

Notice is hereby given that on the 27th day of April, 2015, the City Council of the City of Elba, Alabama, will consider for passage and adoption at its regular meeting in the Council Chamber in the City Hall of said City the following ordinance at which time all persons who desire shall have an opportunity of being heard in opposition to or in favor of said ordinance. A complete copy of the proposed ordinance, including the zoning map, is available for public inspection at Elba City Hall and on the City's web site at <http://www.elbaalabama.net>.

Ordinance No. 04272015

AN ORDINANCE TO AMEND THE TEXT AND MAP OF THE
ZONING ORDINANCE OF THE CITY OF ELBA, ALABAMA

BE IT ORDAINED by the City Council of the City of Elba, Alabama as follows:

Section 1. That the Official Zoning Map of the City of Elba, Alabama is hereby amended and replaced with a new Zoning Map to incorporate changes adopted within Ordinance No. 06092014C, including the addition of new Central Business District (B-3) and Neighborhood Office (O-1) zoning districts and deletion of the Floodway (FW-1) and Flood Fringe (FF-1) zoning districts. The new Zoning Map also incorporates the correction of multiple zoning inaccuracies.

Section 2. That Ordinance No. 06092014C, "Zoning Ordinance of the City of Elba, Alabama" is hereby amended to read as follows:

a) That in Section 2.2 "Definitions" is hereby amended to read as follows:

Accessory building: Any detached minor building in the rear of the main building consisting of masonry or frame walls and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main building and/or structure. An accessory building is one which:

- (A) Is not used as a residential dwelling;
- (B) Is subordinate to and serves the principal building and/or principal use;
- (C) Is subordinate in area, extent or purpose to the principal building and/or principal use served;
- (D) Contributes to the comfort, convenience or necessity of occupants of the principal building and/or principal use served; and
- (E) Is located on the same zoning lot as the principal building and/or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building and/or use served.

Accessory dwelling unit (ADU): A secondary residential dwelling on the same lot as the principal residential dwelling. An ADU is an accessory use to the principal residential dwelling and may include accessory apartments, garage apartments, and guest houses. An ADU shall not be rented or used as income-producing property. Recreational vehicles are not considered as an ADU.

Accessory use: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Administrative official: A person designated by the city council to administer and enforce this ordinance. The administrative official may appoint a representative as appropriate.

Adult day care: The provision of care for adult persons, who are not related to the primary caregiver, for less than 24 hours per day.

Agricultural activity: The production, storage, harvesting, processing, boarding, or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and products; poultry and poultry products; the keeping, raising, and breeding of livestock; bees and apiary products; trees and forest products; fruits and vegetables; plants and flowers; or lands that are devoted to soil conservation or forestry management. This does not include any food processing.

Aircraft landing field: A private loading and unloading facilities from aircraft and helicopters. Included are runways, hangers, refueling and repair facilities, parking, and all other facilities needed to operate aircraft. This use is not intended to be open to the public.

Airport/heliport: A passenger and freight loading and unloading facilities from aircraft and helicopters. Included are runways, hangers, refueling and repair facilities, parking, and all other facilities needed to operate aircraft. Ticket purchasing, restaurants, and retail stores are permitted as accessory uses.

Alley: A public right-of-way, generally less in size than a street, designed to provide a secondary access to the side or rear of properties.

Alteration; altered: The word "alteration" shall include any of the following:

- (A) Any addition to the height or depth of a building or structure;
- (B) Any change in the location of any of the exterior walls of a building or structure;
- (C) Any increase in the interior accommodations of a building and/or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of 50 percent of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

Animal hospital: A place where animals are given medical or surgical treatment, and where animals may be boarded during their treatment and convalescence (also see definition of "veterinary clinic").

Animal shelter: Non-profit or public organization providing shelter for small domestic animals.

Apartment: A dwelling unit contained in a multi-family structure or complex with at least three (3) families living in separate dwelling units.

Assisted living facility: A residential facility for elderly or other persons needing light medical supervision, within which are provided living and sleeping quarters, meal preparation, and other nonmedical living assistance.

Automobile convenience station: A facility where gasoline and other motor fuels, are stored and subsequently dispensed, by use of fixed approved dispensing equipment by customers of the facility on a self-service basis and/or by employees on a full-service basis and which may include an automatic car wash for washing one automobile at a time, within an enclosed building; in addition, a facility which also provides sandwiches, snacks, staple groceries and other similar retail products or services, which are not recognized or defined by this ordinance as separate uses or as necessary components of separate uses, for sale on premises for consumption off premises by the customer.

Automobile rental / leasing: The rental or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease (e.g. rental car agencies and taxi-cab dispatch areas). No "automobile repair" or "scrap operation" activities may occur onsite and no non-operating vehicles shall be stored on the premises.

Automobile repair service: Any building or structure, improvements, or land used for the general repair, adjusting, overhauling, removing, replacing, rebuilding, or reconditioning of automobiles and engines, including but not limited to body, frame or fender straightening or repair, welding, painting, or upholstery work, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of automobiles, in whole or in part. Non-operating vehicles shall not be stored on the premises.

Automobile sales: A retail business which sells operable automobiles that pass state vehicle inspection requirements upon display in the open for sale or trade. Secondary supporting uses may include onsite facilities for the repair and service of automobiles previously sold, rented, or leased as defined under "automobile repair" and "automobile service". No "scrap operation" activities may occur onsite and no non-operating vehicles shall be stored on the premises.

Automobile service station: Any building and/or structure, improvements, or land used for the replacement of any part, or repair of any part, to an automobile that does not require removal of the engine head or pan, engine transmission or differential, including, but not limited to oil change and lubrication, cooling, electrical, fuel and exhaust systems, wheel alignment and balancing, brake adjustment, relining and repairs, mufflers, batteries, new tire services and sales, shock absorbers, installation of stereo equipment, car alarms or cellular phones, but excludes dismantling, rebuilding, reconditioning, or salvage of automobiles, in whole or in part. No non-operating vehicles shall be stored on the premises. No vehicle to be serviced shall remain on the premises more than 45 days.

Automobile wash: A building or portion thereof containing facilities for washing, cleaning, and/or detailing of automobiles and other light vehicles.

Awning: An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton building or structure over which a covering is attached.

Balcony: A platform enclosed by a railing or parapet projecting from the wall of a building for the private use of tenants or for exterior access to the above-grade living units. When a balcony is roofed and enclosed, it is considered part of the room it serves.

Bank or financial institution: Any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies.

