



# ZONING ORDINANCE

## TOWN OF FORT DEPOSIT, ALABAMA

**Paul E. Craig**  
**Mayor**

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**Adopted by the Planning Commission on October 12, 1999**

**Adopted by the Town Council on January 10, 2000**

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**ARTICLE I  
AUTHORITY AND ENACTMENT CLAUSE**

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE II, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF FORT DEPOSIT, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND; TO PROVIDE METHODS OF ADMINISTRATION AND PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ALL EXISTING ZONING ORDINANCES.

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

WHEREAS, all requirements of the laws of the State of Alabama with the preparation of the ordinance by the Planning Commission and the subsequent action of the Town Council has been made:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FORT DEPOSIT, ALABAMA, does hereby ordain and enact into law the following articles and sections:

**ARTICLE II  
TITLE, JURISDICTION AND PURPOSES**

**Section 2.1 TITLE**

This ordinance and all subsequent amendments, attachments and supplements thereto shall be known and may be cited as the "Zoning Ordinance of the Town of Fort Deposit, Alabama".

**Section 2.2 JURISDICTION**

This Zoning Ordinance and the Zoning Map shall govern and regulate all land within the town limits of Fort Deposit, Alabama. If additional territory is annexed to the Town of Fort Deposit at a subsequent date, that land shall be zoned A-R Agriculture-Rural Residential District until and unless changed to another zone in accordance with the amendment procedure set forth herein. The Planning Commission shall, within forty-five (45) days of the date of annexation, make a study of the annexed land, hold a public hearing regarding the zoning of said land and recommend the appropriate zoning of the newly annexed land to the Town Council.

**Section 2.3 PURPOSES**

The zoning regulations and districts as set forth in this Ordinance are made for the purpose of guiding development to meet existing and future needs and to protect, promote and improve the public health, safety, convenience, order, prosperity, and general welfare of the Town of Fort Deposit. In furtherance of these aims, this Ordinance is intended to serve the following purposes:

- 2.3.1 To provide for the establishment of districts within the corporate limits of the Town of Fort Deposit, Alabama.
- 2.3.2 To regulate within such districts the type, height, number of stories and size of buildings and other structures.
- 2.3.3 To regulate within such districts the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures and land.
- 2.3.4 To insure that these regulations have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view of promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, and conserving the value of land, buildings and structures.

- 2.3.5 To lessen congestion in the streets and provide for off-street vehicle parking and off-street loading and unloading of vehicles.
- 2.3.6. To provide for methods of administration of this Ordinance and penalties for the violation thereof.
- 2.3.7 To provide for the establishment of a Board of Adjustment to assist in certain phases of the administration of this Ordinance.



**ARTICLE III  
ESTABLISHMENT OF DISTRICTS**

**Section 3.1 DIVISION INTO USE DISTRICTS**

To order to classify, regulate and restrict the use of land or the location of buildings and structures designed for specific purposes, and to achieve the intent and purposes of this Ordinance, the Town of Fort Deposit is hereby divided into the following districts:

A-R	Agriculture- Rural Residential District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Multi-Family Residential District
MHS	Manufactured Home Park District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	Highway Business District
B-4	General Business District
M-1	Light Industrial District
M-2	Heavy Industrial District
PUD	Planned Unit Development District

**Section 3.2 ZONING MAP**

The boundaries of the zoning districts are as shown on the map entitled "Zoning Map of Fort Deposit, Alabama", adopted herewith, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance. The original zoning map, properly attested, shall remain on file in the office of the Town Clerk of the Town of Fort Deposit, Alabama and shall show thereon the date of adoption of said map.

**Section 3.3 INTERPRETATION OF DISTRICT BOUNDARIES**

The boundaries of the zoning districts are established as shown on the Zoning Map. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance.

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Map, the following rules shall apply:

- 3.3.1 Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets and alleys, lot lines, stream center lines, property lines, or corporate limit lines, such lines shall be considered to be such boundaries.

- 3.3.2 In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing on the Zoning Map.
- 3.3.3 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main track(s) of said railroad line.
- 3.3.4 Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by the preceding rules, the Planning Commission shall interpret the district boundaries.

#### **Section 3.4 USE CATEGORIES**

Within each type of zoning district there are two general categories of uses enumerated as follows:

**Permitted Uses** - uses listed as "Permitted Uses" are permitted by right subject any conditions specified elsewhere in this Ordinance.

**Conditional Uses** - Uses listed as "Conditional Uses" are permitted upon review and approval by the Planning Commission as being in harmony with the orderly and appropriate development of the district in which the use is located. The Planning Commission's review shall consider the proposed conditional use's specific location as being appropriate in regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities; as not causing undue traffic congestion, or creating a traffic hazard; and as being compatible with adjacent land uses.

#### **Section 3.5 DISTRICT PURPOSES**

The purpose and intent of the use districts provided for in this Ordinance are as follows.

**A-R Agriculture-Rural Residential District.** This district is intended to provide for low-density residential development while allowing the continuation of agricultural or farm uses. It also serves to correlate growth with utility, service and transportation needs until more intensive urban development is warranted.

**R-1 Single-Family Residential District.** The purpose and intent of this district is to provide for and protect areas of traditional single-family detached dwellings at relatively low densities and free from incompatible land uses.

**R-2 Single-Family Residential District.** The purpose and intent of this district is to provide for and protect areas of single-family detached dwellings at moderate densities and free from incompatible land uses.

**R-3 Multi-Family Residential District.** The purpose and intent of this district is to provide areas for attached multi-family dwelling units, free from incompatible land uses.

**B-1 Neighborhood Business District.** This district is intended to provide locations for limited retail convenience goods and personal service establishments convenient to and serving the needs of adjacent neighborhoods. The trade area of uses in this district is generally less than community wide in extent. Business establishments should be compatible with the character of adjacent residential neighborhoods.

**B-2 Community Business District.** The purpose and intent of this district is to provide areas for community-wide and regional retail shopping establishments and services, which by their nature, are usually located with convenient access to major traffic arteries. Regulations are designed to establish an appropriate environment for the successful conduct of business for shoppers and to protect concentrations of retail trades and services from incompatible uses. It provides locations for a restricted range of retail businesses and services, offices and other compatible uses where an attractive appearance of buildings and premises is important.

**B-3 Highway Business District.** The purpose and intent of this district is to utilize the community's land resources along and in the vicinity of major highways and interchange areas in a manner that will provide quality commercial development and reserve such areas for the type of uses that are most appropriate for such location. Regulations are designed to protect retail businesses and services, and other compatible uses where an attractive appearance and major highway access is important.

**B-4 General Business District.** The intent of this district is to provide locations for a broad range of commercial activities. Generally this district is less restrictive than the Community Business District regarding the kinds of business uses permitted and the regulations imposed on the permitted uses. Uses permitted serve a regional as well as a local market. This district provides suitable locations for business or commercial activities with storage requirements which may not require the maintenance of attractive premises, and which require heavy truck traffic.

**M-1 Light Industrial District.** The purpose of this district is to provide suitable locations for industrial activities, which are clean, quiet, free from hazardous or objectionable emissions, and do not generate heavy truck traffic. Industrial parks and industries desiring attractive surroundings are encouraged in this District.

**M-2 Heavy Industrial District.** This district is intended for industrial activities which require special locations due to the employment of heavy equipment or machinery; appearance of premises and structures, generation of heavy truck traffic, and large site requirements.

**MHP Manufactured Home Park District.** The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be leased or rented.

**ARTICLE IV**  
**USE PROVISIONS FOR ZONING DISTRICTS**

The purpose of this Article is to provide for the determination of uses compatible with the various zoning districts established in Article III, Section 3.1

**Section 4.1 GENERAL**

The Table of Permitted Uses contained in Section 4.3 of this Ordinance provides a list of land uses permitted in the various zoning districts into which the Town of Fort Deposit has been divided.

- 4.1.1 Uses in the Table identified by the letter "P" are permitted by right, subject to the conditions and requirements specified in the Table or elsewhere in this Ordinance.
- 4.1.2 Uses in the Table identified by the letter "C" are permitted upon approval by the Planning Commission, subject to the conditions and requirements specified in the Table or elsewhere in this Ordinance.
- 4.1.3 In any case where a requested use is not specifically listed in the Table of Permitted Uses, Section 4.3 of this Ordinance, its status shall be determined by recommendation of the Planning Commission and approval of the Town Council. Such recommendation and approval should be by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses. When the status of a use has been so approved by the Town Council, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.
- 4.1.4 Where any use or analogous use has blank spaces under zoning districts listed in the headings of the Table of Permitted Uses, such use is specifically prohibited in such zoning districts either by right or as a conditional use.

**Section 4.2 OUTSIDE STORAGE**

- 4.2.1 The following requirements shall apply to the outside storage of materials, equipment, supplies and other major storage in the various business and industrial zoning districts:
  - A. All operations shall be conducted entirely within an enclosed building or structure and there shall be no outside storage, other than stock in trade that is for sale, in the following districts: B-1, B-2, and B-3.

- B. Outside storage shall be permitted provided it is screened from view by a solid fence or chain link or other open fence with slats and/or planting adequate to obstruct the view in the following districts: B-4 and M-1.
- C. There are no outside storage requirements, unless otherwise noted, in the following district in the Table of Permitted Uses: M-2.

**Section 4.3 TABLE OF PERMITTED USES**

The following table, which is hereby made a part of this Ordinance, contains a list of land uses permitted in the zoning districts created under Article 3 of this Ordinance. Opposite each land use, in the appropriate district column or columns, the letter "P" identifies those districts in which a particular land use is permitted by right and the letter "C" identifies those districts in which a particular land use is permitted only as a conditional use upon approval of the Planning Commission. All uses whether permitted by right or approved as a conditional use are subject to all of the requirements of this Ordinance.

The Table of Permitted Uses does not list uses permitted by right or by condition in the PUD Planned Unit Development District because a variety of uses are permitted under different acreage and other conditions. Reference is made to Article V, Section 5.2.2 regarding uses permitted in the PUD District under various circumstances.

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Accessory uses and structures that are customarily incidental to any permitted use. In the residential districts such structures shall be located in the rear yard and not closer than five (5) feet to any property line.	P	P	P	P	P	P	P	P	P	P	P
Agricultural production – crops, horticulture, plant nurseries, orchards, livestock and fish hatchery, but excluding hogs and poultry.	P										
Agricultural production – hogs and poultry, provided: 1. a. All buildings or feeding areas shall be set back not less than two hundred (200) feet from any property line.	C										
Agricultural produce stands. a. Such use shall comply with the front yard setback for the district in which it is located. b. There shall be a minimum of four (4) off-street parking spaces. c. Such stand shall sell only products grown or produced on the premises on which it is located.	P										
Air conditioning contractor.									P	P	P
Air conditioning sales and service.							P	P	P		
Air or ground courier drop-off station.							P	P	P	P	P
Aircraft landing fields, hangars and equipment.										P	P
Aircraft landing strips										P	P
Alcohol beverage sales not to be consumed on the premises.						C	P	P	P		
Alcohol beverage sales, on premises only.							P	P	P		
Alcohol beverage sales, on premises only when incidental to the operation of a motel, hotel or restaurant.						C	P	P	P	P	P
Ambulance service.							P		P	P	P
Amusement arcade.							P	P	P		
Amusement park.									P		
Animal hospital or veterinary clinic, wholly within an enclosed building.									P	P	
Animal hospital or veterinary clinic, provided: a. Such use is located on a lot of not less than two (2) acres; and b. No building or enclosure for animals is located closer than one hundred (100) feet from any property line.	P										
Animal Shelter									P	P	P
Antique store, including major repairing and refinishing.									P		
Antique store, not including major repairing and refinishing.							P	P	P		
Apothecary, limited to the sale of pharmaceuticals and medical supplies.						P	P	P	P		
Apparel and accessory store.							P	P	P		
Appliance store.							P	P	P		
Archery range.	C										P
Archery range located completely within a permanently enclosed building.									P	P	P
Armory.	C								P	P	P
Art gallery.							P	P	P		
Art supplies.							P	P	P		

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Asphalt products manufacture.											P
Auditoriums.							P	P	P	P	P
Automobile oil change (quick service)								P	P	P	P
Automobile manufacture and assembly.											P
Automobile parking lot or parking garage.							P	P	P	P	P
Automobile parts store and sales.							P	P	P		
Automobile and truck repair and maintenance.									P	P	P
Automobile and truck repair and maintenance shop of a minor nature. a. Major auto repair shall not be permitted in connection with such uses. Minor auto repair and maintenance shall include the installation of tires, carburetors, ignition parts and other minor accessory parts as shall be incidental to the normal upkeep of an automobile, but shall not include engine or body dismantling. b. There shall be no body or fender repair, painting or dismantling of vehicles on the premises.							P	C			
Automobile sales, including trucks.							P	C	P	P	P
Automobile service station, provided: a. That work and services are only to the extent permitted in the District in which the service station is located.							P	P	P	P	P
Automobile, truck, and trailer lease and rentals as an accessory use to an automobile service station. a. The use shall not be established on a lot of less than 20,000 square feet. b. The use shall not occupy more than 10 percent of the lot area.							P	P	P	P	P
Automobile, truck, and trailer lease and rentals as a principal use, provided that all parking areas shall be clearly marked and no unit shall be parked outdoors other than within such boundaries except when being serviced.									P	P	P
Automobile and truck laundry, including steam cleaning, provided: a. That a paved area shall be located on the same lot for the storage of vehicles awaiting service. b. That all runoff shall be discharged directly into a sewer.									P	P	P
Automobile upholstery shop.									P	P	P
Automobile wrecking or junkyards. a. Such use shall be enclosed by a fence or wall not less than eight (8) feet in height which provides visual screening. b. No such activity may be conducted within one hundred (100) feet of any property line or two hundred (200) feet of any property zoned or used for residential purposes.											C
Bait store or sales (live bait).									P		
Bakery shop including the manufacturing of products to be sold primarily on the premises.							P	P	P		
Bakery.										P	P
Bank, including drive-in bank.							P	P	P	P	P
Barber or beauty shop.						P	P	P	P	P	P
Barber and beauty supplies and equipment sales.									P		

