

80-12

ZONING ORDINANCE
MILLBROOK, ALABAMA

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PREPARED FOR
MILLBROOK CITY PLANNING COMMISSION

PREPARED BY
CENTRAL ALABAMA REGIONAL PLANNING
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ZONING ORDINANCE
CITY OF MILLBROOK, ALABAMA

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF MILLBROOK, ALABAMA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE AUTHORITY GRANTED BY SECTION 11-52-70 THROUGH SECTION 11-53-4, CODE OF ALABAMA, 1975.

WHEREAS Section 11-52-70 through Section 11-53-4, Code of Alabama, 1975 empowers the City of Millbrook to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City to enact such an ordinance, and

WHEREAS, the City Council has appointed the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestions in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of Section 11-52-70 through Section 11-53-4, Code of Alabama, 1975, with regard to the preparation of the report of the Planning Commission and subsequent action of the City Council, have been met:

NOW, THEREFORE, THE PUBLIC WELFARE REQUIRING IT, be it
ordained by the City Council of the City of Millbrook, Ala-
bama, as follows:

ARTICLE ONE

TITLE, SHORT TITLE, OFFICIAL ZONING MAP

Section 1.1 Title

The Ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Millbrook, Alabama."

Section 1.2 Short Title

This Ordinance and all subsequent amendments, attachments, and supplements thereto shall be known as the "Millbrook Zoning Ordinance."

Section 1.3 Official Zoning Map

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

- 1.31 The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Millbrook, Alabama," together with the date of the adoption of this ordinance.
- 1.32 If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: The new boundary line shall be drawn and within the newly zoned area a circle shall be drawn and include the designation of the new zone, the ordinance number which approved the change, and the effective date of the change.
- 1.33 No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Article Seven.

- 1.34 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Millbrook City Hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

Section 1.4 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Millbrook, Alabama."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE TWO

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Section 2.1 Boundary Interpretations

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 2.11 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- 2.12 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 2.13 Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- 2.14 Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s).
- 2.15 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- 2.16 Boundaries indicated as parallel to or extensions of features indicated in subsections 2.11 through 2.15 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 2.17 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 2.11 through 2.16 above, the Board of Adjustment shall interpret the district boundaries.
- 2.18 Where a district boundary line divides a lot which was in single ownership at the time of passage of

this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

ARTICLE THREE

APPLICATION OF DISTRICT REGULATIONS

Section 3.1 Zoning Affects Every Building and Use

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 3.11 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- 3.12 No building or other structure shall hereafter be erected or altered:
 - 3.121 To exceed the height or bulk
 - 3.122 To accommodate or house a greater number of families
 - 3.123 To occupy a greater percentage of lot area
 - 3.124 To have narrower or smaller rear yards, front yards, side yards, or other open spacesthan herein required; or in any other manner contrary to the provisions of this ordinance.
- 3.13 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 3.14 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards of lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- 3.15 All territory which may hereafter be annexed to the City shall be considered to be in the FAR, Forestry Agricultural and Recreation District, until otherwise classified.

ARTICLE FOUR

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

Section 4.1 Continuance of Non-Conforming Uses

Within the districts established by this ordinance, or amendments that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- 4.11 Extension of Non-Conformities: Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.
- 4.12 Construction Prior to Adoption: To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently.
 - 4.121 Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
 - 4.122 Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such

excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 4.2 Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

- 4.21 If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Section 4.3 Non-Conforming Uses of Land

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

- 4.31 Extension of Non-Conforming Use: No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

- 4.32 Relocation of Non-Conforming Use: No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- 4.33 Discontinuance of Non-Conforming Use: If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4.34 Additional Structures: No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

Section 4.4 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.41 Extension of Non-Conforming Structure: No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- 4.42 Replacement of Non-Conforming Structure: Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to and of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- 4.43 Relocation of Non-Conforming Structure: Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 4.5 Non-Conforming Uses of Structures or of Structures and Premises in Combination

If a lawful use involving individual structures with a

replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.51 Extension of Non-Conforming Use of Structure: No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 4.52 Extension of Non-Conforming Use: Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- 4.53 Change to Non-Conforming Use: If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- 4.54 Establishment of Conforming Use: Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- 4.55 Discontinuation of Non-Conforming Use: When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the

regulations of the district in which it is located.

- 4.56 Elimination of Non-Conforming Mobile Homes: When a non-conforming mobile home is moved from its site, or upon violation of any other applicable ordinance requiring vacating the mobile home as a residence, shall be considered grounds for elimination of the non-conformity. In those instances where a non-conforming mobile home is vacant for three (3) consecutive months or nine (9) months in any two (2) year period, it shall not be occupied again and the non-conformity shall be removed.
- 4.57 Elimination of Non-Conforming Status of Land: Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

Section 4.6 Repairs and Maintenance of Non-Conforming Structures

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of the non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

- 4.61 Unsafe Structures: If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- 4.62 Restoration of Safe Conditions: Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.7 Uses Under Special Exception Provisions Not Non-Conforming Uses

Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Adjustment Action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE FIVE

CLASSIFICATION OF SCHEDULE OF DISTRICT REQUIREMENTS

Section 5.1 Classification of District

For the purpose of this ordinance, the City of Millbrook, Alabama, is hereby divided into the following zoning districts: FAR, Forestry, Agricultural, Recreation, R-1 Low-Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, C-1 Neighborhood Commercial, C-2 General Commercial, Industrial, and FH-Flood Hazard.

Section 5.2 Schedule of District Regulations

Within the following zoning districts as shown on the Official Zoning Map of the City of Millbrook, Alabama, the following regulations shall apply:

5.21 FAR: Forestry-Agricultural-Recreation District:

5.211 Statement of Intent:

The intent of the Forestry-Agricultural-Recreation District is to provide for the preservation of prime agricultural/forestry lands; to provide for the preservation of natural and scenic areas needed for outdoor recreation, open space, water aquaifer rechargers, essential drainage areas, and to provide for protection of such lands from premature or incompatible development.

5.212 Uses Permitted:

1. General and specialized farming, forestry and agricultural uses, except commercial animal feed lots and poultry farms
2. Roadside stands for the sale of produce raised on the farm premises
3. Conservation areas and structures for the development, protection, preservation and conservation of open space, water sheds, water, soil, forest and wildlife resources
4. Parks, playgrounds, playfields, general recreation facilities, golf courses and clubhouses
5. Single family detached dwelling
6. Accessory structures or uses customarily incidental to any of the aforementioned permitted uses

7. Home occupations only in accordance with the provisions specified in Article 6.24.

5.213 Uses Permitted on Appeal:

1. Churches and other places of worship
2. Schools offering general education courses
3. Plant nurseries and greenhouses
4. Clubs not conducted for profit
5. Hospitals, sanatoriums, nursing homes and orphanages
6. Resorts, campgrounds, riding academies and stables
7. Airports
8. Sanitary land fills, quarries
9. Cemeteries
10. Railroad rights-of-way and essential community facilities
11. Accessory structures or uses customarily incidental in any of the aforementioned special exceptions.

5.214 Standards for Uses Permitted on Appeal:

1. All special exceptions in FAR Districts should comply with the forestry-agricultural and recreational intent expressed for this district.
2. Special exceptions for uses not directly related to the promotion of forestry-agricultural-recreational uses or not classified as providing essential facilities and services for residents of FAR districts shall not be issued by the Board of Adjustment unless; it can be shown to the satisfaction of the Board of Adjustment that such use would not be detrimental to the preservation of F-A-R lands; and
3. That no other available lands within the City of Millbrook are suitable for such development.

5.215 Required Lot Area, Lot Width, Yards and Building Area

Dwelling and other structures shall be located so as to comply with the following requirements:

Minimum required lot area 40,000 sq. ft.

