

ZONING ORDINANCE
EAST BREWTON, ALABAMA

East Brewton City Planning Commission

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TABLE OF CONTENTS

		<u>Page</u>
TABLE OF CONTENTS		2
ARTICLE I	SHORT TITLE, PURPOSE AND APPLICATION.....	5
Section 1.	Short Title.....	5
Section 2.	Purpose	5
Section 3.	Application	5
ARTICLE II.	DEFINITIONS	6
ARTICLE III.	ZONING DISTRICTS AND MAP	15
Section 1.	Establishment of Zoning Districts	15
Section 2.	Zoning Map Explained	16
Section 3.	Interpretation of Zoning Boundaries.....	16
Section 4.	Zoning Map.....	16
ARTICLE IV.	DISTRICT REGULATIONS.....	17
Section 1.	R-1 Low Density Residential District	18
Section 2.	R-2 Medium Density Residential District	19
Section 3.	R-3 Medium to High Density Multi-Family Residential District.....	20
Section 4.	R-4 Mobile Home Park District	23
Section 5.	CGH- Cottage Garden Homes District.....	28
Section 6.	B-1 Local Shopping District	30
Section 7.	B-2 General Business District.....	31
Section 8.	M-1 Light Manufacturing District	33
Section 9.	M-2 General Manufacturing District	34
Section 10.	SFH Special Flood Hazard District.	35
ARTICLE V.	SUPPLEMENT DISTRICT REGULATION.....	37
Section 1.	Performance Standards	37
Section 2.	Corner Visibility.....	37
Section 3.	Off-Street Parking	37
Section 4.	Landscaping.....	43
Section 5.	Off-Street Loading and Unloading Space.....	43
Section 6.	Off-Street Parking. Loading/Unloading Spaces for Mini-Warehouses	45
Section 7.	Control Curb Cuts: Vision Clearance	45
Section 8.	Storage and Parking of Trailers and Commercial Vehicles	45
Section 9.	Accessory Building	46
Section 10.	More than One Principal Building on a Lot.....	46
Section 11.	Appearance of Commercial Structures.....	47

ARTICLE VI.	SUPPLEMENTARY USE REGULATIONS	48
Section 1.	Junkyards	48
Section 2.	Cemetery.....	48
Section 3.	Home Occupations	48
Section 4.	Screening, Lighting and Space	49
ARTICLE VII.	NON-CONFORMING USES OF LAND AND STRUCTURES	50
Section 1.	Non-Conformance	50
Section 2.	Replacement of existing mobile/manufactured homes.....	53
ARTICLE VIII.	EXCEPTIONS AND MODIFICATIONS	54
Section 1.	Existing Lots of Record.....	54
Section 2.	Front Yards.....	54
Section 3.	Height Limits	54
Section 4.	Projections Into Required Yards	54
Section 5.	Temporary Uses.....	55
ARTICLE IX.	ZONING ADMINISTRATION	56
Section 1.	Duties and Powers of the Zoning Administrator	56
Section 2.	Permits and Certificates.....	56
Section 3.	Certificate of Occupancy.....	57
ARTICLE X.	PLANNING COMMISSION	58
Section 1.	Composition, qualifications, appointment, etc.	58
Section 2.	Procedure of Requesting a Hearing.....	58
ARTICLE XI.	PROCEDURE FOR REQUESTING A ZONING AMENDMENT CHANGE.....	59
Section 1.	Continuance of Previously Issued Permits	60
Section 2.	Procedure of Zoning Newly Annexed Land	60
Section 3.	Duties and Powers of the Planning Commission.....	60
Section 4.	Penalties.....	60
Section 5.	Remedies	60
Section 6.	Fees	60
ARTICLE XII.	BOARD OF ZONING ADJUSTMENT.....	61
Section 1.	Establishment of Board of Adjustment.....	61
Section 2.	Membership.....	61
Section 3.	Duties & Powers.....	62
Section 4.	Uses Not Provided For.....	62
Section 5.	Procedure For Requesting A Hearing.....	62
ARTICLE XIII.	ADOPTION OF ORDINANCE.....	65
Section 1.	Effective Date.....	65

ZONING ORDINANCE
OF THE
CITY OF EAST BREWTON, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, SECTIONS 70 TO 85, INCLUSIVE, CODE OF ALABAMA 1975, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF EAST BREWTON, ALABAMA, TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL THE ZONING ORDINANCE OF 1957, AND ALL AMENDMENTS THERETO:

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of the City of East Brewton, Alabama, as follows:

ARTICLE I.
SHORT TITLE, PURPOSE, AND APPLICATION

- SECTION 1. Short Title. These regulations shall be known and may be cited as the “THE ZONING ORDINANCE OF THE CITY OF FEAST BREWTON, ALABAMA.”
- SECTION 2. Purpose. The regulations set forth herein are enacted to implement the Community Development Plan for East Brewton in order to encourage the most appropriate use of land, to prevent the overcrowding of land and undue concentrations of populations and to create a comprehensive and stable pattern of land uses which will facilitate the planning and provision of public facilities; encompass and promote family values and embrace small town principles that promote the health, safety and welfare of present and future inhabitants.
- SECTION 3. Application. Except as hereinafter provided, no building shall be erected, or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lost area shall be reduced so that the yards or open spaces shall be smaller than prescribed herein, or shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located. No yard or open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

ARTICLE II.

DEFINITIONS

For the purpose of this Ordinance certain terms used herein are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words used in the singular include the plural; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot", "parcel" or "site," the word "building" includes the word "structure;" and the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." .

Accessory Building or Structure. A subordinate building or portion of a main building, the use of which is incidental to that of the main building or structure.

Accessory use. A use customarily incidental, appropriate and subordinate to the principal use of land or building and devoted exclusively to the main use of the premises..

Alterations. Any change, addition, or removal, of or affecting the structural or supporting members of a building such as bearing walls, columns, beams, girders, and joists.

Apartment. A building used or intended to be used as a dwelling by three (3) or more families; or as an apartment house...

Bar. Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable therein or thereon and where such beverages are consumed on the premises...

Basement. A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when one-half (1/2) of its height is above ground elevation or when subdivided and used for commercial activities or dwelling purposes.

Billboard. See Sign.

Block. All land on one side of a street between the nearest intersection, streets, roads, railroad right-of-ways and waterways, meeting or crossing the aforesaid street and bounding such land..

Board. East Brewton's Board of Adjustment;

Boardinghouse. A dwelling other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals are provided for three (3) or more, but not exceeding twenty (20), persons.

Building. An enclosed structure intended for shelters, housing or enclosure for persons, animals, or chattels.

Building Area of a Lot. That portion of a lot occupied by the main building, including porches, carports, and other structures attached to the main building...

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

Building Inspector. The officially designated building inspector or zoning inspector, or his authorized representative appointed by the City Council.

Building, Main, or Principal. A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

Building Setback Line. A line delineating the allowable minimum distance between the street right-of-way and the front of a structure shall be placed except as provided for in the applicable Articles and Sections of this Ordinance...

Clinic. See Medical Facility

Club, Night. The term "night club" shall pertain to and include restaurants, dining rooms or other similar establishments where floor show or other form of lawful entertainment is provided for guests after eleven o'clock P.M.

Club, Private. An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for financial profit.

Community Building. The term "community building" shall mean a building for public assembly, open for use by social, educational and recreational group activities of the immediate or adjoining area.

Council. The City Council of East Brewton, Alabama...

Court. A "court" is an open unoccupied area other than a yard, bounded or enclosed on two or more sides by the exterior walls and lot lines and clearly open to the sky, unobstructed roof,

skylight or other appendage. A building wall offset more shallow than the width of its open side shall be considered to be a part of the open space on which it abuts.

Coverage. The term “coverage” shall mean that percentage of the lot or plot area covered by the building area.

Day Nurseries and/or Kindergartens. Any place, home or institution which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play and observation.

Density. This term means the population load on the land, particularly in residential districts and is expressed in terms of families or persons per acre or specified lot area and further expressed and controlled by the establishment of a relationship between the open space and the total or gross floor area within a building. For example, the ratio required in multiple residential districts is that at least one (1) square foot of open space be provided for each two (2) square feet of gross floor area of the building.

District or Zoning District. Any section, sections or divisions of the City of East Brewton, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-in Commercial Uses. Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling. Any building or portion thereof, exclusive of mobile or manufactured homes as herein defined, used for residential occupancy.

Dwelling, Attached. A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

Dwelling, Multiple. This shall mean a building intended as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, apartment cooperatives and group houses.

Dwelling, Semi-Attached. Two dwellings with a single party wall common to both.

Dwelling, Single-Family. A detached building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one family only, together with such domestic help as is necessary to service and maintain the premises and their occupants.