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Baseball batting range.									P		
Bed and breakfast.	C	C	C	P		P	P	P	P		
Beverage distribution.										P	P
Bicycle sales, service and repair.							P	P	P		
Billiard or pool hall.						C	P	P	P		
Blueprinting and photo copy shop.							P	P	P	P	P
Boarding or rooming house.				P		C	C		C		
Boat construction, storage, service, and repair.										P	P
Boat sales, accessories and service.									P	P	P
Book store.						P	P	P	P		
Bottling plants.										P	P
Bowling alley.							P	P	P		
Building materials supply.										P	P
Building materials supply, provided that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district.									P	P	P
Bus station.							P	P	P	P	P
Business machines sales and service.							P	P	P		
Business school or college.							P	P	P	P	
Butane and other liquefied petroleum gas products sales.											P
Butane and other liquefied petroleum gas products sales that is incidental to a permitted use.							C	C	C	C	
Cabinet or carpenter shop.										P	P
Cafeteria.						P	P	P	P	P	P
Camera and photographic supply store.							P	P	P		
Candy, nut and confectionery store.						P	P	P	P		
Candy products manufacture.										P	P
Canvas products manufacture.											P
Card shop.						P	P	P	P		
Catering shop or service.						C	P	P	P	P	
Cemetery.	C	C	C	C					C	C	
Ceramic manufacture with dust, odor and fume control.											P
Chemical manufacture or processing (heavy, industrial).											C
Churches and related accessory buildings.				P		P	P	P	P		
Churches and related accessory buildings, provided: a. There is a planted buffer strip at least ten (10) feet wide along side and rear property lines. b. Buildings are not located less than thirty-five (35) feet from any property line.	P	P	P	P		P	P	P	P		
Civic organization.	C					P	P	P	P		
Clay and clay products manufacture.											P
Clothing manufacture.										P	P
Coffee shop.						P	P	P	P	P	
Coin store.							P	P	P		
Cold storage plant.											P
College or university.	P						P	P	P		
College sorority or fraternity house.	P						P	P	P		
Concrete and concrete products manufacture.											P
Contractor with no outside storage yard.										P	P
Contractor with outside storage.									C	P	P



SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Construction equipment, heavy											P
Convenience food store.						C	P	P	P	P	P
Convenience food store, excluding the sale of gasoline.						P	P	P	P	P	P
Country club or swim and tennis club.	P	C	C	C							
Dairy equipment sales.										P	P
Dairy products processing, bottling and distribution, and ice cream manufacture.										P	P
Dairy product retail sale.						P	P	P	P		
Dance studio.						P	P	P	P		
Day care centers, nursery schools, or kindergarten meeting all requirements of appropriate state regulations and standards, provided that all activities are carried on in an enclosed building or fenced yard.	C			C		P	P	P	P		
Delicatessen.						P	P	P	P	P	P
Dental office and clinic.						P	P	P	P		
Department store.							P	P	P		
Dressmaker or seamstress						P	P	P	P		
Drug store.						P	P	P	P		
Dry cleaning pick-up station.						P	P	P	P	P	P
Dry cleaning plant.										P	P
Dry cleaning plants of not more than 2,500 square feet.							P		P	P	P
a. Such dry cleaning plant shall comply with all of the requirements of the Town Fire Prevention Code.											
b. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.											
Duplicating service.						P	P	P	P	P	P
Dwelling, attached single-family.	C			C							
Dwelling, detached single-family.	P	P	P	P							
Dwelling, duplex.			P	P							
Dwelling, garden home or cluster housing. See Article 5, Section 5.2 for inclusion in Planned Unit Development District.											
Dwelling, multi-family				P							
Dwelling, townhouse..				P							
Dwelling unit above the first floor of a business establishment						C	C	C	C		
Dwelling unit for a resident watchman, custodian, or caretaker employed on the premises or owner.							C	C	C	C	C
Dwelling units for tenants on land used for bona fide agriculture purposes.	C										
Dyeing plants.											P
Electrical equipment assembly.										P	P
Electric power generating plant.											P
Electric repair shop.							C		P	P	P
Electric supply store.							C		P	P	P
Electroplating or battery making with acid, fume & odor controls.											C
Exterminator service office.							P	P	P	P	P

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Extractive operation of rock, gravel, sand, dirt, soil and natural mineral deposits, provided: a. The removal area shall be sealed by fencing or grading or other device from general public access; all entrances shall be fenced and locked during non-business hours. b. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit. c. The operational and removal area of such uses shall not be established within two thousand (2,000) feet of a residential use or five hundred (500) feet of any other use. d. No extraction shall be allowed except after advertisement of a public hearing by the Planning Commission for the purpose of determining whether or not any adverse effect would result to surrounding property owners and whether or not a nuisance, as defined by Town Ordinances. e. This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.											C
Fabric, cloth stores.							P	P	P		
Fairgrounds, circus or carnival.	C								C	C	C
Farm and garden supplies and light equipment.							P	P	P	P	P
Farm equipment, heavy									C	P	P
Farmer's market.	C						C		P	P	P
Fertilizer manufacture and processing.											C
Finance office.						P	P	P	P		
Fire station.	P	P	P	P	P	P	P	P	P	P	P
Fire works stand.						C	C	C	C	C	C
Fixture sales.							P		P	P	
Floor covering sales and service.							P	P	P		
Florists.						P	P	P	P		
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.										P	P
Food processing in wholesale quantity but excluding meat, fish, poultry, vinegar and yeast.										P	P
Food processing in wholesale quantity of meat, fish and poultry, but excluding slaughtering of meat or poultry.										C	P
Forestry.	P										
Foundry.											P
Freight depot.										P	P
Frozen food manufacture and packaging.										P	P
Funeral home, mortuary or undertaking establishment.						C	P	P	P		
Furniture and home furnishing store, including office furniture and equipment.							P	P	P		
Furniture manufacture.										C	P
Furniture repair, including upholstering and refinishing.									P	P	P
Gardens incidental to a residence.	P	P	P	C	C						
Game room.						C	P	P	P		
Gift shop.						P	P	P	P		

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Glass products manufacture.											P
Golf course.	P								P	P	P
Golf course, miniature provided that lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.						C	P		P		
Golf driving range provided that lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.	C						P		P	P	P
Grain milling, storage and elevators.											P
Greenhouse, commercial.	C								P	P	P
Greenhouse, provided that no sales are made on the premises	P										
Grocery store, retail.						P	P	P	P		
Gymnasium, commercial.							P	P	P		
Hardware store, retail.						P	P	P	P		
Hardware store, wholesale, storage and sales.									P	P	
Heating and plumbing equipment, supplies and service.									P	P	P
Health studio or club, reducing salon.						P	P	P	P		
Hobby shop and supply store.							P	P	P		
Home occupation subject to the provisions of Article 8, Section 8.2 of this Ordinance	C	C	C	C							
Horse stable for personal use.	P	C	C								
Hospital.							P	P	P		
Hotel or Motel.							P	P	P	P	
Ice cream shop.						P	P	P	P		
Ice plant.											P
Industrial research and educational facilities.										P	P
Interior decorating shop.							P	P	P		
Jail or correctional institution							C		C	C	C
Jewelry store and repair.							P	P	P		
Junk yard, scrap and salvage material storage, sales, or wholesaling, provided that: a. No certificate of Occupancy or Building Permit therefore shall be issued without the written approval of the Board of Adjustment. b. Such uses shall be subject to such conditions as the Board of Adjustment may require to insure the public safety and to preserve and protect the character of the district where such uses are proposed. c. Storage of materials; junk and salvage shall be screened from view of a public street and adequate fencing and/or a planted buffer strip at least ten (10) feet wide shall be provided at the rear and side lines of the lot.											C
Laboratory, medical or dental.										P	P
Laboratory, scientific or testing.										P	P
Landfills.											C
Landscape garden sales.									P	P	
Landscape garden sales when incidental to a larger retail operation.							P	P	P		
Laundry/dry cleaning self-service (Laundromat).						P	P	P	P		
Laundry/dry cleaning pick-up station.						P	P	P	P	P	P

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Laundry/dry cleaning plant.										P	P
Laundry/dry cleaning establishment of not more than 2,500 square feet.							E		P	P	P
Leather goods or luggage goods sales.							P	P	P		
Leather goods, manufacture.										C	P
Library.	C	C	C	C		P	P		P		
Linen or diaper service.									C	P	P
Loan office.							P	P	P		
Locksmith.							P	P	P	P	
Lodges and fraternal organizations.	C					C	P	P	P		
Luggage store.							P	P	P		
Machine shop.										P	P
Machinery, tools, sales and service.									C	P	P
Mail order house.							P	P	P	P	
Manufactured or prefabricated home sales.							C	C	P		
Manufactured home on individual lot, provided: a. Such home shall be installed on a permanent foundation constructed of brick or block and shall meet current building code requirements. b. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. c. A manufactured home shall not be temporarily or permanently parked, stored or occupied on any public street or alley, nor on any lot or parcel within the Town of Fort Deposit, except when in complete conformity to zoning and other applicable ordinances and regulations.	P		P								
Manufactured home park, subject to the provisions of Article V, Section 5.1 of this Ordinance.					P						
Manufacturing, repair, assembly or processing establishments of a light industrial nature which do not use water in the manufacturing operation either for processing, cooling, or heating, and which shall emit no smoke noise, odor, dust, vibrations or fumes beyond walls of building in which housed, unless such use is otherwise noted as a conditional use in this table.										P	P
Manufacturing or industrial operations of any type which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zone district boundaries in which such operations are located, unless such use is otherwise noted as a conditional use in this table.											P
Manufacturing incidental to a retail business where articles are sold at retail on the premises.							P	P	P		
Marine stores and supplies.							P	P	P		
Martial arts studio.						C	P	P	P		
Meat slaughtering and/or packing house.											C
Medical emergency/family clinic.						P	P	P	P	P	

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Medical offices and clinics, excluding veterinarians.						P	P	P	P		
Metal product fabrication.										C	P
Millwork and similar wood products manufacture.										C	P
Mini-warehouse storage facilities.									P	P	P
Mini-warehouse storage facilities for the storage of personal property provided that: a. The storage building(s) shall be subdivided by permanent partitions into individual storage compartments with no single storage compartment having a floor area exceeding 300 square feet. b. Each storage compartment shall have an exterior independent entrance under the exclusive control of the tenant thereof; c. The use of the storage compartments shall be limited to the storage of personal property and no other use shall be permitted except a manager's office which is clearly incidental to the principal use; d. There shall be no outside storage of goods or materials of any type on the site of a mini storage facility; e. Building coverage may equal no more than 40 percent of total lot area; f. No part of any fence enclosure shall be located within any required front yard; and g. The design of facades and landscaping of premises shall be compatible with the purposes of the zone district in which the mini storage facility is located.							C				
Mobile home park, subject to the provisions of Article V, Section 5.1 of this Ordinance.					P						
Mobile home sales.							C	C	P		
Monument sales retail, with incidental processing to order, but excluding the shaping of stones and similar processing.									P		
Monument sales and processing.										P	
Motel or hotel.							P	P	P	P	
Motorcycle sales and service.							P	P	P	P	
Museum.						P	P	P	P		
Music or dancing school.						P	P	P	P		
Music and musical instruments store.							P	P	P		

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Neighborhood recreation centers or swimming pool.	C	C	C	C							
a. Site plans shall be approved by the Planning Commission to insure that all the provisions of this Ordinance and all other applicable laws are complied with.											
b. Buildings and structures established in connection with such use shall be set back not less than one hundred (100) feet from any property line (exterior property line in a planned development) except when such property line is a street line. In such case the front yard setback of the district shall apply. When a property line is on a natural waterway, a property line setback shall not be required.											
c. Swimming pool shall be enclosed by a fence having a height of not less than six (6) feet.											
d. Outdoor activity shall cease by 11:00 p.m.											
e. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.											
f. Such use shall be permitted only upon written approval of the Health Department to indicate compliance with Health Department swimming pool regulations.											
Newsstand.							P	P	P		
Newspaper publishing.									P	P	
Newspaper or magazine distribution.									P	P	P
Newspaper or magazine distribution rack.						P	P	P	P	P	P
Novelty shop.							P	P	P		
Novelty and souvenir manufacture.										P	P
Nursing, convalescent, rest or retirement home.	C			C		C			P		
Nursing school.							P	P	P		
Office: professional, business, administrative, executive, and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sale of commodities on the premises.						C	P	P	P	P	
Offices incidental to a permitted use.	P	P	P	P	P	P	P	P	P	P	P
Office equipment and supply, manufacture.										P	P
Office equipment and supply, retail.							P	P	P		
Oil and gas exploration and production activities.											C
Oil well equipment, supplies and machinery.											P
Optical and scientific instrument manufacture.										P	P
Optician.						P	P	P	P		
Orthopedic braces, artificial limbs, orthopedic equipment and supplies.							P	P	P		
Outdoor advertising services, including the construction, repair and maintenance of outdoor advertising signs.										C	P
Paint and wallpaper store.							P	P	P		
Paint, oil, shellac and lacquer manufacture.											C
Paper supplies, wholesale.										P	P
Park, public.	P	P	P	P	P	P	P	P	P	P	P
Pawn or loan shop.							P	P	P		

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Pet shop, including grooming, provided that, all animals are housed within the principal building so that no sound is perceptible beyond the premises.							P	P	P		
Petroleum and petroleum products, manufacture, processing or storage provided that all structures or buildings shall be located not less than one hundred (100) feet from any property line and not less than two hundred (200) feet from any property used or intended to be used for residential purposes.											C
Pharmaceutical manufacturing.											P
Photoengraving, typesetting, electrotyping and stereotyping.									P	P	P
Photographic studio, supplies and/or processing.							P	P	P		
Picture framing and/or mirror silvering.							P	P	P		
Pipe storage.											P
Pistol, rifle range skeet or trap shoots, and gun club.	C										C
Pistol or rifle range or gun club located wholly within an enclosed building.									P	P	P
Plant nursery.	C								P		
Plant nursery provided that no sales are made on the premises.	P										
Plant shop.							P	P	P		
Plastic fabrication.										P	P
Plastic products manufacture not including the processing of raw materials.										P	P
Plastic products manufacture.											P
Plumbing shop.									P	P	P
Police station or substation, including Highway Patrol.	C	C	C	C	C	C	P	P	P	P	P
Post office.						P	P	P	P	P	
Pottery shop.							P	P	P		
Pottery manufacture with dust, odor and fume control.											P
Poultry processing, storage and/or dressing.											P
Printing, blueprinting, bookbinding, photostating, lithography and publishing establishment.									P	P	P
Print shop of not more than 1,500 square feet.							P	P	P	P	
Produce stand or market.						P	P	P	P		
Produce, wholesale.										P	P
Radio and television broadcasting stations.	C						P		P	P	P