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Minimum required corner lot width at building line	200 ft.
Minimum required inside lot width at building line	150 ft.
Minimum required corner lot yard width from all streets	35 ft.
Minimum required depth of front yard	50 ft.
Minimum required width of each side yard	20 ft.
Minimum required rear yard	40 ft.
Maximum total building area of total lot	20%

5.216 Heights of Buildings:

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except in the case of towers, spires, domes or other such structures not designed for human occupancy, which may exceed this height provided such structures comply with the provisions of all other pertinent codes and ordinances, and provided further, that such structures are located no closer to the nearest property lines than the distance equal to their height plus ten (10) feet.

No accessory structure shall exceed two (2) stories or twenty-five (25) feet in height.

5.22 R-1 Density Residential District:

5.221 Statement of Intent:

The intent of the R-1 Low Density Residential District is to provide a quality living environment through the provision of land for low density residential uses consisting of single family dwellings and essential community facilities and services supporting such residential uses.

5.222 Uses Permitted:

1. Single family dwellings and associated accessory structures and uses customarily incidental thereto.
2. Home occupations only in accordance with the provisions specified in Article 6.24.
3. On-site signs, only in accordance with the provisions specified in Article 6.21.

5.223 Uses Permitted on Appeal:

1. Schools, churches, public facilities.
2. Public parks, recreational facilities, public utilities.
3. Associated structures or uses customarily incidental to the uses permitted on appeal.

5.224 Standards for Uses Permitted on Appeal:

All uses permitted on appeal in R-1 District shall be in compliance with the intent of this district as expressed in Section 5.221.

Nonresidential uses permitted on appeal defined as compatible in the residential area shall have property access to an identified collector street.

The use of exterior lighting systems for special uses shall be allowable only on approval of the Board of Adjustment. Such systems, if approved, must be so designed as to reflect light away from adjoining premises and streets.

Hours of operation for nonresidential uses permitted on appeal in a Residential R-1 District may be limited by the Board of Adjustment to promote the intent of this ordinance.

5.225 Required Lot Area, Lot Width and Building Area:

Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum lot area	15,000 sq. ft.
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If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Minimum required corner lot width at building line	100 ft.
Minimum required inside lot width at the building line	85 ft.
Minimum required corner lot yard width from all streets	35 ft.
Minimum required depth of front yard	35 ft.
Minimum required width of each side yard	12 ft.
Minimum required rear yard	40 ft.
Maximum total building area of total lot	35%

5.226 Height of Buildings:

No dwelling shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

No accessory structures shall exceed two (2) stories or twenty-five (25) feet in height.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except in the case of towers, spirals, domes or other such structures not designed for human occupancy, which may exceed this height provided that such structures comply with the provisions of all other pertinent codes and ordinances, and further provided that such structures are located no closer to the nearest property line than the distance equal to their height plus 10 feet.

5.23 R-2 Medium Density Residential District:

5.231 Statement of Intent:

The intent of this district is to promote a quality living environment through the provision of land for medium density residential uses including single family and duplex residences on moderate lots and essential community facilities and services such residential uses.

5.232 Uses Permitted:

1. Single family dwellings.
2. Two-family dwellings (duplexes)
3. Multi-family structures (three or more units) including townhouses, condominiums and cooperatives.
4. Home occupations, only in accordance with the provisions specified in Article 6.24.
5. On-site signs, only in accordance with the provisions specified in Article 6.21.

5.233 Uses Permitted on Appeal:

1. Churches, schools, public facilities.
2. Public parks and recreational facilities, public utilities.
3. Associated accessory structures or uses customarily incidental to the use permitted on appeal.

5.234 Standards for Uses Permitted on Appeal in R-2 Districts:

All uses permitted on appeal in an R-2 Residential District shall be in compliance with the intent of these district regulations as expressed in Section 5.231.

Uses permitted on appeal not directly related to the promotion of a quality living environment and not classified as providing essential facilities and services for residences of this district shall not be issued by the Board of Adjustment.

Non-residential uses permitted on appeal defined as compatible in a residential R-2 area shall have property access to an identified collector street.

The use of exterior lighting systems for uses permitted on appeal in an R-2 District shall be allowable only on approval of the Board of Adjustment. Such systems, if approved, must be so designed as to reflect the light away from adjoining premises and streets.

Hours of operations for non-residential uses permitted on appeal in an R-2 Residential Area may be limited by the Board of Adjustment to further promote the intent of this ordinance.

5.235 Required Lot Area, Lot Width, Yards and Building Areas:

Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum Required Lot Area:

Single-family dwellings	12,000 sq. ft.
Two-family dwellings	15,000 sq. ft.
Each additional unit	2,000 sq. ft.

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Minimum required corner lot width
at building line

Single family house	90 ft.
Two-family dwellings	100 ft.
Multi-family dwellings	120 ft.

Minimum required inside lot
width at building line:

single-family dwelling	75 ft.
two & multi-family residences	85 ft.
multi-family dwelling	100 ft.

Minimum required corner lot
yard width from all streets 35 ft.

Minimum required depth of front
yard 35 ft.

Minimum required width of each
side yard:

	10 ft.
two	12 ft.

Minimum required rear yard 40 ft.

Maximum total building area of
total lot 35%

5.236 Heights of Buildings:

All heights permitted in and regulated by the provisions for an R-1 Low Density Residential District.

5.24 R-3, High Density Residential District:

5.241 The intent of the R-3 High Density Residential District is to promote an opportunity for various living environments by providing land for high-density residential uses appropriate to the environmental character of the Millbrook area, and including provisions for those nonresidential uses considered compatible with the character of the residential district itself and providing essential community services for residents of the community.

5.242 Uses Permitted:

All uses in and regulated by the provisions for an R-2 Medium Density Residential District.

5.243 Uses Permitted on Appeal:

All uses permitted on appeal in an R-2 Medium Density Residential District.

Rooming, tourist and boarding houses provided that the floor area for such proposed use shall not exceed 75% of the total floor area of the residence.

5.244 Standards for Uses Permitted on Appeal in R-3 Residential District

All uses permitted on appeal in an R-3 Residential district shall be in compliance with the intent of the district regulations as expressed in Section 5.241.

Uses permitted on appeal in an R-3 Residential District shall conform to the standards for uses permitted on appeal as specified in Section 5.234 for R-2 District.

5.245 Required Lot Area, Lot Width, Yards and Building Area:

Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area:

single family dwelling	9,000 sq. ft.
two-family dwellings	12,000 sq. ft.
each additional unit	2,000 sq. ft.

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Minimum required corner lot width at the building line:

single family residence	75 ft.
two and multi-family residences	95 ft.

Minimum required inside lot width at the building line:

single family dwellings	60 ft.
two and multi-family dwellings	80 ft.

Minimum required corner lot yard width from all streets

30 ft.

Minimum required depth of front yard

30 ft.

Minimum total side yards

17 ft.

Minimum one-side yard

7 ft.

Minimum required rear yard

35 ft.

Maximum total building area of total lot area

40%

5.246 Height of Buildings:

All heights permitted in and regulated by the provisions for an R-2 Medium Density Residential District.

5.25 R-4, High Density Residential District:

5.251 The intent of the R-4 High Density Residential District is to provide an expanded choice of residential areas for the residents of the City of Millbrook by providing land for high density residential uses and including provisions for those non-residential uses considered compatible with the character of the residential district itself and providing essential community services for residents of the community.

5.252 Uses Permitted:
All uses in and regulated by the provisions for an R-3 Medium Density Residential District.

5.253 Uses Permitted on Appeal:
All uses permitted on appeal in an R-3 Medium Density Residential District.

Rooming, tourist and boarding houses provided that the floor area for such proposed use shall not exceed 75% of the total Floor area of the residence.

Professional offices for physicians, dentists, architects, engineers, attorneys, and other similar professional persons provided that the architecture is residential in character and that required off-street parking is screened from abutting residential property, and such structure provides access to an identified collector or thoroughfare street.

