

2012

ZONING REGULATIONS



Shelby County, Alabama
Department of Development Services

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CITY OF MONTEVALLO, ALABAMA

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ZONING ORDINANCE OF THE CITY OF MONTEVALLO

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ARTICLE 1. SHORT TITLE

Section 1.01. Short Title.

This Ordinance shall be known as the "Zoning Ordinance of the City of Montevallo, Alabama," and the map herein referred to, identified by the title "Zoning Map of the City of Montevallo, Alabama," shall be further identified by the signature of the Mayor of Montevallo and attested to by the City Clerk. The Zoning Map of the City of Montevallo is hereby adopted and made a part of this Ordinance. Such map is filed with the City Clerk of the City of Montevallo and will remain on file in the office of the said clerk. Upon the adoption of this Ordinance, said map shall show by endorsement thereon the date of such adoption.

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ARTICLE 2. PURPOSE, METHOD and AUTHORITY

Section 2.01. Purpose.

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the City of Montevallo in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of the City of Montevallo; to reduce hazards to life and property; to establish the location, size and the specific uses for which dwellings, buildings and other structures may hereafter be erected or altered and the minimum open spaces and sanitary, safety and protective measures that shall be required for such buildings, dwellings, and other structures; to avoid congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply and other public requirements; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of the City of Montevallo.

Section 2.02. Methods.

For the purposes hereinbefore stated, the City of Montevallo is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civil service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, setback lines, sizes of yards, and other open spaces.

Section 2.03. Authority.

A Planning Commission is hereby established. Such Commission shall function as provided by Chapter 52 ("Planning, Zoning and Subdivisions"), Code of Alabama 1975 [§ 11-52-3, Code of Alabama 1975], or as such may be amended, and it shall have all powers granted therein.

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ARTICLE 3. DEFINITIONS

Section 3.01. Generally.

For the purpose of this Ordinance, certain terms and words are hereby defined. All words shall have the customary dictionary meaning, unless specifically defined in these regulations. The present tense includes the future tense and the future tense includes the present tense. The singular includes the plural and the plural includes the singular. Lists of examples prefaced by "including the following," "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples.

Abutting. Having a common border with, or being separated from such common border by an alley or easement.

Access. A means of vehicular approach or entry to or exit from property. A curb cut is a structural change in the curb to permit access.

Accessory structure or use. A subordinate structure or a portion of the main structure, the use of which is incidental to the main use of the premises. An accessory use is one that is incidental to the main use of the premises.

Acre. A measure of land containing 43,560 square feet.

Addition. A structure added to the original structure at some time after the completion of or after a Certificate of Occupancy has been issued for the original structure.

Adjacent/adjoining. To be separated by common property lines, lot lines, or an alley.

Administrator. That person or his/her duly authorized representative, designated by the City Council to administer the Zoning Ordinance of the City of Montevallo and who is charged with certain responsibilities and duties by this Ordinance.

Alley. A public thoroughfare that affords only a secondary means of access to abutting property.

Alteration. Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions, as well as any change to doors or windows or any enlargement to a building or structure, whether horizontal or vertical or the moving of a building or structure from one location to another.

Apartment Building. See "Dwelling, Multiple."

Applicant. A person submitting an application for a permit, the development of property, a variance, a special exception use or the rezoning of the property.

Assisted Living Facility. A general term for a permanent building, portion of a building, or group of buildings (not including manufactured homes or trailers) used for adult congregate care in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four (24) hours in any week to a minimum of two (2) ambulatory adults not related by blood or marriage to the owner and/or administrator, including independent living facilities and residential care facilities. Assisted living facilities shall be classified as set forth in the Alabama Board of Medical Examiners Administrative Code (Alabama Administrative Code (AAC) 420-5-4.03).

Basement. A story having a part but not more than one half of its height below grade. A basement is counted as a story for the purpose of height regulations.

Bank or Financial Service. A business engaged in providing banking or financial services to the general

public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

Bed and Breakfast Inn. A private owner-occupied residence providing accommodations for a charge to the public with no more than six (6) guest rooms for rent. Breakfast may be provided to the guests only. Bed and Breakfast establishments are exempt from the Rules of Construction and Maintenance and Operation of Hotels and the Rules for Food Service Sanitation.

Bedroom. A room marketed, designed or otherwise intended to function primarily for sleeping.

Berm. A planted elevated ground area(a mound) generally designed to restrict view and to deflect or absorb noise. Berms with groundcovers that require mowing shall have slopes that do not exceed one foot of rise per three feet of run (3:1). No slope shall exceed 50 %.

Block. A tract or parcel of land entirely surrounded by public streets other than alleys.

Bufferyard. A unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building Line or Building Setback Line. A line generally parallel to the street right of way line at a distance equal to the depth of the front yard required for the zone district in which the lot is located.

