on the date this Ordinance becomes effective, nor shall compliance be required as a result of change of park ownership or if any mobile home lot is vacated and then rented for another home. A mobile home park shall be considered to exist if a detailed development plan has been submitted to the Building Inspector and a permit has been issued and substantial progress is being made toward completion of the development. It shall be necessary however for any mobile home when placed on a lot after the adoption of this Ordinance to comply with a setback provision so that all mobile homes thereafter placed or situated shall be located a minimum of ten (10) feet from any exterior property line.

Section 85. Mobile Home Subdivisions

The intent of mobile home subdivisions is to provide areas for mobile home subdivision development, free from other uses which are incompatible with the character and intent of this district.

Section 85.1 Area and Dimensional Regulations. Except as may be provided for elsewhere in this Ordinance the following area and dimensional regulations shall be required:

Minimum Lot Area:	7,500 sf, or as required by Health Department
Maximum Lot Coverage:	45 Percent of total lot
Minimum Lot Width:	50 feet at building line
Minimum Yard Setbacks:	
Front:	25 feet*
Rear:	25 feet
Side:	10 feet

(* Undedicated Road: Fifty (50) feet from centerline.)

Corner Lots: Setback shall be the same on both streets or roads.

Section 85.2 Mobile Home Standards.

- a. The minimum mobile home floor area shall be five hundred (500) square feet.
- b. Each mobile home shall be provided with two (2) off-street parking spaces, with all streets and parking spaces in complete conformance with the City of Wetumpka Subdivision Regulations relative to street standards.
- c. All mobile homes shall be installed according to all applicable requirements of the Standard Building Code, Appendix H or same as may be amended. It shall be completely skirted within thirty (30) days from the date the home is moved on to a lot in the park with a weather resistant material. Skirting shall be adequately vented.

All units must be anchored and blocked to conform to standards found in the Uniform Code for the Anchoring of Mobile Homes Act (Code of Alabama, 1975, Section 24-5-30.)

- d. Only one mobile home shall be allowed per lot.

Section 85.3 Mobile Home Subdivision Process. All mobile home subdivisions shall be platted and recorded as required by the City of Wetumpka Subdivision Regulations and following all requirements and restrictions thereof.

Section 86.0 Communications Towers

The purpose of these guidelines is to establish minimum criteria for the review of communication towers. It is the City of Wetumpka's express intent that the construction of new towers shall be an option of last resort; and that, to the extent possible, location of antennas on existing towers, building rooftops, and other suitable structures shall be the first choice. These guidelines are designed to ensure the compatibility of towers with, and to avoid adverse impacts on, nearby properties and to discourage the proliferation of towers through the City.

Section 86.1 Definitions

Alternative tower structure. Clock towers, bell towers, church steeples, light/power poles, electric transmission towers, elevated water storage tanks, and similar structures to which antennas can be mounted and upon which such antennas can be concealed or camouflaged.

Antenna. An electromagnetic device which conducts radio signals through an attached cable or waveguide to or from a radio transmitter or receiver. Typically this includes "whips", "panel", and parabolic "dishes" and any exterior apparatus designed for telephone, radio, or television associated with such devices.

Antenna support structure. Any structure on which antennas and cabling can be attached. This typically includes steel towers with guy-wires (guy towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four legs (towers); rooftops of existing buildings; or any alternative tower structures.

Cellular site. A parcel of land or a building, leased or purchased, on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for storage and operations. In cases involving vacant land or low-lying existing structures, a support structure for transmitter/receiver antennas is usually required.

Communication tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. This term also includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Mini-cellular site. A parcel of land or a building, leased or purchased, on which is located one or more transmitter/receiver stations for wireless communication systems, such that towers and/or antennas do not exceed twenty (20) feet in height above the existing structure; and whips, panels and/or parabolic dishes do not exceed one hundred (100) square feet.

Section 86.2. Applicability. All communication towers are subject to these guidelines except the following:

- a. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Wetumpka or an incorporated board provided that a license or lease authorizing such antenna or tower has been approved by the City of Wetumpka.
- b. This Section shall not apply to any tower or antenna that is seventy (70) feet or less in height and is owned and operated by a federally licensed amateur radio station operator from that operator's residence, or used exclusively and incidentally to support a commercial business.

