

TOWN OF ELBERTA
PROPOSED AMENDMENTS TO ZONING ORDINANCE 2003-03

SUMMARY

MAY 17, 2022

Update Front Cover

Add Section 7.12 – Safety From Fire

Amend Section 9.4.1 – **Minimum Lot Requirements** – amend to increase minimum lot widths for single family and duplex lots and square footage area, decrease maximum density in R1 and lot coverage in R2

Amend Section 9.5 – **Minimum Setbacks** – Add wetland setbacks and landscape buffering in new R3 developments

Amend Section 9.9 – **Landscaping** – Add landscaping for RV and manufactured home parks

Amend Section 9.9.2 – **Landscaping** – Add the word “shall”

Amend Section 10.1 – **Recreational Vehicles** – Add Additional Requirements to 10.1.1; 10.1.5; add 10.1.6.4 regulation for shelter; 10.1.7 increase footage to right of way line for sleeping purposes; add 10.1.8 add words “where applicable”

Amend Section 10.5.1.5 – **Accessory Uses** - (b) to increase setbacks for detached accessory sheds and add PUDs of record may follow recorded setbacks

Amend Section 10.6.6.1 – **Automobile Service Stations** – add “or ribbon” on curb

Amend Section 10.7.3.2 – **Signs** – Add Additional Exemption for Change of Ownership / Business Name

Amend Section 10.7.7.5 – **Schedule of Permitted Sign Requirements** – Correct Conflict on R3 Maximum Face Area and Height which conflicts with other areas of the sign section (10.7.7.2)

Amend Section 10.9.3 – **Parking Schedule** – Increase Multiple Parking Requirements (b)

Amend Section 10.9.4.5 – **Paving Standards** – Add Alternative Hard Surface in environmentally sensitive areas

Amend Section 10.9.9 – **Storage and Parking** – (c) Add allowance in RA Zoning regarding RV occupancy in conjunction with primary use construction or agricultural related activities

Amend Section 12.2.1 – **Permits and Certificates** – Land Use Application not needed for certain structures and / or repairs

Amend Section 12.11.2 – **Fees** – Add per unit, lot or site fees to Site Plan Reviews in addition to flat fee

Amend Appendix – **Application for Restrictions Variance** – Decrease item copies needed

Application for Zoning Amendment – Decrease item copies needed

TOWN OF ELBERTA



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"For the Good Life"

PLANNING AND ZONING

ORDINANCE # 2002-4
ADOPTED
SEPTEMBER 17, 2002

AMENDED TO
ORDINANCE # 2003-03
MARCH 16, 2004
JULY 20, 2004
JUNE 21, 2005
SEPTEMBER 18, 2007
MARCH 20, 2018
SEPTEMBER 18, 2018
May 17, 2022

Cover amended 08/02/2011; 02/02/12;
05/14/12; 06/13/13; 03/20/2018;
05/17/2022

ELBERTA TOWN COUNCIL

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7.11.1 It is the intent of this ordinance to eliminate by attrition all existing private wells and septic systems in areas where public or private community water and sewer systems are available. Therefore, at such time as any private well or septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sewer system where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service. *(Amended 03/2018)*

(a) Residential single-family properties wherein the Health Department reviews and approves the placement, repair or replacement of a septic system are exempt from the requirement to connect to a privately owned or leased sewer system. This exemption does not apply to single family, duplex or multifamily developments or PUD(s) which were developed, engineered or platted with public or private sewer facilities. Properties proposed for development or platting which seek exemption from private sewer must meet the following criteria: adequate land available to support independent sewerage facilities for each dwelling unit / each rental space or the property is of such a size to support an onsite engineered sewage disposal system for the development; duplex, multifamily or PUD developments seeking approval to be exempt from private sewer connection must be and remain under single ownership; receive approval from the town's consultant engineer after his/her review of engineered plans submitted for Health Department or applicable regulatory agencies for approval of the proposed disposal system. *(Added 03/2018)*

Cross reference-Subdivision Regulations

7.12 SAFETY FROM FIRE (ADDED 05/17/2022)

New residential subdivisions and residential site development plans are subject to the current edition of Building, Life Safety and Fire Prevention Codes which are adopted by the State Fire Marshall's Office.