Bar (tavern or lounge): A business whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle (BYOB) clubs, and similar facilities serving alcoholic liquor.

Bed and breakfast: A transient lodging establishment either converted from a single-family dwelling or specifically constructed for the purpose of providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Block: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Boarding house: See definition of “rooming house”.

Buffer: An open space, landscaped area, fence, wall, berm, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the effects of one land use on another.

Building: A structure attached or placed on the ground, enclosed by exterior walls, built, erected and framed of a combination of materials, having a roof for the shelter of persons, animals, or property.

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

Building line: A line showing the nearest distance to the property line where it is permissible to build or place a dwelling or building.

Build-to line: An alignment establishing a certain distance from the property line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements but must occur behind the property line.

Building envelope: The designated area within a lot formed by the front, side, and rear building setback lines of a lot within which the principal buildings must be located.

Building height: The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by the building to the top-most point of the roof.

Business or vocational school: An facility offering instruction and training, including four-year degrees and/or postgraduate degrees, in a service, trade skill, or the arts such as secretarial, cosmetology, commercial artist, computer software, legal, and similar training, provided that such enterprise does not offer student housing or athletic facilities at the site.

Campground, tent only: A parcel upon which two or more campsites are located, established, or maintained for occupancy by tents for overnight camping.

Campsite: A plot of land within a campground for the placement of a single tent or group of tents.

Canopy: See definition of “awning”.

Cemetery / mausoleum: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

Clinic, outpatient: See definition of “medical clinic”.

Club (fraternal): A facility which offers social, educational, cultural or other similar activities that is only available to members and their guests.

Collection center: A facility which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive household waste, municipal solid waste and recyclable material.

Commercial amusement, inside: The provision of spectator entertainment within an enclosed building, including but not limited to a concert hall or indoor movie theater. This use does not include an arena.

Commercial amusement, outside: The provision of spectator entertainment outside of a building, including but not limited to a drive-in theater, amphitheater, or racing facilities. This use does not include a stadium.

Commercial vehicle: Any vehicle designed, used for transportation of people, goods, or things, other than private passenger vehicles.

Community education (K-12): Public or private instruction on an elementary, middle and high school level, approved under the regulations of the State of Alabama.

Conditional use: A conditional use is a land use that would generally not be considered as an appropriate land use in a particular zoning district as a use permitted by-right, but could be considered appropriate with certain controls and/or restrictions which promote the public

health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. A conditional use is subject to approval by the City Council.

Condominium: A form of property ownership in which each owner holds title to his/her individual unit, plus a fractional interest in the common areas of the multi-unit project. Each owner pays taxes on his/her property, and is free to sell or lease it.

Consignment sale: A sale of personal property by someone who is acting as an agent of another.

Construction/demolition landfill: See definition of “landfill, construction/demolition”.

Convenience store: See definition of “automobile convenience and service”.

Corner lot: See definition of “lot, corner”.

Correctional facility: A facility for the housing and care for persons legally confined for violations of law.

Crematory: A facility which reduces to ashes by burning.

Cultural center: Services to the public, such as, but not limited to museums, art galleries and libraries by a public or private, non-profit facility.

Custom assembly: The onsite production of goods by hand manufacturing that generally involves only the use of hand tools. Incidental direct sale to consumers of the goods produced onsite is permitted.

Daycare: The provision of care for persons (preschool age, disabled or the elderly), who are not related to the primary caregiver, for less than 24 hours per day including:

(A) *Daycare center.* A licensed facility that provides daycare for more than six persons;

(B) *Daycare home.* A licensed service accessory to a single-family dwelling; up to six persons;

(C) *School daycare.* Licensed daycare centers of unlimited size for before, during, and after school programs.

Development plan: A dimensional presentation of a proposed development of a specified parcel (or parcels) of land that illustrates the location of buildings, easements, parking arrangements, public access, street pattern, and other similar features.

Distributive business / wholesale: The sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom, and office space within tenant areas, with the showroom and office area not exceeding 50 percent of the total floor area permitted on the parcel.

Donation center, drop-off: Any lot, building and/or structure or premises used solely for the collection of clothing, furniture, housewares, small electrical appliances, household textiles, toys, and other small household items. The center shall not pay for materials collected or sell any collected materials on the premises. Collected materials shall be stored in an enclosed location onsite until picked up and taken to a central sorting and distribution center. Types of drop-off donation centers range from storefront centers, which may include a drive-thru facility, to other enclosed facilities.

Dry cleaners: A facility providing laundering services that include cleaning plants using nonflammable, non-explosive type cleaning solvent. This does not include a laundry or dry cleaning pick-up station.

Dwelling unit: Any portion of a building providing complete, independent living facilities for one or more persons including permanent provisions for habitation to include:

- (A) *One-family (single-family):* A building containing one detached dwelling unit.
- (B) *Two-family (duplex):* A building containing two attached dwelling units.
- (C) *Multi-family:* A building containing at least three attached dwelling units.
- (D) *Townhouse:* See definition of “Townhouse”.

Electrical service lines: An electrical line serving limited geographic areas of residential neighborhoods by providing electrical power directly to a residence, or group of residences, and not designed to extend service more than one half-mile.

Electrical distribution lines: An electrical line designed to distribute electric power to, and through, agricultural, residential, commercial, and industrial areas.

Electrical transmission lines: Electrical power lines, feeder circuits, or networks designed to transmit electrical power for regional use.

Façade: The front of a principal building.

Family: This term is meant to include the following:

- (A) An individual or two or more persons related by blood, marriage, or adoption, maintaining a common household in a dwelling unit.
- (B) A group of persons not related by blood, marriage, or adoption, living together as a common household in a dwelling unit. However, the number of unrelated persons shall not exceed the number of bedrooms in the dwelling. This definition does not include group homes.

Farm: See definition of “agricultural activity”.

Fireworks sales: The retail sale of any pyrotechnics classified as Class C common fireworks by the United States Department of Transportation (USDOT), as defined by the Code of Alabama, Section 8-17-217 of the Code of Alabama.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland or tidal waters; or

(B) The unusual and rapid accumulation of runoff or surface water from any source.

Flood hazard area: Any area shown on the flood insurance rate maps as being located within the boundaries of flooding under regulatory flood conditions, and being regulated by the Flood Damage Prevention Ordinance (Chapter 38, Article II in the City of Elba's Code of Ordinances).

Flood insurance rate map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood, regulatory: A 100-year frequency flood as delineated on the flood insurance rate maps which has a probability of occurring once every 100 years or having a one percent chance of occurring each year.