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Radio, television and other communication transmission towers.	C	C	C	C	C	C	C		C	C	P
a. All towers in excess of one hundred (100) feet must be set back from any lot used or intended to be used for a residential structure a distance equal to one-half the height of the tower or five hundred (500) feet, whichever is greater.											
b. All towers in excess of one hundred (100) feet must be set back from any off-site structure a distance of one-third the height of the tower or one hundred (100) feet, whichever is greater.											
a. All towers less than one hundred (100) feet must be set back from all property lines a distance of one-third the height of tower.											
b. The Planning Commission shall apply the Radio, Television and Communication Tower Standards in its consideration of applications for Conditional Use approval.											
Radio and television sales, service and repair store.							P	P	P		
Railroad car classification yard.											P
Railroad station.							P		P	P	P
Recreational vehicle park.	C								C	C	C
Reducing, exercise, karate, gymnastic or other body fitness type salon.						C	P	P	P		
Religious meeting, temporary for a period not to exceed fourteen (14) days. Tents may be allowed if approved by the Fire Chief.	C					C	C	C	C	C	C
Rental of small items.						P	P	P	P		
Repair shop for repairs or adjustments to bicycles, small appliances, watches, locks, musical instruments, guns, and similar items.						P	P	P	P		
Restaurant, drive-in.							P	P	P	P	P
Restaurant, excluding drive-in restaurant.						P	P	P	P	P	P
Restaurant supplies and sales									P	P	
Riding stable or academy.	P										
a. Such stable shall be established on a lot having an area of not less than ten (10) acres.											
b. Any structure shall be located at least two hundred (200) feet from any property line.											
c. All animals shall be maintained at least one hundred (100) feet from any property line.											
Roofing and sheet metal shop.									C	P	P
Rug and/or drapery cleaning service.									P	P	P
Sand and gravel storage yard.	C										P
Satellite dish antennas											P



SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Satellite dish antennas, ground mounted subject to the following: a. The maximum height shall be thirteen (13) feet from the grade where it is mounted. b. The antenna shall be located within the rear yard and shall be located a distance inside all property lines at least equal to its height. In the case of a corner lot, the antenna shall not be located closer to the street than the main structure. In the case of a double frontage lot, the antenna shall not be located closer to the rear street right-of-way than the rear building line. c. All cables and lines serving the antenna shall be located underground. d. No such antenna shall be utilized as a sign.	C	C	C	C	C	C	C	C	C	C	
Satellite dish antennas, roof mounted subject to the following: a. The antenna shall not extend more than thirteen (13) feet above the roof surface. b. No such antenna shall be utilized as a sign. c. Any antenna of a temporary nature shall not be on the premises over seventy-two (72) hours.						C	C	C	C	C	
Sawmill.											P
Sawmill, temporary or portable.	C										C
Schools, for grades one to twelve inclusive and no other, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama, provided that: a. All buildings are located not less than fifty (50) feet from any property line. b. There is a planted buffer strip at least ten (10) feet wide along any property line abutting residential property.	C	C	C	C		C	C		C	C	C
Seafood store, retail.							P	P	P		
Sewage disposal plant.											P
Shoe repair shop.						P	P	P	P		
Shoe store, retail.							P	P	P		
Shopping center limited to the uses permitted in the district in which the shopping center.						C	P	P	P		
Sign manufacture.										C	P
Sign shop.									P	P	P
Skating rink.							C	C	P	C	C
Sporting goods store.							P	P	P		
Stamp sales.							P	P	P		
Stationary store.						P	P	P	P		
Stockyard.											C
Storage tanks for gasoline, oil, heating fuel or volatile liquid, provided: a. There is no extraction or processing on the premises. b. Tanks shall not contain more than one thousand (1,000) gallons unless the tank is completely below ground.									C	P	P
Storage tanks for gasoline, oil, heating fuel or volatile liquid, provided there is no extraction or processing on the premises.										C	P
Storage yards.										C	P

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MFP	B-1	B-2	B-3	B-4	M-1	M-2
Storage yards, provided that:									P	P	P
a. All open storage and display of merchandise, material and equipment shall be screened by adequate fencing and/or planting at the side and rear of the lot on which open storage or display occurs.											
b. All servicing of equipment or vehicles carried on as an incidental part of the operation shall be conducted within a completely enclosed building.											
c. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be a flashing or intermittent type.											
Summer camps.	C										
Surgical or dental supplies manufacture.										P	P
Surgical or dental supplies retail.							P	P	P		
Swimming pool, commercial						C	C	C	P		
Tailor shop.						P	P	P	P		
Tattoo parlor.							P	P	P		
Taxi stands and dispatching station.							P	P	P	P	P
Taxi terminal; storage and repair of vehicles.									C	P	P
Taxidermy shop.									P	P	
Teen club or youth center.	C					C	P		P		
Telephone answering service.							P	P	P		
Telephone exchange.									P	P	P
Temporary uses, including the sale of Christmas trees, seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year.	C					C	C		C	C	C
Textile manufacture with dust and odor control.											P
Theater, indoor.							P	P	P		
Theater, outdoor/drive-in.									P	P	
Tire recapping.									P	P	P
Toy store.							P	P	P		
Trailer sales.							C	C	P		
Transit vehicle storage and servicing.										P	P
Travel agency.							P	P	P		
Truck Stop								P	P	P	
Truck terminal.										P	P
Union hall.							P	P	P	P	P
Upholstery shop.									P	P	P
Utility company storage or maintenance facility.											P
Utility facilities, such as distribution lines and transmission lines. Unless elsewhere permitted in the district, such facility shall not include a business office or storage yards.	C	C	C	C	C	C	C	C	P	P	P

SECTION 4.3 TABLE OF PERMITTED USES	A-R	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	M-1	M-2
Utility substations incidental to electrical, gas, water, sewage, or telephone when essential for service, provided: a. The structure are located not less than fifty (50) feet from any property line; b. The structures are enclosed by a fence or wall at least eight (8) feet high; c. The premises are not used for vehicle or equipment storage; and d. The lot is suitable landscaped, including a buffer strip at least ten (10) feet wide along side and rear property lines.	C	C	C	C	C	C	C	C			
Variety store.							P	P	P		
Veterinary service (see animal clinic).											
Video rental						P	P	P	P		
Vocational or trade school.							P	P	P	P	
Warehousing and storage facilities.										P	P
Waste disposal company, solid or recycling, office and truck storage.										P	P
Waste disposal transfer station, solid or recycling.									C	C	P
Welding shop.										C	P
Watershed reservation areas and reservoirs.	C										
Well-drilling company.											P
Wholesaling or distribution.									P	P	P
Wholesale or distribution sales offices.							P	P	P	P	P
Wildlife refuges, game preserves, sanctuaries and forest reserves.	C										
Woodworking and planing mill.											P
Woodworking and planing mill with dust and noise control.										P	P
Wood preserving by creosote or other impregnation treatment.											P

**ARTICLE V  
USE PROVISIONS FOR SPECIAL ZONING DISTRICTS**

**Section 5.1 MHP MANUFACTURED HOME PARK DISTRICT**

The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be leased or rented. An application for Manufactured Home Park District zoning shall require a site plan as specified in Section 5.1.5. Any space or lots to be sold shall require a different zoning district classification that permits manufactured homes and shall meet all requirements of the Subdivision Regulations of the Town of Fort Deposit.

**5.1.1 DEFINITIONS**

- A. **Manufactured Home.** A structure, transportable in one or more sections, designed to be used as a dwelling when connected to the required utilities and bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 540105445), which first became effective on June 15, 1976.
- B. **Manufactured Home Space.** Land within a manufactured home park that has been designated for the placement of one single or multi-sectional manufactured home for the exclusive use of its occupants.
- C. **Manufactured Home Park.** A parcel of land that has been developed in accordance with the provisions of this Ordinance and divided into spaces for the placement of manufactured homes for residences.
- D. **Manufactured Home Stand.** The part of an individual manufactured home space that has been reserved for the placement of the manufactured home, appurtenant structures or additions.
- E. **Recreational Vehicle.** A vehicular unit mounted on wheels and designed to provide temporary living quarters for recreational, camping or travel use and of such size and weight as to not require special highway movement permits when drawn by a motorized vehicle.
- F. **Seal.** A device, label or insignia issued by the U. S. Department of Housing and Urban Development, to be displayed on the exterior of the manufactured home to evidence compliance with applicable codes.

### 5.1.2 PERMITTED USES

Within a MHP Manufactured Home Park district no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses.

- A. Manufactured Home Park.
- B. Manufactured Home Park Office.
- C. Recreation Buildings and Playground.
- D. Service facilities for the exclusive use of manufactured home park residents including self-service laundry.
- E. Structures and uses required for the operation of a public utility or the operation or maintenance of the manufactured home park.
- F. One identification sign not exceeding twelve (12) square feet containing thereon only the name and address of the manufactured home park. Said sign may be lighted by indirect light only.
- G. One accessory storage building per manufactured home space is permitted. However, said storage building shall be located on the rear of the space; be set back at least three (3) feet from the boundary lines of the space; not exceed one hundred twenty (120) square feet in size; and shall be used only by the occupants of the manufactured home.

### 5.1.3 GENERAL

- A. In manufactured home parks, recreational vehicles shall not be occupied as living quarters and manufactured home sales lots shall not be permitted, but manufactured homes may be sold on manufactured home parks spaces they occupy while in residential use.
- B. Prior to the placement of a manufactured home in a manufactured home park, a permit shall be obtained from the Zoning Administrator, subject to compliance with all provisions of this Ordinance.
- C. Manufactured home units that do not bear a seal as defined in Section 5.1.1, Paragraphs A and F shall not be permitted within a manufactured home park within the Town of Fort Deposit.

#### 5.1.4 SITE STANDARDS

The following site standards shall apply for all manufactured home parks hereinafter established or altered.

- A. The minimum area for any manufactured home park shall be five (5) acres.
- B. The following standards for each manufactured home space shall apply for all manufactured home parks hereinafter established or altered.
  - (1) Each individual manufactured home space shall have a minimum area of four thousand (4,000) square feet with a width of not less than forty (40) feet.
  - (2) Manufactured homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between manufactured homes or any attachments thereto or any building within the park.
  - (3) The minimum front, side, and rear yard setback for each manufactured home space within the manufactured home park shall be as follows:

<u>Front</u>	<u>Rear</u>	<u>Side</u>
15 feet	10 feet	10 feet

- C. A buffer area twenty-five (25) feet wide, shall be located along all manufactured home park property lines not bordering a public street. The buffer area shall be landscaped and maintained. No building or structure of any kind shall be erected or maintained in the required buffer area.
- D. All manufactured home parks shall have a minimum frontage of fifty (50) feet on a public street. The yard setback for all parts of the manufactured home park that abuts a public street shall be thirty-five (35) feet.
- E. All interior manufactured home spaces shall abut upon a roadway having a paved surface not less than twenty (20) feet in width. Such roadways shall be hard surfaced and shall meet the construction specifications for residential streets required by the Fort Deposit Subdivision Regulations.
- F. The applicant/developer of a manufactured home park should be aware that any future development or subdividing of the parcel on which the manufactured home park is located will require rights-of-way widths as provided for by the Fort Deposit Subdivision Regulations. Therefore, future access through the manufactured home park could require redevelopment that might eliminate spaces or otherwise decrease the functional use of the site.

- G. The height of any manufactured home, building or structure shall not be greater than thirty-five (35) feet.
- H. Each manufactured home space shall contain a cement or asphalt stand upon which the manufactured home will be situated.
- I. Not less than ten percent (10%) of the gross land area of the manufactured home park shall be devoted to common recreational areas and facilities. Such open space shall be separate and aside from the open space required and provided on each manufactured home space or by public road setback requirements. Said open space shall be grassed and/or landscaped or otherwise designed and made available for recreational use. Such areas shall be consolidated into usable areas with minimum dimensions of not less than thirty (30) feet.
- J. Each Manufactured home space shall be provided with a deck or paved patio of at least one hundred twenty (120) square feet. The minimum horizontal distance of the deck or paved patio shall be not less than eight (8) feet. Patios shall be surfaced with concrete, asphalt or other approved hard surface. Required parking areas may not be considered to meet the requirements for a deck or patio.
- K. There shall be two (2) paved off-street parking spaces for each manufactured home space; two (2) spaces for the park office; and additional parking spaces equal to fifty (50) percent of the number of manufactured home spaces to provide for guest parking shall be located within the manufactured home park site. Where roadways are paved to a width of thirty (30) feet or more, the required off-street guest parking shall be waived. All off-street parking shall have direct access to an interior street within the manufactured home park and there shall be no driveway access to an exterior street.
- L. The entire area of the manufactured home park shall be adequately served by water, sanitary sewer and drainage facilities meeting all requirements of the Lowndes County Health Department.
- M. There shall be no storage of any kind underneath any manufactured home.
- N. Fences, if provided, on individual manufactured home sites shall be uniform in height and shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to provide fire fighting personnel access to all sides of each manufactured home.
- O. All electric lines leading to each manufactured home space shall be provided with three (3) wire balanced 115-230 volts supply. When separate meters are installed, each meter shall be located on a standard post on the lot line of

each manufactured home space. Wiring shall comply with applicable local and state electrical codes.

- P. The installation of skirting shall be required for all manufactured homes in the manufactured home park. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.

#### 5.1.5 MANUFACTURED HOME PARK SITE PLAN APPROVAL

An application for MHP Manufactured Home Park zoning shall be accompanied by a site plan, which, if approved, shall become a requirement of the zoning district. No building permit shall be issued for construction of any part of the manufactured home park unless the proposed development is in accord with the approved site plan.

