

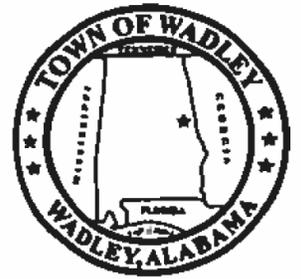


# TOWN OF WADLEY

## ZONING ORDINANCE

January 2021

Last amended: March 2024



### EARPDC

EAST ALABAMA REGIONAL PLANNING  
& DEVELOPMENT COMMISSION







# **TOWN OF WADLEY ZONING ORDINANCE**

**Adopted 01/04/2021  
Amended 03/04/24**



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The intent of this zoning ordinance is to promote and sustain proper development of the community therein protecting the value of the land and improvements, encourage development, in addition to the health, safety, and general welfare of the people of the Town of Wadley, Alabama.

## ACKNOWLEDGEMENTS

### TOWN OF WADLEY

Donna McKay, Mayor

### TOWN COUNCIL

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Linda Briones  
Michael Brown  
Jim Hall  
Mattie Staples

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## Article I - General Provisions

### Section 1.01 - Authority

This ordinance is established in pursuance of the authority conferred unto the Town of Wadley by Title 11, Chapter 52, Article 4, Sections 70 to 84 inclusive, Code of Alabama 1975, as amended, and for the general purposes of:

- promoting the value of real estate, health, safety, public peace, order, and general welfare;
- providing for the proper development of real estate;
- promoting the highest and best use of land and conserving the value of improvements;
- directing the development of real estate in the Town;
- providing guidance for applying regulations on the use of real estate;
- facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- encouraging the highest and best use of land and improvements throughout the Town; all in accordance with the comprehensive plan of the Town of Wadley, Alabama, that does hereby ordain and enact into law this Zoning Ordinance.

### Section 1.02 - Short Title

This Ordinance shall be known and may be cited as the “Wadley Zoning Ordinance”. The zoning map and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

### Section 1.03 – Interpretation

In this interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for promotion of the highest and best use of real estate, health, safety, convenience, order, prosperity, and general welfare of the community. The standards and requirements of this ordinance should be applied and enforced to balance public and private interests in the development of land in a manner that promotes the market reaction to development, highest and best use along with a mutual understanding and respect and with prompt and just consideration given to the various interests involved in land investment, ownership, and development.

To clarify the nomenclature of the term single family housing and manufactured housing. Both of these are actually single-family homes. As applied within this Ordinance the term single-family home will refer strictly to a conventional construction or a modular home and not a manufactured home. Within the Ordinance the term lot refers to a specific defined portion of real estate, either by lot number or description.

### Section 1.04 - Jurisdiction of Ordinance

The requirements and standards contained in this Ordinance apply only to areas within the corporate boundaries of the Town of Wadley.

### Section 1.05 - Districts

For the purpose of these regulations, the Town of Wadley is hereby divided into the types of districts designated as follows:

#### §1.05.01 **AG** -Agricultural District

§1.05.02 **R1** - Low Density Residential District

§1.05.03 **R2** - Medium Density Residential District

§1.05.04 **R3** -High Density Residential District

§1.05.05 **MHP** - Manufactured Home Park District

§1.05.06 **C1** -Neighborhood Business District

§1.05.07 **C2** -General Business District

§1.05.08 **M1** - Light Manufacturing

§1.05.09 **M2** - Heavy Manufacturing

§1.05.10 **FH** - Flood Hazard Area

§1.05.11 **OI** - Office Institutional

### **Section 1.06 - Districts Boundaries**

The boundaries of the above districts are hereby established as shown on the zoning map of the Town. Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad right-of way lines, or the corporate limits lines as they existed at the time of enactment of these regulations. Questions concerning the exact location of district boundary lines shall be decided by the Board.

### **Section 1.07 - Annexed Property**

Following the adoption of this Ordinance, any property annexed into the Town will be assigned a zoning classification by the Town Council, after a recommendation from the Commission, compatible with the intent of the Comprehensive Plan taking into consideration the existing use and zoning of adjoining land.