If an additional antenna is co-located on an existing tower after the date of the adoption of this Ordinance or any amendments thereto, security fencing and landscaping as specified in Section 86.4 shall be required.

Section 86.3. Objectives. The proposed location and design of all communication towers shall duly consider the following public health, safety, and general welfare objectives.

- a. The proposed tower shall comply with wind loading and other structural standards contained in applicable building and technical codes, including Section 1205 of the Standard Building Code and the Electronic Industries Association RS 222 Code.
- b. The proposed tower shall be designed to minimize any adverse visual impacts upon surrounding property and the public rights-of way, taking into account the topography of the proposed site and the surrounding area.
- c. The proposed tower shall be designed so as to be in harmony with the natural setting and the characteristics of the surrounding development pattern.
- d. The proposed tower shall fully comply with all Federal Communications Commission and other applicable agency standards so as not to interfere with existing communication services to and in the surrounding area.
- d. The proposed tower shall comply with all applicable federal, state, and county health standards so as not to cause any detrimental effects to the health of the persons living and working in the surrounding area.

Section 86.4. Development Criteria The following criteria are considered the minimum necessary to protect the public health, safety, and general welfare.

- a. Towers shall be set back from all property lines a distance equal to their height. Guy wires and accessory buildings and facilities shall meet the minimum setback requirements of the applicable zoning district. This requirement may be waived for towers located in any non-

residential area provided that a statement from an engineer registered in the State of Alabama is submitted certifying that in the event of structural failure the tower would fall within the boundaries of the site. In all cases, towers shall be set back from any public right-of-way a distance equal to their height.

- b. Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the Federal Aviation Administration.

Towers shall be designed in such a way that their visual impact on the surrounding area is minimized.

The design of the tower compound shall, to the extent possible, maximize the use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities into the surrounding natural setting and built environment. These criteria shall also apply to any towers and/or antennas that are mounted on roofs or on existing towers.

Where communication towers are deemed appropriate for a specific location in or within one thousand (1,000) feet of residential areas or areas of special aesthetic concern such as commercial revitalization areas, historic districts, and scenic corridors, the type of tower shall be restricted to monopoles.

No signs or other forms of advertising shall be permitted on a tower or antenna unless for safety/security purposes.

- c. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority for safety purposes. Any lighting that is proposed shall be subject to review to ensure that it causes the least disturbance to the surrounding area. Dual lighting, red at night and strobe during the day, shall be preferred unless restricted by the FAA. Security lighting may be permitted as discussed below.
- d. The site on which a tower and related facilities is located shall be surrounded by a landscaped buffer that effectively screens the view of the tower compound from the adjacent public right-of-way and any residential properties.

The standard buffer shall consist of a minimum eight (8) feet wide landscaped strip outside the chain link fence or other security fencing around the perimeter of the tower compound. The buffer strip shall be planted with a combination of trees, shrubs, vines and groundcovers that can achieve the full height of the fence at maturity and enhance the appearance of the fence. For sites in or within 1,000 feet of a residence, additional buffering and landscaping may be required, including a decay resistant solid wood fence, earthen berms, and brick or masonry walls in addition to the security fence. All fencing and landscaping shall be maintained by the owner or lessor.

In isolated non-residential areas, alternative landscaping methods may be approved, such as the use of earth-toned colored chain link or equivalent security fencing in combination with four (4) feet of evergreen trees, shrubs, vines, or other plantings.

In other locations where the visual impact of the tower would be minimal, such as remote agricultural or rural areas or heavily developed industrial areas, the landscaping requirements may be reduced or waived.

Existing mature trees and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, preservation of substantial natural vegetation around the property perimeter may be a sufficient buffer.

Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from these buffering requirements.

- e. Towers and antennas may be mounted on the rooftop of any non-residential building. Such towers and antennas shall be set back from any residential zoning district a minimum distance equal to two (2) times the full height of such tower or antenna, but in no event less than one hundred (100) feet. The building on which such tower and or antenna is mounted shall be at least fifty (50) feet high, and the tower or antenna shall add no more than twenty (20) feet to the total height of the building. Antennas shall not be mounted to extend horizontally from the face of a building.