Mobile dwellings provided that:

- a. Each mobile dwelling site shall have a concrete pad consisting of a continuous slab twelve (12) feet in width of two (2) strips, each of a width of not less than two (2) feet and so spaced that a mobile home can be maneuvered on the strips and having length of not less than forth (400 feet).
- b. Each mobile dwelling shall have foundation acceptable to the Building Inspector and tied down or anchored in a permanent fashion as required in the Building Code.
- c. Each mobile dwelling shall remove the wheels and towing tongue or hitch.
- d. Not later than thirty (30) days after placement of a mobile dwelling on a site, the area between the bottom of the unit and the ground shall be enclosed by "screening or skirting" on all sides and ends.

- e. All utility connections shall be made in accordance with applicable codes and ordinances as determined by the Building Inspector.

5.254 Standards for Uses Permitted on Appeal in R-4 Residential District

All uses permitted on appeal in an R-4 Residential District shall be in compliance with the intent of the district regulations as expressed in Section 5.251.

Uses permitted on appeal in an R-4 Residential District shall conform to the standards for uses permitted on appeal as specified in Section 5.244 for R-3 District.

5.255 Required Lot Area, Lot Width, Yards and Building Area:
Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area:

Single family dwellings	7,209 sq. ft.
Two-Family dwellings	10,000 sq. ft.
Each additional unit	2,000 sq. ft.
Offices	9,000 sq. ft. plus additional space for parking as required

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Minimum required corner lot

Width at the building line:

Single family residence	75 ft.
Two and multi-family residences	95 ft.
Offices	100 ft.

Minimum required inside lot width
at the building line:

Single family dwellings	60 ft.
Two and multi-family dwellings	80 ft.
Offices	90 ft.

Minimum required corner lot yard
width from all streets

30 ft.

Minimum required depth of front
yard

30 ft.

Minimum total side yards

17 ft.

Minimum one-side yard

7 ft.

Minimum required rear yard

35 ft.

Maximum total building area of
total lot area

40%

- 5.256 Height of Buildings:
All heights permitted in and regulated by the provisions for an R-3 Residential District.

5.26 C-1 Neighborhood Commercial District:

- 5.261 Statement of Intent:
The intent of C-1 Neighborhood Commercial District is to provide limited retail convenience goods and personal services establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than striped or scattered commercial developments occupied by individual shops throughout a neighborhood.
- 5.262 Uses Permitted:
Retail convenience, personal service and business establishments primarily oriented to the sale of goods and provision of personal services to residents of a neighborhood. Such uses may include but are not necessarily limited to barber shops; beauty shops; cafes; clinics; drugstores; dry cleaning and laundry pickup offices; fruit markets; grocery stores; hardware stores; ice cream stores; meat markets; offices; restaurants; shoe repair shops; self-service laundry and dry cleaning establishments; philanthropic institutions and clubs; filling stations (not repair garages); churches and other places of worship; public library; post offices; public parks and public recreational facilities; essential community facilities; and hospitals.
- 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.

Mobile home parks and mobile home subdivisions provided that:

- a. the mobile home parks shall consist of not less than fifteen mobile home spaces; and
- b. the mobile home parks shall have a minimum frontage on a public street of not less than 200 feet; and

- c. such frontage shall not be located more than 500 feet from a state or federal highway; and
- d. the minimum yard depths shall be front - 30 feet; side - 20 feet; and rear - 15 feet and such yards shall not constitute the yard requirements for an individual trailer or parking.
- e. the minimum individual lot size shall be:

minimum lot area	4,400 sq. ft.
minimum lot width	40 feet
minimum front yard	30 feet
minimum side & rear yard	10 feet

The individual lot yard area may be used for parking area for the individual mobile home.

Accessory structures, such as sheds, must be within the defined area for the mobile home and shall not cover more than 10% of the remaining building area after the mobile home has been located on the lot.

The height of all structures shall be limited to twelve (12) feet or one story.

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

5.264 Standards for Uses Permitted on Appeal in a C-1 District:

All special uses permitted in the C-1 District should be in compliance with the intent of this district as expressed in Section 5.253.

Uses permitted on appeal for uses not directly related to the neighborhood orientation of commercial personal service or business uses are not classified as providing essential facilities and services for such uses shall not be issued by Board of Adjustment unless it can be proved to the satisfaction of the Board of Adjustments that the use would not be detrimental to the preservation of the commercial district.

5.265 Uses Prohibited:

Major auto repair; auto wrecking and wrecker junk stored; laundry and dry cleaning plants; light or heavy manufacturing; and wholesale business shall be prohibited from the C-1 Neighborhood Commercial District.

- 5.266 Required Lot Area, Lot Width, Yards and Setbacks:
All buildings hereafter constructed for uses listed in this subsection shall be so located as to comply with the following minimum requirements:

Minimum Required Lot Area: It is the intent of this subsection that lots of sufficient size be used for the business or service permitted, provided, however, that such use shall have adequate space for normal operations plus required space for off-street parking and load; and yard requirements.

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Minimum required lot width at building line	50 ft.
Minimum required front yard	35 ft.
Minimum required rear yard	25 ft.
Minimum required side yard	
on corner lots along intersecting streets	25 ft.
on interior lots	15 ft.

On a lot adjoining a residential district along a side-lot line, a side yard shall be required on the side adjacent to the residential district. Such side yard shall double the minimum side yard requirements of that adjacent residential district.

Gasoline pump and pump islands shall be set back a minimum of fifteen (15) feet from all street rights-of-way.

- 5.267 Height of Buildings:
No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except that public and semi-public buildings may have a height not to exceed three (3) stories or forty-five (45) feet.

Towers, spirals, domes and other such structures not designed for human occupancy may exceed the height limitations provided that such structures comply with the provisions of all other pertinent codes and ordinances, and provided further, that such structures are located no closer to the nearest property line than the distance equal to their height plus ten (10) feet.

5.27 C-2 General Commercial District:

5.271 Statement of Intent:

The intent of this district is to provide opportunities for retail convenience, personal services and business establishments, primarily oriented to the sale of goods and the provision of personal services with only limited production and process activities and not requiring extensive wholesale, or storage areas or generating excessive noise, smoke, vibrations, odors or other objectionable emissions which would be detrimental to adjoining land uses. Such districts are community oriented commercial areas, rather than neighborhood oriented and as such require location and proximity to major transportation routes.

5.272 Uses Permitted:

Retail convenience, personal services and business establishments; hotels and motels; theatres; passenger terminals; offices and banks; restaurants and supper clubs; public business and trade schools; dancing and music studios; filling stations; automobile sales laboratories; funeral homes and mortuaries; parks and public recreational facilities; commercial recreation facilities; parking garages and lots; philanthropic institutions and clubs.

5.273 Uses Permitted on Appeal:

Light warehousing or storage related to retail trades and services.

5.274 Standards for Uses Permitted on Appeal in a C-2 District:

All uses permitted on appeal in a C-2 district shall comply with those standards specified for uses permitted on appeal in a C-1 District.

5.275 Required Lot Area, Lot Width, Yards and Setbacks:

Buildings hereafter constructed for uses permitted in this subsection shall be so located as to comply with the following requirements:

Minimum Required Lot Area: It is the intent of this subsection that lots of sufficient size be used for any business or service permitted herein. Yard sizes shall be such as required to provide parking, loading areas and as may be required to promote public safety.

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Gasoline pumps and pump islands shall be set back a minimum of fifteen (15) feet from all streets, rights-of-way.

5.276 Height of Buildings:

All heights permitted in and regulated by the provisions for a C-1 Neighborhood Commercial District.

5.28 Industrial District:

5.281 Statement of Intent:

It is the intent of this district to provide an opportunity for the location of manufacturing, processing, warehousing, research and testing, and sales-oriented operations which due to the utilization of the equipment or machinery, or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors and may also require extensive sites for storage and parking.

5.282 Uses Permitted:

Public utilities and facilities.

Truck terminals, wholesale warehouse facilities, industrial parks, industrial manufacturing operation.

Mobile home sales lots, automotive and boating sales.

Agricultural implements sales operations.

Major equipment repair services.

Associated accessory structures or uses customarily incidental to the use permitted.