Dwelling, Two and Three Family. A building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of two or three families.

Dwelling Unit. One or more rooms and a single kitchen designed as a unit for occupancy by one family only, for cooking, living and sleeping purposes.

Family. One or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons unrelated by blood or marriage, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

Flood Hazard Area. Any area subject to inundation by the regulatory flood as defined by the Corps of Engineers or the Flood Insurance Program.

Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the interior limits of walls of a building or structure.

Frontage. All property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street has a dead end, then all of the property abutting the dead end and/or turn-around of the street.

Garage, Apartment. A dwelling unit for one family erected above a private garage.

Garage, Private. A building or part of a main building for which the principal use is storage of privately-owned vehicles.

Garage, Public or Private. A building in which the principal operation involves a garage used for the storage, repair or servicing or equipping of vehicles for profit.

Gasoline or Service Station. Any building, structure or land used primarily for the dispensing, sale of fuels, oils, accessories or minor maintenance and repair services but not including painting, major repairs or automatic washing facilities.

Grade, Finished. The completed surface of lawns, walks, and roads brought to grades as shown on plans or designs relating thereto.

Health Department. Baldwin and Escambia County Health Department.

Health Officer. The director of the county health department having jurisdiction over the community in an area, or his duly authorized representative.

Historical Monuments and/or Structures. Any antique structure of building existing contemporaneously with and commonly associated with an outstanding event or period of

history, and any structure or building which the relics and/or mementos of such event or period are housed and preserved.

Home Occupation. A customary home occupation is a gainful business or profession conducted by members of a family residing on the premises, conducted entirely within the premises. In connection with a home occupation, no stock in trade shall be displayed outside the structures, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. Any occupation for gain or support customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

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

Hospital. See Medical Facilities.

Hotel. A building or part thereof occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests.

Junkyard. A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck.

Lot. A parcel of land which is or may be occupied a building and its accessory buildings or use customarily incident thereto, together with such yards or open spaces within the lot lines as may be required by this Ordinance.

Lot Area. The total horizontal area included within lot lines.

Lot, Corner. A lot of which at least two (2) adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees..

Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot Lines. The lines bounding a lot as defined herein:

Lot Line, Front. In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from the street in the request for Building Permit...

Lot Line, Rear. The Lot Boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line not less than ten (10) feet long and wholly within the lot...

Lot Line, Side. A side lot line is any lot boundary line not a front lot line or rear lot line.

Lot Width. The width of a lot at the building setback line measured at right angles to its depth.

Manufactured Home. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes, mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes.

Manufactured Home Park. A residential development on a parcel of land in one ownership providing rental spaces for two (2) or more manufactured homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation.

Mobile Home. Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes.

Medical Facilities.

Hospital. An institution providing health services primarily for human in-patients, medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

Health Clinic. A facility primarily utilized by a health unit for the provisions of public health service including related facilities such as laboratories, clinics, and administrative offices operated in connection herewith.

Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Motel. A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Nonconforming Use. A use of land existing lawfully at the time of the enactment of this ordinance, or at the time of a zoning amendment and which does not conform with the regulations of the district in which it is located.

Offices. Space or rooms used for professional, administrative, clerical and similar uses.

Open Space. This term shall mean an unoccupied space open to the sky on the same lot with a building.

Parking Lot. An off-street facility including parking space along with adequate provision for drives and aisles for maneuvering and providing access, and for entrance and exit, all laid out in a way to accommodate the parking of automobiles.

Parking, Off-Street. This term shall mean the parking on the lot of cars connected with use to which the lot is put. The objective being the relief of traffic congestion by the removal of motor vehicles, when not in actual use, from public or private thoroughfares.

Parking Space. An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet, exclusive of passageways and driveways, and having direct access to a street or alley.

Planned Shopping Center. This shall mean an area of land within the City of East Brewton which is not zoned for commercial use and which has been approved for use as a "Planned Shopping Center" by the Planning and Zoning Board.

Planning Commission. The Planning commission of the City of East Brewton, Alabama.

Principal Use. The specific primary purpose for which land or a building is used...

Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as principal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Public Utility. Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, steam, telephone, telegraph, transportation, drainage, water or sewer.

Recreational Vehicle. A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodations for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Road. That portion of a public thoroughfare or right-of-way intended for use by motor vehicles.

Rooming House. A dwelling other than a hotel, motel or apartment house where lodging for three (3) or more persons not of the immediate family is provided for compensation and by prearrangement for definite time periods.

School, Private. An institution of learning including colleges and universities, that is not tax supported.

Semi-Public Land Uses. Philanthropic and charitable land uses including: Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, churches and church-related institutions, orphanages, humane societies, private welfare organizations, nonprofit lodges and fraternal orders, hospitals, Red Cross, and other general or charitable institutions.

Shelter, Fall-Out. A structure or portion of a structure intended to provide protection of human life during periods of danger to life from nuclear fall-out, air raids, storms, and other emergencies.

Shopping Center. A group of business establishments, planned, developed, owned, and managed as a unit with off-street parking provided on the property.

Sign, Billboard, or other Advertising Device. Any structure or part thereof, or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include flag, pennant, or insignia of any nation, state, city or other political unit, school or religion.

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

Story, Ground or First. This term shall mean the lowest story entirely above the mean or average grade of the adjoining ground.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Story, Upper. This term means any story above the first or ground story.

Street. A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the City as a public street.

Structure. Structure means a combination of materials to form a construction that includes among other things, stadiums, platforms, radio and television towers, sheds, storage bins and display signs.

Theater, Drive-In. An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis, to patrons seated in automobiles.

Tourist Home. A dwelling in which overnight accommodations are offered or provided for transient guests for compensation.

Trailer Coach. Travel Trailer. A recreation vehicle that is towed by a car or a truck. See Recreational Vehicle.

Use. The use is the purpose for which land or building and structures thereon are designed, arranged or intended to be used, occupied or maintained...

Variance. A modification of the strict application of the provisions of this Ordinance, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, as determined by the Board of Adjustment in accord with procedures specified in this Ordinance.

Yard. A ground area unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Ordinance.

Yard, Front. An open area extending across the full width of the lot and situated between the front line and the nearest line of the main buildings, other than for permitted accessory.

Yard, Rear. An open area extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard, Side. An open area between the side of the lot and the nearest line of the principal building and extending from the front yard to the rear, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

ARTICLE III

ZONING DISTRICTS AND MAP

Section 1. Establishment of Zoning Districts. The City of East Brewton, Alabama, is hereby divided into zoning districts as listed and described below and as shown on the Official Zoning District Map, for the purpose of:

1. Providing a residential environment free of incompatible uses, safe from natural and manmade hazards;
2. Promoting, where possible, planned residential, and business areas in appropriate locations, with appropriate standards and minimum service cost to local government;
3. Providing a compact, convenient urban pattern for urban areas;
4. Providing a level of flexibility of control sufficient to promote innovation and creativity in community development, to encourage maximum living comfort and convenience at lowest cost; and,
5. Promoting the comprehensive plan for the City.

RESIDENTIAL DISTRICTS:

- R-1 Low Density Single Family Residential District
- R-2 Medium Density Single Family Residential District
- R-3 Medium to High Density Multi-Family Residential District
- R-4 Mobile Home Park District
- CGH Cottage-Garden Homes

Business Districts:

- B-1 Local Shopping District
- B-2 General Business District

Manufacturing Districts:

- M-1 Light Manufacturing
- M-2 General Manufacturing

SECTION 2. Zoning Map Explained. The location and boundaries of the zoning districts established by this Ordinance are bounded and defined as shown on the map entitled "Zoning Map of East Brewton, Alabama." Said map shall also be defined by the signature of the Mayor attested by the City Clerk and the date of adoption of this Ordinance.

Changes made in district boundaries or other matter portrayed on the Zoning Map shall be entered on said map promptly after such change has been approved by the City Council, together with an entry on the map showing the date and ordinance number such action was approved. No amendment to this Ordinance which involves matter portrayed on the Zoning Map shall become effective until such change and entry has been made on said map.

The Zoning Map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by the public at all reasonable times.

SECTION 3. Interpretation of Zoning Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries shown as following or appropriately following streets, highways or alleys shall be construed to follow the center lines of such streets, highways or alleys.
2. Boundaries shown as following or approximately following platted lot liens or other property liens, shall be construed to be said lot lines;
3. Boundaries indicating as following or approximately following the center liens of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

ARTICLE IV
DISTRICT REGULATIONS

SECTION 1. R-1 Low Density Residential District.