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

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

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.

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

Child Day Care Center. Any child-care facility receiving more than twelve (12) children for daytime care during all or part of a day.

Child Day Care Home. A child-care facility which is a family home and which receives not more than six (6) children for care during the day.

Child Group Day Care Home. A child care facility which is a family home and which receives at least seven but no more than twelve (12) children for care during part of the day where there are at least two (2) adults present and supervising the activities.

Club, Private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

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

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

Convenience Store. A one story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including not more than four motor vehicle fuel service islands.

Conditional Use. A use that, because of special requirements or characteristics, may be allowed in a particular zone district only after the review of the planning commission and the approval of the City

Council that may impose such conditions as necessary to ensure compatibility with other uses permitted in the same zoning category or the surrounding vicinity.

Condominium. A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

Continuing Care Retirement Community. A licensed housing development that is planned, designed, and operated to provide a full range of accommodations and services for elderly adults, including independent living, congregate residential housing, medical care, and other support services. These facilities are generally designed utilizing a campus concept, and may offer rental as well as ownership options. CCRCs may also accommodate adult day-care facilities within the community, provided sufficient land area for any additional structures and parking requirements is available.

Development. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which review and approval may be required pursuant to this or other City ordinances.

Distribution Warehouse. A place of business engaged in warehousing, wholesaling, or retail distribution services within a building.

District. A section or sections of the City of Montevallo for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Domestic Violence Shelter. A facility operated by a public or non-profit entity, providing temporary shelter for up to ten individuals affected by domestic violence and may provide temporary boarding, lodging, counseling, and support services. Said facility must meet the minimum requirements of § 30-7-2, Acts of the Legislature 1997 and be certified by the Office of Prosecution Services to receive funds.

Drive-In Restaurant. See *Restaurant, Fast Food*.

Dwelling. Any building or portion thereof, which is used for residential purposes.

Dwelling, Attached. Three or more adjoining dwelling units each of which is separated from the others by one (1) or more walls, unpierced from ground to roof; also referred to as a townhouse.

Dwelling, Multiple. A building designed for or occupied exclusively by three (3) or more families.

Dwelling, Two-Family (Duplex). Two (2) single family residential dwelling units sharing one common wall, unpierced from ground to roof, and placed on a single lot designed for two (2) families.

Dwelling, Single-Family. A building designed for or occupied exclusively by one family such as a single family residence, garden home, or patio home.

Dwelling Unit. One or more rooms located within a building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

Easement. Written authorization by a property owner of the use of a designated part of his property by another for a specified use.

Engineer. A professional engineer licensed by the State of Alabama Board of Registration for Professional Engineers and Surveyors to practice engineering in the State of Alabama.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including, but not limited to movie theaters, playhouses, and similar indoor facilities.

Entertainment, Outdoor. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including, but not limited to sports arenas and amusement parks.

Exterior Storage. Outdoor storage of fuel, raw material, products or equipment. In the case of lumberyards and similar activities, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored

outdoors.

Family. One or more persons related by blood, marriage, adoption or guardianship plus one (1) unrelated person occupying a dwelling unit and living as a single housekeeping unit. Failure of property owner to comply with this definition shall be deemed a violation of this Ordinance.

Farm Support Business. A commercial establishment engaged in the sale of farm support goods and services, including the following activities:

- the sale of feed, grains, fertilizers, pesticides, and similar support goods;
- the provision of warehousing and storage facilities for raw farm products; and
- the provision of veterinary services for large animals.

Farm. A three (3) acre or larger property used for the production, keeping or maintenance of plants and animals useful to man for sale, personal use or consumption, including, but not limited to the following farm activities:

- forages and sod crops;
- grains and seed crops;
- dairy animals and products;
- poultry, including egg production but excluding poultry processing;
- livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;
- nursery operations involving the raising of plants, shrubs and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
- forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting timber growth on the same premises but excluding lumber yards, mills and similar activities;
- bees and apiary products;
- fisheries, excluding fish and seafood processing;
- fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables but excluding food processing.

Fence. An artificially constructed barrier of any material or combination of materials or vegetation which is planted or retained as a means to enclose or screen areas of land.

Floor area. The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

Fraternity or Sorority House. A building used as group living quarters for students of a college, university or seminary who are members of a fraternity or sorority that has been officially recognized by the college, university or seminary. Said building, containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining area, shall be maintained exclusively for members of the fraternity or sorority and their guests or visitors.

Frontage, street. The distance along which a property line of a lot adjoins a public or private street.

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

Garage apartment. A part of a private garage of a single family dwelling consisting of a room or rooms intended to be used by an individual or a single family. Garage apartments are only allowed to the rear of the main building.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles

owned and used by the occupants of the building to which it is accessory.