- A. The site plan shall be drawn to a suitable scale not smaller than one-inch equals 200 feet and shall show the following information.
  - (1) Scale, north arrow, location and legal description of the proposed Manufactured Home Park.
  - (2) The proposed use of all buildings or structures.
  - (3) Number, location, and dimensions of all manufactured home spaces along with a typical layout of a manufactured home space showing landscaping, location and type of stand, patio, walkways, parking area, curb and gutter location and other improvements.
  - (4) The location and dimensions of roads, parking facilities and walkways.
  - (5) The location of all points of entry and exit for vehicles.
  - (6) Location and width of right-of-ways and easements.
  - (7) The location of buffer areas and landscaping.
  - (8) Location and dimensions of recreational areas.
  - (9) Other significant information required by Section 5.1 of this Ordinance, which would assist in the Planning Commission's review of the request for MHP zoning.



## **Section 5.2 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

The purpose of planned unit development (PUD) regulations is to permit the flexible development of land development projects that are comprehensively planned as an entity with a functional site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features. Such flexibility must be part of an approved plan for a planned unit development to which conditions may be attached to safeguard the public health, safety, morals and general welfare. These planned unit development regulations are designed to encourage the best possible site plans and building arrangements under a unified plan of development. The intent is not to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning and to assure a more desirable environment.

### **5.2.1 DEFINITIONS**

- A. Applicant. The owner(s) of land proposed for a planned development or a designated representative of the owner(s).
- B. Common Area. An area within a development designated and intended for the use and enjoyment of all residents or occupants of a development and under common ownership and control.
- C. Developer. The owner(s) of the land proposed for a planned development or a designated representative of the owner(s).
- D. Planned Unit Development. A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development stages according to an officially approved final plan which does not necessarily correspond to the use regulations and areas and dimensional requirements of other articles of this Ordinance.

### **5.2.2 PERMITTED USES**

- A. PUD District may include any mixture of compatible uses permitted by right or conditionally by this Ordinance subject to any conditions that may be imposed by the Planning Commission and Town Council during the required Development Plan review process.
- B. Signs shall be permitted based on development criteria submitted with the PUD application. If the application does not contain sufficient information upon which to base sign approval, then the most stringent sign provisions of this Ordinance shall apply.

### 5.2.3 GENERAL REGULATIONS AND GUIDELINES

- A. Contiguous Land Area. The minimum required land area for a PUD shall be two (2) contiguous acres.
- B. Lot Size and Density. The area and dimensional requirements of Article VIII of this Ordinance should serve as a guide in plan formulation; however, area and dimensional requirements may be waived or lessened to permit the clustering or concentration of uses in planned locations that take advantage of natural features or innovative development schemes. In reviewing the Development Plan required by Section 7.2.4 of this Ordinance, the Planning Commission may recommend to waive the dimensional requirements of the various zoning districts or to impose more restrictive regulations and/or conditions for consideration and approval of the Fort Deposit Town Council. Density shall be regulated in terms of dwelling units per acre, maximum building coverage and maximum gross floor area, the projects relationship to surrounding development, planned patterns for future development, environmental conditions and capacities of existing streets, utilities and community facilities.
- C. Property Development Standards. Property development standards shall be determined by the Town Council after receiving recommendations from the Planning Commission as in other zoning amendments. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features. The development shall not adversely affect developed or undeveloped neighboring properties. Water, sewerage, street and other facilities shall be adequate for the proposed development or there shall be a definite proposal for undertaking the improvements needed to provide such facilities. Depending upon the intensity of development proposed, and proposed uses, the Planning Commission may require greater building setbacks for any peripheral yard, along with screen walls, hedges, shrubs and trees as deemed necessary and appropriate for preservation of the character of the surrounding area. The Town Council may impose any conditions, terms or limitations it finds necessary for the protection and promotion of the public health, safety, morals and welfare of the Town of Fort Deposit.
- D. All pertinent regulations specified elsewhere in this Ordinance that may be applicable shall be in force except where specifically addressed in this Article.

### 5.2.4 DEVELOPMENT PLAN

- A. The approval of PUD zoning requires the submission of a Development Plan which shall consist of the various information, plans and documents requested at each of the steps in the PUD approval process.

## 5.2.5 PROCEDURE AND APPROVAL

- A. Pre-application Conference. Prior to the submission of a formal application for Planned Unit Development (PUD) zoning, the applicant is encouraged to schedule a pre-application conference with the Zoning Administrator to gain an understanding of the PUD approval process and the Development Plan submission requirements at each stage of the approval process.
- B. Application. The applicant shall submit an application for PUD zoning to the Planning Commission accompanied by a Sketch Development Plan and attendant documents and information as required by Section 7.2.7 of this Ordinance. After the Pre-hearing Conference required by Section 7.2.5C of this Ordinance has been held to review the Sketch Development Plan, the applicant shall submit a Development Plan and attendant documents and information as required by Section 7.2.8 of this Ordinance.
- C. Pre-hearing Conference. The Planning Commission shall within forty-five (45) days after official acceptance of the submission of an application for PUD zoning schedule a Pre-hearing Conference to review the Proposed Sketch Development Plan. The purpose of such Pre-hearing Conference is to assist the applicant in bringing the planned unit development application and Proposed Development Plan as nearly as possible into conformity with the intent of these and other applicable regulations and to define those areas where justifiable deviations from the application of these regulations is suggested by the Proposed Development Plan. Prior to the Pre-hearing Conference, all affected Town staff, consultants, agencies and utilities will have been given opportunities to review the Proposed Sketch Development Plan and to be represented at the Pre-hearing Conference. All recommendations and requests for change from the Proposed Sketch Development Plan by either government, utilities or the applicant shall be committed to writing and made a part of the official file for the required PUD zoning.
- D. Preparation of Development Plan. After the Pre-hearing Conference with the Planning Commission the applicant shall within ninety (90) days submit a Development Plan, which shall contain all of the information and documentation required by Section 5.2.8 of this Article. The Development Plan shall from its date of submission be scheduled for a public hearing as a requested rezoning as required by Article XIV of the this Ordinance for a zoning amendment. In the preparation of the Development Plan, the applicant shall comply with amendments, revisions, recommendations and conditions requested during the Pre-hearing Conference and with the requirements of this Ordinance and the Town's Subdivision Regulations.

- E. Approval. For PUD, the approval process shall comply with procedures set forth in Article XIV of this Ordinance for a zoning amendment. Such approval process shall be initiated promptly after submission of the Development Plan by taking appropriate steps to place the request for PUD zoning on the Planning Commission's agenda.

After holding a public hearing on the planned unit development, the Planning Commission shall prepare a report on the planned unit development and forward it to the Town Council along with copies of the Preliminary Development Plan and related documents.

Upon receipt of the Planning Commission's Report, the Preliminary Development Plan and related documents, the Town Council will proceed with its public hearing as required under Article XVI of this Ordinance and take appropriate actions to approve, amend or disapprove the PUD zoning request.

- F. Certification. Following approval by the Town Council of the Development Plan, it shall be stamped as a PUD and be signed and dated by the Chairman of the Planning Commission, and the Town Council approval shall be certified by the Town Clerk. One copy of the approved plan shall be submitted to the Building Inspector for use in issuing building permits. In addition, other copies of the approved plan shall be supplied as directed by the Town Council to other departments and agencies.
- G. Platting. The property proposed for a planned unit development shall be platted in accordance with the Town's Subdivision Regulations or provisions of this Article if there be irreconcilable conflict. The PUD zoning must be approved by the Town Council prior to or simultaneously with the preliminary approval of a subdivision plat. In the event that the property has been platted prior to preparation of a plan of development, re-platting may be required to ensure the compatibility of the plat with the approved PUD zoning.
- H. Final Development Plan. Prior to the removal of natural vegetation, the restructuring of the land, the construction of any improvements or the issuance of a building permit, a Final Development Plan shall be submitted to and approved by the Fort Deposit Planning Commission. The Final Development Plan may be for all or a phase of the development proposed under the approved PUD. Any deviation in the Final Development Plan from the approved Development Plan submitted for the PUD zoning shall require re-submittal of the Development Plan as an application for zoning amendment.
- (1) The Final Development Plan shall contain all of the information and documentation required by Section 5.2.9 of this Ordinance.

- (2) The Planning Commission shall transmit a copy of the Final Development Plan to such officials and agencies it may deem appropriate for review, report and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the Final Development Plan, furnish to the Planning Commission a report pertinent to their respective jurisdiction and concerns.
- (3) The Planning Commission shall review and vote on the Final Development Plan within forty-five (45) days following the applicant's submission of the Final Development Plan to the Planning Commission. If disapproved, the Planning Commission shall prepare a written report stating clearly the reasons and justification for disapproval and identify what changes are required for approval.
- (4) When the Final Development Plan has been approved by the Planning Commission, the Planning Commission shall so certify on the record copy of the approved Final Development Plan and maintain said certified copy in the records of the Planning Commission.
- (5) The approved Final Development Plan is not a subdivision plat. The Fort Deposit Subdivision Regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.

#### 5.2.6 DEVELOPMENT PLAN PLANNING OBJECTIVES

- A. In reviewing the required Development Plan at each stage (sketch, preliminary and final) of the approval process, the applicant for PUD zoning should be aware that the Planning Commission and Town Council will be concerned about the following planning objectives, among others:
  - (1) Compatibility of the proposed project with the existing and potential development of surrounding land.
  - (2) Adequacy of existing and proposed utilities and other public facilities to serve the proposed development.
  - (3) Nature, design and appropriateness of the proposed land use arrangement for the property involved.
  - (4) Capability of the proposed project to accommodate vehicular and pedestrian traffic and provide safe and efficient access to the site from streets capable of supporting existing and projected traffic.

- (5) Extent to which scenic assets and natural features such as trees, streams and topographic features are protected and preserved and to which open space is provided.

#### 5.2.7 SKETCH DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Sketch Development Plan shall include a site plan and other documentation which provides the following:

- A. The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.
- B. Vicinity map showing the location of the project in relation to the surrounding community.
- C. The use of the property adjacent to the site.
- D. The delineation of proposed land use by specific category of use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; the proposed height of structures; and anticipated building coverage and gross floor space for multi-family, commercial and industrial uses.
- E. The proposed access to the project site and traffic circulation within the project area.
- F. A proposed development schedule for the project.
- G. The location of proposed buffers, open space and commonly owned facilities.
- H. The development shall be located in an area for which public utilities and facilities are available and adequate for the proposed land uses. However, the applicant may provide such facilities which are not presently available, and written assurance of how such utilities and facilities will be provided shall be included as part of the sketch development plan.
- I. A written statement containing the following information:
  - (1) An explanation of the character of the planned unit development including characteristics and/or features that would justify modifications of the district regulations set forth in this Ordinance.
  - (2) A statement of the present ownership of all land included within the proposed planned unit development.

(3) The substance of proposed covenants and restrictions to be imposed on the use of land.

(4) A statement of how common open spaces or facilities will be owned and the method of financing their development and maintenance.

J. Other information that would assist in clarifying the nature of the proposed planned unit development.

#### 5.2.8 DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Development Plan shall include a site plan and documentation which provides the following:

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

(1) The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.

(2) Vicinity map showing the location of the project in relation to the surrounding community.

(3) The boundaries of the property involved, the general location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.

(4) Names and addresses of all adjacent land owners.

(5) The location and use of structures adjacent to the project site.

(6) The delineation of proposed land use by specific category of land use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; and building coverage and gross floor space for multi-family, institutional, commercial and industrial uses.

(7) The location and dimensions of streets, driveways and walkways on and adjacent to the project site.

(8) The proposed location, gross floor area and height of all structures.

- (9) The location, area and number of parking spaces and maneuvering areas.
- (10) The location and dimensions of all loading spaces.
- (11) The location, size and character of all exterior signs and lighting.
- (12) The location and dimensions of proposed lots.
- (13) The location, character and extent of existing vegetation, proposed landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
- (14) The location, layout, dimensions and use of all open space, common space and common facilities.
- (15) Location and character of all public improvements including utilities.
- (16) Location of all entrances to the site.
- B. A legal description of the subject property.
- C. The plan for treating environmentally sensitive land located in the project site (areas of flooding, severe slope, woodlands, wetlands, streams, lakes and ponds).
- D. A proposed development schedule indicating the approximate date when construction of the development, or stages thereof, can be expected to begin and be completed.
- E. If required by the Planning Commission or Town Council, a comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.
- F. A copy of any deed restrictions or covenants to be recorded.
- G. The method of ownership for any common open spaces or facilities including the plan for financing their development and maintenance.
- H. The type of organization for any proposed property owners association including its duties and responsibilities.
- I. A fire protection plan, approved by the Fort Deposit Volunteer Fire Department, indicating the location of all proposed fire hydrants, fire access



lanes and a description of all fire protection measures and devices for structures.

- J. The public improvements proposed in the Development Plan shall be conform with the design standards and construction specifications of the Fort Deposit Subdivision Regulations, except where variances are approved by the Planning Commission, and with all other applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required improvements including, but not limited to street, drainage, water supply and sanitary sewer.

#### 5.2.9 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Final Development Plan shall provide the following:

- A. The plans, information and documentation required by Section 5.2.8 for the Development Plan.
- B. The construction drawings and specifications required under the Fort Deposit Subdivision Regulations. Said drawings and specifications are required for all public improvements regardless of whether the proposed development involves the platting of land.
- C. Instruments to be used in conveying title (including beneficial ownership) of common areas to a corporation, association or other legal entity including terms for guaranteeing: (1) the continued use of such land for the intended purposes; (2) continuity of property maintenance for those portions of the common area requiring maintenance; (3) when appropriate, the availability of funds required for such maintenance; (4) adequate insurance protection; (5) recovery for loss sustained by casualty or by condemnation; and (6) proof of the financial responsibility of the established entity to maintain the common area.

#### 5.2.10 DEVIATIONS OR CHANGES IN THE PLAN

To facilitate minor adjustments to the approved Plan as may be required by engineering or other circumstances unforeseen at the time of zoning approval, the Building Inspector is authorized to approve alterations to the Final Development Plan which are considered incidental in scope.

Changes to the approved Final Development Plan which are considered incidental in scope include:

- A. Changes in density, open space, land use or lot size of no more than five (5) percent.