- 1.1 District Objectives. The objectives of this district are to preserve land areas for single family dwelling unit structures and to promote residential areas with low densities. These areas are intended to be geographically defined and protected from the encroachment of uses not performing a function necessary to a residential environment. Single family dwelling units shall be occupied by one family as defined in this ordinance
- 1.2 Uses Permitted. Accessory buildings; agricultural production – crops only; churches, synagogues, temples and related activities; country clubs; golf courses (9 or 18 hole); home occupations; libraries; nursery schools; public buildings and uses; residential, single-family dwelling units; schools, all public, semi-public or private.
- 1.3 Uses Prohibited. Raising or keeping livestock or fowl; mobile homes (trailer coach or trailer house); manufactured homes; and other uses not specifically permitted herein.
- 1.4 Uses Permitted on Appeal. The following uses may be permitted on Appeal to the Board of Zoning Adjustment in accordance with provisions contained in Article X, Sections 3 and 4: cemeteries; hospitals and clinics (excluding animals); nursing homes; public utilities.
- 1.5 Minimum Lot Requirements.
Area – 15,000 sq. ft.
Area per Single-Family Dwelling Unit – 15,000 sq. ft.
Width at Building Line – 100 ft.
- 1.6 Maximum Lot Coverage. Twenty-five percent (25%) of total lot area.
- 1.7 Minimum Yard Requirements.
Front – 35 feet
Side – 10 feet
Street side yard – 35 feet
Rear yard – 40 feet

- 1.8 Maximum Building Height. Thirty-five (35) feet or two and one-half (2 ½) stories.
- 1.9 Off-Street Parking. One (1) per single-family dwelling unit or as required in Article V, Section 3.
- 1.10 Other Requirements.
 - 1. Each lot shall abut on a public street for a distance of not less than 20 feet.
 - 2. Permitted non-residential uses shall have a minimum lot size of 30,000 square feet and shall be set back from all lot lines for a distance of not less than thirty-five (35) feet.

Section 2. R-2 Medium Density Residential District.

- 2.1 District Objectives. The objective of this district is to provide for medium population density. This district is intended as a low to medium density single-family residential district. Certain uses which are more compatible with residential uses than with non-residential uses are also permitted. Non-residential uses may be permitted on review of the Board of Zoning Adjustment. R-2 districts should be located in areas with good proximity to central community facilities and in areas where a stable transition from one district or density of development is desirable.
- 2.2 Uses Permitted. Accessory buildings; churches, synagogues, temples and related activities; home occupations; libraries; nursery schools; public buildings and uses; residential, single-family dwelling units per structure; schools, all public, semi-public or private.
- 2.3 Uses Prohibited. Raising or keeping livestock or fowl; mobile homes (trailer coach or trailer house); manufactured homes; and other uses not specifically permitted herein.
- 2.4 Uses Permitted on Appeal. The following uses may be permitted on Appeal to the Board of Zoning Adjustment in accordance with provisions contained in Article X, Sections 3 and 4: hospitals and clinics; nursing homes; telephone service; and utilities.
- 2.5 Minimum Lot Requirements.
 - Area – 10,000 sq. ft.
 - Area per Single-Family Dwelling Unit – 10,000 sq. ft.
 - Width at Building Line – 80 ft.

- 2.6 Maximum Lot Coverage. Thirty percent (30%) of total lot area.
- 2.7 Minimum Yard Requirements.
- Front – 30 feet
 - Side – 10 feet
 - Street side yard – 20 feet
 - Rear yard – 25 feet
- 2.8 Maximum Building Height. Thirty-five (35) feet or two and one-half (2 ½) stories.
- 2.9 Off-Street Parking. One (1) per single-family dwelling unit or as required in Article V, Section 3.
- 2.10 Other Requirements.
1. Each lot shall abut on a public street for a distance of not less than 20 feet.
 2. Permitted non-residential uses shall have a minimum lot size of 30,000 square feet and shall be set back from all lot lines for a distance of not less than thirty (30) feet.

SECTION 3. R-3 Medium to High Density Multi-Family Residential District.

- 3.1 District Objectives. The objective of this district is to provide for medium to high population density. The principal user of land may range from single-family residential to high-density multiple family apartments.
- 3.2 Uses Permitted. Accessory buildings; churches, synagogues, temples and related activities; home occupations; libraries; nursery schools; public buildings and uses; residential, single-family dwelling units, two-family dwelling units, three or more dwelling units; schools, all public, semi-public or private.
- 3.3 Uses Permitted on Appeal. The following uses may be permitted on Appeal to the Board of Zoning Adjustment in accordance with provisions contained in Article X, Sections 3 and 4: cemeteries; non-profit clubs; rooming houses; boarding houses; hospitals and clinics (excluding animal hospitals); manufactured homes on individual lots; nursing homes; communication and utilities.

3.4 Minimum Lot Requirements.

Area – 10,000 sq. ft.

Single-Family Dwelling Unit – 10,000 sq. ft.

Two-Family Dwelling Unit – 10,000 sq. ft.

Three or More Dwelling Unit – 10,000 sq. ft.

Each Additional Dwelling Unit – 2,000 sq. ft.

Width at Building Line – 60 ft.

3.5 Maximum Lot Coverage. Thirty-five percent (35%) of total lot area.

3.6 Minimum Yard Requirements.

Front – 25 feet

Side – 10 feet

Street side yard – 20 feet

Rear yard – 30 feet

3.7 Maximum Building Height. Forty-five (45) feet or three (3) stories.

3.8 Off-Street Parking. One (1) per family or as required in Article V, Section 3.

3.9 Other Requirements. As may be required by the Board of Zoning Adjustments.

1. As may be required by the Board of Zoning Adjustments.
2. All manufactured homes must be properly tied down.
3. Manufactured homes located on individual lots must be provided with a visible foundation or skirting approved for such use. Such skirting must be of durable material and must be properly maintained.
4. All manufactured homes must adhere to the following compatibility standards:

Minimum Requirements

a. Minimum width:

The general shape, width, and appearance of the manufactured home shall conform to housing in adjacent or nearby locations.

b. Site orientation:

Manufactured homes shall be placed on the lot in such a manner as to be compatible with and reasonably similar in orientation to the other structures in the area.

c. Age of structure:

The manufactured home shall not exceed ten (10) years of age.

d. Towing devices:

All towing devices, including but not limited to wheels, axles, hitches, and Transportation lights must be removed.

SECTION 4. R-4 Manufactured Home Park District.

District Objectives. The objective of this district is to provide areas for the development of Manufactured Home Parks. Manufactured home parks as defined herein are uses permitted in an R-4 Manufactured Home Park District subject to the provisions of this Ordinance.

4.1 Definitions. As used in this Ordinance:

4.11 Licensee means any person licensed to operate and maintain a manufactured home park under the provisions of this Ordinance.

4.12 Manufactured home means any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks or skirtings and so constructed as to permit occupancy for dwellings or sleeping purposes.

4.13 Manufactured home park means any plot of ground upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

4.14 Manufactured home space means a plot of ground within a manufactured home park designated for the accommodation of one manufactured home.

4.15 Park means manufactured home park.

4.16 Permittee means any person to whom a temporary permit is issued to maintain or operate a manufactured home park under the provision of this Ordinance.

4.17 Person means any individual, firm, trust, partnership, association or corporation.

4.2 License.

4.21 It shall be unlawful for any person to maintain or operate a manufactured home park within the limits of the City of East Brewton, Alabama, unless such persons shall first obtain a license, therefore, except that the maintenance or operation of a manufactured home park in existence on the effective date of this Ordinance may be continued.

4.3 License Fees and Temporary Permit Fees.

4.31 The annual license fee for each manufactured home park shall be according to the will of the City Council.

4.32 The fee for transfer of a license will be at the discretion of the City Council.

4.4 Application of License.

4.41 Application for initial manufactured home park license shall be filed with the City of East Brewton, Alabama. The application shall be in writing, signed by the applicant and shall include the following:

4.411 The name and address of the applicant;

4.412 The location and legal description of the manufactured home park;

4.413 A complete plan of the park in conformity with the requirements of this Ordinance;

4.414 Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park;

4.415 Such further information as may be required by the Planning Commission to enable it to determine if the proposed park will comply with legal requirements. The application and all accompanying plans and specifications shall be filed in triplicate.

4.42 Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the City shall issue a certificate renewing such license for another year.

4.43 Upon application in writing for transfer of a license and payment of the transfer fee, the City shall issue a transfer if the transferee is of good moral reputation.