5.283 Uses Permitted on Appeal:

Tanks for the storage of gasoline, liquified petroleum gas, oil and other inflammable liquids or gases. Such tanks shall not be less than 1,000 feet from any residential district.

Commercial, convenience and other business uses associated with the industrial character of the district or providing services necessary for the operation of such industrial uses.

Associated accessory structures or uses customarily incidental to the use permitted on appeal.

- 5.284 Required Lot Area, Lot Width and Yard:
All structures shall be located so as to comply with the following minimum requirements:

Minimum Required Lot Area: It is the intent of this operation that lots of sufficient size be provided for any permitted or conditional use, provided however, that such shall have adequate space for normal operations plus required space for yards, off-street parking, loading and unloading.

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Elmore County Board of Health, Board of Health minimums shall prevail.

Emit no smoke, unless approval has been obtained from the Alabama Air Pollution Control Commission.

Discharge into the air no dust or other particles, matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing unless appropriate permission has been secured from the Alabama Air Pollution Control Commission.

Produce no heat or glare humanly perceptible at or beyond the lot boundaries.

Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.

Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.

Produce no electromagnetic radiation or radioactive emissions injurious to human beings or animals or vegetation or any intensity that interferes with the lawful use of any other property.

Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of such materials in production.

Discharge into any stream system or public sewer system any industrial waste, trailings or unusable by-products which will cause serious water pollution overburden the existing public facilities or be harmful in any way to the normal sewage treatment process.

5.29 Flood Hazard Areas:

5.291 Statement of Intent:

It is the intent of the floodway and flood fringe portions of the flood hazard area to provide protection from the hazards and losses caused by flooding to residents, businesses, industries and public uses of the community, and to protect sensitive natural environments that might be damaged by improper use of the floodway fringe. The boundaries of the flood hazard district shall include, as a minimum, the flood prone areas defined by the Federal Flood Insurance Administration and may include other flood prone areas as identified by the City of Millbrook.

5.292 Floodway Uses Permitted:

The following uses are permitted which have low flood damage potential and do not threaten other lands during times of flood and do not require storage of materials, structures, flood control works, or substantial filling or grading and do not include the use of channels or flood ways, streams, drainage ditches or any other drainage facility or system.

Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

Industrial-commercial related uses such as loading areas, parking areas, airport landing strips, circuses, carnivals and similar transient amusement enterprises.

Private and public recreational uses such as marinas, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming area, parking, wildlife and nature preserves, game farms, fish hatcheries, shooting reserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary moveable structures for the sale of food and refreshment, arts and crafts.

Residential related uses such as lawns, gardens, parking areas and play areas.

5.293 Floodway Uses Permitted on Appeal:

Drive-in theatres, new and used car lots, roadside stands, signs and billboards, storage yards for equipment, machinery or materials.

Railroad streets, bridges, utility transmission lines and pipelines.

Kennels and stables.

Construction of sand, gravel and other materials; substantial grading, filling excavational alteration and natural protective barriers only if extraction activities will not result in damage to the drainage or flood system itself or destroy natural protective barriers.

5.294 Standards for Floodway Uses Permitted on Appeal:
No structure, storage of materials or equipment, or other use may be allowable as a use permitted on appeal which, acting alone or in combination with existing or future uses, will significantly cause flood damages to other lands or accelerate erosion. All buildings or structures, temporary or permanent, within the floodway prone area shall:

1. Be designed with a low flood potential.
2. If permitted, shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
3. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
4. Service facilities such as electrical and heating equipment shall be floodproofed or constructed at or above the regular flood protection elevation for the particular area.

Storage of materials and equipment within the flood prone area shall:

1. Not include the storage or processing of materials that are in the time of flooding bouyant, flammable, explosive or injurious to human, animal, or plant life.
2. Be allowed if such materials or equipment is not subject to major damage by flood and is firmly anchored to prevent flotation or is readily removable from the area within the time available after a flood warning.

5.295 Flood Fringe Uses Permitted:
Uses permitted shall be allowed in the immediately adjacent area as determined by moving perpendicularly away from the waterway. The flood fringe shall be interpreted as overlaying that zone and impose the following construction limitations:

No building or structure shall be erected and no existing building structure shall be extended or moved unless the main floor of said building or structure is placed one foot (1') above the elevation subject to flood as defined by studies prepared by the Flood Insurance Administration or Corp of Engineers. No basement floor or other floor shall be constructed below or at a lower elevation than the main floor unless floodproofed. Foundations of all structures shall be designed to withstand flood conditions at the site. Land may be filled within the flood fringe areas provided such fill extends twenty-five (25) feet beyond the limits of any structure, but does not extend into the floodway.

5.296 Flood Fringe Uses Permitted on Appeal

Uses permitted on appeal in the overlaid zone and subject to the same regulations for floor elevations and floodproofing as specified in Section 5.285.

ARTICLE SIX

GENERAL AND SUPPLEMENTAL DISTRICT REGULATIONS

Section 6.1 General Provisions

6.11 Future Street Lines and Points of Access:

6.111 Future Street Lines: On any lot which, at the time of adoption of this Ordinance or at the time this Ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width, and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

6.112 Points of Access: In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty (30) feet in width.

There shall be no more than two points of access to any one (1) public street on a lot of any width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.

No point of access shall be allowed within fifteen (15) feet of the right-of-way of any public street intersection.

The area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and four (4) inches in width separating that parking area from the sidewalk and located in such a manner to prevent encroachment of vehicles onto the public right-of-way including the sidewalk.

No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Zoning Administrator.

6.12 Rear Yard Abuts a Public Street

When the rear yard of a lot abuts a public street, all buildings or structures in that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall observe the side yard requirements of the adjoining properties fronting on that street.

6.13 Obstruction to Vision at Street Intersections Prohibited

In all districts, on a corner lot within the area formed by the center lines of streets or street and railroad, at a distance of seventy-five (75) feet from such intersection, there shall be no obstruction to vision between a height of two and one-half (2.5) feet and a height of ten (10) feet above the average grade of each street or railroad at the center line thereof. The requirements of this subsection shall not be deemed to prohibit any necessary retaining wall.

The Board of Adjustment may reduce this requirement where safety conditions will not be impaired.

6.14 Rear Dwelling Prohibited

No accessory structure or building in the rear of the principle building on the same lot may be used for residential purposes unless upon written approval of the Board of Adjustment.

6.15 Location of Accessory Buildings

Accessory buildings may be erected on the lot, however, such buildings shall be located so as to comply with the following requirements:

- 6.151 No accessory building shall be erected in any required front or side yard and shall not occupy more than thirty (30) percent of any required rear yard. Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

6.152 No accessory building, not an integral part of the principle building, shall be located within sixty (60) feet from the front lot line.

6.153 In the case of a corner lot adjoined in the rear by a lot facing the side street, the accessory structure shall be located in such a manner as to conform with the front and side yard requirements of the adjoining lot.

6.16 Access to Public Streets

6.161 In residential, commercial and industrial districts, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street or highway or a street on a subdivision plat approved by the Planning Commission.

6.162 All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

6.17 Fences, Walls and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that on corner lots no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2½) feet in height.

6.18 Essential Community Facilities and Services

6.181 Nothing in this Ordinance shall prohibit the provision of essential services, such as gas, electric or telephone, provided the installation of such facility or service does not violate any other applicable provision of this Ordinance. However, nothing in this subsection shall be construed to permit the erection, construction, or enlargement of any building, tower or substation or maintenance depot for provision of an essential community facility or service except as otherwise permitted in this Ordinance.

Section 6.2 Supplemental Provisions

6.21 Sign Regulations

6.211 General Sign Regulations

No sign shall be erected or placed either temporarily or permanently at any location where by reason of position, size, shape, color, move-

ment, flashing or general illumination may interfere with, obstruct or confuse the view of traffic, signs or signal devices.

All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.

In the Forestry-Agriculture-Recreation and in all residential districts, signs may only be illuminated by non-flashing, reflected light. Any light used to illuminate such signs shall be arranged so as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right of way line than one half the minimum authorized front yard depth.

