ROANOKE ZONING ORDINANCE

adopted on

May 9, 1994

prepared under the direction of the

ROANOKE PLANNING COMMISSION

by the

EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION

for additional information:

City of Roanoke
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RESOLUTION NO. 3

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE OF THE CITY OF ROANOKE, ALABAMA, ADOPTING A 1994 ZONING ORDINANCE FOR THE CITY OF ROANOKE, ALABAMA, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING THE ZONING ORDINANCE OF THE CITY OF ROANOKE, ADOPTED ON MAY 14, 1951 , AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the City Council to enact a zoning ordinance to govern all territory within the corporate limits of the City of Roanoke, Alabama; and

WHEREAS, the City Council did adopt a zoning ordinance on May 14, 1951, subsequently amended such ordinance; and

WHEREAS, the City Council did order the East Alabama Regional Planning and Development Commission to prepare under the direction of the Roanoke Planning Commission a new zoning ordinance for the City of Roanoke, Alabama to replace the 1951 ordinance, as amended; and

WHEREAS, the East Alabama Regional Planning and Development Commission did prepare a new zoning ordinance to the satisfaction of the Roanoke Planning Commission.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ROANOKE, ALABAMA:

SECTION 1. That the Roanoke Planning Commission recommends that a 1994 Zoning Ordinance for the City of Roanoke, Alabama, entitled the Roanoke Zoning Ordinance, attached hereto and made a part hereof, be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

SECTION 2. That the Roanoke Planning Commission recommends that the Roanoke Zoning Ordinance, Roanoke, Alabama, adopted on May 14, 1951, as amended, be repealed.

SECTION 3. That the Roanoke Planning Commission recommends that this ordinance become effective upon its due adoption and publication and the due adoption and publication of the Roanoke Zoning Map, which shall bound and define the zoning districts established by this recommended ordinance, as provided by law.

ADOPTED, this 18th day of April, 1994.

Earl Manning, Chairman

ATTEST:

Judy Young, Secretary

ORDINANCE NO. 682

AN ORDINANCE ADOPTING A 1994 ZONING ORDINANCE FOR THE CITY OF ROANOKE, ALABAMA, IN ACCORDANCE WITH THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975 AS AMENDED; REPEALING THE ROANOKE ZONING ORDINANCE NUMBER 399 AND ORDINANCE NUMBER 625A, AS AMENDED; AND PROVIDING PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE,

WHEREAS, the Roanoke Planning Commission recommends by resolution passed at a public hearing held on April 18, 1994, that the City Council approve this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA.

Section 1. That the ROANOKE ZONING ORDINANCE, attached hereto and made a part thereof, shall be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

Section 2. That the Roanoke Zoning Ordinance, adopted by Ordinance No. 399 on May 14, 1951 and Ordinance No. 625A on March 23, 1992, be repealed to the extent necessary to give this Ordinance full force and effect.

Section 3. That this ordinance shall be effective upon its due adoption and publication of the ROANOKE ZONING MAP which shall bound and define the zoning districts established by this ordinance, as provided by law.

Adopted this the 9 day of May, 1994.

Betty Slay Tyler
Mayor

ATTEST:

Judy R. Young
City Clerk

ARTICLE I. IN GENERAL

Section 1. Short Title.

This ordinance shall be known as the "Roanoke Zoning Ordinance" and the map herein referred to, identified by the title "Roanoke Zoning Map" shall be further identified by the signature of the Mayor of the City of Roanoke and attested by the City Clerk and shall show thereon the date of adoption of this ordinance.

Section 2. Interpretation and Purpose.

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance, the more restrictive shall apply.

Section 3. Repeal of Conflicting Ordinances.

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

Section 4. Saving Clause.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its adoption by the City Council and its posting, as provided by law.

Sections 6-9. Reserved.

ARTICLE II. DEFINITIONS

Section 10. Word usage.

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

(1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The word "shall" is mandatory, the word "may" is permissive.

(4) The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

(5) The word "lot" includes the words "plot" or "parcel".

Section 11. Terms defined.

The following is an alphabetical listing of definitions used herein and shall be interpreted as follows:

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

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

Addition. A structure added to the original structure at some time after completion of or after a certificate of occupancy had been issued for the original structure.

Adult day care center - A facility that provides nonmedical care to adults over 18 years of age in need of personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

Alley. A public service way which affords only a secondary means of access to the rear or side of abutting property, and not intended for general traffic circulation.

Alteration and Altered. The word alteration shall include any of the following:

a. Any addition to the height or depth of a building or structure;
b. Any change in the location of any of the exterior walls of a building or structure;
c. Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Boarding or Rooming House. A building other than a hotel or motel where for compensation and by prearrangement for a long-term period (at least month-to-month), lodging or lodging and meals are provided for three (3) or more persons. Each unit intended to be rented does not constitute a dwelling unit, as defined herein.

Buffer Screening. A method of visually shielding or obscuring one use or structure from another adjacent use by opaque fencing, walls, or densely-planted vegetation installed within a buffer yard.

A buffer yard shall consist of land not less than fifteen (15) feet wide, planted and continuously maintained as follows:

a. Evergreen trees with an upright form spaced not less than fifteen (15) feet on center within the entire strip of land.

b. Evergreen shrubs with an upright to spreading form spaced not less than seven and one-half (7 1/2) feet on center within the entire strip of land.

A fence or wall not less than ten (10) feet may be accepted with the approval of the Planning Commission.

Building. Any structure having a roof and intended for the shelter, housing, or protection of persons, animals, or property.

Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roof.

Building Line. A line showing the nearest distance to the street property line that it is permissible to build, as measured from the nearest vertical point of the structure.

Building, Principal. A building in which is conducted the main or dominant use of the lot on which said building is situated.

City Council. The City Council of the City of Roanoke, Alabama.

Child Day Care Center - A licensed public or private establishment that provides care for children for at least six hours of the 24-hour day for a prearranged compensation, which include nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

Density. The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.

Dwelling. Any building or portion thereof which is designed and used for residential occupancy, except that the word "dwelling" shall not include boarding or rooming house, tents, tourist camps, motels, hotels, travel trailers, or other structures designed or used primarily for transient residents.

Dwelling, Single Family. A detached residential dwelling unit on an individual lot, such as a single family residence, patio home, or townhouse.

Dwelling, Multi-Family. A residential building containing two or more dwellings on a commonly-shared lot, such as a duplex, multiplex, garden apartment, multi-story apartment, or upper-story apartment.

Dwelling Unit. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use by a single family.

Family. One (1) or more persons living together as a single housekeeping unit.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Gasoline Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, including incidental vehicle repair and servicing. Gasoline service stations may also engage in the incidental sale of food items and beverages.

Home Day Care. A licensed home day care that provides care for six or fewer children, including children who reside at the home. This does not include informal arrangements that parents make independently with neighbors, friends or others, nor does it includes nursery schools.

Home Occupation. An occupation conducted in a dwelling unit, provided that:

a. There shall be a maximum of three (3) persons involved in such home occupation of which not more than two (2) are non-members of the household;

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall or visible through a window of the principal building or an accessory structure.

d. There shall be no public displays of goods in connection with such home occupation, and all business shall be conducted entirely within the dwelling.

e. Examples of home occupation are: Office of a doctor, lawyer, or notary; dressmaking; artistic or craft pursuits; barber shops; beauty shops; home day care, small appliance repair services, but shall exclude clinics, automobile repair or body

shops, automobile sales, refrigerator, washer and dryer repair shops, storage of contractors supplies or similar activities.

Hospital. An institution devoted primarily to the diagnosis, treatment or care of the sick or injured.

Hotel or Motel. A building in which lodging or boarding and lodging are provided on a daily or weekly basis (short-term) for more than two (2) persons and offered to the public for compensation.

Junk Yard. Junk yards shall include any lot or parcels of land on which is kept, stored, bought, or sold articles commonly recognized as junk, including scrap paper, scrap metal, tires, used automobiles, and used automobile bodies and parts. Junk yards shall be entirely screened from surrounding views by a fence to a height of eight (8) or more feet.

Leasable Area. The total floor of a building designed for both tenant occupancy and exclusive use. Leasable area includes both owned and leased areas but does not include shared or common areas among tenants. Where floor area of a building is occupied or where a building has no shared or common area, leasable area is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

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

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

a. A single lot of record;

b. A portion of a lot of record;

c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

d. A parcel of land described by metes and bounds,provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot Measurements.

a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear;

b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost point (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

Lot of Record. A lot which is part of a subdivision recorded in the office of the Probate Judge of Randolph County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufactured Home. A structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electric systems contained therein. A manufactured home shall also meet the following requirements:

a. The manufactured home shall be installed according to the tie-down requirements of the Standard Building Code.

b. The manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development.

c. The unit shall be skirted with a weather-resistant material which resembles a permanent foundation commonly found on a single family residence. Skirting shall be adequately vented.