- 4.5 Location. Manufactured home parks may be located in the R-4 Manufactured Home Park District as established in this Ordinance. Where any boundary of a park directly abuts property which is improved with a permanent residential building located within 25 feet of such boundary, directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a fence, wall or hedge shall be provided along such boundary.
- 4.6 Manufactured Home Park Plan. The manufactured home park shall conform to the following requirements:
- 4.61 The park shall be located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- 4.62 Each park shall provide manufactured home spaces, and each such space shall be clearly defined or delineated. Each space shall have an area of not less than 3,200 square feet and a width of not less than 30 feet; provided, however, that manufactured home parks which, at the time of the adoption of this Ordinance, existed lawfully with manufactured home spaces that do not comply with any of the foregoing minimum area and width requirements, say continue to operate and shall be excused from such compliance.
- 4.63 Manufactured homes shall be so located on each space that there shall be at least a 20 foot clearance between manufactured homes. Manufactured homes parked end to end, the end to end clearance may not be less than 20 feet and shall not be less than 20 feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. No manufactured home shall be located closer than 35 feet to any property line of the park abutting upon a public street or highway, or such other distance as may be established by ordinance or regulation as a front yard or setback requirement.
- 4.64 All manufactured home space shall abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to a public street, alley or highway.
- 4.65 Walkways not less than two feet wide shall be provided from the mobile home spaces to the service buildings.
- 4.66 All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than 250 watts each, spaced at intervals of not more than 100 feet.

- 4.67 An electrical outlet supplying at least 110-115/220-250 volts, 100 amperes shall be provided for each mobile home space.
- 4.7 Water Supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured home spaces within the park, to meet the requirements of the park. Each manufactured home park space shall be provided with a cold water tap at least four inches above the ground.
- 4.8 Sewage and Refuse Disposal.
- 4.81 Each manufactured home space shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bath tub, flush toilet, lavatory and home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the manufactured home waste into a public sewer system in compliance with applicable ordinance or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard.
- 4.82 Garbage Receptacles. Garbage containers should conform to the City Ordinance for the disposal of all garbage and rubbish. Garbage cans shall be located no further than 300 feet from any manufactured home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.
- 4.9 Fire Protection. Every park shall be quipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.
- 40.1 Animals and Pets. No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any manufactured home park. (For further information refer to appropriate City Ordinance.)

- 40.2 Supervision. The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Ordinance to which the licensee or permittee is subject.
- 40.3 Revocation of License. The City of East Brewton, Alabama, may revoke any license to maintain and operate when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance. After the correction of such condition and the payment of the penalties imposed by law and assurance given to the City Council that such condition will not be repeated, then the City Council may issue a new license.
- 40.4 Posting of License and Temporary Permit. The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the manufactured home park at all times.
- 40.5 Separability of Provisions. Should any section or provision of this Ordinance be declared invalid such decision shall not affect the validity of the remaining portions of the Ordinance.
- 40.6 Penalty. Any person violating this Ordinance shall be fined not less than \$25.00 nor more than \$500.00 for each offense.

SECTION 5. CGH- Cottage-Garden Homes.

5.1 District Objectives. The intent of the special conditions for Cottage homes is to: Provide a residential format as an alternative to single-family homes; Allow cottage homes to be appropriately intermingled with other types of housing and give residents of cottage homes quality residential neighborhoods; Ensure location and design standards compatible with surrounding property; Create a low-maintenance residential alternative; Make efficient, economical, comfortable, and convenient use of land and open space; Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

5.2 Uses Permitted. Accessory Buildings not over 120 square feet.

5.3 Uses Prohibited. Raising or keeping livestock or fowl; mobile or manufactured homes (trailer coach or trailer house); and other uses not specifically permitted herein.

Location Restrictions: Cottage Homes and Garden Homes are only allowed in districts zoned CGH.

5.4 Site Requirements:

5.41 Each individual cottage home unit shall be constructed on its own lot.

5.42 Minimum Lot Requirements: Each lot shall be a minimum width of 40 feet at the front building line, and a minimum lot size of 4000 square feet.

5.43 Maximum Lot Coverage Requirements: Permitted for the main dwelling shall be 60% of the permitted building area.

5.44 Minimum Yard Requirements:

Each cottage home shall have one side yard with a minimum of 10 feet. Minimum depth for rear yard shall be 15 feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond 24 inches beyond the wall, and, provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed. The required 10 foot side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates. Each cottage home shall have on its own lot one yard containing not less than 600 square feet, reasonably secluded from view of right-of-ways or neighboring property.

5.45 Privacy fences or walls: may be placed on or along any lot lines provided that the fences or walls are not constructed in a manner to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protections. An eight-foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.

5.46 Off-street parking: shall be located within the interior of the lot, maximum of 2 spaces.

5.47 Supplemental Requirements: The exterior walls of the cottage home, or any accessory structures located on the zero-foot side yard setback shall not project over the property lines. Roof overhang may penetrate maintenance and drainage easement of the adjacent lot a maximum of 30 inches, provided the roof shall be so designed that water run off shall be restricted to the drainage easement area.

A. Where adjacent zero lot line dwellings are not constructed against or along a common lot line, a perpetual drainage easement shall be provided which shall be approved by the city engineering department. Fences and walls may be located on or along this easement provided gates or other openings that will not block local lot drainage are maintained.

B. The lot adjacent to the zero setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners adjacent tracts).

C. A 15-foot side setback shall be required, provided the adjacent property is not zoned for cottage homes or is not a permitted use in the adjacent zoning district.

SECTION 6. B-1 Local Shopping District.

- 6.1 District Objectives. The objectives of this district is to provide areas for the development of retail and personal service outlets that provide for the daily needs and the convenience of residential neighborhood residents. These districts should be developed with adequate off-street parking and access controls so as to minimize traffic hazards and interference with adjacent uses.
- 6.2 Uses Permitted. Accessory buildings; apparel and accessories sales (includes shoes); automobile, accessories and supplies, repair and service – minor (service station), repair and service – major (body, engine), sales, washing; bakery whose products are sold only at retail and on the premise; banks and financial institutions; barber and beauty shops; billboards; bowling alleys; café (see eating and drinking places); camera and photographic sales and services; civic, social and fraternal organizations; cosmetic shops; delicatessen; drug store – retail; dry goods and notions; eating and drinking places; florists; food stores – retail; gasoline service station (see automobile); golf course – 9 miniature; hardware – retail; jewelry stores – sales and service; laundering and dry cleaning; mail order agency; public buildings and uses; radio and television sales and services; restaurants; specialty goods shops (antiques, furs, leather goods); sporting goods; utilities.
- 6.3 Uses Permitted on Appeal. Beer and liquor sales, including package carry out, night clubs, bars, etc.
- 6.4 Minimum Lot Requirements.
Area – 10,000 sq. ft.
Width at building line – 60 feet
- 6.5 Maximum Lot Coverage. Thirty percent (30%) of total lot area.

6.6 Minimum Yard Requirement.

Front – 30 feet
Side – 10 feet
Street side – 20 feet
Rear – 25 feet

6.7 Maximum Building Height. Thirty-five (35) feet or two and one-half (2 ½) stories.

6.8 Off-Street Parking. As required in Article V, Section 3.

6.9 Other Requirements.

1. A side yard of 35 feet shall be required when a side yard abuts a residential district.
2. A rear yard of 35 feet shall be required when a rear yard abuts a residential district.

SECTION 7. B-2 General Business District.

7.1 District Objectives. The objective of this district is to provide and preserve a central area of intensive business, governmental and cultural activities scaled to pedestrian needs. Uses which do not require a central location and create hazards in the performance of centralized functions are discouraged.

7.2 Uses Permitted. Accessory buildings; apparel and accessories sales (includes shoes); appliance sales; automobile, accessories and supplies, repair and service – minor (service station); bakery; banks and financial institutions; barber and beauty shops; beer sales, package, carry out, on premises; boat sales, repair and service; books, stationery and art supplies; bus, passenger station; café (see eating and drinking places); camera and photographic sales and services; civic, social and fraternal organizations; cosmetic shops; delicatessen; department stores; drug stores; dry goods and notions; eating and drinking places; florists; food stores; funeral homes and mortuaries; garage – repair; gasoline service station; hardware; health center; heating and plumbing sales and service; hotels; household furnishings; jewelry stores; laundering and dry cleaning; library; liquor sales; mail order agency; manufactured home and motor home (recreational vehicle) sales and service; motion picture theater; motorcycle sales and service; musical instruments, supplies and services; offices – business service, professional, governmental, etc.;

office equipment and supplies; optical sales and services; photography studios; public buildings and uses; radio and television broadcasting stations; radio and television sales and services; restaurants; shoe repair shops; specialty goods shops (antiques, furs, leather goods); sporting goods; telephone service; tire – sales and service; other sales and services consistent with the intent of this Ordinance.