- B. Changes in the size of any building or structure by no more than five (5) percent.
- C. Changes in the location of any building or structure by no more than five (5) feet in any direction.
- D. All other changes in the approved Final Development Plan shall be made under the procedures applicable to the initial approval of the Planned Unit Development Zoning District or Final Development Plan. The Planning Commission reserves the right to require further review, public hearing or complete reapplication regarding any changes, including those listed above, that may substantially alter the concept of the PUD Development Plan as originally approved.

#### 5.2.11 FAILURE TO START CONSTRUCTION

- A. The construction of the PUD shall be started within three hundred sixty-five (365) consecutive days of the effective date of zoning approval by the Town Council. The Planning Commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the applicant (developer), recommend an extension of the time period for six (6) additional months if, in the opinion of the Planning Commission, additional time is warranted. In any event, construction must be started within one and one-half (1 1/2) years of the effective date of approval and shall be completed within three (3) years, unless a different period of time is recommended by the Planning Commission and approved by the Town Council. Failure to begin the development within the one-year period, or the period as extended, or to complete the development within (3) years after date of plan zoning approval by the Town Council, unless a different period of time is approved, shall automatically void the approved final development plan, and zoning of the land shall automatically revert to the established zoning district(s) prior to the establishment of a PUD district. No building permit shall then be issued until the plan or an amended plan has been resubmitted and properly approved following procedures set forth in this Article.

#### 5.2.12 PUD APPLICATION FEE

The following fees shall be paid by the applicant and/or developer of a planned unit development at the following steps in the PUD zoning approval process.

- A. The one hundred (100) dollar fee required by Section 14.1.1 for the submission of an application for rezoning.
- B. A fee of fifty (50.00) dollars for each acre of land within the PUD area at the submission of the Development Plan.

- C. A fee of one hundred (100) dollars for each acre of land with the submission of each application for Final Development Plan approval.

#### 5.2.13 REQUIRED COPIES OF PLANS

The applicant shall provide the following copies at each stage of the PUD approval process.

- A. Ten (10) copies of the Proposed Sketch Development Plan and attendant documents and information.
- B. Ten (10) copies of the Development Plan and attendant documents and information.
- C. Ten (10) copies of the Final Development Plan and attendant documents and information.

## ARTICLE VI AREA AND DIMENSIONAL REQUIREMENTS

The following table identifies the area, yard and height requirements for the various zoning districts established by this Ordinance.

DISTRICT	AREA (SQ FT)	BUILDING LINE	FRONT	REAR	SIDE	HEIGHT	BUILDING AREA
A-R	1 ACRE	150 feet	40 feet	40 feet	25 feet	35 feet	
R-1	10,000	75 feet	30 feet	30 feet	10 feet <sup>(1)</sup>	35 feet	25%
R-2	7,500	65 feet	25 feet	30 feet	10 feet <sup>(1)</sup>	35 feet	30%
R-3	7,000 1 <sup>st</sup> UNIT PLUS 3,000 EACH ADDITIONAL UNIT <sup>(5),(6)</sup>	50 feet PLUS 5 feet PER UNIT	30'	30 feet	15 feet <sup>(1)</sup>	45 feet	40%
MHP	See Article V, Section 5.1.4 for Area and Dimensional Requirements						
B-1	-	-	20 feet	20 feet	0 <sup>(2)</sup>	35 feet	-
B-2	-	-	-	0 <sup>(3)</sup>	0 <sup>(2)</sup>	-	-
B-3	-	-	-	0 <sup>(3)</sup>	0 <sup>(2)</sup>	-	-
M-1	-	-	AVG. OF EXISTING WITHIN 100 feet	0 <sup>(3)</sup>	0 <sup>(4)</sup>	-	-
M-2	-	-	AVG. OF EXISTING WITHIN 100 feet	0 <sup>(3)</sup>	0 <sup>(4)</sup>	-	-

- (1) If structure includes a carport, a five (5) foot side yard will be permitted on carport side.
- (2) If the side lot line adjoins a residential district, there shall be a side yard of not less than ten (10) feet.
- (3) If the rear lot line adjoins a residential district, there shall be a rear yard of not less than twenty (20) feet.
- (4) If the side lot line adjoins a residential district, there shall be a side yard of not less than fifteen (15) feet.
- (5) Except, there shall be not less than 3,500 square feet of land area, including common area, for townhouse dwellings.
- (6) When there are three (3) or more dwelling units no building shall be located:
  - a. Less than twenty (20) feet from any boundary of the development.
  - b. Nearer a dedicated exterior street than thirty (30) feet.
  - c. Nearer the back edge of valley gutter, curb, or edge of pavement, whichever is greater, than twelve (12) feet.
  - d. Nearer a private drive than ten (10) feet.
  - e. Buildings shall be separated by not less than:
    - Forty (40) feet front to front.
    - Forty (40) feet back to back.
    - Thirty (30) feet front to side.
    - Twenty (20) feet side to side.
    - Fifty (50) feet front to back.
    - Thirty (30) feet side to back.

1 ACRE = 43,560 SQ. FT.

**ARTICLE VII  
GENERAL REGULATIONS**

This article establishes conditions that must be met except as otherwise provided in this Ordinance:

**Section 7.1 USE OF LAND AND STRUCTURES**

7.1.1 No land, building or structure shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, converted constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

**Section 7.2 HEIGHT AND DIMENSIONAL REGULATIONS**

7.2.1 No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.

7.2.2 The minimum building lines, parking spaces, open spaces, and lot areas, required by this Ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.

7.2.3 No lot, even though it may consist of one (1) or more adjacent lots of record or lots in the same ownership, shall be reduced below the minimum dimensions required by this Ordinance. This section shall not apply when a portion of a lot is acquired for public purposes.

7.2.4 No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

**Section 7.3 ONE PRINCIPAL BUILDING ON LOT**

Every principal building or structure hereafter erected shall be located on one lot, tract or parcel as defined herein. However, more than one (1) principal building on one (1) lot, plus its accessory buildings is permitted in business or industrial zoning districts; for permitted attached dwelling developments; and for permitted agricultural uses, except as specified otherwise by the regulations of the district in which the building is located. Further, permitted dwellings in the A-R Agriculture-Rural Residential District that meet the following requirements may be permitted as a Conditional Use upon approval of the Planning Commission.

7.3.1 Two single-Family Detached Dwellings or Manufactured Homes or combination of each on one (1) lot with a minimum land area of two (2) acres.

**7.3.2 More than two (2) Single-Family Detached Dwellings, Mobile Homes or combination of each on one (1) lot provided:**

that only one (1) individual area of two (2) acres is permitted to have two (2) such dwelling units located on it;

that dwelling units in excess of two (2) shall be located on separate two (2) acre areas of land that contain no other dwelling unit;

that a distance of at least two hundred (200) feet shall be maintained between all dwelling units in excess of two (2) dwelling units; and

further, that the overall density of the entire tract of land on which all of the dwelling units are located shall not exceed an average of one (1) dwelling unit per two (2) acres regardless of the requirements set forth above in this Section.

**7.3.3** The Planning Commission may, at its discretion, limit the number of dwelling units permitted as a conditional use under this provision as the intent is to allow reasonable use and development to meet the personal needs of property owners and to limit the promotion of development that is not in character with rural residential communities.

**7.3.4** A request for approval of this conditional use shall be accompanied by a site plan that: shows the delineation of each two (2) acre area of land; provides the dimensions of each two (2) acre area of land; and indicates the location of each dwelling unit within the boundaries of each individual two (2) acre area of land. If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted on the Zoning Map.

**Section 7.4 LOT OF RECORD**

Where a lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may be used as a building site, provided the Board of Adjustment determines that the yard space and other requirements conform as closely as possible to the requirements for the district in which it is located.

**Section 7.5 CORNER LOTS**

On corner lots there shall be two (2) front yards which shall be designated as those yards bordering the intersecting streets, and at least one (1) side and one (1) rear yard. The rear yard shall be defined at the time a building permit is issued.

## **Section 7.6 INTERSECTION AND RAILROAD CROSSING VISIBILITY**

On lots at intersections and at railroad crossings, no structure or planting which materially obstructs traffic visibility shall be permitted or maintained between the height of two (2) feet and ten (10) feet above the finished street grade within a triangular space bounded by the two intersecting right-of-way lines of streets or of streets and railroads and a straight line connecting the right-of-way lines twenty (20) feet from their intersection.

## **Section 7.7 THROUGH LOTS**

7.7.1 On lots having frontage on two streets, the required front yard shall be provided on each frontage street.

7.7.2 On lots having frontage on more than two streets, the required front yard shall be provided on at least two of the frontage streets. The front yard setback on the other frontage or frontages may be reduced up to one-half (1/2) of the required front yard distance, provided that the setback shall not be reduced to less than fifteen (15) feet.

## **Section 7.8 STREET FRONTAGE**

No building shall hereafter be erected on a lot that does not have access to a public street.

## **Section 7.9 ABANDONED RIGHT-OF-WAY**

Whenever any street, alley or other public way is vacated or abandoned by official action of the Town of Fort Deposit, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

**ARTICLE VIII  
SUPPLEMENTAL REGULATIONS AND MODIFICATIONS**

**Section 8.1 ACCESSORY USES OR STRUCTURES**

Accessory uses or structures shall be permitted only in rear yards and shall meet the following requirements except as otherwise provided in this Ordinance.

8.1.1 Detached accessory buildings in residential districts shall not exceed twelve (12) feet in height except on appeal to the Board of Adjustment.

8.1.2 No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.

**Section 8.2 HOME OCCUPATIONS**

The following regulations shall apply to the conduct of a home occupation in any permitted zoning district:

**8.2.1 APPROVAL OF HOME OCCUPATION**

Customary home occupations may be permitted as a conditional use upon recommendation of the Planning Commission and approval of the Town Council. If approved, the home occupation shall have a business license.

**8.2.2 GENERAL RESTRICTIONS**

The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other conditions, which would constitute an objectionable use of residentially zoned property. The following limitations and restrictions shall apply to all home occupations:

- A. No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.
- B. The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence.
- C. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.



- D. Off-street loading and off-street parking requirements as required in Article VIII of this Ordinance must be provided.
- E. Merchandise shall not be displayed or offered for sale either within or outside of the residence.
- F. The operation of any wholesale or retail business, unless it is conducted entirely by mail, and does not involve the sale, shipment, or delivery of merchandise on the premises, is prohibited.
- G. Any manufacturing business or activity which produces noxious matter or perceptible noise beyond the lot line is prohibited.
- H. The owner of a home occupation must reside at the location of the home occupation.
- I. Vehicles having passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation.
- J. The activity conducted as a home occupation shall be limited to the hours between 7 a.m. and 10 p.m.
- K. No portion of any dwelling shall be used for a home occupation which has direct access thereto other than through the main entrance to the dwelling unit.
- L. No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- M. The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.

### **Section 8.3 TEMPORARY CONSTRUCTION STRUCTURES**

Temporary structures for uses incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary structures shall be removed upon completion or abandonment of the construction work.

### **Section 8.4 HEIGHT MODIFICATIONS**

The height limitations of this Ordinance shall not apply to barns, silos, or other farm structures when located on farms; belfries, cupolas and domes, monuments, water towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio or television towers, masts and aerials and similar structures not intended for human occupancy.

## **ARTICLE IX OFF-STREET PARKING AND LOADING**

There shall be provided at the time of creation or enlargement of any use or of any main building or accessory structure, off-street parking and loading spaces, as required in this Article, for motor vehicles with adequate access to all spaces. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements shall be in place and ready for use. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the temporary parking of motor vehicles, is prohibited.

### **Section 9.1 LOCATION OF PARKING SPACES**

Parking spaces for all uses or structures shall be located on the same lot with the principal use unless offsite parking facilities are approved by the Planning Commission. Offsite parking facilities shall not be located more than two hundred (200) feet from the lot on which the principal use to be served is located. Offsite parking must be located in a zoning district where off-street parking facilities for employees and customers are permitted. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such offsite facilities to serve the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney, and shall be filed with the application for a building permit.

### **Section 9.2 COMBINED PARKING SPACES**

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

### **Section 9.3 DESIGN STANDARDS**

An off-street parking space shall be 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 nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways, permanently reserved for the temporary storage of motor vehicles and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one or two dwelling units. For single-family residences, the driveway may be used for off-street parking.

Parking aisle widths shall conform to the following minimum standards, which varies the width requirement according to the angle of parking:

<u>Traffic Direction</u>	<u>Angle of Parking (degrees)</u>				
	0°	30°	45°	60°	90°
one-way	13'	11'	13'	18'	24'
two-way	19'	20'	21'	23'	24'

If the applicant for a building permit does not provide the Building Inspector with a parking plan showing the arrangement of spaces and driveways or aisles including the angle of parking in degrees, then the space requirements specified above shall not apply and a gross area of three hundred eighty-seven (387) square feet shall be provided for each required parking space.

