

ZONING ORDINANCE

TOWN OF MENTONE, ALABAMA

PLANNING COMMISSION

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by
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ARTICLE I. INTRODUCTION

Section A. Authority

An ordinance, pursuant to the authority granted by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended and supplemented by all applicable laws to provide for the establishment of districts within the corporate limits of Mentone, Alabama; to regulate within such districts the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land; to provide methods of administration of this Ordinance and penalties for the violation thereof.

Section B. Short Title

This ordinance shall be known as the Zoning Ordinance of Mentone, Alabama, and the map herein referred to, identified by the title Zoning Map of Mentone, Alabama, shall be

further identified by the signature of the Mayor of Mentone and attested by the Town Clerk. The Zoning Map of Mentone is hereby adopted and made a part of this Ordinance. Said Zoning Map shall zone only territory within Mentone. Such map is filed with the Town Clerk of Mentone at the time of the introduction of this Ordinance, will remain on file in the office of the said clerk and upon the adoption of the Ordinance, said map will show by endorsement thereon the date of such adoption.

Section C. Purpose

The fundamental purpose of this ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Mentone; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Mentone.

Section D. Method

For the purpose previously stated, the Town of Mentone is divided into zoning districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights, and interest of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, setback lines, sizes of yards, and other open spaces.

ARTICLE II. ZONING DISTRICTS

In order to classify, regulate, and restrict the location of dwellings, institutions, business, industries, and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of land area; and to regulate and determine the areas of open spaces within and surrounding such buildings; the Town of Mentone, Alabama, is hereby divided into the following districts:

Rural District

Central Business District

Residential District One

Retail Business District

Residential District Two

General Business District

Residential District Three

Manufacturing District

Residential District Four

Mobile Home Park District

Residential District Five

Lodging Business District

The boundaries of the districts are as shown on the Mentone Zoning Map, together with any subsequent Zoning Map amendments. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, rivers, streams, right-of-way lines, or corporate limit lines. The Zoning Map and all the notations, references, and other information shown thereon are part of this Ordinance. Such map shall be filed in the office of the Town Clerk and shall show thereon the date of adoption and revisions of said map.

The Zoning Administrator shall make an interpretation of the Mentone Zoning Map upon request of any person. 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 or land lot lines, such lines shall be construed to be such boundaries.
2. In un-subdivided 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 the use of the scale appearing on such maps.
3. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.
4. In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries.

Section A. Rural District (RD)

1. Intent. To provide areas for low density residential, agriculture and associated uses which are normal and customary in rural areas.

2. Permitted Uses.

Single Family Detached Dwellings
Mobile Home
Agriculture Structures and Uses
Public and Private Airport
Public and Private Recreation Facilities
Youth Camp and Campground
Home Occupations and Tourist Home

Institution Uses such as: cemetery, church, school, public park, town hall, library, museum, post office, community center and municipal public safety facilities

3. Conditional Uses.

Animal Hospitals, Kennels and Public Animal Shelters
Recreation Vehicle Park
Commercial Recreation Facilities
Clinic
Day Care Center
Group Care Facility
Private Clubs and Lodges
Landfill
Public Works Maintenance Yard or Building

Utility Uses such as: towers and antennas more than 150 feet in height, electric sub-station, water storage tank, above ground wastewater pumps, wastewater treatment plant or facility

4. Area and Dimensional Regulations.

- 4.1 Minimum Lot Area: One acre
- 4.2 Minimum Building Setbacks:
 - Front: 50 Feet*
 - Rear: 50 Feet
 - Side: 25 Feet

* Corner lots shall have a front setback on each street

- 4.3 Maximum Building Height: 45 Feet

5. Other Regulations. (When Applicable)

- 5.1 Sign Regulations, Article IV
- 5.2 Off-Street Parking Regulations, Article V

Section B. Residential One District (R-1)

- 1. Intent. To provide areas for the lowest density detached residential dwellings and accessory uses.

2. Permitted Uses.

Detached Dwellings

Accessory Structures and Uses
Municipal Public Safety Facilities

3. Conditional Uses.

Home Occupation

Institution Uses such as: cemetery, church, school, public park, town hall, library, museum, post office and community center

Group Care Facility

Utility Uses such as: towers and antennas more than 150 feet in height, electric sub-station, water storage tank, above ground wastewater pump, wastewater treatment plant or facility

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: 20,000 Square Feet

4.2 Minimum Building Setbacks:

Front: 35 Feet*

Rear: 30 Feet

Side: 10 Feet

* Corner lots shall have a front setback on each street

4.3 Maximum Building Height: 40 Feet

5. Other Regulations. (When Applicable)

5.1 Sign Regulations, Article IV

5.2 Off-Street Parking Regulations, Article V

Section C. Residential Two District (R-2)

1. Intent. To provide areas for low density detached residential dwellings, mobile homes and accessory uses.

2. Permitted Uses.

Detached Dwellings

Mobile Homes
Accessory Structures
Municipal Public Safety Facilities

3. Conditional Uses.

Same as R-1, Plus;
Public and Private Recreational Facilities

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: 20,000 Square Feet

4.2 Minimum Building Setbacks:

Front: 30 Feet*

Rear: 25 Feet

Side: 8 Feet

* Corner lots shall have a front setback on each street

4.3 Maximum Building Height: 40 Feet

5. Other Regulations. (When Applicable)

5.1 Sign Regulations, Article IV

5.2 Off-Street Parking Regulations, Article V

Section D. Residential Three District (R-3)