Garage, storage or parking. A building or portion thereof designed or used exclusively for the storage of motor-driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired or sold.

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

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

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Gross Density. The number of dwelling units per acre based on the **gross** site area.

Gross Site Area. The entire area of the site inside of the parcel boundaries, including buildings, parking and driving areas, sidewalks, public and private rights-of-ways, and public and private open space areas. (Note: one acre equals 43,560 sf)

Group Care Home. A facility serving up to ten (10) individuals, who may or may not be related by blood or marriage, living together as a single housekeeping unit under the supervision of one or more resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement and meets the minimum requirements of the Code of Alabama, 1975, §11-52-75.1, *Regulation as to housing of mentally retarded or mentally ill persons in multifamily zone*, as amended.

Height of Structure. The vertical distance measured from the lowest ground elevation at the exterior face of a structure to the highest point on such structure plus the vertical distance measured from the highest ground elevation at the exterior face of such structure to the highest point on such structure, divided by two (2).

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

Home occupation. Any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising and no display or storage of materials or exterior identification of the home occupation or variation from the residential character of the premises and in connection with which no person outside the family is employed and no equipment used other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops or doctors or dentists' offices for the treatment of patients.

Hotel. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Impervious Surface. Any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to: buildings, driveways, vehicular maneuvering areas, parking areas, paved drainage structures, walkways and other surfaces that are impervious to water.

Impervious Surface Ratio (ISR). The total area of impervious surfaces divided by the total site area.

Independent Living Facility. A licensed facility planned, designed, and managed to include multi-unit

rental housing with self-contained apartment dwellings intended for elderly adults. Support facilities may include meals, laundry, housekeeping, transportation, social, recreational, or other services. The facility may or may not include resident Administrator and administration.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Institution. The structure or land occupied by a group, cooperative, board, agency or organization created for the purpose of carrying on non-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders, orphanages and also including residential accessory uses, such as rectories, parsonages, dormitories and dwellings for resident administrators, watchmen, custodians or caretakers.

Junk Yard. Any lot or parcel of land on which is kept, stored, bought, or sold articles commonly known as junk, including scrap paper, metal and wood, any automobile or truck body from which the motor has been removed, more than one motor vehicle which will not start or run by itself or which does not possess the equipment required by § 32-5-210 to § 32-5-253 and other relevant portions of the Code of Alabama 1975 or automobiles and parts thereof which are valuable only as junk, provided that the term *Junk Yard* shall not apply to any parcel of land used in conjunction with any duly licensed automobile dealer, gasoline service station or public garage.

Kennel. Any establishment where dogs or cats are boarded for compensation or where dogs or cats are bred or raised for sale purposes.

Land Disturbance. Any land change which may result in soil erosion from water or wind, or movement of sediments, directly or indirectly, to the MS4 and/or community waters, including, but not limited to, construction activities, clearing, dredging, grading, excavating, transporting and filling of land.

Laundromat. A commercial facility where patron wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

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

Loading Space. A space having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Loft Apartment. A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional use.

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

Lot Area. The area contained within the lot lines of a lot or parcel of land as shown on a subdivision plat or survey. Lot area excludes any area within an existing or future street right-of-way or any area devoted to common open space.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, frontage. The lot width measured at the street line. When a lot has more than one (1) street line, lot width shall be measured at both street frontages and the minimum lot width required by this Ordinance shall be provided at each such line.

Lot Line. A line bounding a lot which divides one lot from another lot or from a right-of-way or any other public or private space. The front lot line is the lot line along which the lot takes primary access to a street. The rear lot line is the lot line which is parallel to and most distant from the front lot line or, in the case of an irregular lot, a line twenty feet in length, entirely within the lot, parallel to and at the maximum possible

distance from the front lot line. Side lot line is defined as any other lot line other than a front or rear lot line.

Lot, Reverse Frontage. A double frontage lot having a rear yard on a major street and a front yard and access to a local or marginal access street.

Lot, Through or Double Frontage. A lot other than a corner lot abutting two streets.

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

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

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

Manufactured Home. A structure, originally designed to be transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing heating, air-conditioning and electrical systems contained therein.

Manufactured Home Community. A contiguous parcel of land under single or same ownership, which has been planned, improved and used for the placement of ten (10) or more manufactured homes for residential occupancy. The placement of manufactured homes on the property shall be by leasehold only and no individual lots may be sold within the community without proper subdivision approval.

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

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

Mobile Home. Any manufactured home built prior to June 15, 1976. See also "Manufactured home."

Mobile Home Park. See Manufactured Home Community.

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

Motel. A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

Net Density. The number of dwelling units per acre based on the *net* site area.

