

Changes -
Sect. 5
Sect. 11

ORDINANCE NO. 90-4

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF MILLBROOK, ALABAMA, as follows:

Section 1: That Ordinance 80-12 is hereby amended as follows:

1. Section 5.263 shall be amended to read hereafter:

5.263 Uses Permitted on Appeal

Residential uses permitted in an adjoining residential district, however such uses shall be subject to and regulated by the requirements of such adjoining residential district, except in the case where more than one such district is adjoined thereto, then the least restrictive district requirements for such residential use shall apply.

Outdoor advertising signs and structures provided, however, that such use is not located within 100 feet of a residential district.

2. Add Section 5.3 as follows:

5.3 SPECIAL RESIDENTIAL USES

The following Special Residential zoning categories are hereby established. These zoning categories shall not be indiscriminately applied to any property. These zoning categories may only be applied to properties in conjunction with approval of a preliminary plat by the Planning Commission for the development of the requested category. These categories may also be used in conjunction with other zoning categories in a Planned Unit Development as approved by the Planning Commission. Once a property has been zoned with one or more of these categories, if the requested development has not begun within eighteen (18) months, the zoning shall revert to the previous zoning category, unless extended by the Planning Commission. Re-application and re-approval would then be required prior to beginning any development.

5.31 R-9p Mobile Dwelling Parks
R-9s Mobile Dwelling Subdivisions

5.311 GENERAL REQUIREMENTS

No mobile dwelling shall be occupied for dwelling purposes unless the same is located in a mobile dwelling park or subdivision; except that an individual mobile dwelling (not for rental) shall be allowed in R-3 and R-4 High Density Residential areas.

No mobile dwelling shall be admitted to any park unless it meets all code requirements of the City of Millbrook.

No mobile dwelling park can be operated until a license to operate the park has been obtained from the City Clerk.

No building permit shall be issued for the construction of a mobile dwelling park and the Board of Adjustments shall not issue a special exception involving a mobile dwelling park, except under a favorable or conditionally favorable report from the Planning Commission. Where conditions are attached by the Planning Commission, they shall be included as a part of the building permit. If special exception is involved, the Board of Adjustment shall grant such exception with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.

The following information shall be submitted to the Planning Commission for its evaluation by the person, firm, or organization seeking to develop the land in question:

- a. Area and dimensions of the proposed park
- b. Location of all drives, and mobile dwelling layout
- c. Location of all water and sewer lines; water supply and sewage disposal areas
- d. A preliminary drainage plan for the park prepared by a registered engineer
- e. Location and dimensions of all buffers, office structures, and recreational areas and open spaces
- f. A traffic analysis, showing the effect of the proposed mobile dwelling park on neighborhood streets.

5.312 DEVELOPMENT STANDARDS:

Except where specified, the development standards which follow apply to both mobile dwelling parks and subdivisions.

a. Buffers:

- (1) Each boundary of a mobile dwelling park or subdivision must be at least 100 feet from any residential property or industrial property line located outside the park or subdivision, unless separated therefrom by a natural or artificial barrier.

(2) A strip of land at least 25 feet in width shall be maintained as a landscape area abutting all mobile dwelling park or subdivision property lines.

b. Utilities: Each mobile dwelling lot shall have attachments for waste disposal and water supply facilities, properly connected to an approved method of sewage disposal and water supply.

c. Required open space:

(1) Each mobile dwelling park shall provide land for open space, which may be used for recreational purposes but which may not be used for parking or for accessory structures. Such open space shall total at least 13 percent of the gross land area of the park.

(5) Mobile Dwelling subdivisions greater than five acres in total area shall include open space equal to 10 percent of the total area. Such open space may be used for recreational purposes but may not be used for parking or accessory structures. Provision shall be made, by covenant or other such means satisfactory to the City Attorney, to ensure that such open space shall be preserved and maintained for the use of the residents of the subdivision, without expense to the City of Millbrook.

d. Additional Requirements:

(1) A mobile dwelling park shall consist of not less than ten (10) contiguous acres of land. This requirement does not apply to mobile dwelling subdivisions.

(2) No mobile dwelling park office or service building shall be closer to a public street right of way line than eighty feet.

(3) No additions shall be made to a mobile dwelling except a canopy and/or porch on three sides, or an addition made by the mobile dwelling manufacturer.

(4) All mobile dwellings shall be placed on an approved foundation and permanently anchored against wind or storm damage via a method approved by the Building Department.