7.3 Minimum Lot Requirement. None

7.4 Maximum Lot Coverage. None specified.

7.5 Minimum Yard Requirement.

Front – 10 feet

Side – None specified

Street side – 10 feet

Rear – 15 feet

7.6 Maximum Building Height. Sixty-five (65) feet or five (5) stories.

7.7 Off-Street Parking – Loading and Unloading. As required in Article V, Section 3.

7.8 Off-Street Loading and Unloading. As required in Article V, Section 4.

7.9 Other Requirements. A minimum size yard of 10 feet is required when abutting a residential district. Rear yard requirements shall be waived if a lot abuts on an alley or service drive and if loading and unloading facilities are provided.

SECTION 8. M-1 Light Manufacturing District.

- 8.1 District Objectives. The objective of this district is to provide areas for the development of light manufacturing and their related activities. It is also the intent of this district that noise, odor, dust and glare associated with uses permitted in this district be confined within buildings so as to minimize the effects upon adjacent development and uses.
- 8.2 Uses Permitted. Accessory buildings; billboards; automobile and truck sales and service; blueprinting and similar reproduction; contractor or construction offices and shops; freight depots, truck and rail; laundering and dry cleaning; machinery sales, service, rental; newspaper publishing, printing, and distribution; public buildings and uses; schools – commercial or trade; tiers – recapping; utilities; warehousing; wholesale – with or without storage.
- 8.3 Minimum Lot Requirements. It is the intent of this Ordinance that lots of sufficient size be used for any manufacturing, service, or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.
- 8.4 Maximum Lot Coverage. Fifty percent (50%) of total lot area.
- 8.5 Minimum Yard Requirements.
- Front – 50 feet
 - Side – 20 feet
 - Street side – 50 feet
 - Rear – 40 feet
- 8.6 Maximum Building Height. Forty-five (45) feet or three (3) stories
- 8.7 Off-Street Parking. As required in Article V, Section 3.
- 8.8 Off-Street Loading and Unloading. As required in Article V, Section 4.
- 8.9 Other Requirements. A side yard of 40 feet shall be required when a side yard abuts a residential district.

SECTION 9. M-2 General Manufacturing District.

- 9.1 District Objectives. The objective of this district is to provide areas for those manufacturing activities which might have characteristics of a more undesirable nature than permitted in the M-1, Light Manufacturing District. Performance standards and review of manufacturing uses which produce objectionable characteristics will minimize the effect of such activities upon surrounding development.
- 9.2 Uses Permitted. Accessory buildings: agriculture production – animals, crops, sale of product on premises; billboards; blueprinting and similar reproduction; freight depots – truck and rail; lumber yards and millwork; freight stations; utilities; etc.
- 9.3 Uses Permitted on Appeal. The following uses may be permitted on appeal to the Board of Zoning Adjustment in accordance with provisions contained in Article X, Sections 3 and 4: gasoline storage; junkyards; public buildings and uses; radio and television transmitter and tower; schools – commercial or trade.
- 9.4 Minimum Lot Requirements. Same as M-1 Light Manufacturing District.
- 9.5 Maximum Lot Coverage. Fifty percent (50%) of total lot area.
- 9.6 Minimum Yard Requirements. None specified.
- 9.7 Maximum Building Height. Forty-five (45) feet or three (3) stories
- 9.8 Off-Street Parking. As required in Article V, Section 3.
- 9.9 Off-Street Loading and Unloading. As required in Article V, Section 4.

SECTION 10. SFH Special Flood Hazard District.

- 10.1 District Objectives. The objective of this District is to provide protection from the flood hazards and financial loss caused by flooding to the residents, businesses and industries and public use of the community and to protect sensitive natural environments that might be damaged by improper use of floodway and floodway fringe.
- 10.2 District Boundaries. The boundaries of the special flood hazard areas are shown on the Flood Hazard Boundary Map. Land lying inside Special Flood Hazard Areas shall be considered subject to flooding if such land is at or below elevations shown within flood prone areas as delineated on U.S.G.S. quadrangle maps of East Brewton or the official Special Flood Hazard Areas delineated by the Flood Insurance Program.
- 10.3 General Provisions. Areas lying inside the areas as shown on the Flood Hazard Boundary Map of East Brewton shall be subject to the following regulations in addition to the respective district over which the area is controlled by the Zoning Map.
- 10.31 No building or structure shall be erected and no existing building shall be extended or moved unless the foundation of the structure is firmly anchored and interconnected to prevent the disjoining of the structure or major parts thereof and to prevent same from floating away and thus threaten life and property downstream.
- 10.32 Land may be filled within the flood hazard areas provided such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon, and further provided that such fill is approved by the U.S. corps of Engineers.
- 10.33 Any structure proposed to be located inside the flood hazard area must be approved by the City Flood Plain administrator. The City Engineer shall determine on the basis of the area of the watershed and the probable runoff, the openings needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of flood water.
- 10.4 Rules for Interpretation of Flood Hazard. The boundaries of the Flood Hazard Areas shall be determined by scaling distances on the Official Flood Hazard Boundary Map, City of East Brewton, National Flood Insurance Program September 29th, 2006 and subsequent revisions. Where interpretation is needed as to the exact location of the

boundaries, as for examples where there appears to be a conflict between a mapped boundary and actual field conditions, the Flood Plain Administrator shall make the necessary interpretation. The person contesting the location of the Flood Hazard Area shall be given a reasonable opportunity to present his case to the Flood Plain Administrator and to submit his own technical evidence if he so desires.

- 10.5 Compliance. No structure, land or water, shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.
- 10.6 Abrogation and Greater Restrictions. It is not intended by these regulations to repeal, abrogate or impair any existing easements, covenants, or deed restrictions, their provision of these regulations shall prevail. All other provisions inconsistent with these are hereby repealed to the extent of the inconsistency only.
- 10.7 Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- 10.8 Warning and Disclaimer of Liability. The degree of flood protection required by these regulations are considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as bridge openings restricted by debris. These regulations do not imply that areas outside the Flood Hazard Area boundaries or land uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of East Brewton or any officer or employee thereof for any flood damages that may result from reliance on the regulations or any decision lawfully made thereunder.

ARTICLE V

SUPPLEMENT DISTRICT REGULATIONS

SECTION 1 Performance Standards. The Board of Zoning Adjustment may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The Board of Zoning Adjustment may direct the Municipal Building Inspector to issue an abatement order, but such order may be directed and after a public hearing by the said Board, notice of which shall be sent by registered mail to the owner and/or operators of the property on which the use is conducted in addition to the notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board of Zoning Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board.

SECTION 2. Corner Visibility. On a corner lot in any zoning district, except the B-2 general Business District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and line joining points along said street lines 50 feet from the point of intersection.

SECTION 3. Off-Street Parking.

3.1 Requirements for Off-Street Parking. In all zoning districts there shall be provided at the time any permitted use is established, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following guidelines.

3.11 Off-street automobile storage or parking spaces shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth.

3.12 The term "Off-Street Parking Space" shall mean a space at least nine (9) feet wide and nineteen (19) feet in length with a minimum net area of one hundred seventy-one (171) square feet, excluding area for egress and ingress and for maneuverability of vehicles.

- 3.13 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night and on Sundays may be assigned to a use which will be closed at night or on Sundays.
 - 3.14 Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Board of Adjustment.
 - 3.15 Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- 3.2 For existing commercial uses in any business district and other similar areas desiring to expand but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

3.3 Parking Schedule.

	<u>Land Use</u>	<u>Parking Requirements</u>
3.31	<u>Dwellings:</u>	
1.	One and two families:	One (1) space for each dwelling unit.
2.	Multiple:	One and one-half (1 ½) spaces for each unit containing less than three (3) habitable rooms. Two (2) parking spaces for each unit containing three (3) or more habitable rooms.
3.	Hotels	One (1) space for each bedroom plus one (1) additional space for each five (5) employees.

	<u>Land Use</u>	<u>Parking Requirements</u>
4.	Motels, Tourist Courts and Homes, Manufactured Homes and Parks	One (1) space for each guest bedroom, manufactured home or travel trailer space, plus one (1) additional space for a resident manager or owner and one (1) space for each five (5) mobile home spaces in park.
5.	Board and Rooming Houses, Dormitories:	One (1) space for each guest bedroom.
3.32	<u>Public Assembly</u>	
1.	Churches or Other Places of Worship	One (1) space for each four (4) seats in the main auditorium or sanctuary.
2.	Private Clubs, Lodges and Fraternal Buildings not providing overnight accommodations	One (1) space for each 100 square feet of building under roof.
3.	Theaters, Auditoriums, Coliseums, Stadiums, and Similar Places of Assembly:	One (1) space for each four (4) seats.
4.	Libraries, Museums:	One (1) space for each 500 square feet of gross floor area.
3.33	<u>Business</u>	
1.	<u>Commercial Establishments and Offices</u> including but not limited to the following types: <u>Food Stores, Furniture Stores, General Business,</u> commercial or personal service establishments catering to the retail trade, but excluding food stores.	Four (4) parking spaces for up to 400 Square feet of floor area, plus one (1) parking space for each additional 400 square feet of floor area plus one (1) parking space for each additional 200 square feet of floor area over 5,000 square feet.