1. Intent. To provide areas for low density detached residential dwellings and accessory uses.

2. Permitted Uses.

Detached Dwellings
Accessory Structures
Municipal Public Safety Facilities

3. Conditional Uses.

Same as R-2

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: 15,000 Square Feet

4.2 Minimum Building Setbacks:

Front: 30 Feet*

Rear: 25 Feet

Side: 8 Feet

* Corner lots shall have a front setback on each street

4.3 Maximum Building Height: 40 Feet

5. Other Regulations. (When Applicable)

5.1 Sign Regulations, Article IV

5.2 Off-Street Parking Regulations, Article V

Section E. Residential Four District (R-4)

1. Intent. To provide areas for low density detached residential dwellings, mobile homes and accessory uses.

2. Permitted Uses.

Detached Dwellings

Mobile Homes

Accessory Structures

Municipal Public Safety Facilities

3. Conditional Uses.

Same as R-2

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: 15,000 Square Feet

4.2 Minimum Building Setbacks:

Front: 30 Feet*

Rear: 25 Feet

Side: 8 Feet

* Corner lots shall have a front setback on each street

4.3 Maximum Building Height: 40 Feet

5. Other Regulations. (When Applicable)

5.1 Sign Regulations, Article IV

5.2 Off-Street Parking Regulations, Article V

Section F. Residential Five District (R-5)

1. Intent. To provide areas for low density detached and attached residential dwellings and accessory uses.

2. Permitted Uses

Detached Dwellings Attached Dwellings

Accessory Structures and Uses

Group Care Facilities and intermediate Care Facilities for the Elderly

Tourist Home

Private Clubs and Lodges

Institution Uses such as; cemetery, church, school, public park, town hall, library, museum, post office, community center and municipal public safety facilities

3. Conditional Uses

Day Care Center

Home Occupations

Public and Private Recreation Facilities

Nursing Home

Utility uses such as: electric sub-stations, water storage tanks, towers and antennas more than 150 feet in height, wastewater treatment plant or facility, above ground wastewater pump

4. Area and Dimensional Regulations

4.1 Detached Dwellings: Same as the R-3 District

4.2 Attached Dwellings:

Minimum Lot Area: One acre

Maximum Density: Five dwellings per acre

Front Setback: 35 Feet*

Side Setback: 25 Feet

Rear Setback: 30 Feet

*Corner lots shall have a front setback on each street

4.3 Maximum Building Height: 35 Feet

5. Other Regulations. (When Applicable)

5.1 Sign Regulations, Article IV

5.2 Off-Street Regulations, Article V

Section G. Central Business District (CBD)

1. Intent. To protect and maintain the character of the Mentone Central Business District.

2. Permitted Uses.

Limited Retail and Service Uses such as:

Antique Shops

Art and School Supply Stores

Art Galleries and Studios

Bakeries

Banks

Barber Shops and Beauty Shops

Book or Stationery Stores

Camera and Photographic Supply Stores

China and Glassware Stores

Clothing and Costume Shops

Coin and Stamp Stores

Department Stores

Drug Stores

Florist Shops

Food Stores

Gift and Novelty Shops

Hardware Stores

Hobby Shops including arts and crafts

Hotels and Motels

Jewelry Stores

Leather Goods and Luggage Stores

Newsstands

Oculist

Offices (business and professional)

Private Clubs or Fraternal Organizations

Photograph Developing and Processing Shops

Photographer or Artist's Studios

Picture Framing Establishments
Restaurants

Second Hand Stores when conducted wholly within a completely enclosed building

Shoe Repair Stores
Shoe Stores
Sporting Goods Stores
Tailor Shops
Theaters
Tobacco Shops
Toy Shops
Variety Shops
Wearing Apparel Shops
Accessory Structures and Uses

Institution Uses such as: church, school, public park, town hall, library, museum, post office, community center and municipal public safety facilities

Retail and Service Uses which are clearly in compliance with the CBD intent and are not listed as nor similar to permitted or conditional uses in the other Business Districts.

3. Conditional Uses.

Utility Uses such as: towers and antennas more than 150 feet in height, electric substations, water storage tanks, wastewater treatment plant or facility, above ground wastewater pump

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: None

4.2 Minimum Building Setbacks:

Front: None

Rear: 25 Feet

Side: None (15 feet when adjacent to the Rural District or Residential Districts) Dis-

4.3 Maximum Front Building Setback: 15 Feet

4.4 Maximum Building Height; 40 Feet

5. Other Regulations.(When Applicable)

5.1 Sign Regulations, Article IV

- 5.2 Off-Street Parking Regulations, Article V. All off-street parking spaces shall be provided in the rear yard.

Section H. Retail Business District (B-1)

1. Intent. To provide areas for retail trade and recreation services which are appropriate near residential areas and do not feature outdoor storage, service nor repair activities which impact off the premises.

2. Permitted Uses.

CBD Permitted Uses, Plus:
Animal Hospital and Kennel
Auto Parts Store
Automobile and Boat Sales

Automobile and Boat Repair and Service, conducted entirely within an enclosed building, with no outside storage of boats, vehicles or equipment.

Automobile repair and service as an accessory use to the retail sale of fuel and vehicles

Building Material Sales
Campground
Car Wash
Clinic
Commercial Recreation Facilities
Day Care Center
Gasoline Service Station
Hosiery Mill, no dye operations
Home Improvement and Garden Shop
Hospital
Mobile Home Sales and Service
Nursing Home, Group Care Facilities and Intermediate Care Facilities for the Elderly

Public and Private Recreation Facilities Recreation Vehicle Park Recreation Vehicle Sales Shopping Center

Small Equipment Sales, Repair and Service, such as motorcycles, lawn mowers and chain saws

Other Retail Trade and Services which comply with the intent of this district and are not listed as nor similar to permitted uses in the B-2 or M districts.