(5) The space under a mobile dwelling shall not be used for storage. The area between the mobile dwelling and the ground shall be enclosed by lattice or skirting within 30 days after placement of the mobile dwelling on the lot.

(6) At least 200 cubic feet of enclosed storage area shall be provided for each mobile dwelling lot at a distance of not more than 100 feet from the particular lot the storage is intended to serve. This requirement does not apply to mobile dwelling subdivisions.

(7) All mobile dwellings shall be placed on pads approved by the Building Department, except in the case where the mobile dwelling wheels are sunk in the ground and the mobile dwelling is at ground level.

(8) All mobile dwelling parks must be divided into lots. Lot sizes and spacing requirements are as follows:

ITEM	R-9p	R-9s
Class of structures permitted	A, B, C D&F	A, C, & D
Structures permitted on appeal	none	none
Class of structures prohibited	E	B, E, & F
Densities:		
Maximum mobile dwellings per acre	8	6
Minimum lot size, sq. ft.	4,000*	6,000*
Clearances:		
Side, feet	20	25
End, feet	15	20
Off-Street Parking requirements:		
Spaces per mobile dwelling lot	2	2

CLASS:

- "A" Mobile Dwellings.
- "B" Office and service uses associated with the operation of mobile dwelling parks.
- "C" Accessory structures, Self-service laundries.
- "D" Lodges and clubs, not operated for profit.
- "E" Any use or structure not specifically permitted.

"F" Travel trailer parks - in areas designated for travel trailer parks.

* In no case shall a mobile dwelling be placed on a lot less than three times the area of the mobile dwelling.

e. Traffic and Circulation:

(1) Access to the park or subdivision shall not require intensive use of minor established residential streets.

(2) All access driveways and interior streets of mobile dwelling parks must be at least 30 feet in width. Requirements contained in the subdivision regulations of Elmore County or the City of Millbrook shall govern in the case of mobile dwelling subdivisions.

(3) All access driveways and interior streets of mobile dwelling parks, and all walkways, shall be hard surfaced and lighted at night. This requirement does not apply to mobile dwelling subdivisions.

5.32 R-20t TOWNHOUSES

a. No building permit shall be issued for townhouses, and the Board of Adjustments shall not issue a special exception involving townhouses, except upon a favorable or conditional favorable report from the Planning Commission. Prior to issuing a favorable report the Planning Commission shall determine that the proposed townhouses are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the building permit. If special exception is involved, the Board of Adjustment shall not grant such exception except with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.

b. It is the intent of this section that townhouses in areas where they are or may be permitted:

- (1) May be appropriately intermingled with other types of housing;
- (2) Shall not form long, unbroken lines of row housing;

- (3) Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

c. In line with the general requirements above, the following site plan and design criteria are established:

- (1) Not more than six (6) contiguous townhouses shall be built in a row with the same front line, and not more than twelve (12) townhouses shall be contiguous. In groups of townhouses consisting of more than six (6) units, the required difference in front line shall be a minimum of three (3) feet.
- (2) Minimum width for the portion of the lot on which a townhouse is to be constructed shall be twenty (20) feet.
- (3) Minimum lot area shall be two thousand (2000) square feet.
- (4) No portion of a townhouse or accessory structure in or related to one townhouse complex shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another townhouse complex, or to any building outside the townhouse area.
- (5) Each townhouse shall be constructed on its own lot. Townhouses constructed in condominium developments may be excepted from this requirement by the Planning Commission.
- (6) No side yards shall be required except at the unattached end of a townhouse complex, in which case the minimum width shall be ten (10) feet. Minimum depth of front yards shall be twenty (20) feet.
- (7) Each townhouse shall have on its own lot one yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or from neighboring property. In condominium townhouse developments not subdivided into individual lots, one (1) yard containing not less than four hundred (400) square feet, reasonably secluded from view from streets or from neighboring property, shall be provided contiguous to, and for the private use of the occupants of, each dwelling unit.

- (8) Off-street parking shall be provided at the rate of two (2) spaces per townhouse. Insofar as practicable, off-street parking facilities shall be grouped in bays, whether adjacent to streets or in the interior of blocks. No off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve:

- (9) In townhouse developments with a total area greater than five (5) acres at least twenty (20) percent of the total area shall be devoted to common open space, exclusive of parking areas or accessory buildings. Such common open areas may include recreational facilities. Provisions satisfactory to the City Attorney and approved by the City Council shall be made to assure that common open areas for the use and enjoyment of occupants of townhouses shall be maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development such lands set aside for open areas, parks, or recreational use, and the common off-street parking spaces established for the development.