**Section 9.4 MINIMUM OFF-STREET PARKING SPACES FOR INDIVIDUAL USES**

The following are the minimum off-street parking spaces required by this Ordinance. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

**Residential Uses**

Single-Family Detached Dwelling	2 spaces
Two-Family Dwelling	2 spaces per dwelling unit
Multi-Family and Townhouse Dwelling	2 spaces per dwelling unit
Dormitory, Boarding or Rooming House	1 space per bedroom
Manufactured or Mobile Home	2 spaces per unit

**Public, Semi-Public Uses**

Auditorium, Arena Stadium, Theater, Concert Hall, and other spectator facilities	1 space for each 3 seats
Churches	1 space for each 4 seats
Golf and Country Clubs	7 spaces per hole, or 1 space per 3 members
Government Offices	1 space per 250 square feet
Hospitals, Nursing Home	1 space for each 2 beds

Libraries, Museums	1 space per 800 square feet
Post Office	1 space per 250 square feet
Private Clubs and Lodges	1 space per 200 square feet
School, Elementary and Jr. High	1 space per 8 auditorium seats or 2 spaces per classroom, whichever is greater
School, High	1 space per 6 students plus one space per 2 employees
School, Vocational	1 space per 50 square feet
<b><u>Commercial and Industrial Uses</u></b>	
Automotive Dealership	1 space per 1,000 square feet of floor space
Automotive Repair and Service	1 space per employee
Automotive Parts and Accessory Sales (retail)	1 space per 150 square feet of floor area
Bank	1 space per 200 square feet of floor area plus 1 space for each 2 employees
Barber Shop and Beauty Shop	1 space per 150 square feet
Bowling Alley	2 spaces per alley
Car Wash	1 space per 2 employees
Convenience Store	1 space per 180 square feet of floor area
Dance or Music Studio	1 space per 100 square feet of floor area
Day Care or Nursery	1.5 spaces per employee
Doctor-Dentist Office	1 space per 250 square feet of floor area

Funeral Home	1 space per 50 square feet of floor area
Gasoline Service Station	1 space per pump and 2 spaces per service bay
Golf, Carpet	1 space per golf hole
Industrial or Manufacturing	1 space per 4 employees on the maximum working shift
Laundromat	1 space for each 2 machines
Lumber Yard - Building Material Sales	1 space per 200 square feet of floor area and 1 space per 1,000 square feet of outdoor storage area
Major appliances sales, office or medical equipment sales, garden shops, home improvement centers, furniture stores, department or discount stores, piano and organ sales, carpet showrooms, building material sales, and large showroom establishments. Broadcast or recording studio, photographic studio, research or testing lab, quick copy service, optician, and other similar services.	1 space per 400 square feet
Mini-Warehouses	1 space for every 10 mini-warehouse units
Motel or Hotel	1 space per unit plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc., as required in this Article
Office	1 space per 200 square feet
Restaurant, Food Service Restaurant Tavern, Bar and Night Club	1 space per 100 square feet
Restaurant, Drive-Up	1 space per 100 square feet of floor area

Retail establishments such as: art supply and frame, book store, florist, card shop, pet shop, sporting goods, gift shop, shoe store, paint store, jewelry store, apparel sales, hardware store, drug store, auto parts sales, convenience store, liquor store, grocery and semi-retail uses. 1 space per 200 square feet

Wholesale Establishments 1 space per 2 employees

Veterinary Establishments and other Kennel Facilities 1 space per 1,000 square feet of floor and kennel area

### **Section 9.5 OFF-STREET LOADING AND UNLOADING SPACE**

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by commercial or industrial uses requiring the receipt or distribution of goods by trucks, there shall be provided off-street load or unloading berths as follows:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
4,000 - 25,000 square feet	1 berth
25,001 - 40,000 square feet	2 berths
40,001 - 60,000 square feet	3 berths
For each additional 50,000 square feet	1 berth

The loading berth(s) required in each instance shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard.

### **Section 9.6 PARKING AND STORAGE OF CERTAIN VEHICLES**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings unless the property has been approved for use as an automobile wrecking or junk yard under the conditional use requirements of the M-2 Heavy Industrial District. Upon determination of a violation of this provision, the Building Inspector shall prepare and mail a notice of such violation to the property owner by certified mail, return receipt requested. All notices shall be mailed to the owner of property on which the violation is located as shown on the latest available tax records. If the violation or violations are not corrected within ten (10) working days after receipt of the Building Inspector's notice, the automotive vehicles or trailers shall be removed and the cost of said removal billed to the property owner. The above provision does not include individual manufactured or mobile homes that are legally permitted in the district in which they are located.

## **ARTICLE X SIGN REGULATIONS**

The purpose of this Article is to establish regulations for the type, location, erection and maintenance of, signs. It is determined that while signs are a proper commercial use of private property and are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the Town by establishing standards for the number, size, height, spacing and illumination of such signs. The purposes of this Article are as follows:

- a. to enhance and promote the character and aesthetic quality of the town;
- b. to assure the compatibility of signs with surrounding land uses and protect adjacent and nearby properties;
- c. to preserve property values;
- d. to reduce excessive size or numbers of signs that obscure one another to the detriment of all concerned;
- e. to eliminate unsightly and detrimental effects of sign blight on property values;
- f. to promote traffic safety and protect the public safety by lessening hazards to pedestrian and vehicular traffic caused by distracting or unsafe located signs; and
- g. to reasonably insure the protection of the public's safety and general welfare.

### **Section 10.1 SIGN DEFINITIONS**

The following definitions are applicable to the sign regulations contained in this Article.

**Sign.** Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Sign Area.** That area within a continuous line that encloses the outer extremities of all letters, figures, characters, symbols and delineation, or within a continuous line enclosing the outer extremities of the framework or background of the sign, whichever line includes the larger area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying its diameter by its height. The area of a detached sign shall include the area of any supporting structure having any horizontal dimension exceeding sixteen (16) inches at any point between an elevation of two (2) feet above the ground level and the highest point of the sign.

Sign, Detached. A sign not attached to or painted on a building but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not part of the building, shall be considered a detached sign.

Sign, Double-Faced. A sign having two display surfaces which are usually parallel and back to back and not more than twelve (12) inches apart.

Sign, Flashing. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered to be a flashing sign.

Sign, General Advertising or Off-Premise. Any sign which directs the attention of the general public to a business, service, product or activity not conducted, offered, or sold as a major portion of business upon the premises where the sign is located.

Sign, Height. The average distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Sign, Illuminated Directly. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and defective, such sign shall be deemed to be a directly illuminated sign.

Sign, Marquee or Canopy. A permanent on-premises sign affixed, fastened, painted upon, or made part of and erected parallel to a canopy or marquee which projects from a building to shield a doorway or window or provide shelter from the weather. The term also includes a shelter above a fuel service island.

Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Sign Projecting. A sign which is attached to and projects more than twelve (12) inches from the face of the wall of a building. A projecting sign which extends more than thirty-six (36) inches over or above the roof line or parapet wall shall be designated as a roof sign.



Sign, Roof. A sign which is constructed to extend above the highest point of a roof's surface.

Sign, Wall. Any sign painted directly on the outside wall of a building.

## **Section 10.2 EXEMPT SIGNS**

The following signs are exempt from the provisions of these regulations and may be erected or constructed without a permit:

10.2.1 Official traffic signs, municipal information signs and provisional warning signs, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.

10.2.2 Temporary non-illuminated signs not more than fifty (50) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction is in progress, one such sign for each street frontage. Such signs shall be removed within seven (7) days after completion of the construction project.

10.2.3 National flags, political signs, temporary decorative bunting, banners, and symbols displayed during special events of a public nature or public holidays.

10.2.4 Temporary signs authorized by the Town Council for a specified period of time not to exceed thirty (30) days. No temporary sign authorized by the Town Council shall be larger than any sign permitted in the zone district in which the temporary sign is located. Further, not more than one (1) temporary shall be authorized on a parcel of land.

10.2.5 Temporary signs, which are not internally illuminated, advertising the private sale or lease of land or buildings limited to one such sign for each street frontage. Such signs shall be removed within seven (7) days of the sale or lease of the land or building.

## **Section 10.3 SIGN PERMIT REQUIRED**

No sign, unless herein exempted, shall be erected, constructed, painted, altered, or relocated, until a permit has been issued by the Building Inspector. Before any permit is issued, an application shall be filed with the Building Inspector together with such drawings and specifications as may be necessary to fully set forth information on the location, type of construction, materials, manner of illuminating, securing and fastening, and the number of signs applied for. All electrically illuminated signs shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

## **Section 10.4 REGULATIONS WHICH PERTAIN TO ALL SIGNS**

The following regulations pertain to all permitted signs:

- 10.4.1 Signs shall not be located in or extend or project over any public right-of-way.
- 10.4.2 Signs shall not be located, lighted, or constructed so as to constitute a hazard to the health or safety of individuals on the public right-of-way.
- 10.4.3 The construction or permit relocation of a permanent sign shall require issue of a building permit.
- 10.4.4 Portable signs are permitted in non-residential districts for a period not to exceed thirty (30) days upon approval of the Planning Commission and issuance of a permit by the Building Inspector. However, no more than one (1) portable sign shall be permitted per business operation and further, no business shall have more than one (1) permit for a portable sign approved during any three hundred sixty-five (365) day period of time. Said period of time shall commence at the date of expiration of the last approved portable sign permit for the business making application for a portable sign permit. There shall be no more than one (1) portable sign permitted per business operation.
- 10.4.5 Signs shall be maintained to conform to the Town's building code.
- 10.4.6 Flashing signs or signs illuminated with intermittent light, except time and temperature indicators are prohibited.
- 10.4.7 No person shall park any vehicle or trailer, which has a sign painted or attached thereto, for the purpose of attracting people to a product, business or activity, located on the same or nearby premises, or to a product, business or activity located on a public right-of-way in the vicinity of such advertising vehicle. No such advertising vehicle shall be parked on a public right-of-way or on private property visible from a public right-of-way for the purpose of advertising any product, business or activity at a location other than that occupied by such advertising vehicle.
- 10.4.8 At all street intersections, no sign shall be placed, erected, or maintained at any location if such sign obstructs vision within a triangular area formed by the intersecting street right-of-way lines and a line drawn between points along such right-of-way lines thirty (30) feet distant from their point of intersection and between elevations of two and one-half (2 1/2) and twelve (12) feet above the established grade within this triangular area.
- 10.4.9 Signs shall not be attached to trees, utility poles, or placed on any public right-of-way or public property unless authorized by ordinance of the Town Council.

## **Section 10.5 ZONING DISTRICT SIGN REGULATIONS**

### **10.5.1 SIGNS PERMITTED IN A-R, R-1, AND R-2 DISTRICTS.**

- B. All signs exempted from these regulations by Section 10.2 of this Article.
- C. Non-illuminated signs for a home occupation indicating only the profession, craft or occupation of the occupant and the occupant's name, not to exceed two (2) square feet in sign area.
- D. A detached ground sign identifying the name of a residential subdivision, not to exceed forty-eight (48) square feet in sign area.
- E. A customary church bulletin board, not to exceed twenty-four (24) square feet in sign area.
- F. A detached ground sign to identify any public or semi-public use, not to exceed thirty-two (32) square feet in sign area. The detached sign shall not be located within fifteen (15) feet of any public street right-of-way.
- G. A flat sign identifying a public or semi-public use, not to exceed twelve (12) feet in sign area except that the area of such sign may be increased by one-fourth (1/4) square foot for each foot of setback, from the street it fronts, in excess of fifty (50) feet.

### **10.5.2 SIGNS PERMITTED IN THE R-3 DISTRICT.**

- A. Any sign permitted in Subsection 10.5.1 of this Article.
- B. One detached ground sign for each street frontage of a multi-family housing complex, not to exceed forty-eight (48) square feet in sign area. The detached sign shall not be located within fifteen (15) feet of any public street right-of-way.
- C. One detached ground sign identifying a multi-family structure and placed not more than thirty (30) feet therefrom, not to exceed four (4) square feet in sign area.
- D. One flat sign for each major building in a multi-family housing project, not to exceed eight (8) square feet in sign area.

### 10.5.3 SIGNS PERMITTED IN B-1, B-2 and B-3 DISTRICTS.

- A. Any sign exempted from these regulations by Section 10.2 of this Article.
- B. Wall signs with a total aggregate sign area of not more than twenty-five (25%) percent of the area of the wall to which they are attached and no individual wall sign shall have an area of more than one hundred twenty-five (125) square feet except that: for every foot of setback, in excess of fifty (50) feet, the maximum area of an individual wall sign may be increased one and one-half (1 1/2) square foot up to a maximum sign size of six hundred fifty (650) square feet.
- C. Flat signs with a total aggregate sign area of not more than twenty-five (25%) percent of the area of the wall to which they are attached and no individual flat sign shall have an area of more than one hundred twenty-five (125) square feet in sign area. Illuminated signs inside of show windows and within five (5) feet thereof, shall be included in the computation of aggregate sign area.
- D. One (1) projecting sign for each business on the premises with the maximum sign area not to exceed forty (40) square feet.
- E. One (1) detached sign, not exceeding twenty-five (25) feet in height, for each premises regardless of whether such premises contains one or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of seventy-five (75) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of sixty-four (64) square feet.

Premises within one thousand (1,000) feet of the Interstate 65 right-of-way may have one (1) detached sign subject to the above conditions plus one detached sign directed toward Interstate 65 which may exceed the above limitations for detached signs subject to the following conditions:

- (1) The distance from the base of the sign face to the ground shall not be less than that eight (8) feet and the height to the bottom of the lowest sign face shall not exceed seventy-five (75) feet above the ground or sixty (60) feet above the plane of the adjoining interstate highway lanes, whichever is higher.

- (2) The maximum area of such signs shall be three hundred (300) square feet.
  - (3) The message of such signs must be intended to be only viewed from the main traveled way of Interstate 65, defined as the through traffic lanes.
- F. Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas, places, facilities and access drives.
- G. Gasoline or other pricing signs are permitted provided that:
- (1) Only one such sign shall be permitted for each frontage on a street having a maximum right-of-way width of fifty (50) feet.
  - (2) The sign must be attached to a principal structure or to the structure of a permitted detached sign.
  - (3) The sign area of such sign shall not exceed thirty (30) square feet per sign face or an aggregate sign area of sixty (60) square feet.
  - (4) One sign, attached to each gasoline pump, to provide information regarding price, type of fuel and octane rating, is permitted provided such sign does not exceed a sign area of two (2) square feet for any single sign face or a total sign area of four (4) square feet if the sign is double-faced.

#### 10.5.4 SIGNS PERMITTED IN B-4 AND M-1 DISTRICTS.

- A. Any sign exempted from these regulations by Section 10.2 of this Article.
- B. Any sign permitted in Sub-section 10.5.3 of this Article.
- C. One (1) detached sign, not exceeding twenty-five (25) feet in height, for each premises regardless of whether such premises contains one or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of one hundred (100) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of one hundred eighty (180) square feet.

#### **10.5.5 SIGNS PERMITTED IN THE M-2 DISTRICT.**

- A. All signs exempted from these regulations by Section 10.2 of this Article.
- B. Any sign permitted in Sub-section 10.5.3 of this Article.
- C. Wall signs with a total aggregate sign area of not more than twenty-five (25%) percent of the area of the wall to which they are attached and no individual wall sign shall have an area of more than four hundred (400) square feet except that: for every foot of setback, in excess of fifty (50) feet, the maximum area of an individual wall sign may be increased one and one-half (1 1/2) square foot up to a maximum sign size of six hundred fifty (650) square feet.
- D. Flat signs with a total aggregate sign area of not more than twenty-five (25%) percent of the area of the wall to which they are attached and no individual flat sign shall have an area of more than four hundred (400) square feet in sign area. Illuminated signs inside of show windows and within five (5) feet thereof, shall be included in the computation of aggregate sign area.
- E. One (1) projecting sign for each business on the premises with the maximum sign area not to exceed sixty-four (64) square feet.
- F. One (1) detached sign, not exceeding twenty-five (25) feet in height, for each premises regardless of whether such premises contains one or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of one hundred (100) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of one hundred twenty (120) square feet.