Net Site Area. The area located inside the parcel boundaries, excluding parking and driving areas, sidewalks, public and private rights-of-ways, and public and private open space areas. (*Note: one acre equals 43,560 sf*)

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

Nursing Home. A licensed facility or home for the aged and/or infirm in which three or more persons not of the immediate family are received, kept, provided with food and shelter, or care for

compensation; but not including hospitals, clinics, independent living facilities, residential care facilities, or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured. Twenty-four hour direct medical, nursing, and other health services are provided.

Open Space (residential developments). Land area within a residential development that is held in common ownership for all the residents for recreation, protection of natural land features, amenities or buffers. Open space must be freely accessible to all residents of the development and is protected by the provisions of this Ordinance to ensure that it remains in such uses. Open space does not include land occupied by nonresidential buildings, common driveways or parking areas or street rights-of-way, nor does it include lots for single family or multi-family dwellings. Open space should be left in a natural state or landscaped, except in the case of recreational structures.

Open Space. Any land or area, the preservation of which in its present use would: ① conserve and enhance natural or scenic resources; or ② protect streams or water supply; or ③ promote conservation of soils, wetlands, beaches, or tidal marshes; or ④ enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or ⑤ enhance recreation opportunities.

Parcel. A contiguous quantity of land in possession of or owned by or recorded as the property of the same claimant or person.

Parking Space, Off-Street. An accessible space permanently reserved for the temporary storage of one vehicle, connected to a street by a driveway or an alley, having a minimum area of one hundred eighty (180) square feet (a minimum width of ten (10) feet and a minimum length of eighteen (18) feet) exclusive of driveways and maneuvering area.

Parks. Publicly-owned and operated playgrounds, recreation facilities and open spaces. Recreation facilities with nighttime field lights shall be classified as *recreation, outdoor*.

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

Portable Building. A portable building is any building or vehicle comprised of one or more units designed, manufactured or converted for transportation on public streets or highways on wheels, arriving at the site substantially ready for occupancy, whether for residential, office, commercial or manufacturing use. Removal of packing, baffles, and other travel supports; assembly of units; and connection of or to utilities shall not be considered in determining whether a unit or units are substantially ready for occupancy. The towing hitch, wheels, axles, and other running gear may be removable for the placement of the portable building and may be reinstalled to permit its further movement. A mobile home or mobile office including any doublewide mobile home or office is a portable building.

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

Public Utility Facility. Facility that provides public utility services to the public at large including, but not limited to water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable television transmission and distribution facilities.

Parking Lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged but no vehicles are to be equipped, repaired, rented or sold.

Premises. A lot, together with all buildings and structures existing thereon.

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

Recreation, Outdoor. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, practice golf driving range, par three golf course or miniature golf course, commercial, recreational or amusement development for temporary or seasonable periods, golf courses, swimming pools, tennis courts, and other similar commercial outdoor recreational and sports activities.

Recreational Vehicle. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers and motor homes.

Recreational Vehicle Park. A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. Specifically, they shall be located at least four hundred (400) feet beyond the outside right-of-way line; buffered by adequate berms, plantings or other natural buffers; limited to not more than seven (7) days of maximum continuous usage by recreational vehicles; and conform to Gateway Transition Commercial signage standards.

Residential Care Facility. A licensed facility that provides congregate private and/or shared room, Administrator-supervised meals, housekeeping, social services, and assistance with personal care and other services for not less than twenty-four hours in a week to a minimum of two ambulatory adults who are not related by blood or marriage to the owner and/or administrator. The facility may or may not include a resident Administrator and administration.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and beverages in a ready to consume state for consumption within the restaurant building, within a motor vehicle parked on the premises or off the premises as a carry-out order, and whose principal method of operation is for off-premises consumption.

Restaurant, Standard. An establishment whose principal business is the sale of food and beverages in a ready to consume state and whose principal method of operation includes one or more of the following characteristics: customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; a cafeteria type operation where food and beverages are generally consumed within the restaurant building. Such restaurants may have carry-out services.

School. An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

Service Station. Any building, structure, or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories but not including major repair work such as motor overhaul, body and fender repair or spray painting.

Setback Line. A line parallel to the property line between which line and the property line no structure can be erected, except as otherwise noted herein.

Shopping Center. A group of commercial establishments planned and developed in a unified design, with shared parking, landscaping and driveway facilities and under common management authority.

Special Exception. A use, occupancy or structure, specifically designated as a special exception in a particular zone district that would not be appropriate generally or without restriction throughout the district but which, if controlled as to the number, area, location or relation to the surrounding area would be appropriate within said district and would promote the public health, safety, morals and general welfare. Such uses or structures may be authorized in that specific zone district by resolution of the Zoning Board of Adjustment, provided they meet the requirements of the zone district therein.

Story. That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between the floor and the ceiling next above it.

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

Street. A public thoroughfare which affords the principal means of access to abutting properties.

Structural Alterations. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered of a structural alteration.