Manufactured Home Park. A tract of land used or designed to accommodate a manufactured home community of multiple spaces for lease.

Net Area. The total area of a site minus the street area.

Nonconforming Building. An otherwise legal building that does not conform with the yard, height, or other dimensional requirements for the district in which it is located or is designed or intended for a nonconforming use.

Nonconforming Lot. An otherwise legally platted lot that does not conform with the dimensional requirement for the district in which it is located.

Nonconforming Use. A use of any structure or land lawful at the time of enactment of this ordinance or lawful at the time of amendment thereafter which does not conform with the provisions of this ordinance for the district in which it is located.

Off-Premises Advertising Signs and Billboards. Advertising of a business, use, or activity conducted off the premises on which the sign is located.

Office. A place in which business or professional activities are conducted.

Open Air Market. Retail sales of produce, arts, crafts, or other goods partially or fully outside of an enclosed building, such as a produce market, flea market, craft market, farmer's market, or roadside farm stand.

Open Space. Space which is not occupied by a building or structure.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Planning Commission. The City Planning Commission of the City of Roanoke.

Public Use. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation; county buildings, and activities; state highway offices, and similar land uses; and federal uses such as post offices, bureau of public roads, and internal revenue offices, etc.

Satellite dish antenna. An accessory structure designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.

Semi-Public Use. A land use maintained as a public service by a private, non-profit institution, such as, YMCA, YWCA, Salvation Army, churches and church related institutions, orphanages, humane societies, private welfare organizations, non-profit welfare lodges and fraternal orders, Red Cross, etc.

Story. That portion of a building 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 the floor and the ceiling next above it.

Street. Any public way set aside for common travel.

Street Line. The right-of-way line of a street.

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

This Ordinance. The Roanoke Zoning Ordinance

Total Floor Area. The area of all floors of a building, including finished attics and basements when considered as a story under the terms of this ordinance.

Town House. An attached or semi-detached, single family dwelling within a building of eight or less units.

Travel Trailer. Any vehicle or similar portable structure mounted on wheels, designed and intended primarily for short-term occupancy, for dwelling or sleeping, or other purposes. The term does not include manufactured homes as defined herein.

Use. The purpose for which land or a building or other structure is designed, arranged, or intended or for which it is or may be occupied or maintained.

Variance. A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. The yard shall be measured as the shortest distance between the structure and a lot line.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two (2) frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

a. At least one (1) front yard shall be provided having the full depth required generally in the district;

b. No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of the through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full-and-half-depth front yards have been established shall be considered side yards.

Yard, Width. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Special. A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be

located to the adjoining lot or lots, with due regard to the orientation and location of structures and areas suitable for building thereon.

Zoning Map. The "Roanoke Zoning Map."

Sections 12-14. Reserved.

ARTICLE III. SUPPLEMENTAL REGULATIONS

Section 15. Jurisdiction.

The provisions of this ordinance shall govern the location and use of buildings, structures, and land within the incorporated areas of Roanoke, Alabama.

Section 16. Uses.

Except as hereinafter provided, no building or parcel of land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered except for a use permitted within the zoning district in which it is located.

Section 17. Nonconforming Uses and Structures.

Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations:

(a) If any changes in ownership or tenancy occurs, any nonconformity may be continued by the new owner or tenant under the provisions of this division.

(b) A nonconformity may continue if it does not cease for any reason for a period exceeding one (1) year.

(c) Plans for nonconforming construction, site development, site alteration, use or occupancy for which a valid building permit, site plan, preliminary subdivision plat, or other City license was approved prior to the effective date of this ordinance or subsequent amendment may proceed. However, all construction, site development, or site alteration must be completed within one year and use or occupancy must be established within 30 days after the effective completion date.

(d) A lot that was legally platted prior to the effective date of this ordinance that does not meet the lot area, width, or dimensional requirements for the district in which it is located my be developed or used in conformity with all other provisions of this ordinance.

(e) Any use in existence prior to the effective date of this ordinance or made nonconformity by subsequent amendment may continue in nonconformity with the off-street parking and loading standards, screening or buffer yard standards or any supplemental standards, as set forth in Article III, so long as the extent of such nonconformity does not increase or expand.

(f) A nonconforming use may occupy any part of a structure or lot that was arranged or designed for such use unless occupancy of that part of the structure or lot has been discontinued for a period exceeding one (1) year.

Repairs and maintenance of nonconformities are subject to the following requirements:

(a) On any structure, devoted entirely or partly to a nonconforming use, work may be done on ordinary maintenance or repair and replacement of walls, fixtures, wiring, or plumbing, provided the cubic content of the structure, as it existed at the effective date of this ordinance or subsequent amendment, shall not be increased.

(b) On any lot devoted entirely or in part to any nonconforming use, work may be done on ordinary maintenance or repair and replacement of parking and loading areas, signs, lighting, fences, walls, and related exterior amenities provided the extent of those amenities shall not be increased or rearranged.

(c) Nothing in this division shall be deemed to prevent the strengthening or restoring too a safe condition of any structure or exterior amenity declared unsafe by any official charged with protecting the public safety, on order of such official, nor shall anything in this division be deemed to exempt any such structure or amenity from any requirements of any federal, state, or local government regulation.

Alteration, enlargement, or restoration of nonconformities are subject to the following requirements:

(a) No nonconforming use shall be enlarged within a structure or occupy a greater area of land than at the effective date of this ordinance or subsequent amendment.

(b) No nonconforming use or structure shall be moved to any portion of the lot other than that occupied at the effective date of this ordinance or subsequent amendment.

(c) No nonconforming use, structure or characteristic of use may be altered or enlarged or intensified in any way which increases its nonconformity but may altered or reduced to decrease its nonconformity.

(d) If a nonconforming structure is removed or damaged in any manner to the extent that the restoration costs exceeds fifty percent of the original value of the structure immediately before the damaging occurrence, subsequent use of the lot shall be in full compliance with the district in which it is located.

Change in nonconforming use is subject to the following requirements:

(a) Any nonconforming use which changes to a permitted use within the district in which it is located, shall not revert to a nonconforming use.

(b) A nonconforming use may change to a new nonconforming use provide the new use is more in keeping with the district in which it is located and is less objectionable and measures less external impact than the existing nonconforming use. In determining whether the new use would be in greater conformity with this ordinance, impact criteria such as, but not limited to, the following shall be evaluated:

(1) Traffic generation and congestion, including truck, passenger car, and pedestrian traffic.

(2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.

Section 17. Height and Density.

(a) In each district, each structure hereafter erected or altered shall not exceed the heights specified in this ordinance. Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks and similar structures not intended for human occupancy.

(b) Each building and lot shall not be used or occupied hereafter by more families than permitted in the zoning district in which it is located.

Section 18. Building Lots, Yards, and Open Space.

(a) In each district, each structure hereafter erected or altered, shall be provided with the yards specified and shall be a lot of the area and width specified in the ordinance. No open space or lot required for a building or structure shall, during its life, be occupied by or counted as open space for another building or structure. Except as hereafter provided, no yard or other open space provided, nor the off-street parking and loading spaces required, about any building for the purpose of complying with the regulations of this ordinance shall hereafter be included as a part of a yard or other open space or the off-street parking or loading spaces for any other building.

(b) Exceptions to the district requirements for building lots and yard follow:

(1) Where the owner of property at the time of adoption of this ordinance has a lot or lots of official record, which are substandard to the requirements of the district in which located according to this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment to the requirements of the district in which it is located; as provided, further that neither side yard shall be reduced to less than five (5) feet.

(2) No building shall be required to set back more than the average of the setbacks of the existing residences within 100 feet each site thereof, but in no case shall the setback of any building hereafter erected or altered be less than 20 feet.

Section 19. Yards in Group Developments.

More than one dwelling, institutional, commercial, or industrial building may be located upon a lot in a zoning district where such a use would be permitted, but no such building shall encroach upon the front, side, or rear yards required for any other building site. For dwellings, the open space between buildings shall not be less than 20 feet for one story buildings, 30 feet when either building is a two story building, 40 feet when either building is a three story building and 40 feet plus an additional 10 feet for each story over three stories when either building is over three stories in height. The minimum dimension of the yard upon which any entrance or exit of a dwelling faces shall be 20 feet; such space shall not be counted as a yard for any other building.

Section 20. Structures.

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures.

Section 21. Development Plan for Industrial Use.

In all proposed new industrial structures, a plan of such proposed development shall show all the details as required in the Industrial District regulations and be subject to the approval of the Planning Commission prior to the issuance of a building permit.

Section 22. Reduction in Lot Area.

Unless otherwise provided, no lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance.

Section 23. Future Street Lines.

On any lot which, at the time of adoption of this ordinance or at any time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as reserved under the mapped street provisions of Title 35, Chapter 2, Article 3, Sections 50-62, inclusive, Code of Alabama 1975 (and as amended), the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot lines of such lots.