#### **Section 10.6 NONCONFORMING SIGNS**

- 10.6.1 Signs existing at the time of the enactment of this Ordinance and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs which may be continued. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Code.

- 10.6.2 All legally existing nonconforming moveable signs, which exist on the effective date of this Ordinance shall be removed within ninety (90) days after the effective date of this Ordinance.
- 10.6.3 No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.
- 10.6.4 No nonconforming sign shall be changed to another nonconforming sign.
- 10.6.5 No nonconforming sign shall be replaced with another nonconforming sign when such sign deteriorates because of age and use to the point where replacement of the sign is required.
- 10.6.6 A nonconforming sign may be maintained to the extent necessary to present a neat and orderly appearance; however, no nonconforming sign shall be repaired, refaced or modified to serve another business, advertisement, person or event.

### **Section 10.7 OFF-PREMISE OR GENERAL ADVERTISING SIGNS**

Off-premise or general advertising signs may be permitted as a conditional use subject to the provisions of this Section in the M-2 Heavy Industrial District or within a land area along and one thousand (1,000) feet in depth from the right-of-way line of I-65 in any zoning district except a R-1 or R-2 Single-Family Residential District.

#### **10.7.1 CONDITIONAL USE APPROVAL**

A request for approval of an off-premise or general advertising sign as a conditional use shall follow the following procedure.

- A. An application shall be submitted to the Planning Commission for approval of an off-premise or general advertising sign within the areas specified above in this Section. The application shall be accompanied by a site plan as set forth in Section 10.7.2 and a one hundred (\$100.00) dollar fee to defray the cost of expenses required to process the application.
- B. The Planning Commission shall review the request and make a recommendation to the Town Council following the same procedures said Commission follows for a rezoning request.
- C. After receiving the review and recommendation of the Planning Commission, the Town Council shall hold a public hearing and approve, disapprove or approve with modifications the recommendation of the Planning Commission.

### 10.7.2 SITE PLAN REVIEW

An application for off-premise or general advertising sign approval shall be accompanied by a site plan showing the following information.

- A. The name, address, phone and fax number and tax parcel identification number of the owner of the land on which the sign is to be located.
- B. Name, address, phone number and fax number of the contact person for the company or individual entitled to possession of the sign and of the sign contractor or erector.
- C. The proposed location of the sign in relation to the boundaries of the lot or tract of land upon which the sign is to be situated with dimensions from the proposed sign to the property line, to the nearest road right-of-way line and to the pavement edge.
- D. Size of the sign in terms of total sign area, height of the sign and length of the sign.
- E. Height of the sign in relation to the applicable requirement of Section 10.7.4 B.
- F. Drawings showing the supporting members, materials of the sign and method of attachment or mounting.
- G. Certification from the owner of the land on which the sign will be located and the owner of the sign that the information and dimensions shown on the site plan will be strictly followed in constructing the sign, and that the requirements of Section 10.7.4 will be strictly followed. Said certification shall acknowledge that failure to construct the sign as shown on the site plan can result in the Town requesting that the sign be removed and in penalties.

### 10.7.3 SITE PLAN ENFORCEABLE

If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted on the Zoning Map. In addition the Planning Commission or the Town Council may impose proffered conditions for approval as permitted under Section 14.4 of this Ordinance.



#### 10.7.4 REGULATIONS APPLICABLE TO ALL OFF-PREMISE SIGNS

Off-premise or general advertising signs shall conform to the following requirements; however, the Planning Commission may recommend and the Town Council may impose stricter requirements as a condition of final approval.

- A. The off-premise sign shall not exceed six hundred seventy-two (672) square feet in sign area inclusive of any embellishments, border or trim, but excluding the supports and other structural members.
- B. Along Interstate Highway 65, the distance from the base of the sign face to the ground shall not be less than eight (8) feet, and the height to the bottom of the lowest sign face shall not exceed seventy-five (75) feet above the ground or sixty (60) feet above the plane of the adjoining highway lanes, whichever is higher.

Off-premise signs not located along Interstate Highway 65 shall be constructed so that the distance from the base of the sign face to the ground measures at least eight (8) feet, but no more than forty (40) feet. The total height of the sign, as measured from the top of the sign face to the ground shall not be greater than sixty (60) feet except that in all areas where the ground level is lower than the main-traveled way of the roadway to which the sign is directed, then the maximum height shall be extended to a point twenty-five (25) feet above the plane of the said main-traveled road.

- C. The minimum space between two (2) off-premise signs, on the same side of the street, shall be seven hundred fifty (750) feet measured along the shortest line between the two signs.
- D. No off-premise sign shall be located within five hundred (500) feet of the boundary of any R-1, R-2 or R-3 residential zone district as measured from the nearest edge of the sign.
- E. No off-premise sign shall be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically for use as an off-premise sign.
- F. Off-premise signs shall not be erected or maintained which are illuminated by intermittent or flashing lights except those giving public service information such as time, date, temperature, or weather.
- G. No leading edge of an off-premise sign shall be located within fifteen (15) feet of any public right-of-way and no leading edge of an off-premise sign with a sign area larger than two hundred (200) square feet shall be located within twenty-five (25) feet of any public right-of-way.

- H. No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.
- I. An off-premise sign may contain two (2) signs oriented in the same direction; be placed back to back, or V-type with an angle not to exceed twenty-five (25) degrees, provided that the total area of the sign faces oriented in any one direction shall not exceed maximum size provisions.
- J. No three (3) sided off-premise signs shall be permitted.
- K. No advertising shall be placed on any sign structure nor may the sign structure be larger than is reasonably necessary to support the sign. Nothing contained herein shall be construed to prohibit advertising on the face of the sign nor the placing of the sign company logo upon the sign structure.

#### 10.7.5 PLANNING OBJECTIVES AND CRITERIA FOR APPROVAL

Regardless of whether a proposed off-premise sign meets the requirements of Section 10.7.4, the Planning Commission may not recommend approval or the Town Council may not approve a request for an off-premise sign as a conditional use if it does not meet the following planning objectives.

- A. Compatibility of the proposed off-premise sign's appearance, size and location with the existing and potential development of surrounding land.
- B. Nature, design and appropriateness of the proposed sign for the property involved.
- C. Extent to which scenic assets and natural features such as trees, streams and topographic characteristics are impacted.

#### 10.7.6 OFF-PREMISE SIGN CONSTRUCTION PERMIT AND FEE

- A. Prior to construction of an off-premise or general advertising sign that has been approved as a conditional use, an application for a construction permit shall be made to the Town of Fort Deposit. Such application shall be made within six (6) months of the proposed signs approval by the Town Council or the conditional use approval shall become null and void. The application shall be accompanied by such drawings, plans, specifications and engineering designs as may be necessary to fully advise and acquaint the Town's personnel with the proposed sign and sign location, said drawings, plans and specifications to be certified by the applicant. The application shall be accompanied by the deed, lease or other agreement by which the applicant has the right to erect, use or maintain the proposed off-premise

sign at the location. Further, said application and supporting documents shall contain the information required in Section 10.7.2.

- B. The construction permit shall become null and void unless construction of the off-premise sign has substantially commenced with three (3) months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of three (3) months as described above, the permittee shall be required to reapply for that permit for that site and pay another construction permit fee. If, however, the permittee provides evidence that good cause prevented substantial commencement within the three (3) month limitation and such evidence is accepted by the Town, then said permit may be extended for another three (3) month period. If the permittee has not substantially commenced construction within this three-month extension, then said permit shall become null and void and the permittee shall be required to reapply for that permit for that site and pay another construction permit fee.
- C. The construction permit fee for an off-premise sign shall be two hundred fifty (250.00) dollars per structure payable upon submission of an application for a construction permit. This fee is in addition to any fees required for conditional use approval as specified in Section 10.7.1A.
- D. When a construction permit is denied, the Town shall give notice to the applicant of the denial with a written statement of the reason(s) for the denial. A single appeal per permit application may be taken to the Board of Zoning Adjustment upon denial of a construction permit by the Town.

#### 10.7.7 LIMITATIONS ON OFF-PREMISE SIGN CONDITIONAL USE REQUEST

Should the Town Council reject a request for conditional use zoning for an off-premise sign, the request for an off-premise sign at the same location will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the Town Council.

**ARTICLE XI  
NONCONFORMING STRUCTURES AND USES**

**Section 11.1 NONCONFORMING USE OF LAND**

Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

11.1.1 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except as provided in Section 11.2.1.

11.1.2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

11.1.3 If any such nonconforming use of land ceases or is discontinued, or abandoned for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

11.1.4 No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

**Section 11.2 NONCONFORMING STRUCTURES**

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

11.2.1 No such nonconforming structure may be enlarged or altered in any way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, a detached nonconforming single-family dwelling, manufactured home or mobile home may, upon approval of the Board of Adjustment, increase the square footage of living space if such increase does not change the single-family use, cause undue density, and is considered an upgrade in living standards.

11.2.2 Should such nonconforming structure or nonconforming portion of structure, other than detached dwellings and except as provided in Section 11.2.4, be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

11.2.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

11.2.4 Nonconforming commercial or business establishments which are not located in a residential district and manufacturing establishments which are not located in a residential or commercial district shall be allowed to reconstruct facilities which involve an actual continuance of the nonconforming use provided that any reconstruction shall not be an expansion of activities or operations, shall be in conformance with the district development criteria for the district within which it is located and shall be completed within one (1) year of the date of damage.

**ARTICLE XII  
ADMINISTRATION, REVIEW PROCEDURES AND ENFORCEMENT**

**Section 12.1 ENFORCING OFFICER**

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the Town of Fort Deposit, Alabama or his/her duly authorized agent. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of building or premises necessary in carrying out duties required in the enforcement of this Ordinance.

**Section 12.2 BUILDING PERMIT REQUIRED**

It shall be unlawful to: a) commence earthwork; b) commence construction of any building or other structure, including accessory structures or signs; c) store building materials or erect temporary field offices, or d. commence the moving, alteration or repair of any structure, until the Building Inspector of the Town of Fort Deposit has issued a building permit for such work. Building permits shall be required for any excavation, construction, or alteration the cost of which is one thousand dollars (\$1,000.00) or more. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of the building permit shall in no case be construed as waiving any provisions of this Ordinance.

**Section 12.3 GENERAL PROCEDURE**

All persons desiring to undertake any excavation, new construction, structural alteration, or changes in the use of a building or lot shall apply to the Building Inspector for a building permit and certificate of occupancy by filling out the appropriate application form and submitting the required fee. Upon receipt of an application, the Building Inspector will then either issue or refuse to issue a building permit or refer the application to the Town Council or Board of Adjustment. After the receipt of the building permit, the applicant may proceed to undertake the action permitted by the building permit. If the Building Inspector finds that the action of the applicant has been taken in accordance with the building permit, a certificate of occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued.

**Section 12.4 REVIEW OF BUILDING PERMIT APPLICATIONS**

It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for any excavation or construction until the plans for such projects have been inspected and found to be 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, in

duplicate, drawn to scale and showing the following in 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:

12.4.1 Location, size, and dimensions of the site. The proposed use, location, size, and height of all existing and proposed structures on the site.

12.4.2 The location and number of parking spaces, as well as points of ingress and egress.

12.4.3 All easements and rights-of-way.

12.4.4 The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this Ordinance.

12.4.5 The location and dimensions of all exterior graphic displays.

12.4.6 Buffers.

12.4.7 Any other information required by the Building Inspector to determine compliance with this Ordinance.

#### **Section 12.5 CERTIFICATE OF OCCUPANCY**

No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until and unless the Building Inspector shall have issued a certificate of occupancy.

#### **Section 12.6 ENFORCEMENT**

Upon good cause and upon presentation of proper credentials, the Building Inspector or his authorized agent, may enter at any reasonable time, any building, structure, or premises, for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the Building Inspector, or the Town in his/her behalf, is authorized and directed to institute any appropriate action to put an end to such violation.

In addition to the criminal penalties and enforcement procedures provided in Section 12.7 of this Ordinance, the Building Inspector, or the Town in his/her behalf, may institute any lawful civil action or proceeding to prevent, restrain or abate:

12.6.1 The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or

12.6.2 The occupancy of such building, structure, land or water; or

12.6.3 The illegal act, conduct, or use, in or about any building, structure, or premises.

12.6.4 Prior to any criminal prosecution, the Building Inspector, or his authorized agent, shall give a written notice or citation to the person, firm, corporation, or organization violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm, corporation, or organization to cease and desist such violation immediately. Otherwise, such person, firm, corporation, or organization will be prosecuted as provided herein.

### **Section 12.7 PENALTIES**

Any person, owner, agent, lessee, tenant, contractor, firm, corporation, or any other person violating any provision of this Ordinance shall be fined on conviction not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

### **Section 12.8 REMEDIES**

In case any building or other structure is erected, altered, constructed, reconstructed, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the Town of Fort Deposit or any appropriate authority of any adjacent property owner, who would be affected by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.



**ARTICLE XIII  
THE BOARD OF ADJUSTMENT**

**Section 13.1 APPOINTMENT, DUTIES AND RESPONSIBILITIES**

A Board of Adjustment is hereby established which shall consist of five (5) members to be appointed by the Town Council. One (1) member shall be appointed for a term of three (3) years, two (2) members for two (2) years and two (2) members for one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. In addition to the five regular members, two (2) supernumerary members shall be appointed to serve on the Board of Adjustment at the call of the Chairman only in the absence of regular members and while serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Members of the Board of Adjustment may be removed from office by the Town Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the Town Council for the remaining term of any member whose term becomes vacant.

**Section 13.2 PROCEEDINGS OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment shall adopt rules necessary to conduct its affairs, and in keeping with all applicable state statutes or provisions of this Ordinance. Meetings shall be held at the call of the chairmen and at such other times as the board may determine; the chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record.