9.4. REQUIREMENTS FOR LOT AREA, LOT WIDTH, COVERAGE, DENSITY AND OTHER FACTORS (amended 06/17/2003; 06/21/2005; 09/18/2007; 03/2018; 05/2022).

9.4.1 The following shall apply in each residential district as listed:

	<i>Minimum Lot Area (Sq. Ft.)</i>	<i>Minimum Lot Width At Set-back Line</i>	<i>Maximum Lot Coverage (%) *</i>	<i>Maximum Density**</i>	<i>Maximum Height</i>
<i>R-A Rural Residential Agricultural</i>	80,000	150'	25	0.5	35'
<i>R-1 Low Density Residential Single Family</i>					
w/septic tank & well	40,000	100	25	1 -2.0	35'
w/septic tank & public water	15,000	75 -100	25	2.5 -2.0	35'
w/both public sewer & water	15,000 9,000	75 -100	30	3.0 -2.5	35'
<i>R-2 Medium Density Residential</i>					
Single Family – NOTE	9,000 15,000	75 -100	30 -25	4.0	35'
Two Family (per unit) NOTE	7,500	75 -100	30 -25	4.0	35'
<i>R-3 High Density Residential</i>					
Single Family – NOTE	9,000 15,000	75 -100	40	4.0	40'
Two Family (per unit) NOTE	7,500	75 -100	40	4.0	40'
Multiple Family (2100 sq. ft. required for each additional unit)	15,000	100	40	15.0	40'
NOTE Mobile Home Parks (see Article X)					
Planned Unit Development (PUD).	Five Acres (5)	As approved by Council	As approved by Council	As approved by Council	As approved by Council

*Does not apply to lots of record smaller than required in the district in which they are located.

** Dwelling units per gross acre to be developed.

NOTE: Minimum lot requirements with both public water and sewer facilities

^a Minimum of 15,000 for two family dwelling unless platted ~~lot~~ **R2 lots of record** can meet current setbacks and parking requirements for a two-family dwelling

9.5 MINIMUM SETBACKS (amended 06/17/2003; 03/16/2004; 06/21/2005; 03/2018; 05/17/2022).

The following front, rear and side yard setbacks shall apply in districts as listed:

	Front Yard		Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial and Collector Streets	Local Streets and Service Roads			Arterial and Collector Streets	Local Streets and Service
R-A	40	30	30	15	40	30
R-1	35	25	25	10 A	25	15
R-2	35	25	25	10 A	30	25
R-3*	35	35	35	10 A	35	30
GB	35	20	20	B	20	20
NB	***	***	***	***	***	***
B-1**	N/A	N/A	N/A	N/A	N/A	N/A
M-1	20	20	C	C	20	20
PUD	N/A	N/A	N/A	N/A	N/A	N/A

* Mobile Home Parks a.k.a Manufactured Home Subdivision see Article X, Section 10.2

** This district is located one (1) block east and west of the intersection of State and Main Street for lots abutting U.S. Hwy. 98.

*** Setbacks in the NB district shall follow the strictest zoning district requirements that abut the NB zoned property on either side.

A- Ten (10) feet plus two (2) additional feet for each floor above two stories, but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling unit must not be less than twenty-five (25) feet from the side lot line.

B- None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than twenty (25) feet.

C- None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than fifty (25) feet.

D- Structure setbacks from jurisdictional wetlands in any district shall be 35' (including a 5' buffer upland). Lots of Record not able to meet this requirement are allowed at a minimum one raised single-family dwelling in residentially zoned districts or one commercial raised building for one business in commercial zoning districts, a raised driveway and boardwalks to waterfront. All structures are subject to permitting or exemption by regulatory agencies as may be applicable. A wetland delineation of the property may be required to ascertain buildable area and setbacks from wetlands on the property (added 05/17/2022).