Section 24. Frontage on Corner Lots and Double Frontage Lots.

On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this ordinance.

Section 25. Access to Streets.

No building for human occupancy shall be erected without unrestricted vehicular access to a public street.

Section 26. Accessory Structures.

Accessory structures in residential districts or any lot used primarily for residential purposes, shall conform to the following regulations:

(1) No accessory structure shall be in any required front yard with the exception of satellite dish antenna. Accessory structures shall not exceed the height of the principal structure, and shall not cover more than 30 percent of any required rear yard and shall be at least five feet from all lot lines and ten feet from any other structures on the same lot.

(2) On any lot adjoining along its side lot line another lot which is in a residential district, no part of any accessory building shall be located closer to the front yard than the primary structure.

Section 27. Fences, Walls and Shrubbery.

(a) Fences or walls may be erected, placed, or maintained along a lot line to a height not exceeding eight feet above the ground.

(b) No fence, wall, tree or shrubbery shall exceed a height capable of obstructing driver vision at intersection, streets or railroads.

Section 28. Attachment of Accessory Buildings to Principal Buildings.

When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.

Section 29. Distance Between Buildings.

Except as herein provided, no accessory building shall be located closer than ten feet to a principal building or to any other accessory building.

Section 30. Required Off-Street Parking.

All uses shall conform with the minimum off-street parking space noted below. In situations where the parking space requirements are not readily determinable by the below requirements, the Zoning Administrator is authorized to determine minimum requirements using the below requirements as a guide. Space per employee shall be determined using the major shift.

Uses	Required Spaces
dwellings	2 per dwelling unit
boarding and rooming houses	1 per bedroom
public facilities	1 per 300 square feet of floor area
church, movie theater, auditorium, or other public assembly center	1 per 3 persons at occupancy load
day care center	1 per employee plus area sufficient for drop-off and pick-up of children
hospital or nursing home	1 per two beds plus 1 per employee
school, elementary or middle	1 per 1.5 employees

school, high school	1 per 1.5 employees plus 1 per student
school, college or commercial	1 per 3 students at occupancy load, plus 1 per 1.5 employees
hardware or appliance store	1 per 500 sq. feet
furniture store, home improvement store	1 per 1,000 sq. feet
office or bank	1 per 250 sq. feet of leasable floor area
hotel or motel	1 per 1.5 employees plus 1 per room
general retail business or service establishment	1 per 200 sq. feet of leasable floor area
barber or beauty shop	1 per 100 sq. feet of leasable floor area
convenience store	1 per 150 sq. feet of leasable floor area
repair service business, warehousing, distributing, or manufacturing	1 per 1.5 employees, plus 1 per company vehicle
outdoor recreation	1 per 3 persons at occupancy load
restaurant	1 per 100 sq. feet of leasable floor area plus 1 per delivery vehicle plus 4 stacking spaces per drive-in window

ARTICLE IV. ZONING DISTRICT REGULATIONS

DIVISION 1. IN GENERAL

Section 45. Zoning Districts.

For the purpose of this ordinance, the City of Roanoke is hereby divided into the type of districts designated as follows:

Ag	Agricultural
R-1	Single Family Residential
R-2	Multiple and Single Family Residential
R-MH	Residential-Manufactured Home
B-1	General Business
B-2	Downtown Commercial
HC	Highway Commercial
Ind	Industrial

Special Purpose District

FH	Flood Hazard District

Section 46. District Boundaries.

The boundaries of the various zoning districts are hereby established as shown on the Zoning Map. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this ordinance. The official copies of the Zoning Map shall be on file in the office of the City Clerk.

Section 47. Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

(1)Where boundaries are indicated as approximately following street and alley lines, land lot lines, such lines shall be construed to be such boundaries.

(2) In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps.

(3) Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

(4) Where boundaries are so indicated that they are approximately parallel to the center lines of street lines of streets or to the center lines or alley lines of alleys or the center lines of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said map.

(5) In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the city which will interpret the exact location of the district boundaries following the guidelines contained in the preceding paragraphs.

Sections 48-49. Reserved.

DIVISION 2. AGRICULTURAL DISTRICTS

Section 50. Ag - Agricultural District.

(a) District Intent. The provisions of this district are intended to protect and to preserve the agricultural lands within the City Limits of Roanoke and to promote the most appropriate use of land and buildings in accordance with the Land Use Plan.

(b) Permitted uses. The following identifies the uses permitted in Ag---Agricultural District.

General farming including: horticulture, dairying, apiaries, livestock and poultry raising, fish hatcheries, and other similar enterprises or uses.

Single-family dwellings.

Manufactured homes, used only for residential purposes, occupying individual lots.

Sale of products and commodities raised on the premises only, provided that any structure used for such sales shall not be closer than 30 feet to the front or side property lines.

Greenhouses.

Temporary or portable sawmills for the cutting of timber on the surrounding land, provided that machine operations are not located closer than 200 feet to any property line.

Public or private schools, including pre-schools, day nurseries, and kindergartens.

Public and Semi-public uses.

Public utility structures.

Riding stables and academies, provided that any structure, pen or corral housing animals (but not including grazing areas) shall not be closer than 100 feet to any property line.

Veterinary clinics, commercial kennels and the raising of other small animals for sale, provided that no portion of a building, structure, outdoor run or pens used to house or exercise such animals shall not be located closer than 100 feet to any property line.

Public or private golf course.

Public or private fishing clubs, gun clubs, and other similar recreational enterprises provided that all activities are located at least 200 feet from any property line.

Auditoriums, athletic fields, stadiums, race tracks and speedways and other recreational enterprises provided that all activities are located at least 200 feet from any property line.

Home occupations, subject to § 11, Term defined, Home occupation.

Cemeteries.

Broadcasting stations.

Aircraft landing fields, hangers, and related structures.

Open air markets

(c) Space and Height Regulations.

Minimum Yard Size:	
Front Yard:	40 feet
Rear Yard:	45 feet
Side Yard:	15 feet; except any structure used for the housing of livestock of any kind shall not be located closer than one hundred (100) feet of any property line or line of a district other than an Agricultural district.
Minimum Lot Size:	
Area:	1 acre
Width:	210 feet
Maximum Height:	
Feet:	65

Sections 51-54. Reserved.

DIVISION 3. RESIDENTIAL DISTRICTS

Section 55. R-1 Single-Family Residential District.

(a) District intent. The R-1 Single Family Residential District is designed for single family homes on single lots. The R-1 district also allows for accessory and institutional uses commonly associated with residential neighborhoods.

(b) Permitted uses. The following identifies the uses permitted in the R-1 Single-Family Residential District.

Single-family dwellings, excluding manufacturing homes.

Home occupations, subject to § 11, Term defined, Home occupation.

Public utility structures and lands provided that there is no outside storage area and a buffer strip is provided for the side and rear yards.

Accessory structures and uses.

(c) Uses subject to Planning Commission approval. These uses are permitted in the R-1 Single Family Residential District upon the approval of the Planning Commission. The intended use for the structure shall be stated in writing and be submitted to the Secretary of the Planning Commission.

Schools, public or private.

Cemeteries.

Private or public golf courses, country clubs, swim clubs, tennis clubs, and the like.

Public or private child care centers, day nurseries and kindergartens.

Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.

Semi-Public uses.

(d) Space and Height Regulations.

Minimum Yard Size:

Front Yard:	40 feet
Side Yard:	15 feet
Rear Yard:	45 feet

Minimum Lot Size:

	without public sewer	with public sewer
Area:	15,000 sq. feet	12,500 sq. feet
Width:	100 feet	100 feet

Maximum Height:

Feet:	35 feet
Stories:	2 1/2 stories

Section 57. R-2 Residential District.

(a) District intent. The R-2 Multiple-Single Family Residential District is designed for multi-family dwellings, as well as single family homes. The district also allows institutional and accessory uses common to residential neighborhoods.

(b) Permitted uses. The following identifies the uses permitted in the R-2 Multiple-Single Family Residential District.

Single-family dwellings, excluding manufacturing homes.

Multi-family dwellings.

Town Houses.

Boarding and Rooming Houses.

Home occupations, subject to § 11, Term defined, Home occupation.

Public utility structures and lands provided that there is no outside storage area and a buffer strip is provided for the side and rear yards.

Accessory structures and uses.

(c) Uses subject to Planning Commission approval. These uses are permitted in the R-2 Multiple-Single Family Residential District upon the approval of the Planning Commission. The intended use for the structure shall be stated in writing and be submitted to the Secretary of the Planning Commission.

Schools, public or private.

Cemeteries.

Private or public golf courses, country clubs, swim clubs, tennis clubs, and the like.

Public or private child care centers, day nurseries and kindergartens.

Adult day care centers.

Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.

Semi-Public uses.

(d) Space and Height Regulations.