Structure. Anything constructed or erected, the use of which required a location on the ground, or attached to something having a location on the ground (viz. buildings, signs, billboards, back stops for tennis courts, fences or radio towers).

Subdivision. Any division or redivision of land into two (2) or more lots or parcels with the intent to convey, either presently or in the future, one (1) or more such lots or parcels.

Trailer, Home. Any manufactured home built prior to June 15, 1976. See also "Manufactured home".

Truck Repair Service. A place of business engaged in the repair and maintenance of trucks with more than two axles including the sale, installation and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts or rebuilding of engines.

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

Use, Temporary. Any use established for a fixed period of time, without construction or alteration of a permanent structure with the intent to discontinue such use upon expiration of such time.

Urban Residential Development. Areas within the Downtown Urban Core and larger village centers that may include attached or detached residential units and mixed-use development. The density of Urban Residential Developments may vary relative to proximity to the Urban Core or a village center.

Vehicle Repair Service. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Wireless Telecommunications Facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers or similar structures supporting said equipment, equipment buildings, access roads, parking area, access roads and other accessory structures.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the "Area and Dimensional Regulations" pertaining to the district in which such yard is required to be provided.

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

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

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

Zoning Map. The map referred to in §1.01 Short Title, of this Ordinance.

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ARTICLE 4. ZONE DISTRICTS AND BOUNDARIES

Section 4.01. Establishment of Districts.

In order to carry out the intent and purpose of this Ordinance, the City of Montevallo is hereby divided into the following districts; the location, boundaries, and area of which are and shall be as shown and depicted upon the Zoning Map of the City of Montevallo:

- A-R, Agricultural-Residential District
- E-1, Single Family Estate District
- R-1, Single Family District
- R-2, Multiple Dwelling District
- R-4, Multiple Dwelling District
- PDHD, Previously Developed High Density District
- O & I, Office and Institutional District
- B-1, Neighborhood Business District
- B-2, General Business District
- M-1, Light Industrial District
- SD, Special District

Section 4.02. Zoning Map.

The Map or maps which are identified by the title "Zoning Map of City of Montevallo," and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this Ordinance and shall be known as the "Zoning Map" throughout this Ordinance.

Section 4.03. District Boundaries.

The district boundary lines on the Zoning Map are intended to follow either natural boundaries, streets or alleys or lot lines, and where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the Zoning Map.

Section 4.04. Annexed Property.

Any property hereafter annexed into the City shall be classified as A-R, Agricultural-Residential District.

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ARTICLE 5. GENERAL REGULATIONS

Section 5.01. Generally.

The general regulations contained in this Article shall apply in all districts except as may be otherwise provided in these regulations.

Section 5.02. Use of Land.

No land shall be used except for a use permitted in the district in which it is located except as may be otherwise provided in these regulations.

Section 5.03. Use of Structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or structure be used except for a use permitted in the district in which such building is located and as may be otherwise provided in these regulations.

Section 5.04. Height of Structures.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

Section 5.05. Dimensional Regulations.

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located or as may be otherwise provided in these or other City regulatory Ordinances.

Section 5.06. Encroachment On or Reduction of Yards, Parking Spaces, or Open Spaces.

The minimum yards, parking spaces, and open spaces, required by this Ordinance for each structure existing at the time of passage of this Ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this Ordinance for the district in which such lot is located or as may be otherwise provided in these regulations.

Section 5.07. Off-Street Parking and Loading.

No building shall be erected, converted, enlarged, reconstructed or moved except in conformity with the off-street parking and loading regulations of this Ordinance.

Section 5.08. Building To Be on Lots.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be wholly located on a lot and meeting the Area and Dimensional Regulations of the zone district, or as may be otherwise provided in these regulations.

Section 5.09. Accessory Buildings.

- A. No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually commenced.
- B. Except as otherwise noted, no accessory building shall be used for dwelling purposes.

Section 5.10. More Than One Main Building on One Lot.

There shall not be more than one main building hereafter erected on one lot except as otherwise provided in this Ordinance.

Section 5.11. Joint Occupancy.

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling **simultaneously** with any other use except as allowed in the Special District.

Section 5.12. Building Material Storage.

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in a non-industrial zone district prior to appropriate permits having

been approved and issued by the City of Montevallo.

Section 5.13. Parking or Storage of Major Recreational Vehicles.

Major recreational vehicle including but not limited to house boats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other similar vehicles shall not be stored or parked on any lot in a residential district except in an enclosed building or carport, or on the lot in such a manner that no portion of the recreational vehicle extends beyond the front building line of the principal dwelling or encroaches the required distance from side and rear property lines. In the case of corner lots, the recreational vehicle must be stored or placed either behind the principal dwelling or on the side away from the street. No recreational vehicle shall be parked on a vacant lot or on a lot with an unoccupied principal dwelling. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use. Notwithstanding this requirement, temporary parking of recreational vehicles may be permitted for a period not to exceed three (3) days.