Fruit stand: See definition of "open air market".

Funeral home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

Garden Center / Nursery: The growing, cultivation, storage, and sale of garden plants, trees, flowers, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory products, to the general public.

Greenway: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.

Grocery store: A facility primarily selling food, for off-premises consumption and/or preparation, as well as other convenience and household goods.

Gross floor area: The sum of the areas of all floors within the outside edge of the outside walls of a building, excluding basements.

Group home: A facility which serves as a home for six or fewer persons with disabilities as defined by the Fair Housing Act of 1988 reside and may include up to two additional persons acting as house-parents or guardians who need not be related to each other or to any of the persons residing in the home.

Halfway house: A facility, which is licensed by the State of Alabama, for housing persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society; enabling them to live independently.

Hazardous operation: A use that may present serious hazards to human life and health such as, but not limited to arsenals, atomic reactors, explosives, and fireworks manufacture.

Heavy equipment sales and service: The retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with incidental service or maintenance such as, but not limited to construction equipment rental yards, tractor-trailers, semi-trailers, boats, buses, recreational vehicles, farm equipment, and moving trailer rental (see "automobile sales").

Heavy manufacturing: See definition of "manufacturing, heavy".

Home improvement center: A facility for the retail sale of a diverse range of hardware and related materials generally used in the maintenance, repair, or construction of buildings and/or structures, including lawn and garden supplies.

Home occupation: Any use customarily conducted entirely within a dwelling and carried on solely by inhabitants thereof, and which use is clearly incidental and secondary to the use of the dwelling for residential purposes. Home occupations shall be categorized as either "major" or "minor" home occupations in accordance with **Section 5.16** of this Ordinance and the following definitions:

Home occupation, major: A home occupation that includes characteristics that might, in the opinion of the Administrative Official, generate or involve external impacts to the residential area and meets the requirements of **Section 5.16.2** of this Ordinance.

Home occupation, minor: A home occupation that does not include characteristics that might, in the opinion of the Administrative Official, affect the residential character of the neighborhood and meets the requirements of **Section 5.16.1** of this Ordinance.

Homeless shelter: A facility providing temporary housing to indigent, needy, homeless, or transient persons and which may also provide ancillary services such as counseling, vocational training, etc.

Homeowners' association: An incorporated, nonprofit organization operating under recorded land agreements through which:

(A) Each lot owner and homeowner in a planned or other described land area is automatically a member;

(B) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Hospital: An institution where medical or surgical care is provided for the sick or injured on a primarily in-patient or long-term basis.

Hotel: Any building, or portion thereof, in which lodging is provided, intended for occupancy by persons for compensation, and in which access to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Household: A family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. (Refer to definition of family.)

Illegal nonconforming building and/or structure: A building and/or structure which was erected or altered outside the provisions of a prior zoning ordinance.

Illegal nonconforming use: Any use which, on the effective date of the ordinance from which this article is derived, was operating outside the provisions of a prior zoning ordinance, such as a commercial establishment operating in a residential zone in defiance of zoning restrictions.

International Code Council (ICC): A membership driven association that develops building codes and standards used to construct residential and commercial buildings and provides minimum safeguards for people at home, at school and in the workplace. The I-Codes are a complete set of comprehensive, coordinated building, life safety and fire prevention codes.

Junkyard or salvage yard: A lot or parcel of land on which is kept, stored, bought or sold articles commonly known as junk, including scrap paper, scrap metal and used automobile bodies and parts, appliances, etc.

Kennel or stable: Any lot, building, and/or structure or premises used for the boarding, breeding, training, and/or raising of domestic animal/wildlife (excluding livestock), whether by owners of such animals or by persons providing facilities and care, whether or not for compensation, but shall not apply to the keeping of animals in a municipal animal pound, pet store, a bona fide laboratory for scientific or experimental purposes (e.g. dental, veterinary, pharmaceutical, or biological) or in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.

Kitchen facilities: A portion of a building used for the preparation of meals, and for the purpose of this chapter shall include a sink or similar fixture for washing dishes.

Landfill, construction/demolition: A facility for the disposal of non-biodegradable waste, resulting from road building, construction, remodeling, repair, or demolition of buildings and/or structures.

Landfill, sanitary: A facility for the burial of nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste according to the provisions of subtitle "D" of the Resource Recovery and Conservation Act.

Legal nonconforming building and/or structure (grandfathered building and/or structure): A building and/or structure which was lawfully erected or altered in conformity with all applicable municipal ordinances or through variances granted by the board of adjustment, but which the building and/or structure does not comply with all the provisions this ordinance

establishes for buildings and/or structures in the district in which the buildings and/or structure is located.

Legal nonconforming use (grandfathered use): A land use which, on the effective date of the ordinance from which this chapter is derived, was lawfully operated in accordance with the provisions of any prior zoning ordinance or through a variance granted by the board of adjustment, but which use is not a permitted use as established by this chapter in the district in which the use is located.

Liquor sales: The retail sale of alcoholic spirituous beverages to patrons or customers, in sealed packages, and not for consumption on the premises.

Live / work: A building or space within a building that is used jointly for commercial and residential purposes by the owner or employee of the business where the residential use of the space is secondary or accessory to the primary use as a place of work and located in the rear or upper level of the building. Any commercial use permitted in the zoning district applicable to the property is permitted in the live/work unit.

Livestock: A domesticated farm animal, kept for pleasure, utility, or sale. Examples of livestock may include cattle, horses, donkeys, mules, goats, sheep, swine and other hoofed animals; poultry, ducks, geese, pigeons, peacocks and other live fowl; and fur or hide-bearing animals.

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

Living space: The floor space in a dwelling to be calculated on the basis of total habitable room area.

Living quarters: Housing providing facilities for sleeping and bathing.

Light manufacturing: See definition of “manufacturing, light”.

Loading, off-street: Land occupied, necessary, and maintained for loading and 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.

Lodge / Summer Camp: A place where children, youth and/or adults gather together for spiritual, recreational, or educational purposes in an organized and supervised manner, and where overnight lodging (e.g. tents, cabins), food, counseling, religious, and outdoor recreational activities may be provided.

Lounge: See definition of “bar (tavern or lounge)”.

Lot: A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory building, uses customarily incidental to such main buildings, and such open spaces as are provided in this ordinance or as intended to be used with such piece, parcel, or plot of land, having its principal frontage upon a street. Two or more platted lots may be combined to create one lot.