## Article II - Definitions

### Section 2.01 - General Interpretative Guidelines

a) In general when addressing zoning the immediate consideration will be laws and regulations, however to ignore the real substance of the regulations which is real estate the authority to zone will fail the individual and the community. Without recognizing the importance of land in defining regulations and laws and how it affects the community results in poor regulations and laws along with issues of enforcement. Within this ordinance real estate will be emphasized, which after all it is the very substance upon which zoning applies. The ordinance recognizes that there are four land classifications, agricultural, commercial, residential, and industrial.

b) Except as otherwise provided herein, all words shall have the customary dictionary meaning or as defined in the Dictionary of Real Estate Appraisal, Fifth Edition by the Appraisal Institute if related to real estate. The word "person" includes a firm, corporation, association, organization, trust, LLC, sole proprietor, or partnership. In instances where there are references to homes and basements those areas shall be defined as in ANSI Standard Z765-2003. In other instances, related to real estate the meanings or uses as defined in "The Appraisal of Real Estate, 14th Edition by the Appraisal Institute" may apply. The introduction of real estate terms in the Ordinance is intended to be precise in terms utilized, as with real estate common terms may have more than one meaning to individuals.

c) Where any word specifically defined in the Wadley Subdivision Regulations is used within these regulations, but is not specifically defined herein, then the specific definition contained in the Wadley Subdivision Regulations shall apply. If a word used and defined in the Wadley Subdivision Regulations bears a different or conflicting definition within this Zoning Ordinance, then the word shall be used and interpreted within each section in accordance with the specific definition contained therein.

d) Any words specifically defined in a subsequent section or article of this Ordinance shall carry that meaning within the context of the specific section or article within which it is defined.

e) Any lingering confusion or questions regarding the definition of a term used in these regulations shall be decided by the Town Council of the Town of Wadley.

### Section 2.02 - Specific Definitions

When used in these regulations, the following words and phrases shall have the meaning given in this section, unless specifically defined in a subsequent section or article:

§2.02.01 ACCESSORY STRUCTURE OR USE. A detached structure, that, by its nature is incidental and subordinate to the principal structure on the site.

§2.02.02 ACRE. A unit of measure of a quantity of land, 43,560 square feet.

§2.02.03 ALABAMA POWER FLOOD EASEMENT. A portion of land adjacent to Lake Wedowee that was acquired by Alabama Power for the purpose of water storage in the event of large rain events. In most instances a permit is required for any activity to be conducted in that area.

§2.02.04 ALLEY. A street or roadway which affords a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation.

§2.02.05 ALTERATION AND ALTERED. The word "alteration" shall include any of the following:

- A. Any addition to the height, width, or length of an existing structure;
- B. Any change in the location of any of the exterior walls of an existing structure;
- C. Any change in the position or placement of an existing structure on a site;
- D. Any change in the interior of a structure;

§2.02.06 APPRAISAL INSTITUTE. The Institute is the world's largest publisher of real estate valuation literature and appraisal education.

§2.02.07 AUTOMOBILE GARAGE. A type of business which conducts routine and incidental maintenance, inspection, tires, parts and repair services for motor vehicles along with the sale of parts, motor fuels, lubricants or fluids.

§2.02.08 BASEMENT. An area of a house or building that is partially or fully below grade as defined by ANSI Standard Z765-2003.

§2.02.09 BED AND BREAKFAST INN. A lodging facility having the exterior appearance of a single unit house which provides short-term rental sleeping accommodations and food. Such structure shall contain at least two but not more than twelve bedrooms for rent. Kitchen facilities must be accessed through a hallway, lobby, foyer, or office. The facility shall also contain the primary living facilities for the resident manager/owner.

§2.02.10 BOARD OF ADJUSTMENT. The Zoning Board of Adjustment of the Town of Wadley.

§2.02.11 BOARDING OR ROOMING HOUSE. A building other than a hotel or motel where lodging and meals are available for rent for periods of time. Occupants should be to non-institutionalized persons, meaning persons capable of independent living. The structure shall contain at least two but not more than twelve, private rooms and shall provide either shared or common kitchen facilities and/or shared bathroom facilities. Individual lodging rooms within the building must be accessed through a central internal lobby or office. The rooms contained within the structure shall not constitute independent dwelling units.