Accessory structures used in direct support of a tower or antenna shall be permitted. No accessory structure shall be used for office or vehicle storage purposes, and no outdoor storage shall be allowed. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of a tower or antenna unless such equipment is being used to make repairs and/or approved modifications to the tower.

Towers may be located on sites containing another principal use in the same buildable area. In determining compliance with this Ordinance, the dimensions of the entire lot or parcel shall control even though the tower may be located on leased portions within a lot or parcel.

The minimum distance between a tower and the principal use located on the same lot or parcel for a monopole or lattice tower shall be the greater of twenty (20) percent of the tower height or twenty-five (25) feet, and for a guy tower the greater of one hundred (100) percent of the tower height or twenty-five (25) feet.

Provided all siting, setback, separation, and general requirements of this Ordinance are met, towers may occupy a parcel meeting the minimum lot size for the zoning district in which they are located.

Joint use of a site is prohibited where a proposed or existing principal use includes the storage, distribution, or sale of volatile, flammable, explosive, or hazardous materials such as propane, gasoline, natural gas, or dangerous chemicals.

Towers or antennas constructed and installed in accordance with this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

- g. The site on which a tower or antenna is located shall be fully secured. A chain link fence with a minimum height of eight (8) feet shall be installed around the perimeter of the compound. Security fencing shall require screening in accordance with Section 86.4. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted if deemed necessary to fully secure the tower compound.
- h. Driveways and parking areas shall be provided to assure that the operator has access to the tower or antenna for maintenance or emergency service. Where a site abuts or has access to a collector and a local street, access for vehicles shall be from the collector street.

Equipment at a transmission facility shall be automated to the greatest possible extent to reduce traffic.

- I. No new tower shall be established if space is structurally, technically, and economically available on an existing tower which would serve the area that the new tower is intended to serve. Documentation that reasonable efforts have been made to achieve co-location shall be submitted as part of the application as described in Section 85-5.

New towers shall be designed to maximize the possibilities of shared use within the structural and technical limitations of such towers. Co-location is to be strongly encouraged; and, if feasible, each tower shall at a minimum be designed to accommodate at least two users.

- j. Any tower that is no longer being used for its original communications purposes shall be removed at the owner's expense. The owner shall provide the City of Wetumpka with a copy of the notice to the FCC of the intent to cease operations, and shall be given ninety (90) days from the date of ceasing operations to remove the tower and accessory structures. In cases of multiple operators sharing the same tower this provision shall not become effective until all users have ceased operation.

In the event that an abandoned or unused tower and related facilities are not removed within twelve (12) months of the cessation of operation, such towers and accessory structures may be removed by the City and the costs of removal charged against the property.

Section 86.5. Application. Any application submitted requesting approval of an antenna or tower shall, in addition to any other items required by the Ordinance, include the following items to show compliance with this Section.

- a. A proposal for a new tower shall include documentation showing that the planned equipment cannot be accommodated on an existing tower or other alternative existing structure within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists. The affidavit shall include evidence from an engineer licensed in the State of Alabama or qualified industry expert supporting such claim, including one or more of the following:

No existing tower or alternative structures are located within the proposed service area that meet the applicant's engineering requirements.

Existing towers or alternative structures are not of sufficient height or strength to meet the applicant's engineering requirements.

The applicant's proposed antenna would cause electromagnetic interference if located on existing towers or alternative structures.

The cost or contractual requirements involved in co-locating on an existing tower or alternative structure are unreasonable.

There are other limiting factors that render existing towers or alternative structures unsuitable for the applicant's facility.

- b. An engineer registered in the State of Alabama shall certify that the proposed tower has been designed to accommodate a minimum of two shared users in accordance with this Section.
- c. An engineer registered in the State of Alabama shall certify that the completed tower and accessory structures have been built in accordance with the submitted and approved site plan, including all buffering and landscaping provisions.