3. Conditional Uses.

Warehouse and Mini-Warehouse
Automotive Repair and Service, not described as a permitted use

Utility Uses such as; towers and antennas more than 150 feet in height, electric substations, water and natural gas storage tanks, wastewater treatment plant or facility, above ground wastewater pump

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: None

4.2 Minimum Building Setbacks:

Front: 20 Feet*

Rear: 15 Feet (30 feet when adjacent to the RD or Residential Districts)

Side: 10 Feet (20 feet when adjacent to the RD or Residential Districts)

* Corner lots shall have a front setback on each street

4.3 Maximum Building Height: 35 Feet

5. Other Regulations. (When Applicable)

5.1 Sign Regulations, Article IV

5.2 Off-Street Parking Regulations, Article V

Section I. General Business District (B-2)

1. Intent. To provide areas for repair, light manufacturing and storage uses in such manner and location as not to detract from nearby residential or business areas nor have impact off the premises as described in the Manufacturing District.

2. Permitted Uses.

B-1 Permitted Uses, Plus:

Light Fabricating and Manufacturing

Farm Equipment and Trucks

Heavy Equipment, Sales and Service

Hosiery Mill

Flea Market, Outdoor

Automotive Repair and Service

Warehouse and Mini-Warehouse
Wholesale Business
Public Animal Shelter
Public Works and Contractor Maintenance Yard or Building
Other similar uses which comply with the intent of the District

3. Conditional Uses.

Utility Uses such as: towers and antennas more than 150 feet in height, electric substations, water and natural gas storage tanks, wastewater treatment plant or facility, above ground wastewater pump

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: None

4.2 Minimum Building Setbacks:

Front: 25 Feet*

Rear: 20 Feet (40 feet when adjacent to the RD or Residential Districts)

Side: 10 Feet (25 feet when adjacent to the RD or Residential Districts)

* Corner lots shall have a front setback on each street

4.3 Maximum Building Height: 40 Feet

5. Other Regulations. (When Applicable)

5.1 Sign Regulations, Article IV

5.2 Off-Street Parking Regulations, Article V

Section J. Manufacturing District (M1)

1. Intent. To provide areas for heavy manufacturing, industry, processing and public uses which may have impact off the premises such as noise, odor, smoke, dust, fumes or vibration.

2. Permitted Uses.

Asphalt Manufacturing or Refining

Cement Products Manufacture

Cement Plant

Fertilizer Plant

Fixed Plants for processing chert, gravel, clay, coal and sand

Junk and Salvage Yard of any kind

Landfill or Garbage Disposal Plant
Prison
Sawmill
Slaughter House or Rendering Plant
Quarry or Mining Operations

Volatile Uses such as: above ground storage of gasoline, storage and distribution of propane gas and other volatile, flammable and combustible materials and fuels

Wastewater Treatment Plant

Utility Uses such as; towers and antennas more than 150 feet in height, electric substations, water storage tanks, wastewater treatment plant or facility, above ground wastewater pump

3. Area and Dimensional Regulations.

3.1 Minimum Lot Area: One acre

3.2 Minimum Building Setbacks:

Front: 50 Feet*

Side: 50 Feet

Rear: 50 Feet

* Corner lots shall have a front setback on each street

3.3 Maximum Building Height: 60 Feet

4. Other Regulations.

5.1 Sign Regulations, Article IV

5.2 Off-Street Parking Regulations, Article V

Section K. Mobile Home Park District (MHP)

1. Intent. To provide areas for two or more mobile homes located on one lot or parcel to be used as dwellings, along with accessory uses, all developed in compliance with an approved development plan.

2. Permitted Uses. Mobile Home Park

3. Conditional Uses.

Recreation Vehicle Park

Utility Uses such as: towers and antennas more than 150 feet in height, electric substations, water and natural gas storage tanks, wastewater treatment plant or facility and above ground wastewater pump

4. Development Regulations.

4.1 Area and Dimensional Regulations

- a. Minimum Area: Five acres
- b. Maximum Density: 10 sites per acre
- c. Minimum Site Area: 3,600 square feet
- d. Minimum Site Setbacks:
Front: 15 Feet
Rear: 10 Feet
Side: 10 Feet

4.2 Mobile Home Park Standards

- a. All mobile home sites shall abut upon a roadway and all roadways shall be paved.
- b. The Park shall be adequately served by water and sanitary facilities.
- c. The Park shall be provided with a recreation area having a minimum area of 100 square feet per mobile home site. Such area shall be located so as to be practically and safely used by the residents.
- d. All mobile home sites are to be leased or rented only and are not to be sold individually.
- e. Each mobile home site shall be provided with two off-street parking spaces.

4.3 Procedure for Approval

In addition to the procedures and application requirements established in Article VII for zoning amendments, zoning amendment applications for the MHP District shall be accompanied by a site plan of sufficient scale and detail to show compliance with the requirements of the MHP District.

Section L. Lodging Business District (LBD)

1. Intent. To provide business areas for the lodging of transient guests in cabins along with accessory uses and services.
2. Permitted Uses.

Cabins and accessory recreational uses such as: swimming pools, playgrounds, tennis courts, hiking trails and similar uses.

3. Conditional Uses.

None

4. Area and Dimensional Regulations.

4.1 Minimum Lot Area: 15,000 square feet per cabin.

4.2 Minimum Building Setbacks:

Front: 20 Feet*

Rear: 30 Feet

Side: 10 Feet

*Corner lots shall have a front setback on each street.

4.3 Maximum Building Height: 35 Feet

5. Other Regulations.

Sign Regulations, Article IV

Off-Street Parking Regulations, Article V

ARTICLE III. GENERAL REGULATIONS

The following general regulations pertain to the administration and enforcement of this Zoning Ordinance.

Section A. Applicability.

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the Town of Mentone, except as specifically or by necessary implication, authorized by this Ordinance.