E- New R3 developments such as multifamily, RV or manufactured home parks, townhomes and PUD residential districts shall have a minimum 5 foot width landscape buffer on the sides and the rear or solid fencing in the rear and the sides with a 5 foot width greenbelt buffer along the front property lines to be included in the required yard requirements. Any fencing in the front yard setback area cannot exceed 4 foot in height for safety / site distance. See Landscaping Section 9.9 of this ordinance. If this section is in conflict with other sections regarding buffering / landscaping of this ordinance than the strictest of the regulations shall apply (added 05/17/2022).

9.6 MAXIMUM BUILDING HEIGHT (amended 03/16/2004; 03/2018).

Except as provided for elsewhere in this ordinance, no structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in any R-1, R-2 residential district, or more than four (4) stories or forty (40) feet in any R-3, NB, B-1, GB (general business) or industrial district. Structures of more than four (4) stories may be permitted subject to the approval of the Town Council.

9.7 PERFORMANCE STANDARDS FOR NONRESIDENTIAL DISTRICTS. (AMENDED 03/2018)

In all nonresidential districts where facilities are permitted, they shall comply with the following minimum standards:

9.7.1 Lots shall be of sufficient size to accommodate the intended use, including adequate parking and loading facilities in addition to space required for the conduct of other operations of the business, and to otherwise comply with the provisions of this ordinance.

9.7.2 Where a business district abuts any part of a residential district, a buffer zone twenty-five (25) feet wide shall be required; where an industrial district abuts any part of a residential or business zone, a buffer zone of twenty-five (25) feet shall be required. Said buffer zones may be included in the yard requirements and shall be fenced or screened subject to the following regulations: (Amended 03/2018)

9.7.2.1 *Wall or fence.* If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property. In the front yard setback areas fencing shall be tapered to no higher than 4 feet to allow for visibility of the business *(Amended 03/2018)*

9.7.2.2 *Screen planting strip.* If a screen planting strip is provided as a protection buffer, it shall be at least twenty-five (25) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained, by owner, in a clean and neat condition and in such manner as to accomplish its purpose continuously. In the front yard setback areas landscaping shall be tapered to bushes no higher than 4 feet to allow visibility of the business. Trees which mature to a height greater than 4 feet and spaced are allowable *(Amended 03/2018)*

9.7.3 No primary entrances or exits shall direct traffic into adjacent residential or business districts.

Adequate parking as required in Article X, Section 10.9 shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.

9.7.4 Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten (10) percent.

9.8 EXCEPTIONS. *(Amended 03/2018)*

More stringent design and landscape standards may be required by the Planning Commission for uses requiring Planning approval, Council Approval or special exceptions permitted in any district.

9.9 LANDSCAPING. *(Amended 03/2018)*

A landscaping plan may be required for any development within the Town of Elberta but is mandatory for all multi-family developments including apartments, townhouses, condominiums, **RV and manufactured home parks** and for all business and industrial developments. Such plan shall be submitted to the

Planning and Zoning Facilitator prior to commencing any stripping of land or construction activities. The plan shall clearly show what existing trees will remain, as well as what shrubbery and other vegetation will be added to complete the final landscaping of the property. The developer's landscape plan shall indicate replacement trees at least six (6) feet tall and one (1) inch in diameter in the landscaping plan. The plan shall include renderings by a landscape designer or landscape architect and any other documentation required by the Planning Commission. (amended 05/17/2022)

9.9.1 All new developments along major arterials or collector roads shall be set back thirty-five (35) feet from the right-of-way and shall maintain a minimum of five (5) feet of the required thirty-five (35) foot setback as a greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. (Amended 03/2018)

9.9.2 A minimum of five- (5) feet side and rear landscaping ~~may~~ shall be required in the landscape plan depending on the topography and arrangement of parking facilities. ~~If required,~~ such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Planning and Zoning Facilitator. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties' and their successors, interests and assigns. (Amended 03/2018; 05/17/2022))

9.9.3 All new businesses related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be visible from the roadway on which the building fronts; and so that cars, trucks or other vehicles stored on the premises prior to and after service or repair are properly screened from view.