ARTICLE IX. ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 90.0 Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City of Wetumpka. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

Section 91.0 Permit Required

It shall be unlawful to commence excavation for any purpose in all but the Rural and Holding District, or 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, or alteration (except repairs, painting or wall papering and work not changing the character of the structure) of any structure, including accessory structures, signs and advertising structures, until the Building Inspector has issued for any and all such work a building permit stating that plans have been reviewed for compliance with this ordinance. Application for any and all permits required under this ordinance shall be made to the Building Inspector on forms provided for that purpose and supplemented with appropriate plans, diagrams and specifications to demonstrate proposed compliance with the ordinance. The City Council may from time to time set fees it finds appropriate to various types of permits.

Section 92.0 Plans

It shall be unlawful for the Building Inspector to approve any plans or issue any building permit for excavation or construction until he or she has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in detail sufficient to enable the Building Inspector to ascertain whether or not the proposed development is in conformance with the provisions of this ordinance:

- a. The actual shape, proportion, and dimensions of the lot to be built upon.
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot, both above and below grade.
- c. The existing and intended use of all buildings or other structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this ordinance.

- e. Every applicant for the use of land and by virtue of the provisions of this Ordinance, shall include therewith a plan showing the location of necessary fire hydrants with adequate water flow. In addition thereto, the applicant shall submit to the City a written agreement between the applicant and the applicable water authority specifying the applicant shall assume the responsibility of purchasing and having installed such fire hydrants as required by the Wetumpka Fire Department. The applicant shall provide the Building Inspector with copies of all deed restrictions and/or covenants which pertain to the subject property.

Section 93.0 Site Plan Review

New construction and substantial site development expansion of all planned residential developments (excluding existing single family residential), multiplexes, townhomes, garden homes, manufactured (mobile home) parks, manufactured (mobile home) subdivisions, institutional uses, commercial uses, and industrial uses shall require the submission and approval of a site plan prepared by a professional engineer licensed in the State of Alabama, with the minimum information described below. Six (6) sets of plans shall be submitted for approval.

- a. Cover Sheet with:
 - 1. Name and location of the development; name, address and signature of the owner; and, name, address, and seal of the engineer and/or architect;
 - 2. Vicinity map;
 - 3. Zoning and existing and proposed land use of the site; and
 - 4. Date, scale, north arrow, and number of streets.
- b. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, circulation, screening, buffer yards, and landscaping.
- c. Drainage, paving, grading and excavation, erosion and sedimentation control plan, storm water detention, floodplain management controls.
- d. Public and private utilities, including sewage disposal system and water system.
- e. Fire lanes and hydrants.

Section 93.1 Site Plan Review and Approval. The Building Inspector shall review the site plans for general completeness and compliance with this Ordinance and shall forward copies of the plans to the City Engineer, Fire Chief, Street Superintendent, Water Board, and Police Chief for their review and comment. The Building Inspector shall provide the applicant with a decision for approval or disapproval within two weeks of submittal. The reasons for

disapproval, along with all review comments, shall be stated in writing to the applicant. A reproducible set of the final approved site plan shall be submitted by the applicant and retained on file by the Building Inspector. All subsequent building permits and subdivision plats submitted by the applicant shall be in substantial accord with the final site plan. An approved site plan shall become null and void if significant development does not commence within twelve (12) months of approval.

Section 94.0 Conditional Use Procedures

Conditional uses are those that have some special effect which differs from the potential impacts of permitted uses or exceeds them in intensity, or have a uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, conditional uses must be reviewed in terms of existing zoning and land use in the vicinity of the proposed use: whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intent of this Zoning Ordinance, and another development policies and/or regulations of the City of Wetumpka; and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare and safety in general.

All conditional uses where listed in the Chart of Permitted Uses in Section 62.0 shall require the submission of an application to the Planning Board. Such application shall be filed with the Building Inspector by the property owner or the authorized agent of the property owner at least thirty (30) days prior to the date on which the application is scheduled to be heard by the Planning Board, and shall include a site plan in accordance with Section 93.0 of this Ordinance. At least fifteen (15) days prior to the scheduled hearing before the Planning Board the Building Inspector shall give written notice to all adjoining property owners. Such notice shall be deemed given when deposited in the United States Post Office as first class certified mail addressed to adjoining property owners. Such addresses shall be obtained by the applicant from the most recent records of the Elmore County Tax Assessor and submitted as part of the application.