Minimum Yard Size:

Front Yard:	35 feet
Side Yard:	10 feet
Rear Yard:	40 feet

Minimum Lot Size:

Single Family Dwelling:

	without public sewer	with public sewer
Area:	15,000 sq. feet	12,500 sq. feet
Width:	100 feet	100 feet

Multi-Family Dwelling:
Area: 3,600 square feet for each unit.
Width: 100 feet

Town House:
Area: Average 3,600 square feet for each dwellings within a development, but in no case less than 2,500 square feet per unit.
Width: 20 feet for interior lots; 50 feet for end lots.

Other Uses: Same as for R-1 Single Family Residential

Maximum Height:
Feet: 35
Stories: 2 1/2 stories

Section 58. R-MH Residential Manufactured Home Zoning District.

(a) District intent. This District is designated to provide affordable home ownership options within the City. This district is suitable for manufactured homes on single lots or in manufactured home parks.

(b) Permitted uses. The following identifies the uses permitted in the R-MH District.

Single-family dwellings.

Home occupations, subject to § 11, Term defined, Home occupation.

Public utility structures and lands provided that there is no outside storage area and a buffer strip is provided for the side and rear yards.

Accessory structures and uses.

Manufactured home on a single lot.

Manufactured homes in manufactured home parks.

(c) Uses subject to Planning Commission approval. These uses are permitted in the R-MH Residential Manufactured Home District upon the approval of the Planning Commission. The intended use for the structure shall be stated in writing and be submitted to the Secretary of the Planning Commission.

Schools, public or private.

Cemeteries.

Private or public golf courses, country clubs, swim clubs, tennis clubs, and the like.

Public or private pre-schools, day nurseries and kindergartens.

Adult Day Care Centers.

Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.

Semi-Public uses.

(d) Space and Density Regulations for Single Family Dwellings, Manufactured Homes on Single Lots, and uses other than Manufactured Home Park.

Minimum Lot Size: 10,000 sq. feet.

Minimum Yard Size: Front, 25 feet; rear, 20 feet; side, 15 feet.

Maximum Height Requirement: 2 1/2 stories or 35 feet.

(e) Uses Permitted in a Manufactured Home Park.

Manufactured homes.

Park office.

Manager's residence.

Service facilities, such as laundromats, refuse disposal areas, and similar service facilities for use by the park's residents only.

Recreational facilities for the use of the park's residents.

Residential accessory uses and structures.

(f) Space and Density Regulations for Manufactured Home Parks.

The park shall be on a minimum of five (5) contiguous acres and shall be properly graded to insure rapid drainage and freedom from standing water.

The park's maximum density shall be eight (8) manufactured home spaces per acre of site area. If not served by public water and sewer, the maximum density shall be two (2) manufactured home spaces per gross acre of land or a lower density may be set by the county health officer.

The manufactured home park shall have perimeter yards. No manufactured home space shall extend into any of the perimeter yards, as listed below. The perimeter yards shall be reserved as buffer strips, or they can be used for common streets, walkways, and open recreation areas (fields and yards without buildings). Front perimeter yard, 25 feet; side and rear perimeter yard, 15 feet.

(g) Space and Density Regulations for Manufactured Home Spaces Within Manufactured Home Parks.

Area Requirements: Each manufactured home space shall meet the following requirements, and the boundaries of each space shall be clearly marked on the ground by permanent flush stakes.

Minimum front yard setback: 20 feet.
Minimum rear yard setback: 10 feet.
Minimum side yard setback: 5 feet.

	with public sewer	without public sewer
Minimum Area:	4,000 square feet	15,000 square feet
Minimum Width at Front Setback Line:	40 feet	85 feet

(h) General Requirements for Manufactured Home Parks.

Each manufactured home shall be installed according to all requirements of the Standard Building Code and be completely skirted with a weather resistant material. Skirting shall be properly ventilated. A minimum of 240 cubic feet of storage space shall be provided on each space. The space may be under the manufactured home or in an accessory building. The accessory buildings may not be placed in the required front yard or within five (5) feet of the side or rear yard boundaries.

Each manufactured home space shall have two side-by-side off-street, dust-free parking spaces located off the private street right-of-way. Parking spaces shall either be perpendicular to the private street with minimum dimensions of 9 feet by 19 feet or parallel to the private street with minimum dimensions of 8 feet by 22 feet.

Two-way private streets shall be maintained by the park management to furnish convenient access to all manufactured homes in the park. No manufactured home space shall have direct access to a public street. Streets shall be a minimum of twenty-four (24) feet pavement width.

Sections 59-64. Reserved.

DIVISION 4. BUSINESS DISTRICTS

Section 65. B-1 General Business District.

(a) District intent. The B-1 General Business District is designed for general commercial activity.

(b) Permitted uses. The uses permitted in this district shall be as follows:

Retail stores including, but not limited to the following type stores: food, home improvement, general merchandise, auto parts, medical supplies, office equipment, apparel, furniture, radio, television, hardware, drugs and sundries, jewelry and gifts, florist, sporting goods, pet shops, dry cleaners and laundries, barber and beauty shops, shoe repair, and such uses.

Doctor, dentist, professional, or administrative offices.

Animal hospitals and veterinary clinics.

Motels, hotels, restaurants.

Public and semi-public uses.

Child care centers, public and private schools, kindergartens and nursery schools

Adult day care centers.

Garden centers and nurseries, retail.

Hospital, medical clinics and nursing homes.

Ambulance services.

Funeral Homes.

(c) Uses Subject to Planning Commission Approval. Other uses may be allowed upon review by the Planning Commission.

(d) Space and Height Regulations.

It is the intent of the ordinance that lots of sufficient size be used for any business or service use, to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

Minimum Yard Size: Front, 25 feet; rear, 20 feet; side, not specified except when there is a side yard used, it shall not be less than eight (8) feet and except on a lot abutting a residential district, there shall be a side yard not less than fifteen (15) feet wide.

(e) Buffer screening shall be provided in accordance with § 11, Term Defined, Buffer screening if adjoining property is zoned for residential.

Maximum Height: 45 feet - 3 stories.

Section 66. B-2 Downtown Commercial District.

(a) District intent. This district encompasses the downtown district along Alabama Highway 22. This District is designed to enhance the architecturally and historically unique character of the downtown retail core.

(b) Permitted uses. The uses permitted in this district are as follows:

Retail stores and markets, including the following type stores: general merchandise, apparel, furniture, radio, television, hardware, drugs and sundries, jewelry and gifts, florist, sporting goods, pet shops, and such uses.

Neighborhood services including the following types: barber and beauty shops, shoe repair, offices, banks, post offices, theaters, and such uses.

Open air markets.

Doctor, dentist, or other professional office.

Adult day care centers.

Churches and other places of worship.

Restaurants.

Hotels.

Public and semi-public uses.

Warehouses.

Apartments developed above permitted non-residential use on the ground story of a building.

(c) Space and Height Regulations. Because of the uniqueness of the structures in the Downtown Commercial District, uses must follow these requirements.

Minimum Yard Size: none required, unless otherwise stipulated by the Planning Commission in the design review process.

Maximum Height: Sixty-five (65) feet, unless a lesser height is stipulated by the Planning Commission in the design review process.

Off-Street Parking : None required unless stipulated by the Planning Commission in the design review process.

Off-Street Loading and Unloading: None required unless stipulated by Planning Commission in the design review process.

All uses shall be conducted within an enclosed building, except for temporary outdoor display of sales merchandise, special outdoor events, open air markets, or similar approved outdoor activities.

(d) Design Review. Where there is a substantial alteration of an existing structure or the development of a new structure, building facade and site development plans for each alteration or development shall be submitted to the Planning Commission for action prior to the building permit being issued. The Planning Commission shall act to approve, approve with conditions, or disapprove the submitted plans based on it assessment of the plan's contribution to the design integrity of the downtown area.

(e) Buffer screening shall be provided in accordance with § 11, Term Defined, Buffer screening if adjoining property is zoned for residential.

Section 67. HC Highway Commercial

(a) District intent. This district is designed to accommodate a variety of general commercial uses oriented primarily to major traffic arteries.

(b) Permitted uses. The uses permitted in this district are as follows:

Retail stores including, but not limited to the following type stores: food, home improvement, general merchandise, auto parts, medical supplies, office equipment, apparel, furniture, radio, television, hardware, drugs and sundries, jewelry and gifts, florist, sporting goods, and pet shops.

Retail services and entertainment, enclosed, including, but not limited to the following types: dry cleaners and laundries, barber and beauty shops, shoe repair, banks, indoor theaters, bowling alleys, video game centers, video tape rentals, photo studios, miniature golf courses, and roller skating rinks.

Multi-family dwellings.

Town Houses.

Restaurants, including drive-in establishments.

Shopping centers and malls.

Banks, financial institutions, business and professional offices.