Section B. Except as Otherwise Provided in this Ordinance.

1. No land may be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used except for a use permitted in the district in which it is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area and height regulations of the district in which it is located.
4. The minimum building lines, parking spaces, open spaces, including lot area, required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon nor considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
5. Every building hereafter erected or structurally altered shall be located on one lot as herein defined and in no case shall there be more than one main building on each lot, except as specifically permitted by this Ordinance.

Section C. Area and Dimensional Modifications.

1. Lots of Record. Where a lot of record at the time of the effective date of this Ordinance has less area or width than herein required, said lot may nonetheless be used as a building site upon approval by the Board of Adjustment.
2. General Yard Modifications. Every part of a required yard shall be open to the sky unobstructed by an structure or part thereof, except as provided herein.
 - a. Sills or ornamental features of a building may project not more than twelve inches into any required yard. Cornices or eaves may project not more than twenty-four inches into any required yard.
 - b. Uncovered porches and decks may not extend to within 20 feet of the rear property line nor six feet of the side property lines. Said improvements may extend not more than six feet beyond the minimum required front building line.
 - c. Accessory structures, except in the Rural District, shall be located in the rear yard and shall not be located closer than five feet to a side property line nor 15 feet from a rear property line. No accessory structure may cover more than 25 percent of the rear yard land area.

3. Front Yard Modifications. The minimum front building setback for a proposed building to be located between adjacent buildings, both of which are not more than 100 feet from the proposed building, shall be the minimum front building setback of the applicable zoning district or the average front building setback of the adjacent building, whichever distance is less.
4. Building Height Modifications. The maximum building height in each of the zoning districts shall not apply to chimneys nor steeples and other ornamental architectural features of a building.

Section D. Non-Conforming Uses of Land and Buildings.

Within the districts established by this Ordinance or amendments that may later be adopted, there exist uses of land and uses of structures which are prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or discontinued. However, it is the further intent of this Ordinance that except for portable signs, this Section shall not apply to permanent signs which exist at the time of enactment of this Ordinance.

A duly licensed non-conforming use existing at the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

1. Restoration to Safe Condition. Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.
2. Destruction. When a non-conforming use or structure is damaged by any means to an extent of more than 50 percent of its value at the time of damage, it shall not be reconstructed nor used except in conformity with the provisions of this Ordinance.
3. Abandonment. When a non-conforming use is discontinued for a continuous period of one year or more, it shall not be re-established, and any future use shall conform with the provisions of this Ordinance.
4. Alteration and Enlargement. A non-conforming use shall not be enlarged, extended, structurally altered, reconstructed or moved to another location on the property.
5. Area and Dimensional Non-Conformities. A building or structure conforming to the use regulations of a zoning district, but not conforming to other provisions of this Ordinance, may be enlarged or altered provided that such enlargement or alteration conforms to the provisions of this Ordinance.

6. Change in Use. A non-conforming use shall not be changed to another non-conforming use.

Section E. Public and Private Utilities.

Public and private utility structures such as poles, transformers attached to poles, wires, towers or antennas less than 150 feet in height, conduits and similar facilities necessary for the transmission and distribution of electric power or to provide telephone, cable television or telegraph service; and pipes, vents, valves, hydrants, regulators, meters, below-ground pumps and similar facilities necessary for the transmission or distribution of water, natural gas or the collection of sewage; may be constructed, erected, repaired, maintained or replaced within any zoning district.

Utility structures and facilities such as above-ground wastewater pumps, towers and antennas more than 150 feet in height, wastewater treatment plants, water storage tanks, electric substations and sanitary land-fills are otherwise regulated within the various zoning districts in the Town.

Section F. Annexed Property.

The Town shall zone annexed property prior to issue of a Certificate of Zoning Compliance for said property.

Section G. Abandoned Right-of-Way.

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

ARTICLE IV. SIGN REGULATIONS

Section A. Purpose and Intent.

The economy of the Town of Mentone is to a great degree determined by the tourist industry, which benefits from the rustic and natural environment of the community. This environment is in harmony with and complimentary to the natural beauty of the area. This character has been and will continue to be essential to the economic prosperity of Mentone.

The purpose of this Article is to regulate the location, size, type and placement of signs in order to enable the public to locate businesses and institutions without difficulty, while preventing hazards to life and property, assuring the continued attractiveness of the Town and protecting and enhancing property values.

Section B. Method.

No sign shall be constructed, erected, painted or placed on a premises in any zoning district except in conformity with this Ordinance. A person desiring to erect a sign, except those signs listed in Section C, shall first obtain a Certificate of Zoning Compliance from the Zoning Administrator. The application for the Certificate shall be made on forms provided by the Zoning Administrator and shall contain all information necessary to determine conformance with the Zoning Ordinance.

Section C. Exempt Signs.

The following signs may be placed on a premises without a Certificate of Zoning Compliance.

1. Any sign which does not exceed two square feet in area and bears only the property number or name of the occupant of the property.
2. On-premise real estate signs such as for sale or for rent signs which do not exceed six square feet in area.
3. Signs which are not visible from the public right-of-way.
4. Public traffic control signs located on the public right-of-way and legal notices, identification, informational, or directional signs required by all levels of government.
5. Signs which do not exceed 12 square feet in area, advertising agricultural products for sale which were produced on the premises.
6. On-premise signs for institutions not to exceed 32 square feet in area nor 10 feet in height. Off-premise directional signs for such institutions, not to exceed eight square feet in area.
7. Signs which direct and guide traffic to or through parking areas, and do not bear any business name, logo or advertising message, not to exceed 4 square feet in area.
8. Signs located at the entrance to a residential area, farm, youth camp or mobile home park which is not internally illuminated and does not exceed 32 square feet in area nor six feet in height.