The Planning Board shall review the proposed conditional use for compliance with this Ordinance and other applicable codes and ordinances, and for compatibility with the purposes of the zoning district within which it is proposed to be located. In particular the Planning Board shall determine that satisfactory provisions have been made concerning the following:

- a. Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- b. The location and accessibility of off-street parking and loading areas.
- c. The location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties.

- d. The screening and buffering of potentially adverse views and activities from surrounding properties.
- e. Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties.
- f. The availability, location, and capacity of utilities.
- g. The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties.
- h. The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

The Planning Board may impose such conditions for approval as it deems necessary in the particular case to protect the public interest and further the purposes of this Ordinance, in relation both to the items listed above and to any other factor it deems relevant. Such approval and conditions shall be granted to the property, structure, and/or use for which conditional use is approved and not to a particular person. Violations of conditions attached to any conditional use shall be deemed to be violations of this Ordinance.

Within thirty-five (35) days of the public hearing on the conditional use application, unless an extension of time is agreed to by the applicant, the Planning Board shall render to the City Council its recommendation either to approve the application for a conditional use, approve it with conditions, or deny it. The failure of the Planning Board to act within this time period shall constitute a recommendation that the application be approved.

Section 95.0 Statutory Review

The Planning Board shall review the character, location and extent of any public street, square, park or other public way, ground, open space or building or structure, or any major utility project, whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama, 1975, as amended. The purpose of such review shall be to determine whether or not such projects are consistent with the goals and policies of the City's Comprehensive Plan. The Planning Board's findings and recommendations shall be transmitted to the City Council. Failure of the Planning Board to act on an official submission within sixty (60) days from the date of such submission shall be deemed to be approval of the project.

Section 96.0 Certificate of Occupancy Required

A Certificate of Occupancy shall be secured by the owner or owner's agent prior to use or occupancy of any building or structure, whose construction or substantial rehabilitation is undertaken following adoption of this ordinance. Within three (3) days after the owner or owner's agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, the

Building Inspector shall make a final inspection thereof, and issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, state such refusal in writing with the cause. Appeals from the decision of the Building Inspector shall be heard by the Board of Adjustment. One copy of the signed statement by the owner or his or her agent regarding the intended use of the premises, and a signed refusal (if any) shall be kept on file with the records of the Building Inspector.

Section 97.0 Expiration of Building Permit

Any permit under which no construction work has been done above the foundation wall or other foundation support within twelve (12) months from the date of issuance shall expire by limitation, but shall upon reapplication, be renewable, subject, however, to the provisions of any ordinances in force at the time of said application for renewal. In no event shall any permit be renewed more than one time.

Section 98.0 Unlawful Structure

Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this ordinance are hereby declared to be a nuisance per se. The Building Inspector is hereby authorized to apply to a court of competent jurisdiction to abate the nuisance created by such unlawful use of a structure, land or building. Whenever the Building Inspector has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification from the Building Inspector to vacate such premises, accomplish such vacation of said structure or premises until such structure or premises has been adapted to conform to the provisions of this Ordinance. The service of notification shall be as follows:

- a. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- b. By depositing the notice in the United States as first class certified mail; or
- c. By posting and keeping posted for seventy-two (72) hours, a copy of the notice in a conspicuous place on the premises to be repaired.

Section 99.0 Penalties and Remedies

Section 99.1 Penalties. Any person, firm, corporation, or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) plus court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the

provisions of this Ordinance.

Section 99.2 Remedies. In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the City or any other appropriate authority or any adjacent or neighboring property owner within five hundred (500) feet who would be damaged or caused hardship by such violation, in addition to other remedies, may seek an injunction or writ of mandamus or take other appropriate action or proceedings to stay or prevent occupancy of such building, structure or land.