Churches and other places of worship, including educational buildings related thereto.

Public or private pre-schools, kindergartens, and day care centers.

Motels, hotels, and restaurants.

Animals hospitals and veterinary clinics.

Hospitals, clinics, and nursing homes.

Ambulance services.

Clubs, lodges, social, and fraternal organizations.

Service and repair establishments, including auto and truck repair garages.

Sales of new and used vehicles, construction equipment, manufactured homes, boats, campers, tractors, farm implements, and the like, including accessory uses.

Vehicle repair garages, including painting, body repair, part fabrication, and engine rebuilding.

Car washes.

Gasoline service stations.

Warehouses.

Public and semi-public uses.

Outside storage of heavy equipment with the approval of the Planning Commission.

Other uses which upon review by the Planning Commission are determined to be compatible with the general intent of the Highway Commercial Zone.

(c) Space and Height Regulations.

The following dimensional standards shall be required in the HC- Highway Commercial District:

Minimum lot area: none
Minimum lot width: 100 feet
Minimum front yard: 45 feet
Minimum side yard: 10 feet
Minimum rear yard: 20 feet
Maximum Height: 35 feet or two stories

Multi-family residential uses shall follow the same space and height regulations as commercial uses.

(d) Buffer screening shall be provided in accordance with § 11, Term Defined, Buffer screening if adjoining property is zoned for residential.

Sections 68-74. Reserved.

DIVISION 5. INDUSTRIAL DISTRICTS

Section 75. Ind General Industry.

(a) District intent. The Ind General Industry District is intended for industrial development, but provides for Planning Commission review of certain heavy industrial uses.

(b) Permitted uses. The uses permitted in the Ind district shall be industrial operations not obnoxious, offensive, or detrimental to neighboring property by reason of dust, smoke, vibrations, noise, odor, or effluence, and including the following types of industry:

General manufacturing, not involving flammable or hazardous materials.

Research or scientific laboratories.

Gasoline service stations.

Public uses.

Vehicle repair garages.

Car washes.

Nurseries.

Offices.

Warehousing, wholesaling and distribution, enclosed.

Construction and maintenance services, such as building contractors, wholesale building supplies, janitorial services, exterminating services, landscape services, and the like.

Repair and maintenance of heavy trucks, construction equipment, farm implements, or painting, body repair, upholstery repair, parts fabrication, and engine rebuilding.

(c) Uses subject to the Planning Commission approval. These uses are permitted in the Ind General Industry District upon the approval of the Planning Commission. The intended use must be submitted, in writing, to the Secretary of the Planning Commission.

Wholesaling and distribution, open.

Military installations, such as reserve or national guard centers or armories.

Sanitary landfills.

Junk yards.

Open air markets.

Off-premises advertising signs and billboards.

Quarries, borrow pits, sand and gravel operations, gas extraction, and mining.

Residences for watchman, custodian, manager, or business owner.

Meat or poultry processing and slaughter houses.

Storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly-recognized offensive conditions.

(d) Space and Height Regulations.

Minimum Lot Size: It is the intent of the Ordinance that lots of sufficient size be used for any industrial, use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.

Minimum Yard Size:

Front Yard: None specified, except where existing establishments (other than residential) are set back; any new structures shall be set back not less than the average of the set-backs of the existing establishments within one hundred (100) feet each side thereof.

Side Yard: None specified, excepting a lot adjoining its side lot line with another lot, which is in a residential district, there shall be a side yard not less than eight (8) feet wide.

Rear Yard: None specified, unless the lot abuts a residential district, in which case twenty-five (25) feet is required.

Maximum Height: 50 feet, 4 stories.

(e) Buffer screening shall be provided in accordance with § 11, Term Defined, Buffer screening if adjoining property is zoned for residential.

Sections 76-79. Reserved.

DIVISION 6. SPECIAL PURPOSE DISTRICT

Section 80. FH Flood Hazard District

(a) District intent. The FH Flood Hazard District is intended to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions.

(b) Overlay district concept. The provisions of this district shall be overlay provisions to the existing underlying zoning districts. All properties within the district shall be designated by an overlay district called FH-Flood Hazard District. As overlay provisions, the requirements of this district shall serve as a supplement to the underlying zoning district provisions. Where there happens to be any conflict between the provisions of this overlay district and the provisions of the underlying district, the more restrictive provisions shall apply.

Section 81. Compliance with Flood Hazard District Regulations.

No land shall hereafter be developed and no structure shall be located, relocated, constructed, enlarged, converted, or structurally altered except in full compliance with the terms of this district or other applicable regulations.

Section 82. Flood Hazard District boundaries.

(1) All properties included within the 100-year floodplain boundary on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency, effective date July 5, 1982, or as later amended, shall be included within the FH Flood Hazard District boundaries.

(2) Where interpretation is needed as to the exact location of boundaries of the Flood Hazard District or any floodplain areas within the district(for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Zoning Administrator shall make the necessary interpretation. Should a dispute arise concerning the boundaries of the district, an administrative appeal may be filed with the Zoning Board of Adjustment.

Section 83. Required Permits and Certifications.

(1) Building Permit Required. Application for a building permit shall be submitted prior to any development activities within the Flood Hazard District and shall include the following information which shall be maintained as public record by the Zoning Administrator:

(a) Elevation (in relation to mean sea level) of the lowest floor (including basement) of new or substantially improved structures, prepared by a registered land surveyor or professional engineer.

(b) Elevation in relation to mean sea level to which any structure will be flood-proofed, prepared by a registered land surveyor or professional engineer.

(c) Where a structure is intended to be flood-proofed below the base flood level, a certification from a professional engineer or architect that the structural design, specifications, and plans for construction will meet the flood-proofing criteria of this district and the additional provisions of the Standard Building Code.

(d) Description, prepared by a professional engineer, of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Certificate of occupancy. Before the issuance of a certificate of occupancy, during the construction stage of the development, the permit holder shall provide the following certificates which shall be maintained as public record by the Zoning Administrator:

(a) The as-built elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, certified by a registered land surveyor or professional engineer.

(b) Evidence of flood-proofing of a building, where required, certified by a professional engineer or architect.

(3) Where additional federal or state permit requirements apply, the Zoning Administrator shall require that copies of such permits be provided and maintained on file with the building permit as public record.

Section 84. General flood hazard prevention standards.

(a) General Standards

In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

Section 85. Permitted Uses. The following uses and activities are permitted provided they are in compliance with the provisions of the underlying zoning district and do not require structures, fill, or storage of materials and equipment:

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, sod farming, crop farming, and similar uses and activities.

(b) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat

launching area, horseback riding trails, hiking trails, game farms, hunting and fishing areas, and similar uses and activities.

(c) Accessory residential uses such as yard areas, gardens, play areas, and loading areas, and similar accessory uses.

(d) Accessory industrial, commercial, and institutional uses uses such as yard areas, parking and loading areas, and similar accessory uses.

(e) Other uses and activities are permitted if upon the review of the Planning Commission as determined to be compatible with the general intent of the Flood Hazard District.

Section 86. Variances.

(1) An application for a variance to the standards of this district may be submitted to the Zoning Board of Adjustment in accordance with the administrative provisions of this zoning ordinance. The Board shall refer the variance application to a professional engineer or other qualified person or agency for technical assistance in evaluating the proposal in relation to flood heights and velocities and the adequacy of the plans for protection and other related matters.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) The Zoning Board of Adjustment shall not approve a variance unless it finds the criteria variances contained within § 110.

(4) Any applicant to whom a variance is granted shall be given written notice by the Zoning Administrator that the issuance to construct a structure below the 100 year flood elevation increases the risks of life and property and result in increased premium rates for flood insurance.

(5) The Zoning Administrator shall maintain the records of all variances and administrative appeal actions.

Section 87. Liability.

The degree of flood protection required by this district is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions and flood heights may be increased by manmade or natural causes. Consequently, this district does not imply that land outside the floodplain or uses permitted within such areas will be free from flooding or flood damages. Therefore,

this district shall not create liability on the part of the City of Roanoke or by any officer and employee thereof for any flood damages that result from reliance on the provisions of this district or any administrative decision lawfully made thereunder.

Sections 88-89. Reserved

ORDINANCE # 818

An Ordinance to amend Ordinance # 682, The Zoning Ordinance of the City of Roanoke, Alabama amending sections 90, 93, 94(b), 95(b), and 98 for establishing building permit fees, enforcement compliance and violation penalties, approval of plans, and issuance of certificate of occupancy.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA AS FOLLOWS:

SECTION 90. Enforcing Officer

The provisions of this Ordinance shall be administered by Zoning Administrator and enforced by the Code Enforcement Officer, who shall be an employee appointed by the Mayor to fulfill these duties. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of building or premises necessary in carrying out his duties in the enforcement of this Ordinance.

SECTION 93. (A) Schedule of Permit Fees.