9.10 COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.

Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this ordinance and of state and federal regulations.

9.11 NON-PERMANENT STRUCTURES. (Amended 03/2018)

Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in all districts on a temporary basis pending

ARTICLE X. SPECIAL PROVISIONS

10.1 RECREATIONAL VEHICLES. *(amended 09/2018; 05/17/2022)*

The following regulations apply to all developments provided for the accommodation of transient recreational vehicles, including travel trailers, campers, small mobile homes used for vacation purposes, motor homes and similar transient residential vehicles.

10.1.1 Recreational vehicle parks are uses permitted in R-3 Districts subject to the approval of the Planning Commission and the requirements of the following provisions in addition to other provisions of this ordinance including but not limited to: landscaping, district setbacks, parking, lighting or ordinances applicable to roads and stormwater requirements.

10.1.2 No recreational vehicle park shall be located except with direct access to a publicly maintained town, county, state or federal highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district which is located on a minor or local street *(amended 09/2018)*

10.1.3 The minimum lot area per park shall be two (2) acres.

10.1.4 Use of spaces in recreational vehicle parks shall be limited to travel trailers, mobile homes, motor homes, and campers with a maximum length, exclusive of hitch, of forty (40) feet.

10.1.5 Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an account of such space shall remain in the same trailer park for a period of not less than ninety (90) days. Lodging Tax is applicable to short term rentals along with a current Town of Elberta Business License

10.1.6 Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed, provided:

10.1.6.1 Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.

10.1.6.2 Such establishments shall be used in compliance with local regulations determined by the park management.

10.1.6.3 Minimum sanitary facilities shall include one (1) toilet, one (1) shower, and one (1) lavatory basin per twenty-five (25) camp sites in the park.

10.1.6.4 A club house or other type structure meeting residential wind and/or safety codes shall be provided for temporary refuge for park guests during inclement weather.

10.1.7 No space shall be so located that any part intended for occupancy for sleeping purposes shall be within ~~thirty (30)~~ thirty-five (35) feet of the right-of-way line of any major, or collector street, or of any minor street.

10.1.8 In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the county health department *where applicable*.

10.2 MOBILE HOME PARKS A.K.A. MANUFACTURED HOME SUBDIVISION (amended 06/17/2003; 03/2018)

Mobile home parks as defined herein are uses permitted in an R-3 Zoning District subject to the provisions of this ordinance.

10.2.1 *License.* It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the Town of Elberta, Alabama, unless such a person shall first obtain a license therefore.

10.2.2 License Fees and Temporary Permit Fees.

10.2.2.1 The annual license fee schedule for mobile home parks shall be as adopted by the Town Council and reviewed periodically for amendment and updating.

10.2.2.2 Transfer of license shall be subject to the requirements of the Town's business license ordinance (*Amended 03/2018*).

10.2.3 Application for License.

10.2.3.1 Application for initial mobile home park license shall be filed with the Town of Elberta, Alabama after approval of an engineered site plan by the Planning Commission which shall include the following: (*Amended 03/2018*)

a. The name and address of the applicant.

b. The location and legal description of the mobile home park;