9. Temporary signs

Section D. Prohibited Signs.

1. Off-premise signs, except those specifically exempted in Section C.
2. Blinking, flashing, twirling, animated or wind driven signs and devices
3. Portable signs, moveable signs and all signs which are not permanently affixed to the ground or a building as required in the Building Code for such structures.
4. Banners, except that non-profit organizations may use banners on a temporary basis to advertise special events. Such banners may only be erected after a Certificate of Zoning Compliance has been issued by the Town. A banner shall be erected not more than 10 days in advance of the special event and removed not more than three days after the special event. Each non-profit organization shall be limited to not more than four temporary banners during the calendar year. (Ordinance 94-3)
5. Signs painted upon or affixed to vehicles in such a manner or location so as to circumvent the requirements of this Ordinance.
6. Signs located in the public right-of-way or causing a hazard to vehicles in the public right-of-way.
7. Roof signs

Section E. Signs Permitted in the CBD.

The following on-premise signs are permitted in the CBD upon approval of a Certificate of Zoning Compliance from the Zoning Administrator.

1. Multi-Tenant Buildings. Each building which contains more than one business tenant is permitted one on-premise building wall sign per facing street, not to exceed 32 square feet in area.

Each business located in a building which contains more than one business tenant is permitted one on-premise building wall sign not to exceed twelve square feet in area.

2. Buildings Containing One Business. Each building which contains one business is permitted one on-premise building wall sign, not to exceed 20 square feet in area.

Section F. Signs Permitted for Retail Business in the B-1 and B-2 Districts.

The following on-premise signs are permitted for retail business in the B-1 and B-2 districts upon approval of a Certificate of Zoning Compliance from the Zoning Administrator.

1. Multi-Tenant Buildings. Each building which contains more than one retail business tenant is permitted one on-premise free standing sign not to exceed 32 square feet in area nor 12 feet in height; and one on-premise building wall sign not to exceed 32 square feet in area.

Each retail business located in a building which contains more than one business tenant is permitted one on-premise building wall sign not to exceed twenty square feet in area.

2. Buildings Containing One Retail Business. Each building which contains one retail business is permitted one on-premise building wall sign not to exceed 32 square feet and one on-premise free-standing sign not to exceed 32 square feet in area nor 16 feet in height.

Section G. Signs Permitted for Other Business and Industry.

The following on-premise signs are permitted for business and industrial establishments other than those specified in Sections E and F, upon approval of a Certificate of Zoning Compliance from the Zoning Administrator:

Buildings with a front setback greater than 100 feet are permitted one on-premise free standing sign not to exceed 24 square feet in area nor 10 feet in height; and one on-premise building wall sign not to exceed 32 square feet in area.

Buildings with a front setback of 100 feet or less are permitted one on-premise building wall sign not to exceed 24 square feet in area.

Section H. Signs Permitted in the Lodging Business District.

Each lodging business may have one on-premise free-standing sign not to exceed 15 square feet in area nor 8 feet in height; and one on-premise building wall sign not to exceed 32 square feet in area.

ARTICLE V. OFF-STREET PARKING REGULATIONS

It is the intent of this Ordinance that the public interest, health, safety and welfare requires that every building and use erected or commenced after the effective date of this Ordinance shall have adequate off-street parking spaces as required in this Article.

Section A. Required Spaces.

Each dwelling, business, industry, institution, and public use, shall be provided with off-street parking spaces as specified below.

| <u>DWELLINGS AND LODGINGS</u> | <u>SPACES REQUIRED</u> |
|---|---|
| Detached dwellings, attached dwellings, apartments and mobile homes | 2 per dwelling unit |
| Boarding or Rooming House | 1 for each accommodation and 1 for each employee per shift |
| Hotels, Motels, Cabins and Other Lodging Businesses | 1 for each accommodation and 1 for each employee per shift in addition to spaces required for a restaurant, gift shop or other uses located on the premises |
| <u>GENERAL RETAIL TRADE AND SERVICES</u> (Except as stated below) | 1 per 200 square feet of gross floor area otherwise |
| Animal Hospital and Kennel | 3 per doctor and 1 per employee on the largest working shift |
| Automobile Service Stations | 3 per service bay, 1 per service vehicle and 1 for each 2 employees |
| Bank | 1 per 1 50 square feet of customer service area |
| Barber or Beauty Shop | 2 per chair and 1 for each 2 employees |

| | |
|--|---|
| Clubs or Lodges | 1 per 50 square feet of assembly area |
| Funeral Home | 5 plus 1 per 5 seats in largest chapel |
| Medical or Dental Clinic or Office | 3 per treatment room and 1 for each doctor |
| Nursing Convalescent or or Rest Homes | 1 per 4 beds and 1 for each 2 employees |
| Offices | 1 per 300 square feet of gross floor area |
| Restaurants | 1 per 100 square feet of customer service area |
| <u>GENERAL COMMERCIAL RECREATION USES</u> (Except as otherwise stated below) | 1 per 4 patrons to the maximum capacity of the facility, plus 1 for each 2 employees on the largest working shift |
| Campground | 1 per campsite and 2 per cabin or lodge plus 1 per employee on the largest working shift and 1 per camp vehicle normally parked on the premises |
| Miniature Golf | 1.5 per hole and 1 for each employee on the largest working shift |
| Recreation Vehicle Park | 1 per recreation vehicle served plus 1 per employee on the largest working shift and 1 for each vehicle normally parked on the premises |
| Swimming Facility | 1 per 75 square feet of water surface area plus 1 for each em- |

| | |
|--------------------|--|
| | ployee on the largest working shift |
| Theaters, Indoor | 1 per 4 seats |
| Theaters, Outdoor | 1 per 3 patrons to the maximum capacity of the facility |
| Golf Driving Range | 1 per tee and 1 for each employee on the largest working shift |
| Youth Camp | 1 per employee on the largest working shift plus 1 for each camp vehicle normally parked on the premises |