The City Clerk, Revenue Officer, its Authorized Agent, or Building Official of the City of Roanoke, Alabama is hereby authorized and directed to charge the following sums for the issuance of a permit for all construction, on new building and/or addition to new or existing buildings where the value of such project exceeds two thousand dollars ($2,000.00) in value. The only exceptions/exemptions to these permit fees will be for repairs/remodeling to an existing dwelling including but not limited to painting, window repair, roofing, and siding. A permit shall be issued for each job/ project performed in construction of a new structure/and or additions to new/existing structures.

(a) A minimum of sixteen dollars ($16.00) plus a one dollar ($1.00) issuance fee shall be paid for all construction activity, to include building, plumbing, electrical, and mechanical work, in excess of two thousand ($2,000.00) minimum threshold.

(b) For each building, plumbing, electrical or mechanical permit issued, the permit rate will be three dollars and fifty cents ($3.50) per one thousand dollars (1,000.00) where the calculation of such permit cost meets or exceeds the minimum ($2,000.00) fee of sixteen dollars ($16.00) as stated above.

(c) For each permit issued for new residential construction where a single permit is issued covering all aspects of the work to be undertaken, a single comprehensive permit covering all aspects of construction (building, plumbing, electrical and mechanical) may be issued to the general contractor or licensed homebuilder at the rate of three dollars and fifty cents ($3.50) per one thousand ($1,000.00) plus a one dollar ($1.00) issuance fee.

(d) For each permit issued for new nonresidential construction where a single permit is issued covering all aspects of work to be undertaken, a single comprehensive permit covering all aspects of construction (building, plumbing, electrical and mechanical) may be issued to the general contractor at the rate of three dollars and fifty cents ($3.50) per one thousand ($1,000.00) plus a one dollar ($1.00) issuance fee.

SECTION 94. Approval of Plans and Building Permits.

(b) After the owner or his agent submit their request for a building permit, the City will have five (5) business days to act upon the application.

SECTION 95. Certificate Of Occupancy Required.

(b) Within five (5) business days after the owner of his agent has notified the Zoning Administrator that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Administrator/and or Code Enforcement Officer to make final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provision of this Ordinance and other city codes or if such Certificate of Occupancy is refused, to state the refusal in writing with the cause.

SECTION 98. Violations and Penalties.

(a) Citation for Violations.

The Code Enforcement Officer of the City of Roanoke shall issue a citation upon any person failing to obtain any or all necessary permits required prior to commencement of work or construction and as a penalty such person in violation shall as a penalty pay in accordance with the following schedule:

(1) First Violation- Double permit fee

(2) Second Violation within a 24-month period- Double permit fee plus.....$25.00

(3) Third Violation within a 24-month period- Double permit fee plus.....$50.00

(4) Fourth Violation within a 24-month period- Double permit fee plus... $100.00

(5) Fifth Violation within a 24-month period- Double permit fee plus.....$500.00

(b) For any violations over five (5) within a twenty-four month period, the Code Enforcement Officer may recommend suspension or revocation of the alleged violator's license to conduct business activity within the City of Roanoke. Such recommendation shall be made to the City Council of the City of Roanoke and such officials shall notify the alleged violator in writing of the charges made

against him and the City Council shall within ten (10) days of receiving the charges against the violator, conduct a hearing upon such charges provided however; that the person against whom such action is sought shall be given not less than five (5) days written notice by the City Council of the date, place, and time of the hearing for alleged charges. After conducting such hearing the City Council may refuse action against the individual's license, or may suspend or revoke the same.

(c) At any hearing before the City Council, the individual charged shall have the right to be present and to be represented by counsel or other person of his choice, the right to cross examine the witnesses, and the right to present witnesses and other evidence on his behalf.

(d) All citations shall be signed by the Code Enforcement Officer finding such violations and shall be served in person or sent by certified mail to the responsible person or to the owner of the property on which the violation is found.

(e) A warning of violation may be issued in writing, personal appearance, or telephone by the Code Enforcement Officer finding such violations. The warning shall give an opportunity for correction of any violations within 30 days or less before a citation is issued.

This Ordinance shall take effect and be in force 30 days after its passage.

Passed and Approved by the City Council of the City of Roanoke, Alabama this _____ day of _____, 2007.

ATTEST:

_____
Ellen Farmer, City Clerk

_____
Henry V. " Spec" Bonner, Mayor

_____
Council member Mack Bell

_____
Council member Walter Sudduth

_____
Council member Buster Robinson

_____
Council member Tammi Holley

Council member Richard Fetner

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 90. Enforcing Officer.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, who shall be an employee appointed by the Mayor to fulfill these duties. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of building or premises necessary in carrying out his duties in the enforcement of this Ordinance.

Section 91. Permit Compliance.

No building permit, certificate of occupancy, or business license, or any other permit or license shall be issued by the City except in full compliance with this ordinance.

Section 92. Permits Declared Null and Void.

Any permit or license issued by the City where issued in conflict with or violation of any terms of this ordinance or other applicable codes or ordinances shall hereby be declared null and void.

Section 93. Building Permit.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure) of any structure, including accessory structures, until the Zoning Administrator has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a building permit shall be made to the Zoning Administrator on forms provided for that purpose.

Section 94. Approval of Plans and Issuance of Building Permit.

(a) It shall be unlawful for the Zoning Administrator to approve any plans or issue a building permit for an excavation or construction until he has inspected such plans in detail and found them in conformance with this Ordinance. To this end, the Zoning Administrator shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a map or plat drawn to scale and showing the following in sufficient detail to enable the Zoning

Administrator to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this Ordinance:

(1) The actual shape, proportion and dimensions of the lot to be built upon.

(2) The shape, size, and location of all the buildings, or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.

(3) The existing and intended use of all such buildings or other structures.

(4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining the lots as may be essential for determining whether the provisions of this Ordinance are being observed.

(b) After the owner or his agent submit their request for a building permit, the City will have three (3) working day to act upon the application.

(c) If the proposed excavation, construction, moving or alteration as set forth in the application are in conformity with the provisions of this Ordinance, and other city codes, the Zoning Administrator shall issue the permit accordingly.

(c) If the application is rejected, the Zoning Administrator will state in writing on the application the reason for rejection. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance.

Section 95. Certificate of Occupancy Required.

(a) No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Zoning Administrator shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions, of this Ordinance.

(b) Within three (3) working days after the owner or his agent has notified the Zoning Administrator that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance and other city codes or if such Certificate of Occupancy is refused, to state the refusal in writing with the cause.

Section 96. Temporary Uses.

Temporary uses, as set forth below are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the districts within which they are proposed for location.

(a) The Zoning Administrator is authorized to issue a Temporary Certificate of Occupancy for temporary uses as follows:

(1) Carnival, circus, or fair in any commercial or industrial district, for a period not to exceed seven (7) days, subject to the approval of the City Council.

(2) Religious meeting in a tent or other temporary structure in any district, for a period not to exceed thirty (30) days.

(3) Open lot sale of Christmas trees in any district, for a period not to exceed forty-five (45) days.

(4) Real estate sales office in any district, for a period not to exceed one (1) year, provided that such office is to be placed on the property to which it is appurtenant.

(b) All temporary Certificates of Occupancy may be renewed upon approval of the Planning Commission provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

Section 97. Uses Subject to Planning Commission Approval.

(a) Application for Planning Commission Review. All uses subject to Planning Commission approval where listed in the each district shall require the submission of an application to the Planning Commission. An application for conditional use shall be filed with the Secretary of the Planning Commission at least ten (10) working days before the scheduled hearing date before the Planning Commission. The application shall be filed by the property owner or the authorized agent of the owner and shall include the following information and materials:

(1) Name, signature, and address of the property owner and agent of the property owner, if any.

(2) Address of the property under consideration.

(3) Zoning and land use of the property under consideration.

(4) Proposed use.

(5) A plot plan, drawn to scale and dimensional, showing the property boundaries and proposed development layout.

(6) A $100 filing fee.

(b) Planning Commission action. The Planning Commission shall review the plot plan and use proposal for compliance with this ordinance and other applicable codes and ordinances. If deemed in compliance, the Planning Commission may still deny any proposal if it concludes, based on the information submitted at the hearing, that the proposal, more probably than not will adversely affect the public interest and the intent of this ordinance, as contained in the purposes and consideration of this ordinance and the district intent where the proposal would be carried out. In particular, the Planning Commission shall determine that satisfactory provisions have been made concerning the following, among other considerations of this ordinance:

(1) Ingress and egress to the property and proposed structures or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

(2) Off-street parking and loading areas, with particular attention to the items in (1) above.

(3) Refuse and service areas, with reference to availability, location, and potentially adverse effects on surrounding properties.

(4) Screening and buffering of potentially adverse views and activities from surrounding properties.

(5) Control of noise, glare, odor, excess drainage, a other potentially disturbing effects to surrounding properties.