- 10.5.1.3 Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use;
- 10.5.1.4 Is not located in minimum exterior yard; and,
- 10.5.1.5 In residential districts an accessory use will conform to the following requirements:
 - a. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore, such requirements applicable to the main building shall apply.
 - b. A detached accessory building shall not be closer than ~~five~~ **ten (5) 10** feet to the **side or rear** lot line; not more than one (1) story in height, may be constructed on not more than thirty (30) percent of the rear yard. **PUDs of record may follow rear and side setbacks as recorded (amended 05/17/2022).**
 - c. No detached accessory building may be located on the front yard of a lot nor on a lot by itself. Note: See waterfront lots (b) of the definitions for Yard (*Amended 03/2018*)
 - d. Attached or detached accessory structures less than 60% the area of the principal residence may be used for living quarters as defined in the definitions section of this Ordinance for Accessory Dwelling. Such accessory residences may also be constructed above a garage or other building which are approved for habitation by the building inspector provided they do not exceed the height limitation for the zoning district in which they are located and meet all setbacks and other defined criteria (*Amended 03/2018*).

10.5.2 *Temporary Buildings.* Temporary buildings or mobile type trailers used in conjunction with construction work only, may be permitted in six (6) month intervals in any district and shall be removed immediately upon completion of construction. Portable Buildings/Structures (i.e. prefabricated sheds, carports, etc.) located in residential districts may be permitted pursuant to zoning setbacks and building code requirements for securing said building/structure while on site (*Amended 03/2018*).

- 10.6.3 *Access to Site.* Vehicular entrances or exits at an automobile service station:
- 10.6.3.1 Shall not be provided with more than two (2) curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.
 - 10.6.3.2 Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.
 - 10.6.3.3 Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.
- 10.6.4 *Gasoline Pump Islands.* All gasoline pump islands shall be setback at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way. However, the pumps shall be at least sixty (60) feet from the center line of an arterial street, fifty-five (55) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.
- 10.6.5 *Off-Street Parking.* A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay.
- 10.6.6 *Other Site Improvements.* In addition to the above requirements, the following additional site improvements shall be adhered to:
- 10.6.6.1 A raised or ribbon curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
 - 10.6.6.2 A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height plus a hedge or shrubbery screen shall be erected along all adjacent property lines facing any adjacent residential lot.
 - 10.6.6.3 Exterior lighting shall be arranged so that it is deflected away from adjacent properties.

10.7.2.5 No permits for additional signs shall be issued for any premises on which there are nonconforming signs.

10.7.3 *Exempt Signs.* The following signs are exempt from the provisions of this ordinance and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the current building codes:

10.7.3.1 Official traffic signs or sign structures, or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.

10.7.3.2 Changing the copy on a bulletin board, poster board, display encasement, marquee, or changeable copy type sign. **Changing the face (s) on an existing and conforming structure for a new business at the location (Added 05/17/2022).**

10.7.3.3 Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.

10.7.3.4 Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.

10.7.35 Weather flags for providing information on weather conditions; one (1) set for each premises.

10.7.3.6 Real estate signs, temporary in nature, non-illuminated, not exceeding fifteen (15) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage (*amended 09/2018*)

10.7.3.7 Temporary decorative flags, bunting, banners, pennants, streamers, and signs for recognizing holidays, conventions, grand openings, festivals, fund raisers, and other commemorative occasions authorized by the Planning and Zoning Facilitator. Said temporary decorations and signs shall

Section 32-5-31(a) of the Code of Alabama, 1975, with respect to local authorities in their respective jurisdictions.

10.7.7 *Permitted Signs.*

- 10.7.7.1 Unless otherwise specified in this ordinance, the schedule in Section 10.7.7.5 contains requirements for signs permitted in each use district.
- 10.7.7.2 Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium, office park, shopping center, industrial park or other residential or business complex permitted in any district; and signs for any use permitted by Right, with planning approval or as a special exception in any residential district, are permitted. Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, twenty-one (21) feet in height, and one (1) such sign per street frontage.
- 10.7.7.3 Signs permitted under Section 10.7.7.2 shall require a permit unless otherwise excepted elsewhere in this ordinance.
- 10.7.7.4 Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twenty-four (24) square feet in area and must comply with the other sign requirements for the district in which they are located.