In commercial and industrial districts, signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect light away from adjoining premises and streets. No illumination involving movement, by reason of the lighting arrangement or by other devices shall be permitted. Flashing lights shall be restricted to white light only. No sign may be placed closer than ten (10) feet from the front property line.

Unless otherwise specifically stated, all signs shall conform to all other yard and height requirements of the district in which said sign is located.

6.212 Permitted On-Site Signs in a Forest, Agriculture and Recreation District

The following on-site signs are permitted on any one lot in the Forest, Agriculture, and Recreation District:

One on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.

One on-site sign identifying a park, school building, or other authorized use not to exceed twelve (12) square feet in area.

One on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

6.213 Permitted On-Site Signs in Residential Districts

The following on-site signs are permitted on any one lot in Residential districts:

One on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.

One on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.

One on-site sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area. Such sign shall be removed within one year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.

One on-site sign not having commercial connotations identifying a multiple-family building or development or mobile home park, to exceed eighteen (18) square feet in area.

One on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.

6.214 Permitted On-Site in a Commercial and Industrial District.

The following on-site signs are permitted on any one lot in the commercial and industrial districts:

One on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign area shall not exceed one square foot for each foot in length or height of the wall, whichever is greater.

One on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half the distance of the required building setback.

6.215 Off-Site Signs

Off-site signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Forestry-Agriculture and Recreation, Commercial and Industrial districts under the following conditions:

Where two (2) or more off-size signs are along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.

The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.

No off-site sign shall be erected on the roof of any building, nor shall one sign be placed above another sign.

Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of lighting arrangement or other devices or flashing shall be permitted on off-site signs.

6.216 Signs for Automobile Service Stations

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way, to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

6.217 Elimination of Nonconforming Signs

Nonconforming signs shall be eliminated or made to conform by the owner within five (5) years after the date of the enactment of this Ordinance.

6.22 Off-Street Parking Requirements

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principle building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

6.221 Plans

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a building.

6.222 Location of Off-Street Parking Areas

Required off-street parking facilities shall be located on the same lot as the principle building and within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. The distance specified shall be measured from the nearest point of

the parking facility to the nearest point of the building or use that such facility is required to serve.

6.223 Parking in Residential Districts

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

6.224 Off-Street Parking Area Design

Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.

There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:

For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.

For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.

For parallel parking, the aisle shall not be less than twelve (12) feet in width.

All off-street parking spaces shall not be closer than five (5) feet to any property line except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistance to erosion.

Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.

Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, except that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.

6.225 Collective Parking

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

6.226 Determining Requirements

For the purpose of determining Requirements the following units of measure shall apply:

1. Floor Area

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations

of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

2. Places of Assembly

In stadiums, sports arenas, churches, and other places of assembly, in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

3. Fractions

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($1/2$) shall be disregarded and fractions over one-half ($1/2$) shall require one (1) parking space.

6.227 Schedule of Off-Street Parking Spaces

The minimum required off-street parking spaces shall be as set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply:

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools	One (1) space for each four (4) seats.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Automobile, Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each two (2) employees on maximum shift.

<u>Use</u>	<u>Parking Space Requirements</u>
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each three (3) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Self-Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private and Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each ten (10) students.
Supermarket, Self-Service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus employees.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

6.228 Exception

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Board of Adjustment shall find that the parking requirements of a particular mix of land uses occur at different hours, so that a particular parking area can be advantageously used during nonconflicting hours by the other uses. In such an event, the required parking space for such particular land use may be reduced by the Board of Adjustment to the maximum number of spaces required for the remaining uses requiring simultaneous parking.

6.23 Off-Street Loading and Unloading Requirements

In connection with every building, structure, or use hereafter erected, except single and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

6.231 Plans

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a Building Permit.

6.232 Off-Street Loading Area Design

Each off-street loading and unloading space shall not be less than twelve (12) feet in width and fifty-five (55) feet in length with not less than fifteen (15) foot in height clearance.

Any loading-unloading space shall not be closer than fifty (50) feet to any lot located in any residential district unless wholly within a completely enclosed building or unless screened on all sides by a wall, fence or compact planting not less than six (6) feet in height.

All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

6.233 Off-Street Loading Area Space Requirements

In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.

All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

6.24 . Home Occupations

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed.

Such home occupation shall be carried on within the dwelling or within a building accessory thereto.

No article or service shall be sold or offered for sale on the premises except the primary home occupation carried out within the dwelling or accessory building unless it is incidental to the service or profession conducted.

There shall be no articles or services offered which must be performed on the property outside of structures meeting the provisions of this Ordinance. There shall be no exterior storage of materials or equipment.

Not more than one (1) person other than the family occupying the dwelling shall be employed.

No nuisances shall be generated by heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or other matter at any time.

6.25 Storage of Materials

6.251 Storage of Inoperative Materials

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

On any lot in the Forestry-Agriculture-Recreation District, Residential Districts or Commercial District, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.

On any lot in any commercial or Industrial District, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

6.252 Storage of Commercial and Recreation Vehicles and Trailers.

Commercial and recreational vehicles and trailers shall not be parked or stored on any lot occupied by a dwelling or any lot in a Residential District except in accordance with the following requirements:

1. Travel trailers, motor homes, boats and hauling trailers (other than commercial trailers) shall be permitted if parked or stored behind the front yard building line.
2. 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 liquified petroleum products be permitted.
3. Nothing in this Ordinance shall permit the storage or parking of any vehicle or nonpermanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

6.26 Performance Standards

- 6.261 No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

Noise

Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Vibration

No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

Smoke

Smoke shall not be emitted unless such emission is in accordance with the requirement of the Alabama Air Pollution Control Commission.

Odor

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

Air Pollution

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

Glare

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.

Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring

properties, lakes, ponds, rivers, or streams.

6.262 Enforcement

Where, in the opinion of the Zoning Administrator, a proposed use may not conform to these performance standards, the applicant shall submit a description of the machinery, process, and products and specifications for the mechanisms and techniques to be used in meeting the performance standards.

The Zoning Administrator may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.

The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished by the applicant and the Zoning Administrator.

Section 6.3 Special Use Permits

The formulation and enactment of this Ordinance is based upon the division of the City of Millbrook into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the City of Millbrook. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

6.31 Authority to Grant Permits

The Board of Adjustments, as hereinafter provided, shall have the authority to grant special use permits, subject to such conditions of design, operation and safeguards as they may determine for all special uses specified in the various district provisions of this Ordinance.

6.32 Application and Fee

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Board of Adjustments through the Zoning

Administrator by filing an official special use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the City Council, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

6.33 Data, Exhibits, and Information Required in Application

An application for a special use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; the names and addresses of all adjacent property owners as determined from tax records at the County Courthouse; an accurate survey drawing of the subject property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

6.34 Public Hearings

The Board of Adjustments shall hold a public hearing upon any application for a special use permit, notice of which shall be given two consecutive weeks prior to the hearing by posting in a manner similar to that used for posting ordinances in the City of Millbrook.

The Board of Adjustments shall also notify property owners adjacent to the subject property in writing by First Class Mail at least one week prior to the date of the public hearing.

6.35 Required Standards and Findings for Making Determinations

The Board of Adjustments shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general

Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

Will not be hazardous or disturbing to existing or future neighboring uses.

Will not create excessive additional requirements at public costs for public facilities and services.

6.36 Determination and Imposition of Conditions

If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Board of Adjustments shall not grant a special use permit. When granting a special use permit, the Board of Adjustments shall require such conditions of use as it deems necessary to protect the best interests of the City and the surrounding property, and to achieve the objectives of this Ordinance.

6.37 Approval, Grant or Permit

Upon holding a public hearing and the finding that the requirements of this subsection of this Ordinance have or have not been satisfactorily met by the applicant, the Board of Adjustments shall within thirty (30) days approve or disapprove the application. If approved, a special use permit shall be issued to the applicant. The Board of Adjustments shall forward a copy of the permit to the applicant, City Clerk, Zoning Administrator, and City Council.