(6) Utilities, with reference to location, availability, capacity, and potentially adverse effec to surrounding properties.

(7) Signs and lighting, with reference to glare, traffic safety, and visual harmony with adjoining properties.

(8) Building bulk, density, lot coverage, yards and open areas, with reference to the compatibility and harmony with the character of the surrounding area.

(c) Imposition of conditions. The Planning Commission may impose such conditions for approval as it may deem necessary in the particular case to protect the public interest and the intent of this ordinance, in relation to the items listed in (b) above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure or use for which the use was granted and not to a particular person. Violations of conditions lawfully attached to any use shall be deemed violations of this ordinance.

(d) Appeal of the Planning Commission action. Appeal of the Planning Commission's decision may be filed by any party affected by the decision. Such appeal shall be filed with the City Council within thirty (30) days of the Planning Commission decision. Within thirty (30) days following receipt of the appeal, the City Council by majority vote shall decide to affirm, modify, or reverse the decision of the Planning Commission. A timely appeal shall suspend all action on the use permit.

Section 98. Violations and Penalties.

(a) Citation for violations. The Zoning Administrator of the City of Roanoke shall serve upon the responsible person or owner of the property which in violation of this ordinance, a citation to appear in the Municipal Court of the City of Roanoke at a time and date specified thereon to answer the charge of such violation of this ordinance. Provided however, that prior to 12:00 noon on the date this matter is to be set before the Municipal Court, such person, firm, or corporation charged in such citation, if he has not previously settled or been convicted of three or more such violations within twelve months of the date of such citation, may dispose of the citation in the following manner: pay to the Clerk of the Municipal Court a fine for the offenses charged in the amount of $50 plus any and all charges otherwise payable to the City pursuant to the terms and conditions of this ordinance. If the offense charged is the third such offense by the owner or the person charged within the twelve months from the date of such citations, settlement cannot be voluntarily made to the Clerk of the Municipal Court as stated above. If the settlement of the charges set out in the citation is not made prior to 12:00 noon of the date the case is set for trial in the Municipal Court of the City of Roanoke and if the party charged fails to appear and answer such charge in the Municipal Court at the time and place set out in such citation or if the citation is not otherwise been disposed of by such court, a warrant shall be issued charging such party with the violation set out in the citation, which warrant shall be obtained, served and tried as provided by law for the arrest and trial of the misdemeanors involving violations of the City Ordinances. If a person receiving a citation as herein provided has within the prescribing twelve months from the date of citation settled or been convicted of three or more violations, he shall not be permitted to settle the present alleged offense, but shall be required to stand trial in the Municipal Court.

(b) Penalty for violation. Once the warrant has been issued and tried before the Municipal Court, a person found guilty of such violations shall be guilty of a misdemeanor and shall be punished as provided by law which shall include the payment of fines levied by the Court plus any court cost as therein provided and issued by the Court. Each day such offense continues shall constitute a separate offense.

(c) Issuance of citation.

(1) All citations shall be signed by the Zoning Administrator finding such violations and shall be sent by certified mail to the responsible person or to the owner of the property on which the violation is found.

(2) A warning of violation may be issued in writing, personal appearance, or telephone by the Zoning Administrator finding such violations. The warning shall give an opportunity for correction of any violations within 30 or less days before a citation is sent as provided in (1) above.

Section 99. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Sections 100-104. Reserved.

ARTICLE VI. BOARD OF ADJUSTMENT

Section 105. Creation.

The City Council of Roanoke hereby appoints a Zoning Board of Adjustment. This Board shall in appropriates cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this ordinance in harmony with its general purposes and interests and in accordance with the rules contained in this Article.

Section 106. Composition and Appointment.

The Board of Adjustment shall consist of five members, each to be appointed for a terms of three years, except that in the first instance one member shall be appointed for a term of three years, two for a term of two years and two for a term of one year, and thereafter each member appoint shall serve for a term of three years of until his successor is duly appointed. In addition to the five regular members provided for in this section two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term become vacant.

Section 107. Meetings.

The Board shall adopt rules of meeting procedures. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

Section 108. Appeals to the Board.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within 21 (twenty-one) days in accordance with the rules of the Board, by filing with the Zoning Administrator and with the board of adjustment a notice of appeal

specifying the grounds thereof. The Zoning Administrator shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a 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 on notice to the Zoning Administrator and on due cause shown. The Board of Adjustment shall within thirty (30) days schedule a time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest. Upon the hearing any party may appear in person or by agent or by attorney.

Section 109. Powers and Duties.

(a) The Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or of any ordinance adopted pursuant thereto;

(2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance; and

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

(b) In exercising the powers mentioned in this section, such board may, in conformity with the provisions of this article, 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 all the powers of the Zoning Administrator. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variance in such ordinance.

(c) The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 110. Variance Application.

A written application for a variance shall include all of the following items:

(a) A detailed statement stating the following:

(1) 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.

(2) 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.

(3) That the special conditions and circumstances do not result from the action(s) of the applicant.

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

(b) A plot plan with the variance highlighted or noted.

(c) A $50.00 filing charge.

Section 111. Appeal of Board Decision.

Any party aggrieved by any final judgement or decision of such Board of Zoning Adjustment may within 15 days thereafter appeal therefrom to the circuit court by filing with such Board a written notice of appeal specifying the judgement or decision from which the appeal is taken. In case of such appeal such Board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo.

ARTICLE VII. AMENDMENTS

Section 112. Authority to Amend.

Whenever the public necessity , convenience, general welfare or good zoning practices warrants such action, the City Council, by favorable vote of a majority of the members, may amend the regulations or zoning district boundaries.

Section 113. Authorized Petitioners.

A petition for amendment of this ordinance or the zoning district boundaries may be initiated by the City Council, the Planning Commission, or the owner or his agent of such property subject to amendment of zoning district boundaries.

Section 114. Petition for Amendment.

(a) A petition for amendment when initiated by the property owner or authorized agent of such owner shall meet the application requirements of this section.

(b) The application for rezoning shall be made on a form available from the City Clerk and be filed with the City Clerk at least fourteen (14) days prior to the Planning Commission hearing. The applicant shall provide the following information and materials:

(1) Name, signature, address of the property owner and agent of the property owner, if any.

(2) Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.

(3) Present and proposed zoning and land use of the property under consideration.

(4) Reason for rezoning request.

(5) A site plan, drawn to scale and dimensioned, showing the size and location of the property boundaries, public right-of-ways, and the proposed use and development layout.

(6) The names and addresses of each property owner adjacent to the property under consideration including those across the street, as listed in the Randolph County Tax Assessor Office.

(7) A $100 filing fee.

Section 115. Planning Commission Action.

(a) In case of a petition by a property owner, at least six (6) days prior to the scheduled Planning Commission hearing, the City Clerk shall give written notice of the rezoning to all adjacent property owners. Such notice shall be deemed as given when deposited by certified letter, addressed to such property owners at their addresses as submitted with the rezoning application. The notice shall state the following information:

(1) The name of the petitioner.

(2) The location of the property.

(3) The current and proposed zoning and land use of the property.

(4) The time, date, and location of the Planning Commission hearing of the proposed zoning amendment.

(b) The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this ordinance.

(c) The Planning Commission shall not grant a rezoning request unless the adoption of such an amendment is in the public interest and is not solely in the interest of the applicant and that the change is not inconsistent with the city's land use plan.

(d) The Planning Commission, by majority vote, shall report its recommendations to the City Council. The Planning Commission report shall be transmitted to the City Council within thirty (30) days of the hearing, unless an extension period is granted by the City Council. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission.

Section 116. City Council Action.

(a) Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment at the next regularly scheduled City Council meeting.

(b) The City Council shall give public notice of the hearing on the proposed amendment in accordance with this article.

(c) Following notice and hearing, the City Council shall decide by majority vote of its members to accept or reject the proposed amendment.

ORDINANCE NO. 2018-07-01

An Ordinance amending Section 117 of Ordinance No. 682, the Roanoke Zoning Ordinance, of the City of Roanoke, Alabama.

WHEREAS, on May 9, 1994, the City Council of the City of Roanoke, Alabama adopted Ordinance No. 682, the Roanoke Zoning Ordinance;

WHEREAS, the Roanoke Planning Commission recommends that Section 117 of Ordinance No. 682 be amended by deleting the entirety of Section 117 and replacing it with the following:

Section 117. Public Notice of a Hearing.

A. At least 15 days in advance of the public hearing before the City Council, the Council shall post the proposed zoning ordinance in a synopsis form in some newspaper of general circulation published in the municipality provided that the synopsis, at a minimum, includes the following information:

a. A summary of the purpose and effect of the Ordinance.

b. If the Ordinance relates to planning or zoning, a general description of the property or properties effected by the Ordinance including the common name by which the property or properties are known and the substance of the Ordinance.

c. If the Ordinance relates to the licensing of businesses or the granting of a franchise, the categories of business effected by the Ordinance and the substance of the Ordinance.

d. The date upon which the Ordinance was passed and, if different from the date of publication, the effective date of the Ordinance.

e. A statement that a copy of the full Ordinance may be obtained from the office of the City Clerk during normal business hours.