Lot, corner: A lot situated at the intersection of two or more streets. On corner lots, the narrower side shall be considered the front, regardless of the location of the main entrance of the dwelling. Where both frontages of the lot are equal, the front yard shall be considered the side on which the majority of the lots front the block.

Lot, double-frontage: A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot width: The horizontal distance between side lot lines measured along a line that is parallel to the front lot line.

Manufactured home: A factory-built structure that conforms to federal performance standards established by the Department of Housing and Urban Development (HUD), is transportable in one or more sections, is built on a permanent chassis, and is used for human habitation.

Manufactured home, Class A: A manufactured home that meets or exceeds the Department of Housing and Urban Development (HUD) construction standards that were in effect at the time of construction and that satisfies the criteria in **Section 5.12** of this Ordinance.

Manufactured home, Class B: A manufactured home that does not meet the definition of a Class A Manufactured Home. Class B Manufactured Homes are not allowed in the City, with the exception of existing manufactured homes permitted prior to the adoption of this Ordinance.

Manufactured home park: A parcel of land under single ownership used or designed to accommodate a manufactured home community of multiple spaces for rent or lease.

Manufactured home subdivision: A subdivision designed and intended for selling individual parcels for location of manufactured homes.

Manufacturing, heavy: The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of potentially flammable, toxic or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum

product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; and wood or lumber processing.

Manufacturing, light: The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but are not limited to: electronic goods, food and bakery products, non-alcoholic beverages, paper imprinting, household appliances, leather products, jewelry, food and bakery products, and clothing apparel.

Mausoleum: See definition of “cemetery / mausoleum”.

Medical clinic: A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.

Mineral extraction: The extraction of metallic and nonmetallic minerals or materials, including rock crushing, screening and the accessory storage of explosives.

Minor plan amendment: Alterations to existing developments which do not increase either the building area or the square footage of existing building(s) by more than 50 percent and which, in the judgment of the administrative official, will not significantly affect neighboring property or public services and facilities, including but not limited to water, sanitary sewer, transportation and storm drainage systems.

Minor modification (PUD's only): Any change which does not alter the scope or intent of the PUD or adversely affect adjacent areas or increase financial or maintenance responsibility to the city.

Mobile home: See definition of “manufactured home”.

Mobile home park: See definition of “manufactured home park”.

Mobile storage unit: The purchase, lease, or rental of any storage unit or container that is either set on the ground or on wheels, and which is typically used for, but is not limited to the storage of equipment, excess inventory, layaway items, back-to-school merchandise, seasonal merchandise, records or clearance sale items. A mobile storage unit excludes semi-trailers, and/or containers belonging to a railroad or barge operation located in a railroad yard, on a railroad track, and on or near a navigable river.

Modular home: A dwelling unit constructed or assembled onsite in accordance with the applicable building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel: A building or group of buildings containing one or more guestrooms having separated outside entrances for each such room or suite of rooms and for each of which room's or suite of room's automobile parking space is provided.

Motor freight: Facilities engaged in the shipment of goods from shippers to receivers for a charge including the services of other transportation establishments to effectuate delivery.

Multimedia productions: A facility for the staging and recording of video or audio productions such as, but not limited to music commercials, programs, and motion pictures.

Net residential acreage: Land used or proposed to be used for the placement of dwelling units and their accessory uses, private open spaces, parking areas, etc. This does not include streets or public recreation or open spaces.

Nonconforming use: A use of any structure or land which, though originally lawful, does not conform to this ordinance or any subsequent amendments thereto for the district in which it is located.

Nonconformity: A condition that occurs when, on the effective date of adoption of this Code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, building and/or structure, sign, development, or use of an existing lot or building and/or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, building and/or structure, sign, development, or use is located.

Non-operating vehicle: Any motor vehicle, including a boat, which cannot be operated for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved from one location to another under its own power.

Nonresidential drug treatment facility: A facility characterized by the dispensing of substitute narcotics for the treatment of drug addictions with little or no professional counseling on an outpatient basis.

Nursing home: A State of Alabama licensed facility providing full-time convalescent or chronic care to persons who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves and require skilled nursing and related medical services.

Office, general: A building providing space for professional, administrative, or clerical services, but not involving medical services.

Open air market: A facility, located partially or wholly outside a building, at which sales of arts, crafts, produce, or other goods, including but not limited to a flea market, produce market, or craft market.

Open space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or

any other recreational facilities. Streets, buildings and/or structures for habitation and the like shall not be included.

Open space, permanent, useable: These terms are meant to include public open spaces, not occupied by buildings, and may consist of pedestrian walkways, play areas, landscaped areas, sports areas, ponds and any other areas suitable for the common enjoyment of the residents of the project. Privately owned lots or privately occupied space shall not be considered as permanent useable open space.

Ownership: This term is meant to include the following:

(A) A person, partnership or corporation.

(B) An association of property owners legally bound to one another.

(C) The homeowners' association of a condominium project, established under laws of the State of Alabama.

Parcel: A lot or contiguous group of lots in single ownership or under single control usually considered a unit for purposes of development.

Park: Any facility that is open to the public for recreational uses, including, but not limited to, hiking, swimming, boating, camping; predominately kept in a natural state; or the property of the local, state, or federal government, or any department or agency thereof, specifically designated as a park, natural area, or recreation area.

Parking lot: The use of property for the commercial parking or storage of operable automobiles on a temporary basis. This does not include the providing of off-street parking required by this ordinance. Such parking shall be for the use of licensed vehicles only and is not intended to include merchandise or vehicles for sale.

Parking space: An accessible space reserved for the temporary storage of one vehicle. Not less than an area nine feet wide and 18 feet long shall be provided for each parking space, and all parking spaces required shall be provided with necessary lanes and maneuvering areas. Handicapped parking spaces shall have dimensions in accordance with the Americans with Disabilities Act requirements and/or any building code, as adopted.

Pawnshop: Any building, room, space or portion thereof where a pawnbroker regularly conducts business.

Person: Any individual, including any trustee, receiver, assignee, or personal representative thereof.

Personal care services: Services such as fitness centers, spas, tanning salons, nail salons, beauty and barber care, and dry cleaning and laundry services not to include a laundry plant.

Personal instruction: Services for training individuals or groups in the arts, personal defense, crafts, or other subjects of a similar nature.

Planned unit development (PUD): A development that:

(A) Is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities;

(B) Includes principal and accessory uses and buildings substantially related to the character of the development itself and the surrounding area of which it is a part; and

(C) Is developed according to comprehensive and detailed plans which include streets, utilities, building sites and the like.