Failure to act within thirty (30) days shall be interpreted as approval by default and notice of such occurrence shall be forwarded to the Council with their copy of the permit. The Board of Adjustment may extend the review period for not more than fifteen (15) days, by giving written notice to the applicant, for the purposes of collecting additional data which will be significant in reaching a final decision.

The Administrator shall not issue a building permit until he has received a copy of the special use permit approved by the Board of Adjustments.

6.38 Voiding of Special Use Permit

Any special use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within one hundred and eighty (180) days and completed within five hundred and forty-five (545) days of the date of issuance.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Board of Adjustments to terminate and cancel such conditional use permit.

Section 6.4 Requirements for Planned Unit Development (PUD)

6.41 Statement of Intent:

The purpose of this section is to permit flexibility for residential, commercial and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the City Council of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements:

6.42 Minimum Area for Planned Unit Development

The tract of land to be developed shall have a minimum area of not less than ten (10) acres.

The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.

6.43 Submission of Plans

The owner of the property shall submit to the Zoning Administrator a plan for the use development of the total tract of land as a planned-use development in accordance with the provisions of Section 6.5, Site Plan Review and Approval. In addition to the site plan data specified in Section 6.5, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

6.44 Additional Information for Plans

The Plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire community.

6.45 Average Density

The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located. Where approved private sewage treatment facilities are available, the maximum density may not exceed ten units per acre.

6.46 Conformance of Use

The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.

6.47 Provisions for Public Facilities and Services

The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.

6.48 Open Space

The common open space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.

6.49 Dedication of Streets and Open Spaces

The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planned-Unit Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

Section 6.5 Site Plan Review and Approval

6.51 Statement of Intent:

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, by this Ordinance, the Council shall request site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

6.52 Buildings, Structures, and Uses Requiring Site Plan:

The Zoning Administrator shall not issue a Building Permit for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed by the Planning Commission and their recommendations forwarded to the Council for final approval.

6.53 Application and Fee for Site Plan Review:

Any person may file a request for a site plan review by the Planning Commission by filing with the Zoning Administrator the completed application upon the forms furnished by the Zoning Administrator and payment of a fee established by resolution of the City Council. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

6.54 Planning Commission Review of Site Plan:

Upon receipt of such application from the Zoning Administrator, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

6.55 Required Data for Detailed Site Plan:

6.551 Every site plan submitted to the Planning

Commission shall be in accordance with the following requirements:

The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.

The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.

The site plan shall show the scale; north point; boundary dimensions; topography (at least two foot contour intervals); and natural features, such as wood, lots, streams, rivers, lakes, drains, and similar features.

The site plan shall show existing manmade features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.

The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principle and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.

The site plan shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site;

also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.

The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

6.56 Standards for Site Plan Review

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of this Section of this Ordinance as well as the provisions of the zoning district in which said building structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the application.

6.57 Approval of Site Plan

Upon the Planning Commission's recommended approval of a site plan, the applicant shall file with the City Clerk one (1) copy thereof. The City Clerk shall transmit the site plan and any comments of the Planning Commission to the Council at the next regular meeting. Upon approval the Clerk shall transmit to the Zoning Administrator one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Planning Commission action. The Zoning Administrator shall not issue a Building Permit until he has received a certified approved site plan.

6.58 Expiration of Site Plan Certificate

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Administrator has issued a building permit. Work shall have actually commenced within one hundred eighty (180) days after the issuance of the building permit or prior to the expiration of the site plan certificate.

6.59 Amendment, Revision of Site Plan

A site plan, and site plan certificate, issued thereon, may be amended upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 6.5 of this Ordinance.

ARTICLE SEVEN

ADMINISTRATION AND ENFORCEMENT

Section 7.1 Administration

7.11 Administration

The provisions of this Ordinance shall be administered by the Millbrook City Council in accordance of the authority granted by Section 11-52-70 through Section 11-52-36, Code of Alabama, 1975, as same may be amended.

7.12 Administrator

The Millbrook City Council, shall designate a Zoning Administrator to effect proper administration of this Ordinance. The Zoning Administrator shall have the right to enter upon any premises during a reasonable period of time prior to the issuance of a Certificate of Occupancy for the purpose of making Inspections of the buildings or premises necessary to carry out his duties in the administration and enforcement of this Ordinance.

Section 7.2 Enforcement

7.21 Building Permit

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 (except repairs, not changing the character of the structure and not exceeding \$500 in cost, or painting or wallpapering) or any structure, including accessory structures, until the Zoning Administrator 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. Except on the written order of the Board of Adjustment, no building permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance. Application for a building permit shall be made to the Zoning Administrator on forms provided for that purpose.

7.22 Application Requirements

- 7.221 It shall be unlawful for the Zoning Administrator 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 Zoning Administrator 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, showing:

The location, shape, area and dimensions of the lot

The location, dimensions, height and bulk of the structures to be erected, altered or moved and any buildings or other structures already on the lot

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

The proposed number of dwelling units, occupants, employees or other similar users

The setback, side yards, open spaces, parking spaces and other such requirements of the applicable zoning district

Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

- 7.222 If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a building permit accordingly. If an application for a building permit is not approved, the Zoning Administrator 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.

7.23 Voiding of Building Permit

- 7.231 Any building permit granted under this Section shall become null and void within one (1) year

from the date of issuance of the permit. Extensions for specified periods and documented in writing may be made if the proposed development or construction has passed the first building inspection.

The Zoning Administrator shall make every reasonable effort to notify a holder of a building permit which is liable for voiding action before voidance is actually declared.

7.24 Inspection

- 7.241 The construction or usage affected by any building permit shall be subject to two (2) inspections: The first, when the foundation has been completed and building lines have been established; and second, when the building or structure has been completed and ready for occupancy.
- 7.242 It shall be the duty of the holder of the permit to properly notify the Zoning Administrator as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for such inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

7.25 Certificate of Occupancy

- 7.251 No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Zoning Administrator of the City 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.
- 7.252 Within three (3) days after the owner or his agent has properly notified the Zoning Administrator that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Administrator 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.

7.26 Penalties

- 7.261 Any person violating any provision of this Ordinance shall be fined upon conviction not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and costs of court for each offense. Each day of such offense shall be a separate offense.

7.27 Remedies

- 7.271 In case any building or other structure is erected, construed, reconstructed, altered repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner, who would be especially damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate measure to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to correct or abate such violations or to prevent occupancy of such building, structure or land.

ARTICLE EIGHT
BOARD OF ADJUSTMENT

In order that the objectives of this Ordinance may be more fully and equitably achieved, and that there shall be provided a means for competent interpretation of this Ordinance, and that adequate but controlled flexibility may be provided in the application of this Ordinance, and that the health, safety and welfare of the public may be secured and justice be done, there is hereby established a Board of Adjustment in accordance with the authority granted, governed and controlled by the Code of Alabama, 1975, as same may be amended.

Section 8.1 Establishment and Membership of the Board of Adjustment

8.11 Establishment and Appointment

A Board of Adjustment is hereby established. The Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the City Council except that in the first instance one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. Members shall be eligible for reappointment. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

8.12 Supernumerary

In addition to the five (5) regular members, two (2) Supernumerary members shall be appointed to serve on such board at the call of the Chairman, only in the absence of regular members, and while so serving have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three years and shall be eligible for reappointment.

8.13 Removal

Each member may be removed for cause by the City Council upon written charges and after a public hearing.

Section 8.2 Meetings, Procedures, and Records

8.21 Meetings

Meetings of the Board shall be held at the call of

the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

8.22 Procedures

The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 8.3 Appeals

8.31 Appeals, How Taken

8.311 An appeal may be taken to the Board by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator.

8.312 Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof.

8.32 Stay

The officer from whom the appeal is taken shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notices 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 or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

Section 8.4 Hearing

8.41 Hearing

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. During the hearing any party may appear in person or by agent or by attorney.