The notice must accompany the posting Ordinance stating the time and place of the public hearing by the Council and stating that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed Ordinance. An amendment shall become effective upon final posting of the adopted Ordinance, as required by law.

B. At least 15 days in advance of the public hearing before the Planning Commission, the Commission shall post the proposed zoning ordinance in

including the common name by which the property or properties are known and the substance of the Ordinance.

c. If the Ordinance relates to the licensing of businesses or the granting of a franchise, the categories of business effected by the Ordinance and the substance of the Ordinance.

d. The date upon which the Ordinance was passed and, if different from the date of publication, the effective date of the Ordinance.

e. A statement that a copy of the full Ordinance may be obtained from the office of the City Clerk during normal business hours.

The notice must accompany the posting Ordinance stating the time and place of the public hearing by the Council and stating that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed Ordinance. An amendment shall become effective upon final posting of the adopted Ordinance, as required by law.

B. At least 15 days in advance of the public hearing before the Planning Commission, the Commission shall post the proposed zoning ordinance in a synopsis form in some newspaper of general circulation published in the municipality provided that the synopsis, at a minimum, includes the following information:

a. A summary of the purpose and effect of the Ordinance

b. If the Ordinance relates to planning or zoning, a general description of the property or properties effected by the Ordinance including the common name by which the property or properties are known and the substance of the Ordinance.

c. If the Ordinance relates to the licensing of businesses or the granting of a franchise, the categories of business effected by the Ordinance and the substance of the Ordinance.

d. The date upon which the Ordinance was passed and, if different from the date of publication, the effective date of the Ordinance.

e. A statement that a copy of the full Ordinance may be obtained from the office of the City Clerk during normal business hours.

The notice shall accompany the posted amendment stating the time and place of the Planning Commission meeting and stating that all

(d) If the City Council takes no final action upon the proposed amendment within ninety (90) days after receipt of the recommendation of the Planning Commission, the proposed amendment shall be deemed to have been rejected and overruled by the Council.

Section 117. Public Notice of Hearings.

(a) At least fifteen (15) days in advance of the public hearing before the City Council, the Council shall post the proposed zoning ordinance amendment in full in the local newspaper of general circulation. A notice must accompany the posted ordinances stating the time and place of the public hearing by the Council and stating that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed ordinance. An amendment shall become effective upon final posting of the adopted ordinance, as required by law.

(b) At least six (6) days in advance of the public hearing before the Planning Commission, the Commission shall post the proposed zoning ordinance amendment in full the local newspaper of general circulation within the City. A notice shall accompany the posted amendments stating the time and place of the Planning Commission meeting and stating that all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Section 118. Time Limit.

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

Section 119. Zoning of Annexed Property.

(a) Automatic AG zoning. All land annexed into the City of Roanoke shall be automatically zoned AG Agricultural District. All annexation ordinances shall reflect AG zoning for the newly annexed property; such ordinances shall, immediately following annexation, be transmitted to the Secretary of the Planning Commission for Planning Commission action.

(b) Planning Commission action. Within sixty (60) days following annexation, the Planning Commission shall initiate a petition to rezone the property annexed into the City from AG to any other district contained within this ordinance. In determining the most appropriate zone, the Planning Commission shall duly consider the following items, among others:

(1) The Roanoke Land Use Plan- Year 2013, as adopted by the Planning Commission;

(2) The desires of the property owners subject to rezoning;

(3) The purposes and considerations of zoning, as required by this ordinance and section 11-52-72 of the Code of Alabama.

(c) City Council action. The Council shall within thirty (30) days of receipt of the Planning Commission recommendation act to approve, disapprove, or modify the recommended petition of the Planning Commission. In deciding their action, the Council shall follow the public hearing procedures found in this article.

CITY OF ROANOKE VARIANCE APPLICATION

==========

Part I. Applicant Data

Name of Applicant: _____

Mailing Address: _____

Telephone: (____) _____

Signature: _____

==========

Part II. Parcel Data

Owner of record: _____

Mailing Address: _____

Tax map I.D. #: _____

Existing land use: _____ Existing Zoning: _____

==========

Part III. Request

Nature of variance: _____

_____

==========

Part IV. Enclosures (Check all required enclosures with this application)

____ Written justification for the variance

____ Plot plan with variance noted or highlighted

____ Names and addresses for each property owner adjacent to the property under discussion by this application (including those across the street), as listed in the Randolph County Tax Assessors office.

____ $50 filing fee

NOTICE: All required attachments, must be filed at least ten (10) days before the Zoning Board of Adjustment hearing. The applicant must be present at the hearings.

PUBLIC HEARING NOTICE

Notice to: _____

Address: _____

_____

==========

You Are Hereby Notified Of A Public Hearing
Of The Roanoke Zoning Board of Adjustment

To Be Held At _____ P.M. On _____ _____, 19____ In The

_____

==========

The purpose of the public hearing is to receive comments on an application submitted by: _____ for the proposed variance of a _____ parcel land located at _____.

The variance is sought for the following purpose:

_____

_____.

==========

Information as to the property owners this notice is sent to is taken from the most recent records of the Randolph County Tax Assessor.

_____
City Clerk
863-4129

_____
Date of Mailing

ZONING VIOLATION WARNING

To: _____

Address: _____

This notice is to advise you that an inspection of your property

located at _____ on _____
_____ indicates a violation of Section _____

of the Roanoke Zoning Ordinance in the following manner:

_____

_____

_____.

Copies of the sections of the zoning ordinance violated are attached.

You are hereby directed to correct the above mentioned violation within _____ days from the date of this warning. At the end of the days listed above, your property will be reinspected. Failure to comply with the applicable sections of the Roanoke Zoning Ordinance may result in the issuance of a municipal citation for this violation.

When you have corrected the above mentioned situation, or believe you are not in violation, please contact the Zoning Administrator of the City of Roanoke at 863-4129. If the violation has not been corrected at the time of reinspection, or arrangements have not been made for its correction and for an extension, we will initiate appropriate action for the issuance of a municipal citation.

This is the only written warning you will receive.

Date _____

_____
Zoning Administrator

APPLICATION FOR PLANNING COMMISSION REVIEW

Part I. Applicant Information.

Name of applicant: _____

Mailing Address: _____

Phone Number: (____) _____

Signature: _____ Date: _____

Part II. Parcel Information.

Owner of record: _____

Mailing Address of the owner of record: _____

Signature of authorization: _____

Date: _____

Tax Map I.D. #: _____ Parcel Area: _____

Zoning of the parcel: _____

Present Land Use: _____

Proposed Land Use: _____

Part III. Enclosure Check List.

___ Detailed statement describing the intended use of the parcel and the size of any proposed development.

___ Site Plan

___ Tax map showing the intended development

Notice: This application must be submitted to the City Clerk at least ten (10) days before a regularly scheduled Planning Commission meeting. The applicant must be present at the hearings before the Planning Commission.

PUBLIC HEARING NOTICE

Notice to: _____

Address: _____

_____

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You Are Hereby Notified Of A Public Hearing
Of The Roanoke Planning Commission

To Be Held At _____ P.M. On _____ _____, 19____ In The

_____

==========

The purpose of the public hearing is to receive comments on an application submitted by: _____ for the proposed rezoning of a _____ parcel land located at _____.

The parcel is currently used for the following purpose:

_____

_____.

==========

The applicant has requested that the parcel be rezoned from _____ District to the _____ District for the purpose of _____

_____

==========

Information as to the property owners this notice is sent to is taken from the most recent records of the Randolph County Tax Assessor.

_____
City Clerk

_____
Date of Mailing

APPLICATION FOR REZONING REQUEST

Part I. Applicant Information.

Name of Applicant: _____

Mailing Address: _____

Phone Number: (____) _____

Signature: _____ Date: _____

Part II. Parcel Information.

Owner of Record: _____

Mailing Address: _____

Signature of Authorization: _____ Date_____

Tax Map I.D. # _____ Parcel Area _____

Present Zoning _____ Proposed Zoning _____

Present Land Use _____ Proposed Land Use _____

_____ _____

Part III. Enclosure Check List. (Please include all items listed below with the application.

__ Reason for Request - Detailed Statement.

__ Site Plan

__ Tax Map

__ Addresses for each property owner adjacent to the property under discussion (including those across the street), as listed in the Randolph County Tax Assessors office.

__ $100 Filing fee

Notice: This application must be submitted to the City Clerk at least ten (10) days before a regularly scheduled Planning Commission meeting. The applicant must be present at the hearings before the Planning Commission and the City Council.