ARTICLE X. BOARD OF ADJUSTMENT

Section 100.0 Establishment and Membership

The Board of Adjustment heretofor established is hereby continued, and its members shall be appointed and vacancies filled in accordance with Sections 11-52-80 and 11-52-81 of the Code of Alabama, 1975, as amended. Each member may be removed for cause by the City Council upon the filing of written charges and after a public hearing. All members of the Board shall be citizens and residents of the City of Wetumpka.

Section 101.0 Meetings, Procedures and Records

Meetings of the Board shall be held at the call of the chairman, or any three members, at such times and places as the board may determine. The chairman, or in the absence of the chairman the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

No member of the Board shall vote upon any matter in which he or she, a spouse or a dependent, has a direct interest; and no member of the Board shall vote upon any matter involving a business with which he or she, a spouse or a dependent, has any interest or ownership.

Section 102.0 Powers and Duties

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

Section 102.1 Interpretation of Boundaries. To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Section 23.0.

Section 102.2 Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector of this ordinance.

Section 102.3 Variances. To authorize upon appeal in specific cases a variance from the terms of this ordinance such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done.

Section 102.4 Special Exceptions. To hear and decide special exceptions upon which the Board is required to pass for uses as shown in the Chart of Uses Allowed in Section 62 of this Ordinance.

Section 103.0 Administrative Appeals

Appeals to the Board of Adjustment may be taken to the Board of Adjustment by any person aggrieved or affected by any provision of the Ordinance or by any decision of the Building Inspector relating to the provisions of this Ordinance. Any such appeal shall be filed with the Building Inspector within fifteen (15) days of the date of the action being appealed. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of the appeal has been filed, that by reason of facts cited in such certification a stay would, in the Building Inspector's opinion, cause imminent peril to life or 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.

All appeals shall be filed in writing on forms prescribed by the Board and made available by the Building Inspector.

The Board shall select a reasonable time and place for hearing the appeal. At least fifteen (15) days prior to the scheduled Board hearing the Building Inspector shall give written notice of the appeal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepaid, addressed to such property owners at their addresses submitted with the appeal. The notice shall state the name of the appellant, the location of the property, the decision of the Building Inspector which is being appealed, and the time, date, and location of the Board hearing.

The Board may affirm, reverse wholly or in part, or modify the Building Inspector's decision, order, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Building Inspector.

Section 104.0 Variances

Any property owner may file an application for a variance from the requirements of this Ordinance where it is claimed that, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property existing at the time of the adoption of this Ordinance, the strict application and literal enforcement of the provisions of this Ordinance would result in peculiar, exceptional, undue, and unnecessary hardship upon such owner.

It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of this Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

An application for a variance shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector. At least fifteen (15) days prior to the scheduled hearing of the Board, the Building Inspector shall give written notice of the application to all adjacent property owners. Such notice shall be deemed to be given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the nature of the variance requested and the applicable sections of this Ordinance, and the time, date, and location of the hearing.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the variance, if granted, will conform to all the requirements and standards listed below:

- a. The granting of the variance will not permit the establishment of a use which is not permitted in the district in which the property is located.
- b. There must be proof of unique and special circumstances and conditions, fully described in the application, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of such land or buildings.
- c. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship claimed cannot be self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions. It must result from the application of this Ordinance. It must be suffered directly by the property in question, and evidence of other variances granted under similar circumstances shall not be considered.
- d. The granting of the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- e. The granting of the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same zoning district.

- f. The granting of the variance is necessary for the reasonable use of the land or building and the variance as requested is the minimum variance that will accomplish this purpose.
- g. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which the property is located, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Board may prescribe any safeguards or conditions which it deems necessary to secure substantially the objectives of the regulations or provisions of this Ordinance to which the variance applies.

Section 105.0 Special Exceptions

All uses permitted by special exception as listed in the Chart of Permitted Uses in Section 62.0 of this Ordinance shall require the submission of an application to the Board of Adjustment. Such application shall be filed with the Building Inspector at least thirty (30) days before the scheduled hearing date before the Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector.

At least fifteen (15) days prior to the scheduled hearing of the Board of Adjustment, the Building Inspector shall give written notice of the proposed special exception to all adjacent property owners. Such notice shall be deemed given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the application. Such notice shall state the name of the applicant, the location of the property, the proposed use, and the time, date and location of the Board's hearing.