Section 8.5 Duties and Powers

8.51 Duties and Powers of the Board of Adjustment

The Board of Adjustment shall have the following powers:

- 8.511 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance, such as:

Hear and decide upon requests for the interpretation of the provisions of the Ordinance; or

Determine the precise location of boundary lines between zoning districts when there is dissatisfaction with a decision upon said subject made by the Zoning Administrator; or

Classify a use which is not specifically mentioned along with a comparable permitted or conditional use for purpose of the use regulations of any zoning district; or

Determine the off-street parking and loading space requirements of any use which is not mentioned in Article Six, either by classifying it with one of the groups listed in the Schedule or by analysis of the specific need.

- 8.512 To hear and decide special exceptions to the terms of the Ordinance upon which such Board is required to pass under such Ordinance.

Before any permit for a special exception is issued, the Board shall make written findings

certifiying compliance with the following conditions:

Shall not be contrary to public interest and will insure that the spirit of the Zoning Ordinance shall be observed.

Shall not permit the establishment within a district any use which is prohibited.

Will not cause a substantial adverse effect to property or improvements in the vicinity or in the districts in which the applicant is located.

Conditions and Safeguards: In granting special exceptions the Board may require conditions and safeguards as deemed appropriate to insure the intent of the Zoning Ordinance. Such conditions may relate to provisions for:

- ingress and egress to the property
- off-street parking
- refuse and service areas
- screening and buffer zones
- signs, exterior lighting
- required yards and open space
- other factors to promote compatibility with adjacent properties.

Interpretation of Uses for Special Exceptions: For uses not specifically identified as uses permitted on appeal in the Zoning Ordinance, the Board shall define such uses in terms of their performance, and classify such uses on the basis of their similarity and relation to previously identified uses.

Where no similar uses have been specified as permitted on appeal, the use shall be deemed prohibited. In such instances, the Board may, if deemed appropriate, initiate a request for amendment of the Zoning Ordinance for such use and shall transmit such request to the City Council for consideration.

- 8.513 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 result in unnecessary hardship, and so

that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

Before any permit for a variance is issued, the Board shall make written findings certifying compliance with the following specific rules:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;

That the special conditions do not result from actions of the applicant (self-imposed hardship);

That granting of the variance will not confer any special privilege on the applicant that is denied by this ordinance to other lands, structures, or buildings in the same district;

That granting of the variance is in harmony with the intent and purposes of the Zoning Ordinance;

That the variance will not adversely affect surrounding property, the general neighborhood, or the community as a whole;

That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by terms of the ordinance in said district.

Section 8.6 Appeals from Action of the Board of Adjustment

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

ARTICLE NINE

AMENDMENT

Section 9.1 Zoning Amendment Petition

- 9.11 The City Council of the City of Millbrook, Alabama, may amend, supplement, change, modify or repeal the regulations, restrictions, boundaries of districts or any provision of this Ordinance. Any member of the City Council may introduce such amendment; or any official, board, commission or any other person may present a petition to the City Council requesting an amendment or amendments to this Ordinance.

Section 9.2 Planning Commission Review

- 9.21 No such amendment shall become effective unless such be first submitted for approval, disapproval, or recommendations to the Planning Commission. If the Planning Commission within thirty (30) days disapproves an amendment after such submittal, it shall require the favorable vote of four (4) members of the City Council to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submittal, the proposed amendment shall be deemed as favorable.
- 9.22 The Planning Commission upon its own initiative may hold public hearings, public notice of such shall be given, for the consideration of any proposed amendment to the provisions of the Ordinance, or to the Official Zoning Map, and then report its approval, disapproval or recommendations to the City Council.

Section 9.3 Public Hearing on Proposed Amendment

- 9.31 Upon the introduction of any amendment to this Ordinance or upon the receipt of a petition to amend this Ordinance, the City Council shall publish notice of such request for an amendment, together with a notice of the time and place set for public hearing by the City Council on the requested change. Said notice and the proposed amendment shall be posted for two consecutive weeks in advance of such hearing in places normally used by the City of Millbrook for posting ordinances.

Section 9.4 Time Limit

- 9.41 After the City Council has voted on the application for rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance will not be considered until a period of one (1) year has elapsed from the date of such action by the City Council. Provided, however, that the City Council may adjust this time period if, in the opinion of a majority of the City Council, an unusual situation or circumstances exists.

Section 9.5 Filing Fee

- 9.51 Every applicant or petitioner seeking an amendment to the Zoning Ordinance or Official Zoning Map of the City of Millbrook other than amendments initiated by the City Council, Zoning Administrator or Planning Commission, shall pay the City at the time of filing such petition or application, a fee of twenty-five (\$25.00) dollars plus publishing or posting costs incurred by the City for the specific petition. No such petition or application shall be deemed filed for consideration until such fee has been paid.

ARTICLE TEN
LEGAL STATUS PROVISIONS

Section 10.1 Interpretation

- 10.11 In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare.

Section 10.2 Conflict with Other Ordinances

- 10.21 In case of a conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Millbrook, the most restrictive shall in all cases apply.

Section 10.3 Validity

- 10.31 If any Section, Subsection, Clause, Provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other Section, Subsection, or part thereof of this Ordinance which is not of itself invalid or unconstitutional.

Section 10.4 Violation

- 10.41 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- 10.42 The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

10.43 Nothing herein contained shall prevent the City of Millbrook from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE ELEVEN

DEFINITIONS

Section 11.1 General Terms

11.11 For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

11.111 The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

11.112 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

11.113 The word shall is mandatory, the word may is permissive.

11.114 The words used or occupied include the words intended, designed, or arranged to be used or occupied.

11.115 The word lot includes the words plot or parcel.

Section 11.2 Definition of Words and Phrases

11.21 Definition of Words and Phrases Beginning with the Letter "A"

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure.

Alley: Any public or private way set aside for public travel, less than thirty (30) feet in width.

Apartment House: A building for use as and including at least three (3) independent dwelling units.

Automobile Storage or Standing Space: An area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

11.22 Definition of Words and Phrases Beginning with the Letter "B"

Buildable Area: The portion of a lot remaining after required yards have been provided.

Building: Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationary or movable.

Principal Building: A building in which is conducted the principle use of the lot on which it is situated. In any residence district any dwelling shall be deemed to be the principle building on the lot on which the same is situated.

Accessory Building: A subordinate building, the use of which is incidental to that of a principle building on the same lot.

11.23 Definition of Words and Phrases Beginning with the Letter "C".

Carport: A one-story structure attached to the principle building, open and to remain open to weather to be used for the shelter of an automobile.

11.24 Definition of Words and Phrases Beginning with the Letter "D".

Dwelling: A house, apartment building, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, motels, hotels or other structures designed for transient residence.

Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Mobile Home: A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling

complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer or recreation vehicle is not be considered as a mobile home.

Dwelling, Two-Family: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Multi-Family: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

11.25 Definition of Words and Phrases Beginning with the Letter "E"

Essential Community Facilities: Is the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

11.26 Definition of Words and Phrases Beginning with the Letter "F"

Family: One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit. A family shall be deemed to include necessary servants.

11.27 Definition of Words and Phrases Beginning with the Letter "G"

None.

11.28 Definition of Words and Phrases Beginning with the Letter "H"

Heights of Buildings: The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

Home Occupation: Small scale home operations such as the following: Dressmaking and sewing; teaching of music or tutoring, provided that no class shall exceed four (4) students; offices where no professional services are performed and the number of customers is limited.

11.29 Definition of Words and Phrases Beginning with the Letter "I", "J", "K"

None.

11.210 Definition of Words and Phrases Beginning with the Letter "L".

Loading Space, Off-Street" Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot: For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A single lot of record;

- A portion of a lot of record;

- A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

- A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot of Record: A lot whose existence, location and dimension have been legally recorded or registered in a deed or plat prior to the enactment of the Zoning Ordinance.