10.7.7.5 *Schedule of Permitted Sign Requirements.*

<i>Zoning District</i>	Type of Use	Maximum Area/Face	Maximum Number Of Faces	Maximum Height	Maximum Number of Signs Permitted
R-A	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-1	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-2	SF Residential	6 sq. ft.	1	6 ft.	1 per premises
R-3	High Density Multi-Family Residential	506 sq. ft. (correct conflict)	21	216 ft.	1 per premises
N-B	Neighborhood Professional Business	35 sq. ft. per premises	2	10 ft.	1 per street frontage
G-B	General Business	75 sq. ft. per premises	2	21 ft.	1 per street frontage; 2 if the

10.9.1.4 For existing commercial uses in any business district and other similar areas desiring to build or expand but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

10.9.2 *Parking Decks.* Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed three (3) levels above ground or twenty-five (25) percent of the height of the principal structure, whichever is greater.

10.9.2.1 Parking deck design shall be compatible with the design of the principal structure. Parking deck plans must be submitted together with the building site plan and must be approved by the Town Engineer and the Planning Commission.

10.9.2.2 Required landscaping and additional parking, if required, shall be provided at ground level around the parking deck and principal structure so that the entire development is aesthetically pleasing. In no case shall the ratio of impervious surface to open space exceed 1.5.

10.9.3 *Parking Schedule.*

10.9.3.1 *Dwellings:*

<i>Land Use</i>	<i>Parking Requirements</i>
a. One and two families:	Two (2) spaces for each dwelling unit.
b. Multiple:	One and one-half (1.5) spaces for each unit. Two (2) spaces for each dwelling unit.
c. Hotels:	One and one-fourth (1.25) spaces for each guest bedroom:
d. Motels, tourist courts and tourist homes:	One and one-half (1.5) spaces for each guest bedroom:
e. Mobile home courts and parks:	Two (2) spaces per unit.
f. Boarding and rooming houses, dormitories:	One (1) space for each guest bedroom.

10.9.3.2 *Public Assembly:*

<i>Land Use</i>	<i>Parking Requirements</i>
a. Churches or other places of worship:	One (1) space for each four (4) seats in the main auditorium or sanctuary.
b. Private clubs, lodges and fraternal buildings not providing overnight	One (1) space for each 100 square feet of building under roof.

10.9.4 *Design Standards and Improvement Requirements.*

10.9.4.1 *Definition.* Any off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than one hundred seventy-one (171) square feet and minimum dimensions of 9'x19', exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.

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

10.9.4.3 *Parking area dimensions.* The design and dimensions of the parking area shall be in accordance with the following dimensions table:

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

10.9.4.4 *Width of two-way access driveways.* The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

10.9.4.5 *Paving standards.* Parking spaces and driveways shall be paved to standards established by the Town of Elberta. **In environmentally sensitive areas such as properties containing wetlands or nearby waterbodies, alternative hard surfaces may be utilized when being privately maintained by the landowner of the development.**

10.9.4.6 *Drainage.* Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent

- 10.9.7.2 All two-way driveways shall provide for one ten-foot parking lane and two twelve-foot travel lanes.
- 10.9.7.3 Whenever applicable, two (2) parking spaces shall be provided for the manager's quarters plus one (1) additional space for every twenty-five (25) storage cubicles to be located at the project office for use of clients.
- 10.9.8 *Controlling Curb Cuts; Vision Clearance.* The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:
- 10.9.8.1 *Curb cuts.* No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than fifty (50) feet to other curb cuts or closer than fifty (50) feet to any intersection of two (2) streets measured along the curb line.
- 10.9.8.2 *Vision clearance.* In all use districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroad lines, or of a street intersection with a railroad line.
- 10.9.9 *Storage and Parking of Trailers and Commercial Vehicles. (Amended 03/2018)*
- 10.9.9.1 Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following requirements:
- a. No more than one commercial vehicle per dwelling shall be permitted if parked or stored behind the front building set back line; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
 - b. Travel trailers, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front building setback line.
 - c. A travel trailer, motor home, RV, etc. shall not be occupied while it is parked or stored in any area unless it is in a trailer park / RV park authorized under this ordinance as they are of a transient recreational nature and do not meet