INSTITUTIONS

| | |
|--|---|
| Churches and Places of Public Assembly | 1 per 4 seats in the sanctuary |
| Day Care Center, Nursery School | 1 for each employee and adequate off-street area for the pick-up and delivery of children |
| Elementary and Middle School | 1 per teacher and staff member on the largest working shift plus 1 per 2 classrooms |
| High School | 1 per teacher and staff member on the largest working shift plus 1 per 5 students |

INDUSTRIAL AND MANUFACTURING USES

1 per employee on the largest working shift and 1 for each company vehicle normally parked on the premises

Section B. General Parking Regulations.

1. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
2. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
3. These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
4. These standards shall apply to all additions, expansions, enlargements, or reconstructions on the basis of the addition, expansion, enlargement or reconstruction only.
5. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney and shall be filed with the application for a Certificate of Zoning Compliance, and shall be in full force and effect until release by resolution of the Town Council.
6. All parking areas shall be provided with safe entrance to and exit from the public thoroughfare.
7. No off-street parking spaces, except for residential uses shall be entered or exited directly from a public street or alley.
8. The use of any required parking space for the storage of any motor vehicle for sale, repair, or any other purpose other than the parking of motor vehicles, is prohibited.
9. All parking areas and parking spaces shall be surfaced with bituminous pavement, concrete or gravel. Access aisles shall be at least twenty-two (22) feet wide. Parking spaces shall be at least eight (8) feet wide and eighteen (18) feet long.

ARTICLE VI. ADMINISTRATION AND REVIEW PROCEDURES

Section A. General Administration.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land or structures necessary to carry-out the enforcement of this Ordinance.

1. Certificate of Zoning Compliance. Unless specifically excepted by this Ordinance it shall be unlawful to commence construction of any building or other structure, including accessory structures or signs, or the moving or alteration of any structure, until the Zoning Administrator has issued for such work, a Certificate of Zoning Compliance.

The application for the Certificate of Zoning Compliance shall be made on forms provided by the Zoning Administrator and shall contain all information necessary to determine conformance with the Zoning Ordinance.

2. Unlawful Use. Any use of land or a structure, or construction or alteration of a structure in violation of this Ordinance is hereby declared a nuisance per se. Whenever the Zoning Administrator declares that the use of land or a structure is in violation of this Ordinance, the owner or occupant shall, within 72 hours from the issue of a notice from the Zoning Administrator to vacate such premises, accomplish the vacation of such land or structure until said use be made to conform to the provisions of this Ordinance.
3. Remedies. When 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 may bring an injunction, mandamus or other appropriate action or proceeding, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Penalties for Violation. Any person, firm or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not less that five dollars (\$5.00), nor more than one hundred dollars (\$100.00). Each day of a violation shall be considered a separate offense. (*Ordinance No. 2001-5*)

Section B. Board of Adjustment.

There is hereby established for the Town of Mentone a Board of Adjustment whose members shall be appointed by the mayor and Town Council of the Town of Mentone within 30 days following the adoption of this Zoning Ordinance by the Town Council. The

members of the Board shall be appointed pursuant to the terms and provisions of Section 11-52-80, Code of Alabama, 1975. The Board of Adjustment herein established shall have only those powers specifically delegated to it by the provisions of Section 11-52-80, Code of Alabama, 1975; which are:

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 article or of any ordinance adopted pursuant thereto;

To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; and

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.

1. Rules of Procedure. The Board of Adjustment shall adopt rules of procedure which govern the application process, conduct of meetings and hearings, election of officers and other subjects deemed appropriate by the Board.
2. Appeal Process. Any party aggrieved by any final judgement or decision of the Board of 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. An appellant shall be required to pay a filing fee in Circuit Court at the time that a Notice of Appeal is filed with that Court. The Board shall cause a transcript of the proceedings in the case to be certified to the Court to which the appeal is taken and the case in such Court shall be tried de novo. Said transcript shall consist of the minutes of the proceeding, together with true and correct copies of all exhibits, documents or other evidence presented for consideration by the Board. The Board is not required to retain the services of a stenographer or court reporter to record any proceedings before the Board.

Section C. Zoning Amendments.

Zoning amendments shall include changes to the Zoning Map or amendments to the Zoning Ordinance text, or both.

1. Procedure. All zoning amendments shall be considered by the Town in accordance with Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975, as amended. The Town Council shall not consider a zoning amendment until the Planning Commission has conducted a public hearing and made a recommendation on the proposed amendment.
2. Application. An application for a zoning amendment shall be filed with the Secretary of the Planning Commission on forms provided by the Secretary and shall be accompanied by:
 - a. A non-refundable application fee of \$25.00.
 - b. A legal description and boundary map of the subject property.
 - c. A vicinity map showing location of the site in relation to the surrounding area and zoning of the site and adjacent property.
 - d. A site plan, drawn to scale, showing; the dimensions of the site, access to a public street, existing buildings and proposed buildings if applicable.
 - e. Applications for the MHP District shall also contain the information required for a zoning application in the MHP District Regulations.
 - f. Any supplemental information which will assist the Commission in reviewing the zoning amendment.

The application and accompanying materials shall be filed with the Secretary of the Commission at least 21 days prior to the regularly scheduled Commission meeting at which the amendment is to be considered.