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

Mobile Dwelling: A movable or portable dwelling constructed to be transported on its own chassis and initially designed without permanent foundation, whether or not a permanent foundation is subsequently provided, which may include one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two (2) or more units separately transportable but designed to be joined into an integral unit as well as a portable dwelling composed of a single unit.

Mobile Home Park: Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for each accommodation.

11.212 Definition of Words and Phrases Beginning with the Letter "N".

Nonconforming Use: A use of a building or land lawful at the time of the enactment of this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.

11.213 Definition of Words and Phrases Beginning with the Letter "O".

Outdoor Advertising Business: Provision of outdoor displays or display space on a lease or rental basis only.

11.214 Definition of Words and Phrases Beginning with the Letter "P".

Parking Space, Off-Street: For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and un-parked without moving another.

For purposes of rough computation, and off-street parking space and necessary access and maneuvering room may be estimated at 200 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.

11.215 Definition of Words and Phrases Beginning with the Letters "R" and "S"

Street: Any public or private way set aside for public travel thirty (30) feet or more in width. The word "street" shall include the words, "road", "highway", and "thoroughfare".

Street Line: The property line which bounds the right-of-way set aside for use as a street.

Where sidewalks exist and location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

Center Line of a Street: The center of the surfaced roadway or the surveyed center line of the street.

Signs: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

Flags and insignia of any government except when displayed in connection with commercial promotion;

Legal notices; identification, informational, or directional signs erected or required by governmental bodies;

Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exceptions is made in the Zoning Ordinance.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

11.216 Definition of Words and Phrases Beginning with the Letter "T" through "Z"

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard: An open space on the same lot with a principle building, open unoccupied and unobstructed

by buildings from the ground to the sky except as otherwise provided in this Ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and any part of the principle building.

Front Yard: The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principle building, including covered porches and carports.

Rear Yard: The yard extending across the entire width of the lot between the rear lot line, and the nearest part of the principle building, including covered porches and carports.

Side Yard: A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principle building, including covered porches and carports.

ARTICLE TWELVE

REPEAL OF CONFLICTING ORDINANCES
AND EFFECTIVE DATE

Section 12.1 Repeal of Conflicting Ordinances

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

Section 12.2 Effective Date

12.21 This Ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

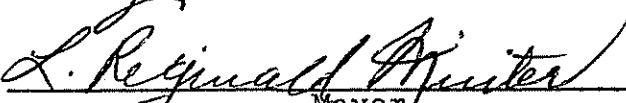
Certified by the City Planning Commission
this the ____ day of _____, 1980.



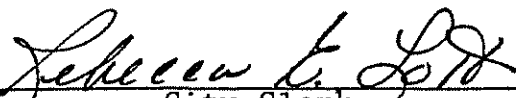
Chairman
Millbrook Planning Commission

12.22 This Zoning Ordinance is hereby approved and adopted by the Millbrook City Council this the 12th day of January, 1980.

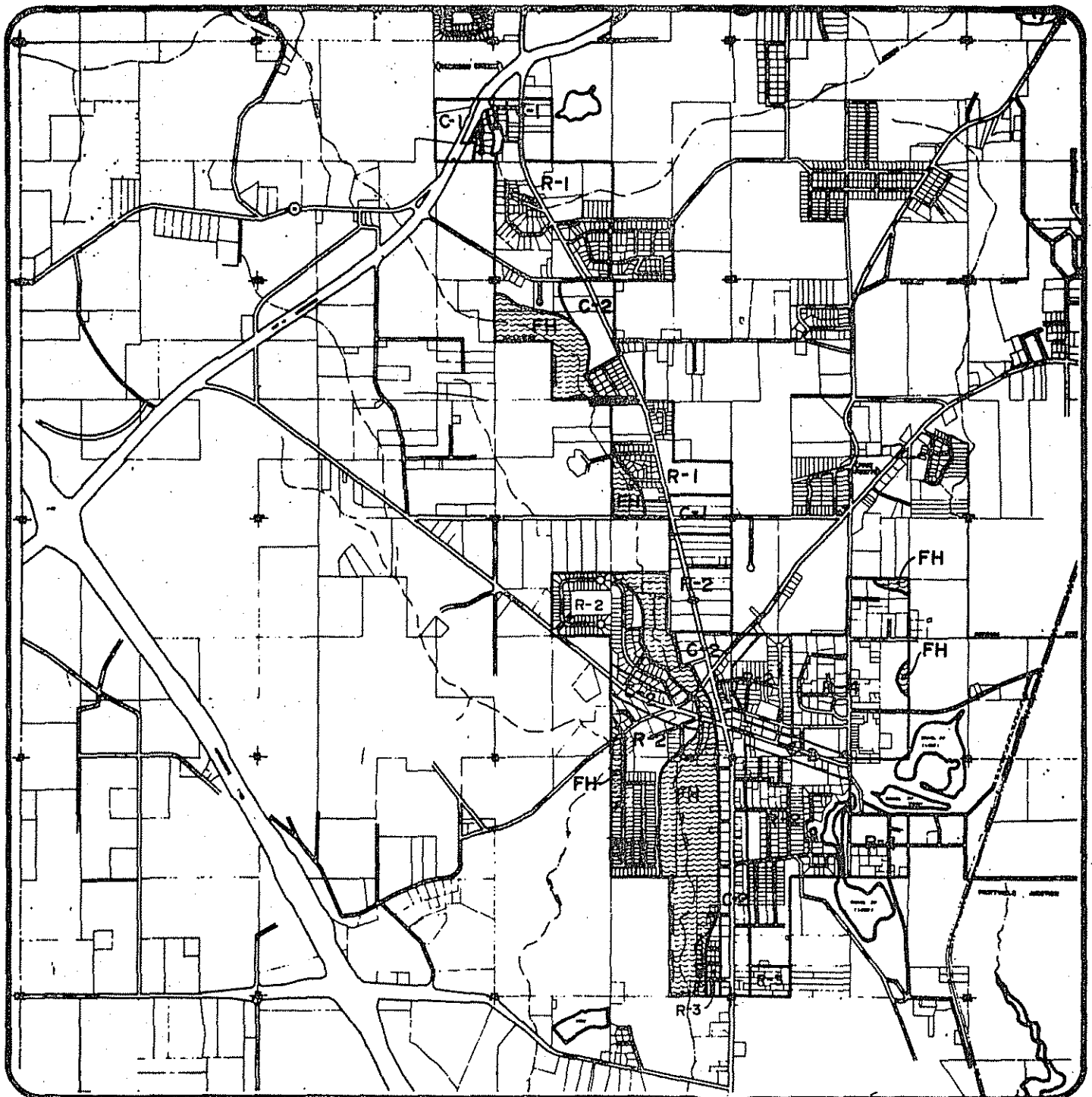
Attest:



Mayor
City of Millbrook, Alabama



City Clerk
City of Millbrook, Alabama



LEGEND

- R-1** LOW DENSITY RESIDENTIAL
- R-2** MEDIUM DENSITY RESIDENTIAL
- R-3** HIGH DENSITY RESIDENTIAL
- R-4** HIGH DENSITY RESIDENTIAL
- C-1** NEIGHBORHOOD COMMERCIAL
- C-2** GENERAL COMMERCIAL
- FH** FLOOD HAZARD

LIMITED BY ZONING OR HEALTH PERMIT FOR SEPTIC TANK, WHICHEVER IS MORE RESTRICTIVE, UNTIL PUBLIC SEWER, IS AVAILABLE.

ZONING MAP

1980

THE CITY OF
MILLBROOK, ALA.

CENTRAL ALABAMA REGIONAL
PLANNING & DEVELOPMENT COMMISSION
808 SO. LAWRENCE ST.
MONTGOMERY, ALABAMA



ILLUSTRATION 1

ORDINANCE NO. 80-12

CERTIFICATE AS TO PUBLISHING

I, the undersigned City Clerk 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: Nov 13 + 20, 1980
Jan. 15, 1981

ATTEST:

Rebecca E. Lott
Rebecca E. Lott, City Clerk

APPROVED:

L. Reginald Minter
L. Reginald Minter, Mayor