Land Use

Parking Requirements

Governmental Offices, office Buildings, including banks, businesses, commercial and professional offices and buildings but excluding medical, dental and health offices and clinics.

One (1) space for each 200 square feet of floor area.

Public Utilities, such as telephone exchanges and substations, radio and TV stations.

One (1) space for each two (2) employees.

Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and similar dining and/or drinking establishments.

One (1) space for each two (2) seating accommodations plus one (1) space for each two (2) employees.

2. Shopping Centers

Ten (10) spaces for each 1,000 square feet of floor area designated for retail sales only for centers up to fifteen (15) acres in size and eight (8) spaces for each 1,000 square feet of floor area designated for retail sales only for centers of 15 or more acres in size.

3. Schools, including Kindergartens and Day Care Centers

One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school or colleges.

	<u>Land Use</u>	<u>Parking Requirements</u>
4.	Skating Rinks, Dance Halls, Exhibition Halls, Pool Rooms, and Other Places of Amusement or Assembly Without Fixed Seating Arrangements	One (1) space for each 200 square feet of floor area.
5.	Bowling Alleys:	Four (4) spaces for each alley.
3.34	<u>Health Facilities:</u>	
1.	Hospitals, Sanitariums, Nursing Homes, Homes for the Aged and Similar Institutional Uses:	One (1) space for each four (4) beds, plus one (1) space for each four (4) employees, including nurses.
2.	Kennels and Animal Hospitals:	A parking area equal to 30 percent of the total enclosed or covered area.
3.	Medical, Dental and Health Offices and Clinics:	One (1) space for each 200 square feet of floor area used for offices and similar purposes.
4.	Mortuaries and Funeral Parlors:	Five (5) spaces per parlor chapel unit, or none (1) space per four (4) seats, whichever is greater,
3.35	<u>Industries:</u>	
1.	Commercial, Manufacturing and Industrial establishments not cater to the retail trade:	One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each vehicle operating from the premises.

<u>Land Use</u>	<u>Parking Requirements</u>
2. Wholesale establishments:	One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift plus one (1) space for each company vehicle operating from the premises.
3. Electric Power and Gas Substations:	Twenty-five (25) percent of parcel on which located or four (4) spaces, whichever is smaller.

3.36 Design Standards and Improvements Required.

3.361 Definition. An off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 171 square feet and minimum dimensions of 9' x 19', exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.

3.362 Permit. A parking area permit approved by the Building Inspector shall be required for any parking area with a design capacity for six (6) or more vehicles.

3.363 Parking Area Dimensions. The design and dimensions of the parking area shall be in accordance with the following dimensions table:

<u>Angle of Parking</u>	<u>Curb Length Per Car</u>	<u>Stall Depth</u>	<u>Access Driveway Width</u>
0	23'0"	9'0"	12'0"
20	20'4"	15'0"	11'0"
30	18'0"	17'4"	11'0"
40	14'0"	19'2"	12'0"
45	12' 9"	19'10"	13'0"
50	11'9"	20'5"	12'0"
55	11'1"	20'3"	15'6"
60	10'5"	21'0"	18'0"
70	9'8"	21'0"	19'0"
80	9'8"	20'4"	24'0"
90	9'0"	19'0"	24'0"

3.364 Width of Two-Way Access Driveways. The minimum width of two-way access driveways within the parking areas shall be twenty-four (24) feet.

3.365 Paving Standards. Parking spaces and driveways shall be paved to standards established by the City of East Brewton.

3.366 Parking Areas Exempted from Landscaping Requirement. All parking areas located within the M-1 or M-2 Industrial Districts which are not within fifty (50) feet of any street right-of-way shall be exempt from the landscaped area requirements of this Ordinance.

3.367 Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.

- 3.4 Landscaping. The design and appearance of parking areas is intended to be compatible with the character of the community. Toward this objective the following standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces.
- 3.41 At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped;
 - 3.42 Such landscaping to include the placement of a mature shade tree at intervals of approximately ten (10) parking spaces;
 - 3.43 Interior portions of the parking area shall be broken by provision of landscaped islands;
 - 3.44 a maximum of twelve (12) parking spaces in a row will be permitted without an island;
 - 3.45 Each separate landscaped area must be a minimum of sixteen (16) square feet if it is to be counted toward the minimum landscaped area requirements;
 - 3.46 Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;
 - 3.47 The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

SECTION 4. Off-Street Loading and Unloading Space. Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.

- 4.1 Size of Spaces. Each off-street loading/unloading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length accordingly to as little as 35 feet.
- 4.2 Connection to Street or Alley. Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

- 4.3 Floor Area Over 10,000 Square Feet. There shall be provided for each hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt of distribution of materials or merchandise and have a floor area of more than 10,000 square feet, at least one off-street loading/unloading space for each 10,000 square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- 4.4 Floor Area Less Than 10,000 Square Feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- 4.5 Bus and Trucking Terminals. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.
- 4.6 Location. All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.
- 4.7 Permanent Reservation. Areas reserved for off-street loading/unloading in accordance with the requirement of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified except where equivalent loading/unloading space is provided and approved by the Board of Adjustment.

SECTION 5. Off-Street Parking. Loading/Unloading Spaces for Mini-Warehouses.

- 5.1 All one-way driveways shall provide for one 10-foot travel lane. Traffic direction and parking shall be designated by signing or painting.
- 5.2 All two-way driveways shall provide for one 10-foot parking land and two 12-foot travel lanes.
- 5.3 Whenever applicable, two (2) parking spaces shall be provided for the manager's quarters plus one (1) additional space for every 25 storage cubicles to be located at the project office for use of clients.

SECTION 6. Control Curb Cuts: Vision Clearance. The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

- 6.1 Curb Cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than twenty (20) feet to other curb cuts or closer than twenty (20) feet to any intersection of two streets measured along the curb line.
- 6.2 Vision Clearance. In all use districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroad lines, or of a street intersection with a railroad line.

SECTION 7. Storage and Parking of Trailers and Commercial Vehicles.

- 7.1 Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied

by a dwelling or any lot in any Residential District except in accordance with the following requirements:

- 7.11 No more than one commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
- 7.12 Travel trailers, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front building setback line.
- 7.13 A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a manufactured home park authorized under this Ordinance.

SECTION 8. Accessory Building. An accessory building may be erected either attached or unattached to a principal building on the same lot. An attached accessory building shall be considered as part of the principal building and shall comply with the requirements of the district in which it is located. An attached accessory building in any Residential "R" District shall be located in the rear yard of the principal building but shall not: occupy more than thirty percent (30%) of the area of the required rear yard; be located closer than fifteen (15) feet to the principal building on the same lot or any principal building on an adjoining lot; be located closer than five (5) feet from any rear or interior side lot line; project into any required front or street side yard. Unattached accessory buildings in all other districts may be located in rear or side yards of principal buildings but shall not be located in any required side or rear yard or within ten (10) feet of any other structure. All accessory buildings must comply with the town's adopted building code(s) and must be similar in construction and appearance to the principal building.

SECTION 9. More Than One Principal Building on a Lot. In areas zoned for single-family use, there shall be no more than one principal building on a lot. In an R-3 Medium to High Density Multi-Family Residential District no more than one principal building per lot is allowed. These provisions shall not apply to multiple family housing developments or shopping centers approved by the Planning Commission.

Section 10. Appearance of Commercial Structures.

- 10.1 All commercial structures shall be so designed as to present an aesthetically pleasing appearance, as determined by Planning Commission, that is generally compatible with existing buildings in the district, except those less desirable in appearance that are legal non-conforming under Article VII Non-Conforming Uses Of Land And Structures.
- 10.2 Newly constructed bare-sided metal buildings in all commercial B-1 and B-2 zones, shall have their front external elevations constructed with aesthetically pleasing materials such as listed in Subsection 10.3. The properties located in M-1 and M-2 zones will not have to meet this requirement.
- 10.3 Acceptable materials for the external elevations of buildings or facades include stucco, brick, scored and split face block and wood. It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, wainscot, protrusions, recessed windows or entries. Alternative materials must be approved through the site plan approval process. Additional landscaping may also be required.

ARTICLE VI

SUPPLEMENTARY USE REGULATIONS

SECTION 1. Junkyards.

- 1.1 Location. No operation shall be located nearer than 300 feet from any established residential district.
- 1.2 Screening. All outdoor storage of salvage and wrecking operations shall be conducted within an enclosed solid fence or wall, not less than six (6) feet in height. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.
- 1.3 Storage of Materials. The storage of salvaged or junk materials shall not exceed six (6) feet in height.