ITEM	R-20t
Classes of structures permitted	A & D
Classes permitted on appeal	none
Classes of structures prohibited	B,C,&E
Required dimensions:	
Minimum lot area, one family, sq ft	2,000
Minimum lot width at building line, ft	20
Minimum depth of front yard, ft	20
Minimum width of each side yard, ft (required only at unattached ends of complex)	10
Maximum building height: feet	35
stories	2 1/2
Off-street parking requirements: car spaces per dwelling unit	2

CLASSES:

- "A" Townhouses
- "B" Residential structures two, three, or four units.
- "C" Apartments for any number of families
- "D" Lodges and clubs not operated for profit. Membership must be limited to residents of the immediate area.
- "E" Any use not specifically permitted

5.33 R-35g PATIO-GARDEN HOMES

a. No building permit shall be issued for patio homes, and the Board of Adjustments shall not issue a special exception or variance involving patio homes, except upon a favorable or conditionally favorable report from the Planning Commission. Prior to issuing a favorable report, the Planning Commission shall determine that the proposed patio homes are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as a part of the building permit. If special exceptions or variances are involved, the Board of Adjustments shall not grant such exception except with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.

b. It is the intent of this section that patio homes, in areas where they are or may be permitted, may be appropriately intermingled with other types of housing; shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space; and serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

c. In line with the general considerations above, the following site plan and design criteria are established:

- (1) Not more than two (2) contiguous patio homes shall be connected.
- (2) Each patio home shall be constructed on its own lot, which lot shall be a minimum width of thirty-five (35) feet at the building line, and minimum lot area shall be three thousand five hundred (3500) square feet.

- (3) Each patio home lot shall have one (1) side yard with a minimum width of eight (8) feet. Minimum depth of front yards shall be twenty (20) feet. Minimum depth of rear yards shall be fifteen (15) feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond the thirty (30) inch permitted roof overhang, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed.
- (4) The required eight (8) foot side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.
- (5) Privacy fences or walls may be placed on or along any lot lines provided that such fences or walls are not constructed in such a manner as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protection. An eight (8) foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.
- (6) Each patio home shall have on its own lot one (1) yard containing not less than six hundred (600) square feet, reasonably secluded from view of streets or neighboring property.
- (7) Maximum lot coverage permitted for the main dwelling shall be one hundred (100) percent of the permitted building area, not including coverage permitted for accessory buildings or structures.
- (8) Off-street parking shall be provided at the rate of two (2) spaces per dwelling unit and shall be located within the interior of the lot. Garages shall not be credited toward the parking requirements if said garage is a part of the main dwelling or attached to the main dwelling.
- (9) The exterior walls of the patio home, or any accessory structures, located on the zero (0) foot side yard setback, shall not project over the property line. Roof overhang may penetrate the maintenance and drainage easement of the adjacent lot a maximum of thirty (30) inches, provided the roof shall be so designed that water runoff shall be restricted to the drainage easement area.

- (10) No windows, doors, or other openings shall be permitted on the zero (0) foot side line of any patio home unit. Where adjacent zero (0) lot line dwellings are not constructed against or along a common lot line, a perpetual wall maintenance easement of three (3) feet in width along and parallel to the adjacent lot shall be provided.
- (11) Where adjacent zero (0) lot line dwellings are not constructed against or along a common lot line, a perpetual drainage easement shall be provided. 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. A Hold Harmless Agreement shall be required.
- (12) The lot adjacent to the zero (0) setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on property rights of owners of adjacent tracts) or an eight (8) foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district.
- (13) No accessory structures shall be erected in a required front, side, street side yard, or open space. Accessory structures shall be permitted in the rear yard and shall not exceed one and one half (1 1/2) stories in height; shall not cover more than twenty-five (25) percent of the required rear yard; and shall be permitted a zero (0) foot setback from the rear yard and side property lines, and five (5) feet from any other structure on the same lot. These requirements shall not apply to unattached open carports and garages.
- (14) Unattached garages and carports shall be permitted in addition to the twenty-five (25) percent coverage for accessory structures, but shall not exceed six hundred (600) square feet in area; shall not be placed in any required front, side, or street side yard or open space; shall not exceed one and one half (1 1/2) stories in height; and shall be permitted a zero (0) setback from the rear and side property lines, and five (5) feet from any other structure on the same lot.