Power/gas substation: A facility that regulates electric current or natural gas pressure for distribution to individual neighborhoods.

Printing and publishing: The production and distribution of books, magazines, newspapers, and other printed matter, including retail photocopying and blueprinting services, as well as record pressing and publishing, engraving, and photoengraving.

Public assembly facility: A building and/or structure designed and constructed to be utilized by the public at-large for community events, including but not limited to arenas, civic centers, or community centers.

Public uses, buildings: A building that provides public services not otherwise defined by this Article, such as municipal administrative and operation, county buildings and activities, state highway offices and similar land uses, and federal uses such as post offices, internal revenue offices, military installations, etc.

Public uses, utilities: A facility providing transmission and distribution of public utility services to the public at large, including water, sewer, gas, electric, and cable facilities.

Radio/television/satellite station: A building and/or structure for transmitting and receiving radio, television, satellite, and other broadcast signals, including radar surveillance including accessory buildings.

Recreation facility, indoor: A commercial or public recreational land use conducted entirely within a building, including but not limited to arcade, athletic and health clubs, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, etc.

Recreation facility, outdoor: A commercial or public recreational land use conducted in open or partially enclosed or screened facilities, including but not limited to driving range, miniature golf courses, golf courses, tennis courts, etc.

Recreational vehicle (RV): A vehicular portable building designed as a temporary dwelling unit for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a "camper," "travel trailer," or "motor home," is not more than eight feet in body width and does not exceed 40 feet in length.

Recreational vehicle (RV) park: A parcel upon which two or more recreational vehicles are located and used as temporary living or sleeping quarters.

Recycling collection center: A drop-off facility for the temporary assemblage of small recyclable consumer items, such as food and beverage containers, fabrics, and paper.

Recycling plant: A facility, other than a facility open to the public to receive household waste and recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse of a solid waste may not be used in a manner that would constitute solid waste disposal.

Rehabilitation facility: A facility offering treatment for addictive, mental, or physical disabilities on either 24 hour a day or outpatient basis.

Religious institution: Any building and/or structure or lot used primarily for religious practices.

Residential: Any land area used and/or zoned for housing activities with personal use or enjoyment without the intent of realizing a profit or recovering costs through the sale of goods or services.

Restaurant, fast-food: Any building, room, space, or portion thereof where food is sold for consumption onsite or offsite within a short period of time, orders are made at either a walk-up, drive-through, or drive-in basis, payment for food is made prior to consumption, and the packaging of food is done in disposable containers.

Restaurant, full-service: Any building, room, space or portion thereof where food is sold for consumption onsite, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, or where seating turns over at a rate of 30 minutes or more. A restaurant shall not be considered a restaurant, fast-food or restaurant, take-out solely on the basis of incidental, or occasional take-out sales.

Restaurant, take-out: Any building, room, space or portion thereof where a limited variety of food or beverages are sold principally for offsite consumption, but which may include incidental seating for onsite consumption containing no more than 20 seats. Typical uses include bakeries, candy, nut, and confectionery stores, coffee houses, ice cream and frozen dessert stores, small delicatessens, and similar establishments.

Retail: The sale of goods and/or services at retail. For purposes of calculating required parking, retail includes "retail, general" and "retail, shopping center".

Retail, general: An establishment providing general retail sales, services or rental from the premises, of goods and/or services not specifically classified in another commercial activity type. Exterior displays and sales are allowed.

Retail, shopping center: A single building containing two or more different individual stores engaged in general retail sales.

Rooming house (or boarding house): Any building or portion thereof which contains between three and nine guestrooms 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 period longer than thirty (30) days.

School: Refer to the following definitions in this article:

- (A) Business or vocational school;
- (B) Daycare;
- (C) Community education (Grades K-12); and
- (D) College or university.

Scrap operation: The storage, processing and/or sale from the premises of used or waste material, including automotive dismantlers and recyclers, where a person, firm, association, corporation, or trust resident or nonresident, is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks, which have been wrecked or otherwise rendered inoperable as transportation vehicles with the parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

Seasonal use: See definition of “temporary / seasonal use”.

Self-service laundry: A building and/or structure containing washing machines and usually drying machines, which are coin-operated by the customer. It may or may not have an attendant.

Self-service storage: An establishment that leases or rents storage units for the purpose of storing personal property.

Semi-public land use: A philanthropic and charitable land uses including Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, orphanages, private welfare organizations, Red Cross, and other general charitable institutions.

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

Shelter, storm: A building and/or structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies.

Sign: A permanent or temporary building and/or structure or display that is arranged, extended, designed or used as an advertisement, announcement, description or direction and is exposed to public view. Excluded are governmental signs erected for public safety; signs located completely within an enclosed building; and flag emblems or insignia of a nation, political unit, school or religious group. Definitions for specific sign types are included in the supplementary standards in this chapter.

Slaughterhouse: A place where animals are slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Special exception: A special exception is a land use that would generally not be considered as an appropriate land use in a particular zoning district as a use permitted by-right, but could be considered appropriate with certain controls and/or restrictions which promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. A special exception use is subject to approval by the Board of Zoning Adjustment.

Stable: See definition of “kennel or stable”.

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

Structure: Any combination of materials, including buildings, constructed or erected, which requires location on the ground or attachment to anything having location on the ground, including among other things signs, billboards, fences and walls, but not including telephone poles, overhead wires, wire fences and other fences less than three feet high, retaining walls or terraces (see definition of “building”).

Subdivision: The division of a lot or parcel of land into two or more lots, parcels, or other divisions of land by means of platting of boundaries.

Tank farm: An open air facility containing aboveground large containers for the bulk storage of material in liquid, powder, or pellet form.

Tavern: See definition of “bar (tavern or lounge)”.

Taxidermy: The art of preparing, stuffing, and mounting the skins of animals.

Telecommunication tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting communications.

Temporary festival: The provision of rides, games, food, amusements, and/or activities open to the public. The use shall have duration of no more than 14 days in one month.

Temporary / seasonal use: A use established for a fixed period of time, including but not limited to fireworks sales, Christmas trees, and similar seasonal uses, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent building and/or structure. A temporary / seasonal use requires an application for permit.

Townhouse: An attached dwelling unit having a separate ground floor entrance and separate private yard space, with common sidewalls on one or both sides of the dwelling unit.

Townhouse complex: A group of townhouse buildings each containing between two or and seven attached townhouse units.