Section 5.14. Parking and Storage of Certain Vehicles.

- A. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- B. Automobile sales shall only occur at businesses with a valid license to do so. Such businesses are subject to the requirements of the zone district of that location.
- C. Commercial vehicles exceeding one ton rated capacity and construction vehicles shall not be parked or stored in residential zone districts.

Section 5.15. Mobile Homes and Trailers.

- A. All mobile homes shall be situated in an approved Manufactured Home Community except as may otherwise be provided in these regulations.
- B. Mobile homes shall meet the minimum standards set forth in §18.03.

Section 5.16. Home Repair and Remodeling.

All home remodeling, repair, and modification shall be permitted provided that the Area and Dimensional requirements are met for the zone district involved.

Section 5.17. Construction Debris and Trash.

During construction, all reasonable efforts shall be implemented to maintain a debris and trash free appearance from the public right-of-way.

Section 5.18. Noise Ordinance.

All uses in this Ordinance are subject to the Montevallo Noise Ordinance.

Section 5.19. Garage Apartments.

- A. The floor area of the garage apartment shall be at least three hundred (300) square feet and shall not exceed 25% of the floor area of the principal dwelling.
- B. If attached to the principal dwelling, the garage apartment shall maintain the appearance of the principal dwelling and shall not create additional entrances toward the front of the property.
- C. If detached from the principal dwelling, the garage apartment shall be limited to the rear of the principal dwelling or within the upper floor of a garage and shall be so placed as to avoid objectionable views from the street and surrounding properties.

Section 5.20. Family Care and Domestic Violence Shelter.

- A. The use shall be conducted within a single family residence.
- B. The building shall maintain the exterior appearance and character of a single family residence with no separate exterior entrances to individual bedrooms.
- C. The home shall be sponsored by a public or non-profit organization; all state licensing requirements shall be met.

Section 5.21. Keeping of Animals.

The keeping of animals shall be permitted in the A-R, Agricultural Residential District, or any other district where the lot or tract size is three (3) acres or more, provided that compliance with all applicable laws including State and County Health Regulations are maintained.

Section 5.22. Cemeteries and Mausoleums.

- A. No cemetery except a family plot or "church yard" cemetery shall be established on a site containing less than ten (10) acres.
- C. The proposed site for a cemetery shall not interfere with the development of a system of streets or a highway in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.
- D. Any structures except grave markers and monuments shall be located a minimum of fifty (50) feet from any lot line or street right-of-way.
- E. All graves or burial lots shall be located a minimum of twenty-five (25) feet from any lot line or street right-of-way line.
- F. All required yards shall be landscaped and maintained pursuant to Article 22.

Section 5.23. Wellhead Protection.

The City of Montevallo relies on groundwater for its municipal water supply needs. To help protect this vital resource a Wellhead Protection Plan (WHPP) should be implemented pursuant to the Alabama Department of Environmental Management (ADEM) Chapter 335-6-8: Ground Water and Underground Injection Control. The City of Montevallo recognizes that this ordinance anticipates the requirements of a WHPP by establishing one thousand (1,000) foot wellhead protection zones around the water supply sources in Montevallo. Only proposed uses that will not adversely affect groundwater quality shall be permitted within the wellhead protection zones.

Section 5.24. Solid Waste Containers.

All solid waste containers shall be enclosed within a six (6)-foot-high wood screen fence on three (3) sides and double gated at the other. Solid waste containers used for the disposal of **putrescible waste** shall additionally be covered by a roof and have drainage underneath that is attached to a sanitary sewer system.

Section 5.25. Minimum Floor Area of Single Family Dwellings.

All single family dwellings shall contain a minimum of 1,100 square feet (102.19 m²).

Section 5.26. Child Care.

All Child Care facilities must meet the minimum requirements of the Code of Alabama, 1975, §38-7, *Chapter 7, Child Care*.

Section 5.27. Impervious Surfaces.

- A. The Impervious Surface Ratio (ISR) shall not exceed seventy (70) percent of the total site area of a lot or parcel devoted to multi-family residential uses, single-family residential (attached) uses or non-residential uses (i.e. commercial, industrial, institutional, etc.). The Urban Core District is exempt from this requirement.
- B. Impervious surfaces are any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to: buildings, driveways, vehicular maneuvering areas, parking areas, paved drainage structures, walkways and other surfaces that are impervious to water.
- C. The Impervious Surface Ratio (ISR) is the total amount of all impervious surfaces on the lot divided by the total site area.

ARTICLE 6. USE REGULATIONS

Section 6.01. Use Limitations.

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

Section 6.02. Classification of Uses.