ITEM	R-35p
Classes of structures permitted	A
Classes of structures permitted on appeal	C
Classes or structures prohibited	B&D
Required lot sizes:	
Minimum lot area, sq ft	3,500
Minimum lot width at building line, ft	35
Minimum depth of front yard, ft	20
Minimum width of one side yard, ft	8*
Minimum width of other side yard, ft	0
Minimum depth of rear yard, ft	15
Maximum building height: feet	35
stories	2
Maximum percent cover of building area	100 %
Off-street parking requirements:	
car spaces per family unit	2

CLASS:

- "A" Single family patio-garden homes
 - "B" Apartments for any number of families, offices, hotels
 - "C" Lodges and clubs not operated for profit, with membership limited to residents of development
 - "D" Any other use not specifically permitted
- * An 8 ft minimum side yard for one side of each patio home unit shall be required

3. Section 11.23 Definition of Words and Phrases
Beginning With the Letter "C", add the following:

Condominium: A multi-unit dwelling, group of multi-unit dwellings, townhouse complex, group of townhouse complexes, or any combination thereof, each of whose residents, known as unit owners, enjoys exclusive ownership of his individual

apartment or dwelling unit holding simple fee title thereto, while retaining an undivided interest, as a tenant in common, in the common facilities and areas of the building or buildings and grounds which are used by all the residents.

4. Section 11.211 shall be amended to read hereafter:

11.211 Definition of Words and Phrases Beginning with the Letter "M".

Mobile Dwelling: Any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for permanent dwelling purposes, including structural additions, except parked and unoccupied camping-type trailers. Any vehicle or structure shall be deemed to be a mobile dwelling whether or not the wheels have been removed therefrom and whether or not resting on temporary or permanent foundations.

Mobile Dwelling Park: A tract of land under unified control which has been developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this ordinance which is intended for the express purpose of providing a satisfying living environment for mobile dwelling residents on a long term occupancy basis.

Mobile Dwelling Subdivision: A tract of land with individually owned lots which has been developed with all necessary facilities and services in accordance with a development plan meeting all the requirements of this ordinance and subdivision regulations of Elmore County or the City of Millbrook which is intended for the express purpose of providing a satisfying living environment for mobile dwelling residents on a long term occupancy basis.

5. Section 11.214 Definition of Words and Phrases Beginning With the Letter "P", add the following definition:

Patio-Garden Home: A Single-family dwelling located on its own lot, having only one side yard required or two Single-family dwellings connected by a firewall as required by the Building Code with only one side yard required per dwelling, with 600

square feet of courtyard, patio, or open space provided per dwelling, or as otherwise stated in this ordinance.

6. Section 11.216 Definition of Words and Phrases Beginning With the Letter "T" through "Z", add the following definition:

Townhouse: A Single-family residential building attached to a series of other single-family residential buildings by not more than two party walls. Townhouses shall be built in groups of not less than four nor more than twelve townhouses connected by party walls. As used herein, townhouse refers to single-family residential buildings, as described above, intended for sale to individuals or families, and not to residential units intended for rental purposes, whatever their configuration, and platted or individual lots.

Section 2: All other provisions of the Millbrook Zoning Ordinance not specifically amended herein shall remain in full force and effect.

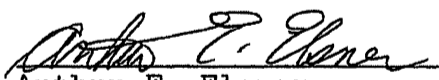
Section 3: Severability. Should any section or provision of this ordinance be held invalid, such holding shall not affect the validity of any other section or provision hereof which is not of itself invalid.

Section 4: This ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED THIS 26th DAY OF February, 1990.


Rex Fronduti
Mayor

ATTEST:


Arthur E. Elsner
City Administrator

CERTIFICATE AS TO PASSAGE

I, the undersigned City Administrator of the City of Millbrook, Alabama, do hereby certify that the above and foregoing Ordinance was duly approved and adopted by the City Council of the City of Millbrook, Alabama, at a regular Council Meeting of the same on the 26th day of February, 1990.

Arthur E. Elsner
Arthur E. Elsner
City Administrator

APPROVED:

Rex Fronduti
Rex Fronduti
Mayor

CERTIFICATE AS TO PUBLISHING

I, the undersigned City Administrator of the City of Millbrook, Alabama, do hereby certify that the above and foregoing Ordinance has been published in the Community Press, Millbrook, Alabama, as required by law.

PUBLISHED DATE: March 1, 1990

Arthur E. Elsner
Arthur E. Elsner
City Administrator

APPROVED:

Rex Fronduti
Rex Fronduti
Mayor