§2.02.12 BODY SHOP. An automotive repair facility with a concentration on restoring the exterior and interior appearance of automobiles in addition to minor and major vehicle repairs, including but not limited to: full vehicle restoration work, body painting or repainting, whole engine replacement, and other similar major vehicle body and restoration work or overhauls, but not including the on-site storage and salvaging of inoperable motor vehicles.

§2.02.13 BUFFER. A visual divider between lots that lessens the view between the two sites. Typically, a planted strip of evergreen shrubs or trees, brick or wood fencing. The affect is to provide an effective year around visual screen. A buffer shall be no less than three feet in width at any point.

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

§2.02.15 BUILDING AREA OR ENVELOPE. The interior portion of a lot located inside the required front, rear, and side yard setbacks within which the main structure, including porches, carports, and accessory buildings, may be constructed.

§2.02.16 BUILDING INSPECTOR OR ENFORCEMENT OFFICER. Within this Ordinance the terms are

interchangeable.

§2.02.17 BUILDING HEIGHT. The vertical distance measured from the lowest elevation of the proposed or actual finished grade at the front of the building to the highest point of the roof for pitched roofs or, for buildings with flat roofs, to the average height level between eaves and ridges for gable, hip and gambrel roofs, and to the deck line of mansard roofs. The highest point of the roof shall include a cupola or other decorative extension of the roof, except chimneys, weathervanes, flagpoles, and antennas.

§2.02.18 BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any structure and the fronting right-of-way line of the abutting street. For purposes of measuring the building setback line, the exterior of the structure shall include porches, landings, bay windows, and decks, but not steps, gutters, flagpoles, awnings, and similar protruding fixtures on a building. Canopies with a greater height than fourteen feet have a minimum set back of four feet distance from adjoining streets or roadways.

§2.02.19 BUSINESS, RETAIL. A business establishment that generally sells finished products or personal services in varying quantities directly to the final consumer. These commodities or services are primarily for direct use or consumption by the purchaser.

§2.02.20 BUSINESS, WHOLESALE. A business establishment that primarily sells commodities or services in large quantities or by piece to retailers, contractors, or manufacturing establishments. These commodities are mainly for resale, for use in the fabrication of a product, or for use by a retail or personal service business.

§2.02.21 CAMPGROUND. An area of land divided into sites which may be improved to accommodate cabins, campers, travel trailers, recreational vehicles or tents occupancy by transient persons primarily for temporary rental purposes and which retains an open air or natural character. Such sites are subject to the State of Alabama along with county and Town lodging taxes.

§2.02.22 CHILD CARE CENTER. Any non-residential center, agency, or place, however styled, where children not related to the operator are received for custodial care, apart from their parents during the day and in full compliance with all applicable State requirements and/or certifications. The name also includes and encompasses the term "day care center."

§2.02.23 CHILD CARE CENTER, IN-HOME. A custodial care business, conducted as a home occupation in a residential dwelling, where not more than six children, not related to the operator are received for temporary care during the day in full compliance with all applicable State requirements and/or certifications.

§2.02.24 CHURCH. A place of worship.

§2.02.25 COMPREHENSIVE PLAN. The most current adopted land use plan.

§2.02.26 CONDOMINIUM. A multi-unit residential structure where it is possible to acquire exclusive legal ownership of a unit without title to the land on which it is located or with the purchase of a partial or shared interest in the land on which it is located.

§2.02.27 CONSTRUCTION. The progress of creating an improvement to the land or improvement to be placed on the land.

§2.02.28 CONVENIENCE STORE. A retail business that may or may not sell motor vehicle fuels in

combination or conjunction with general grocery and sundry goods.

§2.02.29 COTTAGE INDUSTRY. An incidental accessory business use or activity which is conducted within a building accessory to the permanent dwelling unit of the occupant or within the dwelling unit. All cottage industries shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance.

§2.02.30 DEVELOPABLE LAND AREA. That portion of a site that is suitable for developable.

§2.02.31 DEVELOPMENT. The creation of improvements on land for the purpose of residential, industrial or commercial activity or for some agricultural activity.

§2.02.32 DWELLING. A conventional built or modular home structure designed, arranged, or used principally for residential occupancy. A single-family home.