SECTION 2. Cemetery

- 2.1 Location. All cemeteries hereafter established shall have direct access to major thoroughfares with ingress and egress so designed as to minimize traffic congestion.
- 2.2 Size. Any new cemetery shall be located on a site containing not less than ten (10) acres. Structure setback shall conform to the district regulations in which the site is located. All graves or burial lots shall be set back not less than twenty-five (25) feet from any lot line.

SECTION 3. Home Occupations. Home occupations are permitted in all districts but must meet the following special requirements:

- 3.1 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.
- 3.2 The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the immediate family residing on the premises.
- 3.3 The home occupation shall be restricted to the main building only and shall not occupy more than twenty-five percent (25%) of the floor area within said building.

- 3.4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, or other conditions detrimental to the character of the surrounding use.
- 3.5 No more than one home occupation may be permitted per residence.
- 3.6 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.
- 3.7 Any business sign placed on the premises shall not be larger than two (2) square feet.

SECTION 4. Screening, Lighting and Space.

- 5.1 In any Commercial or Industrial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where necessary to conceal such areas of facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.
- 5.2 In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height.
- 5.3 Junk yards and areas where junk cars are kept shall meet all provisions of 5.2.
- 5.4 Any facility deemed unsightly by the City Inspector and/or the Planning Commission will be required to install the proper screening.
- 5.5 outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public right-of-way.

ARTICLE VII

NON-CONFORMING USES OF LAND AND STRUCTURES

SECTION 1. Non-Conformance.

- 1.1 Non-Conforming Building and Uses. It is the intent of this Ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and amendments thereto, not in conformity with its use, regulations and provisions, may be continued subject to the following provisions:

- 1.11 Unsafe Structures. Any structure or portion thereof declared unsafe by an authority may be restored to a safe condition, providing the requirements in this Section are met.
- 1.12 Alterations. Any change in a non-conforming building site or yard area is subject to the following:
- 1.121 A non-conforming building can be structurally altered or expanded provided that such alterations or expansions are in conformance with the side, front and rear yard requirements and with the height requirements of the District.
- 1.122 Should a non-conforming building be moved, all non-conforming yard areas shall be eliminated.
- 1.13 Extension. A non-conforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this Ordinance.
- 1.14 Restoration of Damaged Buildings. A non-conforming building, structure, or improvement which is hereafter damaged or destroyed may be restored. If, however, in the opinion of the Building Inspector, the restoration exceeds the former scope of

the non-conforming use the matter may be referred to the Planning commission prior to the issuance of a building permit.

- 1.15 Changes in Use. A non-conforming use which is changed into a conforming use shall not be permitted to revert to the original or a less restrictive use.
- 1.16 Discontinuance. A non-conforming use which became such after the adoption of this Ordinance and which has been discontinued for a continuous period of 90 days shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.
- 1.17 Adjacent Land. The presence of a non-conforming use in a zoning district shall not be allowable as legal grounds for the granting of variances for other surrounding properties by the Board of Adjustment.
- 1.18 Access to Public Streets. Access to public streets shall be maintained in accordance with the following requirements:
 - 1.181 Each principal use shall be placed on a lot or parcel which provides frontage on a public street having a right-of-way of not less than thirty (30) feet.
 - 1.182 Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least 15 feet in width.
- 1.19 Lot of Record. Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable his to conform to the dimensional requirements of this Ordinance, the following Exceptions may be allowed:
- 1.20 Land Use. Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, said lot may be used for a single-family dwelling except in the M-1 and M-2 Industrial Districts. A single-family dwelling may be constructed in an R-1, R-2, R-3, CGH, Residential District, provided the lot to be so used has a minimum area of 6,000 square feet (4000 CGH sq. ft) and a minimum lot width at the building line of 50 feet, (40 feet CGH) provided it is located on a public sewer.

- 1.21 Replatting. When two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, such lots shall be platted or re-parceled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.
- 1.22 Improvements. Buildings or structures located on substandard lots of record may be improved only when the addition of adequate plumbing is required by the laws and ordinances of the City and conform to the City's building code.
- 1.23 Yard Requirements. Yard requirements shall be modified subject to the following conditions:
- 1.231 On double frontage lots (interior lots abutting two streets) the required front yard shall be provided on each street.
- 1.232 Whenever a rear property line of a lot abuts upon an alley, one-half (1/2) of the alley width shall be considered as a portion of the required rear yard.
- 1.233 Side yard Requirements. The side yard requirements for substandard lots of record may be reduced for each side yard at the rate of one foot for each four feet by which the lot width lacks fifty (50) feet, provided in no event shall such side yard be reduced to less than five feet on each side.
- 1.234 Front and Side yard Setbacks for Dwellings.
- (a) The setback requirements for side yards on corner lots and/or front yards shall not apply to any lot where the average setback on residentially developed lots located, wholly or in part, 100 feet on each side of such lot and within the same block and zoning district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on each lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

- (b) On corner lots the front and side yard setbacks shall be determined by the proposed location of the structure on the lot.

SECTION 2. REPLACEMENT OF EXISTING MANUFACTURED HOMES IN NON-CONFORMING ZONING DISTRICTS

- 2.1 The replacement of a mobile/manufactured home in a non-conforming zoning district shall be allowed only if such replacement occurs within ninety (90) days of the removal or destruction of the existing mobile/manufactured home.
- 2.2 The appearance and orientation of any replacement manufactured home shall conform to or improve upon the appearance and orientation of the mobile/manufactured home which it is meant to replace.
- 2.3 The appearance and orientation of a replacement manufactured home shall be approved as follows:
 - 2.3.1 In the replacement of a mobile/manufactured home five (5) years of age or less, the replacement may be approved by the city building official and if necessary, on appeal to the Planning Commission.
 - 2.3.2 In the replacement of a mobile/manufactured home with a manufactured home greater than five (5) years of age but less than or equal to ten (10) years of age, the replacement must be approved only by the Planning Commission.
- 2.4 No mobile/manufactured home may be replaced with a manufactured home that is greater than ten (10) years of age.
- 2.5 Any manufactured home intended to replace an existing mobile/manufactured home must be certified by the Department of Housing and Urban Development.

ARTICLE VIII

EXCEPTIONS AND MODIFICATIONS

The requirements and regulations set forth in this Ordinance shall be subject to the following exceptions and modifications.

SECTION 1. Existing Lots of Record. Any lot or parcel of land in any district owned at the date of adoption of this Ordinance, or amendment thereof, not adjoining undeveloped land under the same ownership may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width or both. With respect to such lots or parcels, yard requirements and other requirements shall be subject to the following.

1.1 The application of side yard requirements shall not reduce the net buildable width below fifteen (15) feet provided the application of this exception does not reduce a side yard ten percent (10%) of the lot width of five (5) feet, whichever is greater, and that street side yards are not reduced less than twenty percent (20%) of the lot width or ten (10) feet, whichever is greater.

SECTION 2. Front Yards. The front yard requirements of this Ordinance shall not apply on lots where the average depths of existing front yards on developed lots located within one hundred (100) feet on each side thereof and within the same block and zoning district is greater or less than the minimum required front yard depth. In such case, the depth of the front yard on such lot shall not be less than the average front yard depth on such developed lots.

On double frontage lots, the required front yard shall be provided on each street.

SECTION 3. Height Limits. When authorized by the Board of Zoning Adjustment, zoning district height limitations may be exceeded by the following structures: chimneys, church steeples, flag poles, grain elevators, distribution lines, towers and poles, radio and television antennas, water towers and similar structures.

SECTION 4. Projections Into Required Yards. Certain architectural features shall be permitted to project into required yard areas as follows:

- 4.1 Cornices, canopies, eaves or similar features may project a distance not exceeding two and one-half (2 ½) feet.
- 4.2 Fire escapes may project a distance not to exceed four (4) feet.
- 4.3 An uncovered stair or landing may project a distance not to exceed three (3) feet.
- 4.4 Bay windows, balconies and chimneys may project a distance not to exceed two (2) feet provided such features do not occupy more than one-third (1/3) the wall on which they are affixed.
- 4.5 Patios may be located in side and rear yards provided they are not closer than five (5) feet to any adjacent property line.
- 4.6 Fences, walls and hedges may be located in required yards subject to the following limitations:
 - 4.61 They do not exceed eight (8) feet in height.
 - 4.62 They do not extend along side lot lines in front yards more than one-half (1/2) the depth of required front yards.
 - 4.63 They do not impair corner visibility as set forth in this Ordinance.