Townhouse building: A single building within a townhouse complex containing as many as seven individual residential units sharing at least one common wall.

Townhouse unit: A single living space located within a townhouse building sharing at least one common wall.

Use: The purpose for which land or a building or structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

Utility companies: Any person, governmental body, organization, or entity of any type, and their agents, representatives, and employees, supplying electricity, natural gas, water, communications, or similar or associated services.

Utility equipment: Poles, towers, supports, wires, conductors, conduits, guys, stubs, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, used or useful in supplying electricity, natural gas, water, communication or similar or associated services.

Variance: A relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where such variance is due to conditions peculiar to the property and not the result of the actions of the applicant.

Veterinary clinic: An enterprise for the outpatient care and treatment of the diseases and injuries of animals (also see definition of “animal hospital”).

Warehouse: A facility used primarily for the bulk storage of goods and materials either for a private entity or the general public.

Wholesale: See definition for “distributive business / wholesale”.

Wrecker service: An establishment for the removal of a motor vehicle by towing, carrying, hauling or pushing from public or private property when such vehicle is inoperable or has been ordered to be impounded to a public or private impound lot. This shall not include an "automobile service" use that has a tow truck and services vehicles onsite.

Yard: An open space on the lot between the lot lines or street right-of-way and the building envelope for the main building, left open, unoccupied, and unobstructed by buildings and/or structures from the ground to the sky, except as otherwise provided in this ordinance.

Yard, front: An open space extending across the entire width of the lot between the main buildings, including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including covered porches, and the right-of-way line. On corner lots, the narrower side shall be considered the front, regardless of the location of the main entrance of the dwelling. Where both frontages of the lot are equal, the front yard shall be considered the side on which the majority of the lots front the block.

Yard, rear: An open space extending across the width of the lot behind the main building to the property line, excluding accessory buildings and/or structures.

Yard, side: An open space extending along the side lot line from the front yard to the rear yard, between the main buildings, including covered porches, and such lot lines.

Yard, street-side: A street side yard is an open space extending along the side lot line, front yard to the rear yard, between the main building and the street. This definition only applies to corner lots.

- b) That Section 3.2 “Zoning Districts” is hereby amended to read as follows:

For the purpose of this ordinance, the City of Elba is hereby divided into types of districts designated as follows:

Zoning Districts	
R-1	Single-Family Residential District
R-2	Single-Family and Duplex Residential District
R-3	Multi-Family Residential District
R-4	Multi-Family Residential District
MH-1	Manufactured Home Subdivision District
O-1	Neighborhood Office District
B-1	Local Shopping Business District
B-2	General Business District
B-3	Central Business District
M-1	Light Manufacturing District
M-2	General Manufacturing District
AG-1	Agricultural District

- c) That Section 3.3 “Intent of Zoning Districts” is hereby amended to read as follows:

R-1 Single-Family Residential District: The R-1 district is intended to provide land for single-family residential dwelling units. Regulations concerning this district are designed to

protect the residential character of these areas by prohibiting commercial and industrial activities and to maintain the low density character of these areas through yard and area standards.

R-2 Single-Family and Duplex Residential District: The R-2 district is intended to provide for single-family and duplex (two-family) residential dwelling units. Regulations concerning this district are designed to protect the residential character of these areas by prohibiting commercial and industrial activities and to maintain the medium density character of these areas through yard and area standards.

R-3 Multi-Family Residential District: The R-3 district is intended to provide for multiple family residential dwelling units, including apartments and townhouses. Regulations concerning this district are designed to protect the residential character of these areas by prohibiting commercial and industrial activities and to prevent overcrowding of these areas through yard and area standards.

R-4 Multi-Family Residential District: The R-4 district is intended to provide for multiple family residential dwelling units, including apartments and townhouses, and to include single manufactured home units. Regulations concerning this district are designed to protect the residential character of these areas by prohibiting commercial and industrial activities and to prevent overcrowding of these areas through yard and area standards.

MH-1 Manufactured Home Subdivision District: The MH-1 district is intended to provide for residential development for manufactured homes that are located in approved manufactured home parks and subdivisions and accessory structures necessary for operation of the subdivision. Regulations concerning this district are designed to provide a stable living environment, comparable to other residential neighborhoods, and to prevent overcrowding of these areas through yard and area standards.

O-1 Neighborhood Office District: The O-1 district is intended to serve as a transitional district between residential districts and/or uses and more intensive nonresidential activities. It is designed for mostly small-scale offices and similar uses.

B-1 Local Shopping Business District: The B-1 district is intended to serve as a transitional district between residential districts and more heavily-intensive commercial districts. It is designed for mostly small-scale local retail and personal services that provide for the regular needs and convenience of those residing in adjacent residential areas.

B-2 General Business District: The B-2 district is intended to serve a variety of retail and service activities that are primarily more intensive and a larger scale than uses allowed in a B-1 district. These districts may include shopping centers that incorporate multiple facilities on a single site.

B-3 Central Business District: The B-3 district is intended to serve a variety of governmental, financial, and retail activities within the traditional downtown business area. It is designed to

facilitate compatible development and redevelopment within the core area of downtown. Mixed uses are permissible within the B-3 district.

M-1 Light Industrial District: The M-1 district is intended to serve industrial and manufacturing operations that are relatively small in scope and not obnoxious, offensive, or detrimental to neighboring areas. It is designed to provide for industrial uses that are primarily contained within buildings and do not require extensive storage facilities.

M-2 General Industrial District: The M-2 district is intended to serve manufacturing operations that are larger in scope and may create nuisances that are obnoxious, offense, or detrimental to neighboring areas. It is designed to provide for assembly and processing operations that function throughout the property.