This Ordinance recognizes the limitations of a finite list of use classifications as delineated in this Ordinance. The Administrator, therefore, is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. All interpretations shall be described in writing and signed by the Administrator and made a part of Appendix A. Appeals of such interpretations may be made to the Zoning Board of Adjustment, pursuant to Article 26.

Section 6.03. Unclassified Uses.

In the event the City of Montevallo receives an application requesting the permitting of a use that is not listed or that cannot appropriately fit in a district, the following procedure shall apply:

- A. If the Planning Commission finds that the proposed use is compatible and consistent with the intent of the existing use district, the unclassified use may be permitted.
- B. If the unclassified use would not be compatible with the intent of the existing use district, the Planning Commission shall make a determination of the most appropriate use district and require the applicant have the property rezoned.
- C. Following final action regarding the unclassified use per paragraphs A. and B. above, the Planning Commission may initiate an amendment to this Ordinance to include the newly permitted use as a permitted use in that zone district.

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ARTICLE 7. NONCONFORMING USES

Section 7.01. When Continuance of Use Permitted; Change in Use.

The lawful use of a structure or the lawful use of land existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same general classification or to a conforming use.

Section 7.02. Structures or Premises Vacant for One Year.

In the event that a structure or premises occupied by a nonconforming use becomes and remains vacant for a continuous period of one year or more, the use of the same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

Section 7.03. Enlargement, etc., of Structure or Premises.

No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located; provided, however, that a structure or premises may be physically enlarged, extended, reconstructed or structurally altered to the extent necessary for compliance with any existing and applicable law or ordinance specifying minimum standards of health or safety.

Section 7.04. Enlargements, etc., of Nonconforming Use.

No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use which conforms to the use regulations of the district in which such use is located.

Section 7.05. Structures Conforming to District Regulations but not Other Regulations

A structure or building conforming to the use regulations of the district in which it is located but not conforming to any other provisions of this Ordinance may be enlarged, extended or expanded provided, that such enlargement, extension or expansion conforms to the provisions of this Ordinance.

Section 7.06. Restoration of Damaged Buildings.

Any nonconforming building or structure damaged or destroyed by any cause may be rebuilt or reconstructed to its original state of nonconformity provided that such reconstruction shall be commenced within one year after the damage occurs and site plan approval, if applicable, is obtained. The City of Montevallo shall have the authority to grant extensions of this one year time period on an individual basis. Requests for such extensions must be submitted in writing including appropriate documentation to the Planning Commission a minimum of thirty (30) days prior to the conclusion of such time period.

Section 7.07. Reestablishment of Nonconforming Use.

Any nonconforming use discontinued because of damage or destruction of a building or premises may be reestablished at its original level of nonconformity provided that the use is resumed within one year of its discontinuance and site plan approval is obtained, if applicable.

The City of Montevallo shall have the authority to grant extensions of this one year time period on an individual basis. Requests for such extensions must be submitted in writing including appropriate documentation to the Planning Commission a minimum of thirty (30) days prior to the conclusion of such time period.

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ARTICLE 8. A-R, AGRICULTURAL-RESIDENTIAL DISTRICT

Section 8.01. Generally.

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the A-R, Agricultural-Residential District. This district is intended to provide a zoning classification for low-density development of primarily agricultural/forestry purposes and single-family homes on a minimum lot size of three (3) acres. The Agricultural-Residential District may be applied to any lands for which the Planning Commission finds should be preserved primarily for low intensity uses or open space.

Section 8.02. Use Regulations.

A. Permitted Uses.

Within the A-R, Agricultural-Residential District, only the following uses and structures designed for such uses shall be permitted:

1. Any use in existence at the time of zoning the subject property Agricultural-Residential District.
2. Single family structures located on a minimum of three (3) acres.
3. Manufactured Home located on a minimum of three (3) acres, provided that the manufactured home shall be mounted on a permanent foundation, in accordance with the standards set forth in the manufacturer's requirements and meeting the minimum installation standards of the Alabama Manufactured Housing Commission.
4. Domestic Violence Shelter.
5. Group Care Home.
6. Garage Apartment.
7. Home Day Care.
8. Accessory structures and uses which are an ancillary function of the primary use of the subject property, including garage apartments and not more than one accessory dwelling for persons employed on the premises.
9. Farm
10. Kennels
11. Home Occupations.
12. Parks.

B. Conditional Uses.

Within the A-R, Agricultural-Residential District, the following uses may be allowed as conditional uses:

1. Single family residential structure located on less than three (3) acres.
2. Manufactured home located on less than three (3) acres.
3. Church or other place of worship provided, that any building shall be located not less than twenty-five (25) feet from any side lot line.
4. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than twenty-five (25) feet from any side lot line.
5. Outdoor recreation.
6. Bed & Breakfast Inn.
7. Wireless Telecommunication Facility.