**Section 13.3 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment shall have the following powers and duties when considering matters within its jurisdiction as defined by state statutes and this Ordinance:

- 13.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.
- 13.3.2 To hear and decide any such special exceptions as the Board of Adjustment is specially authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

13.3.3 To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:

- A. That the granting of the variance will not be contrary to the public interest.
- B. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- C. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- D. That the special conditions and circumstances do not result from the actions of the applicant.
- E. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, structures or buildings in the same district. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- G. That granting the variance shall not permit a use in a zoning district which prohibits that use; and
- H. That the grant of the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- I. The burden of proving to the Board of Adjustment that the foregoing conditions have been met is the responsibility of the applicant.
- J. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. No

nonconforming use of neighboring lands, structures, or buildings in other zone districts shall be considered grounds for the authorization of a variance.

#### **Section 13.4 DECISIONS OF THE BOARD OF ADJUSTMENT**

In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this ordinance.

#### **Section 13.5 APPEALS TO THE BOARD OF ADJUSTMENT**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be made within thirty (30) days after rendition of the order, requirement, decision or determination appealed from in writing to the Board of Adjustment and file same, and two (2) copies of supporting facts and data with the Zoning Administrator. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this Article.

13.5.1 Procedure. Upon receipt of said appeal, the Administrative Officer may forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record to the Town Attorney for his review and opinion. The Town Attorney shall represent his opinion to the Board of Adjustment as to whether or not the subject of the appeal falls within the jurisdiction of the Board of Adjustment.

13.5.2 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the office from whom the appeal is taken and on due cause shown.

## **ARTICLE XIV AMENDMENTS**

### **Section 14.1 PROCEDURE**

A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the Town Council, the Planning Commission, or at the request of the owners of the property to be rezoned or their authorized agent. In addition the Town Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance as provided by law.

14.1.1 Petition by Property Owners. Whenever the owner of record of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, the following procedure shall be followed.

- A. The applicant shall submit a complete zoning amendment application, on a form provided by the Town, to the Town Clerk at least fifteen (15) days prior to the Planning Commission meetings at which the amendment is to be considered, containing as a minimum, the following:
  - (1) A one hundred (\$100.00) dollar administrative fee to defray the cost of expenses related to processing the application.
  - (2) A map, drawn to scale, indicating:
    - a. The dimensions and location of the site.
    - b. The shape, size, height and location of all existing structures on the site.
    - c. The number and location of parking spaces, and location of ingress and egress.
    - d. All rights-of-way and easements.
    - e. Other information which may be required by the Planning Commission during the review process.
  - (3) A written statement indicating:
    - a. Reason for the request.
    - b. Legal description of the subject property.

## **Section 14.2 PLANNING AND ZONING COMMISSION REVIEW**

Regardless of the source of the proposed zoning change, the Town Council shall not hold its public hearing or take actions on any amendment to this Ordinance until it has received a final report on such amendment from the Planning Commission. The Planning Commission shall make a preliminary report and hold a public hearing thereon before submitting its final report to the Town Council.

## **Section 14.3 PUBLIC HEARINGS AND NOTICES**

The following procedures for hearings and notices shall be followed for the rezoning of specific property upon request of the property owner. The following procedures for hearings and notices shall be required for amendments or revisions to the Zoning Ordinance initiated by the Town of Fort Deposit. Such amendments or revisions shall follow the requirements of State Law regarding notices and hearings.

14.3.1 Mailed Notice. At least fifteen (15) days prior to the public hearing to be held by the Planning Commission, notice shall be sent to owners of record of property within the town limits that is located within three hundred (300) feet of the property on which the change in zoning is requested. Such notice shall be served by posting the same postage paid, in the United States Post Office, to owner(s) of record as said name and address appears on the last approved tax roll of Lowndes County.

14.3.2 Posted Notice. Property proposed to be rezoned shall be posted with a notice at least fifteen (15) days before the public hearing by the Planning Commission. The posted notice shall set forth the property's present zoning, proposed zoning, the date and time and place of public hearing. Such notice to remain in place until final determination by the Town Council.

14.3.3 Planning Commission Hearing. The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

14.3.4 Town Council Hearing. Upon receipt of a favorable recommendation from the Planning Commission, the Town Clerk shall, in accord with State law, schedule and advertise the proposed amendment for a public hearing before the Town Council. Upon receipt of a negative recommendation from the Planning Commission, the Town Council review process will be initiated at the request of the applicant.

## **Section 14.4 CONDITIONAL REZONING**

In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the

voluntary proffering in writing, signed by the property owner (and the authorized agent<sup>OR</sup> of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district.

14.4.1 Proffered conditions must adhere to the following criteria:

- A. The rezoning itself must give rise to the need for the conditions.
- B. Such conditions shall have a reasonable relation to the rezoning.
- C. Such conditions shall not include a cash contribution to the Town.
- D. Such condition shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Fort Deposit Subdivision Regulations.
- E. Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Fort Deposit Subdivision Regulations.
- F. No condition shall be proffered that is not related to the physical development or physical operation of the property.
- G. No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
- H. All such conditions shall be in conformity with the purposes and considerations of this ordinance.

14.4.2 The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning amendment.

14.4.3 The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The Zoning Administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, B-1-C), and the zoning map shall reference the conditional zoning index by ordinance number. Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

## **Section 14.5 LIMITATIONS ON REZONING AMENDMENTS**

Should the Town Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning for the same tract of land will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the Town Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the Town Council shall also require a one (1) year time period before another application may be submitted. However, the Planning Commission may adjust this time period if in the opinion of a majority of the commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required administrative fees must be paid. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.

## **ARTICLE XV DEFINITIONS**

The purpose of this Article is to clarify the meaning of certain words as they are used in this Ordinance.

### **Section 15.1 INTERPRETATION OF CERTAIN TERMS AND WORDS.**

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain terms or words are to be interpreted as follows:

- 15.1.1 Words used in the present tense include the future tense.
- 15.1.2 Words used in the singular include the plural, and words used in the plural include the singular.
- 15.1.3 The word shall is always mandatory.
- 15.1.4 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 15.1.5 The word "lot" includes the word "plot" or "parcel".
- 15.1.6 The word "building" includes the word "structure".
- 15.1.7 The word "used" or "occupied", as applied to any land or building, shall be constructed to include the words "intended, arranged or designed to be used or occupied".
- 15.1.8 The words "zoning map" mean and refer to the Zoning Map, Town of Fort Deposit, Alabama".

### **Section 15.2 LIST OF DEFINITIONS**

For the purposes of this Ordinance, certain terms or words are defined as follows:

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

Accessory Use. A use naturally and normally incidental to and subordinate to and devoted exclusively to the main use of the premises.

Alley. A permanent public way that provides only a secondary means of access to abutting properties.



Alterations. The word alteration shall include any addition to a building or structure or any change in the location or height of any of the exterior walls of a building or structure.

Alteration, Structural. Shall mean any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders and joists.

Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals or chattel.

Building, Coverage. The percent of total lot area covered by buildings and structures but excluding roof overhangs.

Building, Front Line of. The line of the face of the building nearest the front or street line of the lot.

Building Line. A line defining the distance from the property line or lines beyond which a structure may be built in compliance with this ordinance.

Building, Principal. The principal building on a lot, including an attached garage, carport or porch, in which is conducted the main or principal use of the lot on which said building is situated.

Clinic. An establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as out-patients by physicians, dentists, optometrists or other members of the medical profession.

Club, Private. The term "private club" shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. "Private club" shall not include casinos, night clubs, or other institutions operated as a business.

Condominium. Individually owned attached dwelling units, situated on property, which is owned and maintained by an association of residents, for their common use and benefit.

Dwelling. A building or portion thereof designed or used exclusively for permanent residential occupancy.

Dwelling Unit. A room or group of rooms including a kitchen and sanitary facilities designed and used exclusively or occupied as separate living quarters by not more than one (1) family.

Dwelling, Apartment. A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

Dwelling, Duplex. A single building containing two contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.

Dwelling, Multi-Family. A dwelling unit within a building containing three (3) or more dwelling units so arranged that their occupants live independently of each other.

Dwelling Unit, Single-Family Attached. A dwelling unit designed for occupancy by one (1) family which is joined to another dwelling unit at one or more sides by a party wall or abutting separate wall and such dwelling unit is erected on its own individual lot of record.

Dwelling Unit, Single-Family Detached. A dwelling unit designed and constructed for occupancy by one (1) family and located on a lot or separate building track and having no physical connection to a building located on any other lot or track.

Family. An individual, or two (2) or more persons living together as a single housekeeping unit.

Fence. A structure intended for a barrier or enclosure constructed of any material.

Garage, Private. A building or space used as an accessory to or part of a principal building permitted in any residential district for the purpose of storing privately owned vehicles.

Garage, Public. Any building or premises, other than a private garage used exclusively for the temporary parking or storage of motor vehicles.

Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Hazardous Substances. Shall mean any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such material or substance.

Height. The vertical distance of a building measured from the average grade at the front building setback line to: 1) the highest point of the roof's surface; 2) to the deck line of mansard roofs; or 3) to the mean height level between eaves and ridge for hip and gable roofs.

Home Occupation. An accessory use of a dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy.

Hotel or Motel. A building or structure under a single management which is designed, used or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than ten (10) individual guests rooms, maintain an inner lobby, provide services such as room cleaning, linen supply, telephone, and furnishings.

Lot. A piece, parcel, or plot of land occupied or to be occupied by one (1) main building, accessory building(s), uses customarily incidental to such main building and including such open spaces as are required under this Ordinance, or as are intended to be used with such lot. Such lot may or may not coincide with a "lot of record" and may contain two (2) or more lots of record.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

Lot, Depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street line.

Lot, Double Frontage. A lot, other than a corner lot, which has frontage on more than one street.

Lot Frontage. Lot width measured at the street lot line.

Lot Lines. Any line dividing one (1) lot from another.

Lot, Rear Line of. The dividing line between two (2) tiers of lots, or in the case of one (1) tier, the line abutting the narrowest or less important street, or in the case of a corner lot, that lot line parallel or approximately parallel to the interior lot line.

Lot, Side Line of. A lot line which adjoins an interior lot line.

Lot, Width. The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this Ordinance to be measured at the front building line.

Lot of Record. A lot which is part of a recorded plat or plot described by metes and bounds, the map or description of which has been recorded according to Alabama Law.

Manufactured Home. A structure, transportable in one or more sections, designed to be used as a dwelling when connected to the required utilities and bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 540105445), which first became effective on June 15, 1976.

Manufactured or Mobile Home Space. Land within a manufactured or mobile home park designed for the accommodation of one (1) manufactured or mobile home for the exclusive use of its occupants.

Mobile Home. A dwelling unit manufactured prior to June 15, 1976, whether on wheels or a foundation, which is designed for a long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

Modular Unit. A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, industrial or institutional purposes.

Nonconforming Lot of Record. A lot which was lawful when platted, but does not conform to the provisions of this Ordinance or any subsequent amendments thereto.

Nonconforming Use. A use of any building, structure, or land which was lawful when the use commenced, but does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.

Nursing Home. A home for the aged or infirm in which three or more persons not of the same immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar establishments devoted to the diagnosis and treatment of the sick or injured.

Open Space. Shall mean an unoccupied space open to the sky on the same lot with the building.

Parking Lot. An open area that is surfaced by either asphalt pavement or concrete used primarily for the purpose of parking motor driven vehicles.

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley and having an area of not less than 171 square feet 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 ingress and egress for an automobile without requiring another automobile to be moved.

Parking Structure. A structure or portion thereof designed or used primarily for the parking of motor driven vehicles.

Person. The word "person" includes a corporation, partnership, association or company as well as an individual.

Plat. Shall mean a map, plan or layout of a town, parcel of land, or subdivision indicating the location and boundaries of individual properties.

Poultry. Shall mean any chickens, turkeys, ducks, geese, or other fowl.

Principal Building. A non-accessory building in which the principal use of the lot is contained.

Shopping Center. A group of two (2) or more retail sales or service establishments located within one (1) building or a group of architecturally unified buildings; and having an integrated parking area.

Sign. See Article X for various sign definitions.

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

Street. A facility, either public or private and either deeded or by easement, which affords access to abutting property.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, overhead wires, dish antennas, fences, retaining walls, decks, storage buildings, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Use. Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land.

Variance. A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be authorized only for height area, size of structure, size of yards and open spaces, off-street parking and loading requirements, or height of fencing or buffering. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front. An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be

measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, and bay windows, shall be considered as part of the main building and shall not project into a required front yard. Roof overhangs of up to three (3) feet or fire escapes are excepted.

Yard, Rear. An open space unoccupied (except for open air off-street parking) on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

Yard, Side. An open space unoccupied (except for open air off-street parking) on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**ARTICLE XVI  
LEGAL STATUS PROVISIONS**

**Section 16.1 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall control. Where other ordinances or regulations require higher standards than the provisions of this Ordinance, such other applicable ordinances or regulations shall govern.

**Section 16.2 VALIDITY**

If any section, clause or portion of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of any clause, section or portion of this Ordinance, which is not so declared to be invalid or unconstitutional.

**Section 16.3 CONFLICTING ZONING ORDINANCES**

This Ordinance supersedes any existing zoning ordinances. Any existing zoning ordinance is hereby repealed.

**Section 16.4 EFFECT UPON OUTSTANDING BUILDING PERMITS**

Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which a building permit has been granted by the Town before the time of passage of this Ordinance; provided, that where construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this Ordinance or where it has been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction or use shall be in conformance with the provisions of this Ordinance.

**ARTICLE XVII  
EFFECTIVE DATE**

This Ordinance shall take effect and be in force immediately after its adoption by the Town Council of the Town of Fort Deposit, Alabama.

ADOPTED on the 10<sup>th</sup> day of January, 2000.

(Seal)

\_\_\_\_\_  
Paul E. Craig, Mayor

ATTEST:

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Diane Knight, Town Clerk

I, Diane Knight, Town Clerk of the Town of Fort Deposit, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000-1, which ordinance was adopted by the Town Council on January 10, 2000. This Ordinance was duly advertised as required by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended.

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Diane Knight, Town Clerk