AG-1, Agricultural District: The AG-1 district is intended to serve as land for agricultural and associated operations and/or very low density residential development. Regulations concerning this district are designed to maintain the rural character of these areas.

d) That Table 4.1 “Table of Permitted Uses” is hereby amended to read as follows:

LEGEND												
P – Permitted By Right												
S – Special Exception Required												
C – Conditional Use Required												
Blank – Not Permitted												
USES/DISTRICTS	Residential Districts						Non-Residential Districts					
	Single-Family Districts			Multi-Family Districts			Business Districts				Manufacturing Districts	
	AG-1	R-1	R-2	R-3	R-4	MH-1	O-1	B-1	B-2	B-3	M-1	M-2
Adult Day Care				C	C		C	C	C			
Agricultural Activity (Farm)	P											
Aircraft Landing Field	C										C	C
Airport / Heliport	C										C	C
Animal Hospital	S						S	P	P		P	P
Animal Shelter	S						S	S	S		P	P
Assisted Living Facility				C	C		C	P	P			
Automobile Convenience Station								S	P	S	P	P
Automobile Rental / Leasing								S	P		P	P
Automobile Repair Service								S	P		P	P
Automobile Sales								S	P		P	P
Automobile Service Station								S	P	S	P	P
Automobile Wash								S	P	S	P	P
Bank / Financial Institution								P	P	P		
Bar, Lounge, or Tavern								S	P	P		
Bed and Breakfast	S		S	P	P		P	P		S		
Campground, Tent Only	S											
Cemetery	S							P	P			
Club (Fraternal)				S	S		S	P	P	P		
Collection Center (Solid Waste / Recycling)								S	P		P	P
Commercial Amusement, Inside								S	P	S	S	
Commercial Amusement, Outside	C							S	P	S	S	
Condominium				P	P							
Correctional Facility	C										P	P
Crematory								S	P		P	P
Cultural Center							C	P	P	P		
Custom Assembly								S	P	S	P	
Daycare Center				S	S	S	P	P	P			
Daycare Home	S	S	S	S	S							
Distributive Business / Wholesale									S		P	P
Donation Center, Drop-Off								S	P	S	P	P
Dry Cleaners (Plant)									C		P	P
Dwelling, Accessory Unit (Family)	P	P	P	P	P							
Dwelling, Single Family	P	P	P	P	P							
Dwelling, Duplex			P	P	P							
Dwelling, Multi-Family (Apartments)				P	P							
Dwelling, Townhouse				P	P							
Fireworks Sales	S							P	P		P	P
Funeral Home	C	C	C	C	C			P	P		P	
Garden Center / Nursery	P							S	P		P	
Grocery Store								P	P	S		
Group Home	C			C	C		C	C	C			
Halfway House				C	C			C	C			
Hazardous Operation												C
Heavy Equipment Sales and Service	C								P		P	P
Home Improvement Center								S	P		P	
Home Occupation	S	S	S	S	S	S						
Homeless Shelter				C	C			C	C			
Hospital								C	P			
Hotel / Motel								P	P	S		
Junkyard (Scrap Operation)												C
Kennel / Stable	P							S	S			
Landfill, Construction / Demolition											C	C
Landfill, Sanitary												
Liquor Sales								P	P	P		

Ordinance No. 04272015 Amending Ordinance No. 06092014C continued

LEGEND												
P – Permitted By Right												
S – Special Exception Required												
C – Conditional Use Required												
Blank – Not Permitted												
USES/DISTRICTS	Residential Districts						Non-Residential Districts					
	Single-Family Districts			Multi-Family Districts			Business Districts				Manufacturing Districts	
	AG-1	R-1	R-2	R-3	R-4	MH-1	O-1	B-1	B-2	B-3	M-1	M-2
Live / Work							P	P	P	P		
Livestock Sales	P											
Lodge / Summer Camp	C											
Manufactured Home, Class A, Single Family	S				P	P						
Manufactured Home Park						P						
Manufactured Home Subdivision					P	P						
Manufacturing, Heavy												P
Manufacturing, Light											P	P
Medical Clinic							P	S	P			
Mineral Extraction	C										S	S
Mobile Storage Unit								S	S		P	P
Modular Home	P	P	P	P	P							
Motor Freight											P	P
Multi-Media Productions								P	P	P		
Nonresidential Drug Treatment Facility								C	C		C	
Nursing Home							C	C	P			
Office (General)							P	P	P	P		
Open Air Market	P							C	C	C		
Park / Greenway	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot								P	P	P	P	P
Pawnshop								P	P	C		
Personal Care Services							S	P	P	P		
Personal Instruction							S	P	P	P		
Printing and Publishing								S	P	C	P	P
Public Assembly Facility	C			C	C			P	P	P		
Public Uses, Buildings	P	P	P	P	P	P	P	P	P	P	P	P
Public Uses, Utilities	P	P	P	P	P	P	P	P	P	P	P	P
Radio / TV Station								S	P	S	P	P
Recreation Facility, Indoor								P	P	S		
Recreation Facility, Outdoor	C								P	C		
Recreational Vehicle (RV) Park	C					P			C		C	
Recycling Collection Center	C								P		P	P
Recycling Plant											C	C
Rehabilitation Facility				C	C		C	P	P			
Religious Institution	C	C	C	C	C		C	P	P	C		
Restaurant, Fast-Food								P	P	S		
Restaurant, Full-Service								P	P	P		
Restaurant, Take-Out								P	P	P		
Retail, General								P	P	P		
Retail, Shopping - Center								P	P	C		
Rooming House (Boarding House)				P	P			P				
School, Business / Vocational							C	P	P	C		
School, College / University							C	P	P			
School, Daycare		S	S	S	S		P	P	P			
School, K-12							C	P	P			
Self-Service Laundry								P	P	S		
Self-Service Storage								S	P		P	P
Semi-Public Land Use								P	P	S		
Slaughterhouse												P
Tank Farm											C	P
Taxidemy	P							S	P	C		
Telecommunications Tower	C						C	C	C	C	C	C
Temporary Festival	C							P	P	P	P	P
Temporary / Seasonal Use	C							P	P	S	P	P
Townhouse / Townhouse Complex			C	P	P							
Veterinary Clinic	S						P	P	P		P	P
Warehouse									S		P	P
Wrecker Service								S	P		P	P

e) That Table 4.2 “Area and Dimensional Regulations” is hereby amended to read as follows:

ZONING DISTRICT	Residential Districts						Non-Residential Districts					
	Single-Family Districts			Multi-Family Districts			Business Districts				Manufacturing Districts	
	AG-1	R-1	R-2	R-3	R-4	MH-1	O-1	B-1	B-2	B-3	M-1	M-2
Min. Lot Area / Max. Density, Sq. Feet	10,000	10,000	8,500	7,500	7,500	4,000	N/A	N/A	N/A	N/A	N/A	N/A
Lot Area per Additional DU, Sq. Feet	N/A	N/A	N/A	2,000	2,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Min. Lot Width @ Building Line, Feet	100	100	75	50 ²	50 ²	50	N/A	N/A	N/A	N/A	N/A	N/A
Min. Front Yard Setback, Feet	35	35	30	25	25	25	25	25	25	0	25	25
Min. Rear Yard Setback, Feet	40	40	35	30	30	30	30	20	20	0	25	25
Min. Side Yard Setback, Feet	10 ³	10	10	10	10	10	10 ⁴	0 ⁴	0 ⁴	0 ⁴	25 ⁵	25 ⁵
Min. Side Yard Abutting Street, Feet	35	35	30	25	25	25	25	25	25	0	25	25
Max. Building Area, % of Gross Lot Area	25	25	30	35	35	35	35	40	50	N/A	50	50
Max. Building Height – Feet	35	35	35	45	45	35	35	35	45	65	45	45
Max. Building Height – Stories	2 ½	2 ½	2 ½	3	3	2 ½	2	2	3	5	3	3
Off-Street Parking Requirements	See Article 6, Off-Street Parking and Loading Requirements											

¹ Requirements are for Manufactured Home Subdivisions; see Section 5.13 for Manufactured Home Park requirements.