8. Farm Support Business
9. Garden Center or Nursery, wholesale and/or retail.
10. Public Facility.
11. Public Utility Facility.
12. Continuing Care Retirement Community (Minimum Standards §12.03).

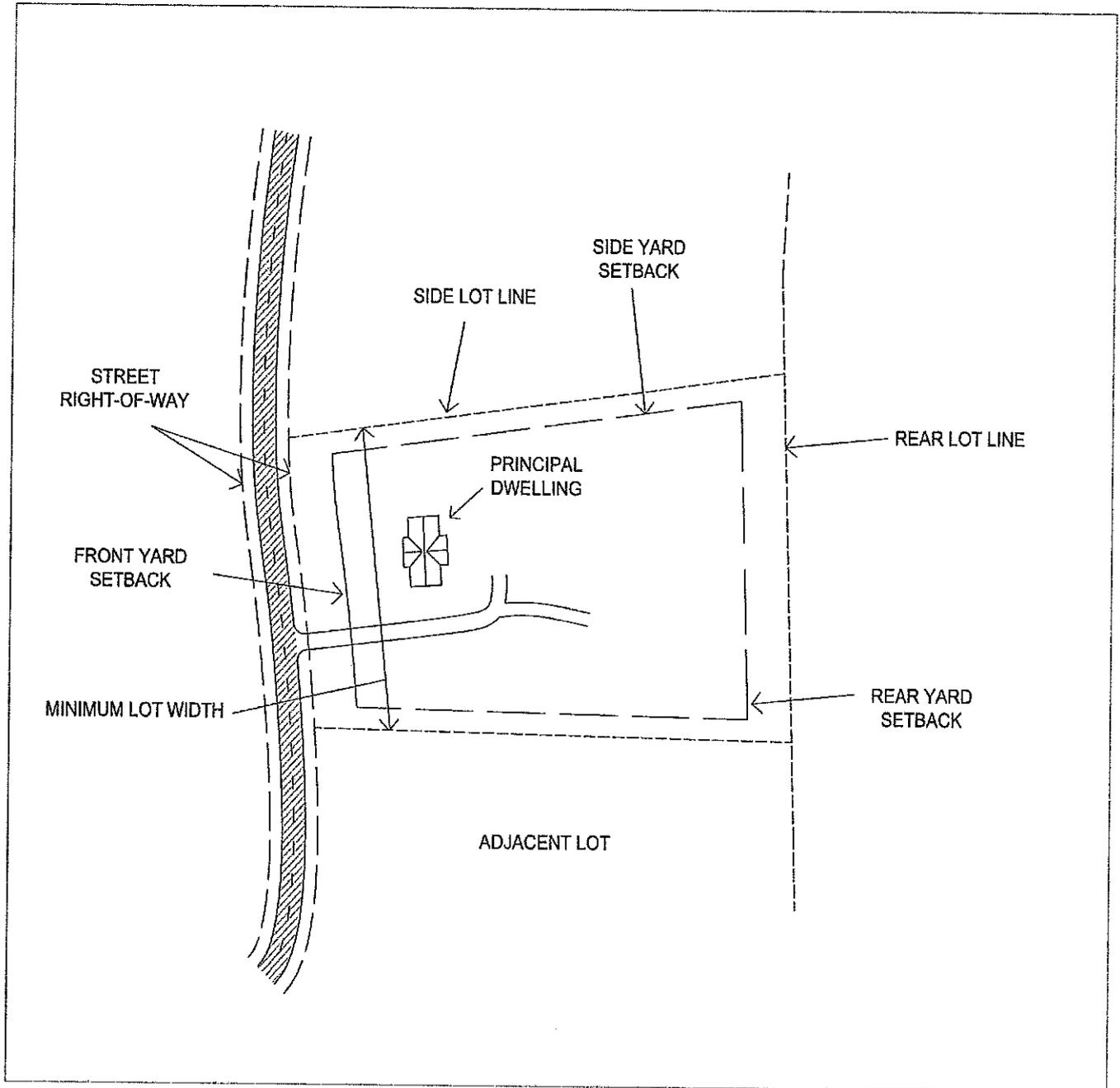
Section 8.03. Area and Dimensional Regulations.

Except as provided by Articles 7, 20, and 26, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure		Minimum Yards				Minimum Lot Size	Minimum Lot Width
Stories	Feet	Front	Rear	One Side	Total		
2½	35	40 feet	40 feet	20 feet	50 feet	3 acres	100 feet

Maximum height does not apply to barns or silos, provided that additional set backs are provided in accordance with the requirements for specific uses set forth in Article 20. No structure for the keeping of animals shall be located closer than one hundred (100) feet from any lot line.

A-R Agricultural-Residential District
Typical Lot Development



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