the definition of a residential dwelling meeting HUD standards. Recreational / Temporary occupancy or setup is allowed within approved trailer and/or RV developments which are typically located in multifamily zoned areas or PUD(s). (Amended 03/2018). Rural Agricultural (RA) zoned areas of 2 acres or larger may temporarily occupy a travel trailer, motor home, RV, etc., in conjunction with primary use construction for property security purposes or agricultural related activities but said travel trailer, motor home, RV, etc. must remain mobile at all times and be located a minimum of 30 feet behind the front setback line of the property and shall be removed or stored to the rear of primary use structure upon completion of activities (Added 05/17/2022).

- d. A junked vehicle, or one that cannot be moved under its own power, shall not be permitted to be located on or near lots with dwelling units. These junked autos shall be confined to junk yards.

10.10 FIRE HAZARDS.

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following condition is met:

- 10.10.1 Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with the following Table (exclusive of storage of finished products in original sealed containers).

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED-GALLONS*

<i>Industries Engaged in Storage and Distribution of Such Materials</i>	<i>Above Ground</i>	<i>Below Ground</i>
1. Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade)	Prohibited	100,000
2. Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade)	Prohibited	40,000
3. Materials having a flash point below 105 degrees	Prohibited	20,000

ARTICLE XII. ZONING ADMINISTRATION

12.1 DUTIES AND POWERS OF THE ZONING ENFORCEMENT OFFICER. (Amended 03/2018 12-1 to 12.1.3)

The Planning and Zoning Facilitator/ Enforcement Officer shall be the Elberta Building Inspector or other official as designated by the Town whose duties shall be as follows:

- 12.1.1 The Planning and Zoning Facilitator/ Enforcement Officer is authorized and empowered on behalf and in the name of the council to administer and enforce the provisions of this ordinance to include receiving applications, inspection of premises, and issuing certificates of zoning compliance. The Baldwin County Building Department issues building permits, performs inspections and issues certificates of occupancy on behalf of the Town of Elberta.
- 12.1.2 The Zoning Facilitator / Enforcement Officer does not have the authority to take final action on applications or matters involving variances or other exceptions which this ordinance has reserved for action by the Board of Adjustment, the Planning Commission, and/or the Town Council.
- 12.1.3 The Zoning Facilitator / Enforcement Officer shall keep records of all, Land Use Applications and supporting documentation, maps, plats, and other documents with notations of all special conditions involved. He/she shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record. The Baldwin County Building Department keeps all records pertinent to permitting, inspections, flood information and certificates of occupancy for Town of Elberta building permits.

12.2 PERMITS AND CERTIFICATES. (Amended 03/2018)

Permits and certificates shall be issued in accordance with the following provisions:

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

Application shall not be required for detached accessory buildings, decks or porches less than 200 square feet but they must be tied down/secured to meet current wind code regulations and shall meet minimum setback requirements of this ordinance as applicable. A Land Use Application shall not be required for re-roofing an existing structure nor for window or door replacements but owner shall confirm permitting requirements for these type additions or repairs with the Baldwin County Building Department (Added 05/17/2022).

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

- 12.2.2.1 The actual shape, proportion and dimensions of the lot to be built upon;
- 12.2.2.2 The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;
- 12.2.2.3 The existing and intended use of all such buildings or other structures.

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

Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the County Building Inspector shall have issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the

12.9 PENALTIES AND REMEDIES.

12.9.1 *Penalties.* Any person violating any provision of this ordinance shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

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

12.10 REVERSIONARY CLAUSE (amended 09/18/2007)

Any parcel or parcels of land rezoned to another use classification under the amendment authority of this ordinance, shall revert back to the prior zoning classification after one (1) year from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned. An extension of such time, not to exceed six (6) months, may be granted by the Zoning Administrator under special circumstances upon written request by the applicant.