The Board of Adjustment shall review the application for compliance with this Ordinance and all other applicable codes and ordinances of the City of Wetumpka. In particular the Board shall determine that satisfactory provisions have been made concerning the following, among other considerations of this Ordinance:

- a. Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- b. Off-street parking and loading areas.
- c. Refuse and storage areas, with reference to availability, location, and potentially adverse effects upon adjoining property.
- d. Screening and buffering of potentially adverse views and activities from surrounding properties.
- e. Control of noise, glare, odor, excess drainage, and other potentially disturbing effects upon surrounding properties.

- f. Utilities, with reference to location, availability, capacity, and potentially adverse effects upon surrounding properties.
- g. Signs and lighting, with reference to glare, traffic safety, and visual harmony with surrounding properties.
- h. Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.

The Board may impose such conditions for approval which it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

Section 106.0 Rehearings

All decisions rendered by the Board shall be final and binding upon all parties. No appeal of an administrative decision, or application for a variance or a special exception shall be reheard, and no further application shall be excepted, once a decision has been rendered except under one or more of the following conditions:

- a. New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- b. The decision resulted from an error in procedures required by this Ordinance or State law made by the Board, the Building Inspector, or any other City officials.
- c. The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

If the Board finds that one or more of the qualifying conditions exists, the applicant shall be permitted to submit a new application. This new application shall be heard at a subsequent Board meeting, and

shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

Section 107.0 Appeals From Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal therefrom to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo*.

ARTICLE XI. AMENDING THE ORDINANCE

Section 110.0 Petition For Change

A proposed change of district boundaries or regulations of this Ordinance may be initiated by the City Council, the Planning Board or by petition of property owners or agent of such owners of property within the area proposed to be changed, subject to this Ordinance.

Section 111.0 Action On Petition

Any proposed amendment, modification or repeal shall first be submitted to the Planning Board for its recommendation and report. The Planning Board shall have sixty (60) days within which to submit its recommendations to the City Council. If the Planning Board fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment and the City Council shall proceed to hold a public hearing pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended. Any party or parties wishing to speak for or against an amendment shall appear and speak at the public hearing.

Section 112.0 Fees

A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance shall be established by separate resolution or ordinance. Such fees shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, and shall be adopted and revised as necessary by the City Council.

Section 113.0 Limit On Initiation For Ordinance Amendment

No action shall be initiated for an amendment to this ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the City Council.

ARTICLE XII. LEGAL STATUS PROVISIONS

Section 120.0 Interpretation and Purpose

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances is mandatory. This Ordinance shall not lower the restriction of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

Section 121.0 Saving Clause

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

Section 122.0 Effective Date

This Ordinance shall take effect and be in force from and after the date of adoption and publication.

ADOPTED, following a public hearing and recommendation from the Wetumpka Planning Board.


ADOPTED AND APPROVED on this the 16th Day of August, 1999.

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Mayor

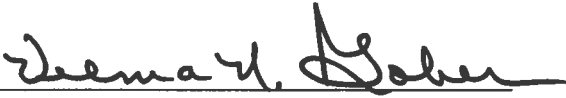
ATTEST:



City Clerk

CERTIFICATE AS TO PASSAGE

I, the undersigned City Clerk of the City of Wetumpka, Alabama, do hereby certify that the above and foregoing Ordinance and map was duly approved and adopted by the Council of the City of Wetumpka, Alabama on the 16th day of August, 1999.

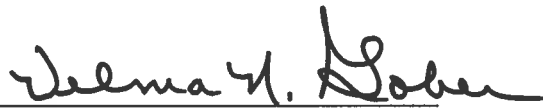


Velma N. Gober, City Clerk

CERTIFICATE AS TO PUBLISHING

I, the undersigned City Clerk of the City of Wetumpka, Alabama, do hereby certify that the above and foregoing Ordinance and map has been published in the Wetumpka Herald, Wetumpka, Alabama, as required by law.

Published Date: September 2, 1999



Velma N. Gober, City Clerk

APPROVED:



Jo Glenn, Mayor