3. Notice of Hearing. Public notice for the hearing at which the amendment is to be considered shall be provided in the same manner as required for public notice of a Town Council zoning amendment hearing.
4. Action by Town Council. No zoning amendment shall be approved by the Town Council until: (a) Owners of property adjacent to the property which is the subject of the zoning amendment, as their names appear upon the plats of the Tax Assessor, are notified by mail of the date, time, place and nature of the public hearing at least 10 days prior to said hearing. (b) The proposed ordinance has been posted in four conspicuous places in the Town of Mentone, 15 days prior to the hearing for the proposed ordinance, together with a notice stating the time and place that the ordinance is to be considered by the Town Council and stating fur-

ther that at such time and place all persons who desire shall have an opportunity of being heard in opposition or in favor of such ordinance.

Section D. Conditional Uses.

Conditional uses listed in the zoning districts may be appropriate in that district, subject to review and approval by the Board of Adjustment. In determining whether such uses are appropriate for a specific location, the Board shall consider the impact of the proposed conditional use on surrounding property, public streets, utilities and other public concerns. The Board may require measures such as vegetated buffer strips and/or privacy fencing between adjoining property, as well as other limitations of use, operation, location, ingress and egress, height, and other public concerns, as conditions of approval for a conditional use. All such requirements shall be binding upon the use of the property.

Conditional uses shown on the Zoning Map at the time of adoption of this Ordinance may be expanded or reconstructed and additional buildings may be constructed on the premises without further conditional use approval by the Board of Adjustment, provided that all such construction conforms to the provisions of this Ordinance.

Conditional uses identified in each of the zoning districts, shall be permitted only after approval by the Board of Adjustment at a public hearing as stipulated herein.

1. Application. An application for a conditional use shall be filed with the Secretary of the Board on forms provided by the Secretary and shall be accompanied by:
 - a. A non-refundable application fee of \$25.00.
 - b. A legal description and boundary map of the subject property.
 - c. A vicinity map showing location of the site in relation to the surrounding area and zoning of the site and adjacent property.
 - d. A site plan, drawn to scale, showing: the location, use and dimensions of all existing and proposed structures; points of ingress and egress to the property; all public and private roads; off-street parking areas; and buffers and greenbelts.
 - e. Any supplemental information which will assist the Board in reviewing the proposed conditional use.

The application and accompanying materials shall be filed with the Secretary of the Board at least 14 days prior to the Board of Adjustment hearing at which the conditional use is to be considered.

2. Notice of Hearing. Upon receipt of a conditional use application and accompanying materials, the Secretary shall place the request upon the calendar for hearing. Owners of property adjacent to the property which is the subject of the conditional use, as their names appear upon the plats of the Tax Assessor, shall be notified by mail of the date, time, place and nature of the public hearing, at least seven days prior to said hearing.

Section E. Variances.

No variance to the requirements of the Zoning Ordinance shall be permitted by the Zoning Administrator unless said variance has been approved by the Board of Adjustment at a public hearing as stipulated herein.

1. Application. An application for a variance to the requirements of the Zoning Ordinance shall be filed with the Secretary of the Board on forms provided by the Secretary, and shall be accompanied by:
 - a. A non-refundable application fee of \$25.00.
 - b. A site plan, drawn to scale, showing: property lines, rights-of-way and easements; and the location, dimensions, and building setback for all existing and proposed buildings and structures on the site and adjacent to the site.
 - c. A scale drawing which shows all dimensions of the building, structure or area which is the subject of the variance request. The application and accompanying materials shall be filed with the Secretary of the Board at least 14 days prior to the Board of Adjustment hearing at which the variance is to be considered.
2. Notice of Hearing. Upon receipt of a variance application and accompanying materials, the Secretary of the Board shall place the request upon the calendar for hearing. Owners of property adjacent to the property which is the subject of the variance, as their names appear upon the plats of the Tax Assessor, shall be notified by mail of the date, time, place and nature of the public hearing, at least seven days prior to said hearing.

Section F. Administrative Appeal.

Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days of the administrative decision which is the subject of the appeal. The Zoning Administrator shall forthwith transmit to the Board, all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing by posting a notice stating the date, time, place and nature of the public hearing in four conspicuous places in the Town of Mentone at least seven days prior to said hearing, as well as due notice to the parties in interest, and decide the same within a reasonable time.

ARTICLE VII. DEFINITIONS

Access. A way or means of approach to provide physical entrance to a property.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Addition. A structure added to the original structure at some time after the completion of the original.

Agriculture. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alley. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

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

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Kennel. Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

Automobile Service Station. Any building, land area or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels; and including as an ac-

cessory use the sale and installation of lubricants, tires, batteries and similar accessories.

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

Campground. An area where two or more campsites, cabins or cottages are located for occupancy by the general public as temporary living quarters for recreation, education or vacation purposes. Any such are intended for use by recreation vehicles shall be defined as a Recreation Vehicle Park.

Clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Club. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

Commercial Recreation. A business which provides recreation or amusement activities for a fee to the general public, such as miniature golf, go-kart track, water slide or theme park, amusement park, swimming pool, batting cages, boat rental, ski slope, and similar uses.

Commercial Use. Activity carried out for pecuniary gain.

Condominium. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Day Care Center. Any child care business receiving more than six children for care during all or part of the day. The term does not include: programs operated as part of a religious institution; public or private school; nor special activity programs such as athletics, crafts and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Density. The number of families, individuals, dwelling units, or housing structures per unit of land.

Dormitory. A building used as group living quarters for students, employees, campers or participants of schools, churches, youth camp or similar institution.

Dwelling. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single family maintaining a household. The word

dwelling shall not include boarding nor rooming houses, dormitories, motels, hotels, tents, recreation vehicle or other facilities designed or used primarily for transient residents.

Establishment. An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

Factory-Built Dwelling. A dwelling that is constructed and assembled at a factory and transported to the building site and placed on a permanent foundation.