12.11 FEES (amended 06/17/2003; 09/18/2007; 03/2018; 09/2018; 05/17/2022) Fees may be waived upon request and approval by the Town Council for: Town, County, State or Federal buildings or developments

12.11.1 A fee of One Hundred dollars (\$100.00) shall accompany each request for appeal, variance, special exception or zoning amendment.

12.11.2 A fee of one hundred fifty (\$150.00) for site plan review shall accompany each request for appeal, variance, special exception or rezoning amendment.

A site plan review fee of three hundred (\$300.00) plus \$25.00 per unit, lot or site shall accompany multifamily, RV Park, Manufactured Home Park, PUD Plan or commercial and a site plan review fee of \$300.00 shall accompany public or non-profit type developments and

~~commercial development~~ submittals located within the corporate limits of Elberta in addition to applicable subdivision fees, if any, for review by Planning Commission or Town Council for use approvals. A minimal site plan fee of \$150.00 shall accompany those uses not identified above but which require Planning Commission, Town Council or Special Exception approvals as noted in the Table of Permitted Uses and Conditions (*Amended 03/2018; 09/2018, 05/17/2022*).

- 12.11.3 Fees for sign permits are determined by the Baldwin County Building Department (*Amended 03/2018*).
- 12.11.4 In addition to the fees identified above, the actual costs for legal advertisement of the request and notification of parties and/or any other costs or expenses for professional review of plans and/or specifications of the applicant at the sole discretion of the Planning Commission in interest shall be paid by the applicant prior to processing the application and if any additional amounts are due for any other fees or expenses same shall be paid before any decision by the Planning Commission, Board of Adjustment or Town Council. (*Amended 03/2018*)
- 12.11.5. An administrative fee of twenty-five dollars (\$25.00) shall accompany each Land Use Application for single family residential permits, signs and non-commercial detached accessory structures; \$50.00 for duplex permits; \$150.00 for multifamily, public buildings and commercial structure permits. This fee is separate from any building permit fees charged by the Baldwin County Building Department (*added by amendment 09/18/2007; Amended 03/2018, 09/2018*)

APPENDIX

APPLICATION FOR RESTRICTIONS VARIANCE (Amended 03/2018.)

STATE OF ALABAMA)
TOWN OF ELBERTA)
COUNTY OF BALDWIN)

This is to certify that I (we) the undersigned do hereby request the Elberta Board of Adjustment to grant a variance from the restrictions of the Zoning Ordinance as indicated below, and for the reasons stated:

1) Article(s) and Section(s) for which this variance is requested:

Section

Article

2) Nature of variance requested:

3) Reason for request:

The following attachments must accompany the request for zoning appeal or variance:
(Amended 05/17/2022)

- a) ~~Two copies of A~~ a list of the names and addresses of the owners of all properties lying within one hundred (100) feet of any part of the property requesting to appeal or for a zoning variance.
- b) ~~Two copies of A~~ a map or plat, drawn to scale, showing existing structures, proposed structures, setbacks, etc., and other pertinent information.

- c) ~~Two~~ **A** copies of the legal description of the property (deed, current tax bill).
- d) A check for the required fees in compliance with the Zoning Ordinance.
(Added 03/2018 a-d)

Dated this _____ day of _____, 200__.

Owner or Authorized Representative

4) The following attachments must accompany the request for zoning amendment:

- a) ~~Two copies of~~ Aa list of the names and addresses of the owners of all properties lying within one hundred (100) feet of any part of the property proposed to be rezoned.
- b) ~~Two copies of~~ Aa map or plat, drawn to scale, showing the existing and proposed zoning reclassification and other pertinent information.
- c) ~~Two~~ A copyies of the legal description of the property to be rezoned.
- d) A check for the required fees in compliance with the Zoning Ordinance.

5) Certifications:

- a) Applicant's Name _____
Address _____
Telephone Number _____
- b) Date _____

Owner

Owner