SECTION 5. TEMPORARY USES. Temporary buildings used in conjunction with construction work may only be permitted during the period that construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

ARTICLE IX

ZONING ADMINISTRATION

SECTION 1. Duties and Powers of the Zoning Administrator.

- 1.1 The Zoning Administrator shall be the Municipal Building Inspector as designated by the City Council whose duties shall be as follows:
- 1.2 The Zoning Administrator is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance.
- 1.3 The Zoning Administrator does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings before the Board of Adjustment, the Planning Commission, and/or the City Council.
- 1.4 The Zoning Administrator shall keep records of all and any permits the Certificates of Occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.

SECTION 2. Permits and Certificates. Permits and certificates shall be issued in accordance with the following provisions:

- 2.1 It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for the building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose.

2.2 It shall be unlawful for the Municipal Building Inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Municipal Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the Municipal Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

2.21 The actual shape, proportion and dimensions of the lot to be built upon.

2.22 The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

2.23 The existing and intended use of all such buildings or other structures.

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

SECTION 3. Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Inspector of the municipality shall have issued a Certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance. Within three (3) days after the owner or his agent has notified the Building Inspector of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building Inspector of the municipality to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or , if such certificate is refused, to state the refusal in writing with the cause.

ARTICLE X

PLANNING COMMISSION

SECTION 1. Planning Commission – Composition; qualifications, appointment, terms of office, compensation, and removal of members; vacancies.

1.1 The commission shall consist of nine members: The mayor, or his or her designee, one of the administrative officials of the municipality selected by the mayor, a member of the council to be selected by it as a member ex officio and six persons who shall be appointed by the mayor.

1.2 All members of the commission shall serve without compensation, and the appointed members shall hold no other municipal office, except, that one of the appointed members may be a member of the zoning board of adjustment or appeals.

1.3 The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting the member.

1.4 The term of each appointed member shall be six years or until the successor takes office, except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years.

1.5 Members other than the member selected by the council may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty or malfeasance in office. The mayor shall file a written statement of reasons for such removal.

1.6 Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him or her, by the council in the case of the member, or other members selected by it.

ARTICLE XI

SECTION 1. PROCEDURE FOR REQUESTING A ZONING AMENDMENT CHANGE

- 1.0 The City Council may, from time to time, after examination, review and hold public hearings thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by the City Council, the Planning and Zoning Commission, or any person, firm or corporation, shall be treated in accordance with the following procedure:
- 1.1 An application must be submitted on appropriate forms and in writing at least ten (10) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.
- 1.2 The application shall be sent to the Commission for review and recommendation, and said Commission shall have forty-five (45) days within which to submit a recommendation to the City Council.
- 1.3 Before enacting any amendment to this Ordinance, a public hearing is required with proper circulation in the jurisdiction with proper legal notice published in a newspaper of general circulation in the jurisdiction, at least fifteen (15) days prior to the said public hearing and notice by mail to the owners adjacent to the affected property.
- 1.4 The Council shall hold the a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within 45 days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's recommendation. In such case, the Council shall not make any change in or departure from the text or maps, as recommended by the Commission, unless such change or departure be first submitted to the Commission for an additional review and recommendation. The Commission shall have thirty (30) days to resubmit its recommendation.
- 1.5 Any petition for zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the Clerk.
- 1.6 A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months.

Section 2. Continuance of Previously Issued Permits. All permits which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

Section 3. Procedure for Zoning Newly Annexed Land. Any unzoned land annexed to the City of East Brewton hereafter shall be classified R-1, unless otherwise classified by the Planning Commission and City Council at the time of annexation. Annexed land with an established zoning shall at the time of annexation be rezoned to a use compatible with the municipality's own zoning district or to an entirely new zone consistent with established procedure.

Section 4. Duties and Powers of the Planning Commission.

4.1 The Commission is charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portions thereof which are adopted.

4.2 The Planning Commission shall hear matters which require Commission "approval" as herein specified.

4.3 The Commission shall hear and recommend to the City Council on all matters of zoning, rezoning (and in the case of municipalities – all cases of annexation).

4.4 Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

Section 5. Penalties. Any person violating any provision of this Ordinance shall be fined upon conviction, not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offence.

Section 6. Remedies. In case any building or structure is to be erected, constructed, reconstructed, altered, or converted in violation of this Ordinance, the Building Inspector, legal officer, or other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of said building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

Section 7. Fees. Fees for appeals to the Board of Adjustment and for applications requesting a zoning amendment to this Ordinance are established as follows:

7.1 A flat administrative and review fee of \$50.00 shall accompany each request for appeal or zoning amendment.

7.2 In addition, the actual costs for legal advertisement of the request and notification of adjacent property owners shall be paid by the applicant prior to any decision by the Board of Adjustment or the City Council.

ARTICLE XII
BOARD OF ZONING ADJUSTMENT

Section 1. Establishment of the Board of Adjustment. The Board of Adjustment of the City of East Brewton, Alabama, is hereby established, and the following rules set forth to govern its operations.

Section 2. Membership. The board of Adjustment shall consist of five (5) members, appointed by the Council of East Brewton, Alabama, for overlapping terms of three years. In addition, two supernumerary members shall be appointed to serve at the call of the chairman only in the absence of regular members. Such members shall be appointed for three years and shall be eligible for reappointment.

2.1 Initial Appointment. The initial appointment of the Board of Adjustment shall be as follows: two members for one year; two members for two years; and, one member for three years.

2.2 Vacancies. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the City Council upon written charges and after public hearing thereon.

2.3 Public Offices Held. No members shall hold any other public office or position, except that one member may be a member of the Planning Commission.

2.4 Rules of Procedure. The Board of Adjustment shall observe the following procedures:

2.41 Said Board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.

2.42 Said Board shall elect one of its members, other than a member of the Planning commission, as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.

2.43 The meetings of said Board shall be held at the call of the Chairman and at such other times as said Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

2.44 All meetings of said Board shall be open to the public.

2.45 Said Board shall keep minutes of its proceedings, showing the vote of such member upon each question, or if absent or fail to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Clerk and shall be a public record.

Section 3. Duties and Powers. The Board of Adjustment shall have the following duties and powers:

- 3.1 Administrative Powers. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning enforcement officer, or other administrative official, in the enforcement of this Ordinance.
- 3.2 Special Exceptions. To hear and decide special exceptions of the terms of this Ordinance upon which said Board is required to pass under this Ordinance.
- 3.3 Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:
 - 3.31 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - 3.32 The application of their Ordinance to this particular piece of property would create an unnecessary hardship;
 - 3.33 Such conditions are peculiar to the particular piece of property involved; and,
 - 3.34 Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

Section 4. Uses Not Provided For. Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner or the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

Section 5. Procedure for Requesting a Hearing. Request for a hearing before the Board of Adjustment for an administrative review, special exception or a variance shall observe the following procedures:

- 5.1 A completed application form must be filled with the zoning enforcement officer from whom the appeal is taken and with the Board of Adjustment, at least two (2) calendar weeks prior to the regular meeting of the Board

- of Adjustment. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.
- 5.2 An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the zoning enforcement officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public), water course, and if existing and proposed, fences, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
 - 5.3 The Board of Adjustment shall hear the appeal at its next regularly scheduled meeting, or, if for good reason this is not feasible, shall fix a reasonable time within twenty (20) days after the date of its regularly scheduled meeting for hearing the appeal. Public notice of the hearing shall be given by all of the following methods: (1) a printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision, and, (2) notice by registered mail to the owners of all property within three hundred (300) feet of the affected property on the same side of the street, across the street, and to the rear of the affected property.
 - 5.4 The Board of Adjustment shall render a decision on any appeal or other matter before it within forty-five (45) days from the date of the hearing on it.
 - 5.5 An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
 - 5.6 In exercising the powers granted the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the zoning enforcement officer and may issue or direct the issuance of a Zoning Compliance Permit.

5.7

Limitation, Withdrawal, Citizen Appeals.

- 5.71 A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to every twelve (12) months on the same variance, unless mis-stated on the appeal.
- 5.72 Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon written notice to the Secretary of the Board.
- 5.73 Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may take, within fifteen (15) days thereafter appeal to the circuit court or like jurisdiction, by filing with such Board a written notice of appeal specifying the judgment or decision from which appeal is taken.

ARTICLE XI

ADOPTION OF ORDINANCE

SECTION 1.

Effective Date. This Ordinance shall be in full force after its passage by the City Council of the City of East Brewton, State of Alabama this the _____ day of _____, 20__.

Certified by the City Planning Commission
this the _____ day of
_____ 20__,

Chairman
East Brewton City Planning Commission.

This Zoning Ordinance is hereby approved and adopted by the East Brewton City Council this the _____ day of _____, 30__.

Mayor
City of East Brewton, Alabama

ATTEST:

City Clerk
City of East Brewton, Alabama