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

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

General Public. Any and all individuals without any prior qualifications.

Grade, Finished. The final elevation of the ground surface after development.

Group Care Facility. A facility or dwelling housing persons unrelated by blood or marriage and operating as a group family household.

Height. The vertical distance of a structure measured from the average elevation of the finished grade at the base of the structure to the highest point of the structure.

Home Occupation. A use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

Hotel. A facility offering transient lodging accommodations to the general public and providing additional services such as dining, meeting rooms, and recreation facilities.

Institution. Public and quasi-public uses such as cemetery, church, school, park and government owned buildings and facilities.

Lot. A parcel of land established by plat, subdivision or as otherwise permitted by law, intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area, except that each lot shall be comprised of land area in an amount equal to or greater than the minimum lot area required in the zoning district in which it is located. Each lot shall abut a public street or have access to a public street by means of a recorded access easement or right-of-way.

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

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Mini-Warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Minimum Lot Area. The total land area within the lot lines of a lot, excluding public street rights-of-way.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities.

Mobile Home Park. A parcel of land with two or more mobile homes used as dwellings or with two or more spaces designated or intended for parking of mobile homes to be used as dwellings.

Mobile Home Space. A plot of land for placement of a single mobile home within a mobile home park.

Motel. An establishment providing transient accommodations with most rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Non-Conforming Lot. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revisions or amendment to conform to the present requirements of the Zoning Ordinance.

Non-Conforming Sign. Any sign lawfully existing on the effective date of the Zoning Ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

Non-Conforming Structure or Building. A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Non-Conforming Use. A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nursing Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Off-Street Parking Area. A temporary storage area for motor vehicles that is located on private property and comprised of parking spaces and access aisles.

Off-Street Parking Space. A temporary storage area for one motor vehicle that is located on private property..

Outdoor Storage. The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Recreation Facility, Commercial. An outdoor recreation facility operated as a business and open to the public for a fee, including but not limited to: amusement and theme parks, batting cages, boat and raft rentals, bungee jumping, go-kart tracks, golf driving range, helicopter and balloon rides, miniature golf, ski area and water slides.

Recreation Facility, Personal. A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

Recreation Facility, Private. A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such nonprofit organization.

Recreation Facility, Public. A recreation facility operated by a governmental agency and open to the general public.

Recreation Vehicle. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreation Vehicle Park. An area with two or more spaces used or intended for parking of recreation vehicles by the general public as temporary living quarters for recreation, education or vacation purposes.

Rent. A periodic payment, made by a tenant, to his landlord for the use of land, buildings, structures or other property, or portions thereof.

Restaurant. An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retail Services. Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services.

Retail Trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Seasonal Dwelling Unit. A dwelling unit that lacks one or more of the basic amenities or utilities required for all year or all weather occupancy.

Seasonal Use. A use carried on for only a part of the year such as outdoor swimming during the summer months or skiing during the winter months.

Setback Line. That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Shopping Center. Three or more retail or service establishments located in one building or a group of architecturally unified buildings under one ownership or management, with selected tenants and an integrated parking area.

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

Sign, Animated or Moving. Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

Sign, Off-Premise. A sign which directs attention to a business, commodity, service of entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign. Directional. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as one-way, entrance, and exit.

Sign. Flashing. Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign. Free Standing. Any non-movable sign not affixed to a building.

Sign. Governmental. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Sign. Illuminated. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Sign. Portable. A sign that is not permanently affixed to a building, structure or the ground.

Sign. Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign. Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the wall of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign. Temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material, displayed for a period of time not to exceed six weeks during any calendar year and removed within one week after completion of the event, sale or activity it advertises.

Sign. Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Ski Area. An area developed for snow skiing, with trails and lifts, and including ski rental and sales, instruction, and eating facilities.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Tenant. An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Theater, Drive-In. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Use, Accessory. A use of land or of a building or portion thereof customarily incidental to the principal use of the land or building and located on the same lot with such principal use

Use, Conditional. A use permitted in a zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Zoning Ordinance and authorized by the Board of Adjustment.

Use, Existing. The use of lot or structure at the time of the enactment of the Zoning Ordinance.

Use, Permitted. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Use, Principal. The primary or predominant use of any lot.

Utility, Private or Public. (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, natural gas, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Warehouse. A building used primarily for the storage of goods and materials.

Yard. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Youth Camp. Any parcel or parcels of land having the general characteristics of a camp as the term is generally understood, used wholly or partially for recreation or educational purposes, the primary business of which is the accommodation of five or more children under the age of 18 years of age for a period of two days or more, which may include a site that is operated as a day camp.

Youth camps shall not be open to the general public for daily use but shall accommodate guests on a reservation basis only, for activities such as youth camps and conferences, seminars and retreats for adult or youth organizations.

Zone. A specifically delineated area or district within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

ARTICLE VIII LEGAL STATUS PROVISIONS

Section A. Separability.

That each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision thereof to be void or invalid for any reason shall not effect any other provision thereof. It is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

All ordinances or parts of ordinances inconsistent herewith at the time this Ordinance takes effect are hereby repealed.

Section B. Conflict of Laws.

If this ordinance or any part of this ordinance is deemed to be in conflict with state law, then, by operation of laws state law shall prevail and take precedence over said municipal ordinance. In addition thereto any federal law or regulation promulgated by executive agency of the United States of America shall accordingly take precedence over this ordinance.

Section C. Effective Date.

This Ordinance shall take effect on the ___ day of _____, 1992, following its passage, and approval by publication as required by law.

ADOPTED THIS 1ST DAY OF JUNE, 1992.

HONORABLE MAX CASH, MAYOR

ATTEST:

CATHERINE BAILEY, TOWN CLERK
(SEAL)