² For each additional dwelling unit (DU), add 5' of minimum lot width.

³ Structures used for housing livestock should be 100' from property line of any non AG-1 district.

⁴ Lots adjoining any Residential District shall have a 20' side yard setback.

⁵ Lots adjoining any Residential District shall have a 40' side yard setback.

f) That Section 5.9 “Encroachment on Drainage Channels or Streams” is hereby amended to read as follows:

Any structure proposed to be located outside the flood hazard area but within 150 feet of any main drainage channel or stream (hereinafter referred to as a stream) must be approved in writing by the Elba Planning and Zoning Board. The Planning and Zoning Board may require an engineer to determine, on the basis of the area of the watershed and probably runoff, the openings needed for the stream of how close a structure may be built to the stream in order to assure adequate space for the flow of floodwater, provided, however, no building shall be permitted within ten (10) feet of the bank of any stream.

g) That Section 5.16 “Home Occupations” is hereby amended to read as follows:

A home occupation is intended to be a business use conducted in a residential property, with operations occurring entirely within a dwelling and is clearly incidental and secondary to the use of the dwelling for residential purposes. The City recognizes the need to afford opportunities for residents to work from home and to establish regulations that will permit certain home occupations that are compatible with other uses permitted within the same zoning district.

All home occupations shall be classified as either “minor” or “major” home occupations. It shall be the applicant’s responsibility to clearly explain the scope of the business to the Administrative Official to ensure the proper regulations are administered.

5.16.1. Minor Home Occupations: Are home-based businesses that have no outward appearance of business activity. Examples of minor home occupations include (but are not limited to) the following: business office; internet based business; and mail order or phone order. No public hearing is required for minor home occupation applications, and the Administrative Official has authority to approve light home occupation applications. All dwellings containing a minor home occupation shall comply with the following standards:

- (a) The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted. There shall be no employment of help other than members of the resident family.
- (b) Any work conducted is confined to the principal dwelling and any business-related equipment or materials are kept inside the principal dwelling.
- (c) A maximum of twenty-five percent (25%) of the gross floor area of the dwelling, excluding attics, garages, and basements, shall be used for a home occupation.
- (d) There are no signs or advertisements on the property, including on the mailbox.
- (e) There are no customers at the home.
- (f) The business operator is responsible for observing any private covenants which may impact the home occupation.
- (g) Any other restriction as may be considered appropriate by the Administrative Official or the Board of Zoning Adjustment.
- (h) Violation of any of the aforementioned conditions could result in revocation of the approval.

5.16.2 Major Home Occupations: Are home-based businesses that exhibit any outward or visible signs of business activity, including (but not limited to) the following: small appliance repair; lawn care business; home maintenance business, etc. Major home occupations shall be considered special exceptions and shall be subject to board of zoning adjustment approval as outlined in Article 9. All dwellings containing a major home occupation shall comply with the following standards:

- (a) The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted. There shall be no employment of help other than members of the resident family.

- (b) Any work conducted shall be entirely within the principal dwelling or an accessory building. Storage of materials, productions, or machinery used for the home occupation should be shielded from view of the street and adjacent properties.
 - (c) A maximum of twenty-five percent (25%) of the gross floor area of the dwelling, excluding attics, garages, and basements, shall be used for a home occupation.
 - (d) One sign with a maximum size of two (2) square feet may be allowed on the property.
 - (e) There shall be no noise, odors, or vibrations associated with the business.
 - (f) Any customers or deliveries to the home shall be kept to a minimum and shall not restrict traffic circulation.
 - (g) Not more than one (1) major home occupation shall be permitted at any one property.
 - (h) The business operator is responsible for observing any private covenants which may impact the home occupation.
 - (i) Any other restriction as may be considered appropriate by the Administrative Official or the Board of Zoning Adjustment.
 - (j) Violation of any of the aforementioned conditions could result in revocation of the approval.
- h) That Section 6.4 “Storage and Parking of Commercial Vehicles, Recreational Vehicles, Boats, and Trailers in Residential Areas” is hereby amended to read as follows:

The intent of this section is to regulate the use of commercial vehicles within residential zoning districts. Residential areas typically have streets designed for local access of passenger-type vehicles. Due to size and/or weight, commercial vehicles often have difficulty maneuvering or parking on residential streets without causing damage to the street surface or impeding sight distance.

Commercial vehicles and trailers of all types, including recreational vehicles, boats, and other camping or hauling vehicles, shall not be parked or stored on any lot, street, alley, or public right-of-way in any residential district, except in accordance with these requirements:

- (a) No solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle, or any heavy construction equipment, or any commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products shall be permitted to park in a residential district.

- (b) No recreational vehicle, hauling trailer, utility trailer, boat, boat trailer, or commercial vehicle shall be parked or stored in the front yard; or the side yard on corner lots that abuts a public right-of-way or upon the right-of-way.
- (c) Vehicles, including recreational vehicles, and travel trailers, shall not be used as temporary or permanent living quarters, with the following exceptions:
 - (1) Temporary placement within a recreational vehicle park, as authorized in Section 5.14 of this Ordinance.
 - (2) Temporary placement, due to extenuating circumstances beyond the occupant's control, such as a house fire or similar hardship. A permit shall be requested from the Administrative Official for a defined period of time, not to exceed one year.

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

Section 4. This ordinance shall affect all property within the City of Elba zoning jurisdiction.

Section 5. Each separate provision of this ordinance shall be deemed independent of all other provisions herein, and if any provision of this ordinance be declared invalid or unconstitutional that all other provisions thereof shall remain valid and enforceable.

PASSED, ADOPTED AND APPROVED on **April 27, 2015**.