§2.02.33 DUPLEX AND MULTI-FAMILY. A building containing two or more functionally independent residential dwelling units accessed exclusively by independent exterior entrances or through a shared foyer or stairwell on a commonly-shared lot, such as a duplex or apartment.

§2.02.34 DWELLING, SINGLE FAMILY (UNIT). A dwelling designed for and occupied by not more than one family or household but not including manufactured homes. Such unit may be attached or detached.

§2.02.35 FAMILY. One or more related persons occupying a dwelling or manufactured home, who live and function as a single housekeeping unit.

§2.02.36 FLOOD. An overflow of water onto lands not normally covered by water.

§2.02.37 FLOOD HAZARD AREA. The area designated on the FEMA Flood Hazard Rate Map as a shaded area.

§2.02.38 FLOODPLAIN. The area adjacent to a creek, stream or river that by terrain is subject to being inundated during periods of significant rainfall.

§2.02.39 FLOODWAY. The channel of a river or other water course and the adjacent land areas required to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

§2.02.40 FLOOR AREA, GROSS OR TOTAL. The total area contained within the interior of a building as measured by the cumulative total of the outside dimensions of the building at the base of each story, not to include: attic space, areas providing headroom of less than seven feet; crawl space, fire escapes, porches, decks, or patios.

§2.02.41 GROSS LIVING AREA. The heated and cooled area of a dwelling above grade, as defined by ANSI Standard Z765-2003.

§2.02.42 GROUP HOME. A dwelling housing individuals who are not necessarily related by blood or marriage and who live and function as a single housekeeping unit under the supervision of one or more resident manager or resident manager teams. Group homes shall comply with the relevant standards contained in Article IV, Section 3 of this Ordinance.

§2.02.43 HAZARDOUS MATERIALS. Any explosive, corrosive, flammable, toxic, or carcinogenic material, chemical, or substance that poses a threat to human health or welfare. Such substances do not include common household products and cleansers which may, by their nature, include or constitute hazardous materials, as long as they are used exclusively for their intended purpose and are not stored in quantities that are excessive for common residential use.

§2.02.44 HAZARDOUS WASTE. Any discarded or disused material, chemical, or substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- A. cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

§2.02.45 HOME OCCUPATION. A business activity for gain or support incidental to the use of the premises for residential purposes, conducted by family members and no more than one none family member. All home occupations shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance.

§2.02.46 HOTEL. A commercial lodging facility offering sleeping accommodations to the public. Such facilities shall contain not less than ten bedrooms. Individual lodging rooms within a hotel may or may not contain full kitchen facilities, accessed through a central internal lobby or office which is supervised at all times. Accessory uses permitted within a hotel building may include: a restaurant, conference facility, laundry facilities, meeting rooms, banquet rooms, gift shops, and recreational and exercise facilities.

§2.02.47 HOUSEHOLD. One or more unrelated persons occupying a dwelling or manufactured home, who live and function as a single housekeeping unit.

§2.02.48 IMPERVIOUS SURFACES. Any exposed bedrock or improvement to land that substantially reduces or prevents the natural infiltration of water into the underlying soil layers.

§2.02.49 JUNKYARD. Any lot or tract of land upon which discarded or nonfunctional articles, products, and materials are kept, compacted, burned, stored, cannibalized, bought, or sold, but not actively repaired or used for their original purposes or as originally manufactured units. Such articles shall include, but may not be limited to: household appliances, scrap metal (ferrous or nonferrous), demolition materials or debris, worn or used rags, used furniture, scrap paper or glass, used or flat tires, and inoperable automobile bodies and parts. Any location containing, for a period exceeding thirty consecutive days, two or more motor vehicles that are unregistered or are incapable of fully operating (start and move) under their own power shall constitute minimum prima-facie evidence of a Junkyard.

§2.02.50 LAKE HOME. A dwelling constructed on a site which borders a body of water, the dwelling being in close proximity to the body of water.

§2.02.51 LANDSCAPING. For the purpose of this ordinance this refers to any groundcover, vegetation, plant materials, trees, shrubs, perennials, annuals or rocks, walls, fences or water designed to enhance the appearance of a lot or site.

§2.02.52 LICENSE. An instrument issued by the Town of Wadley for permission to operate a commercial, industrial or other activities under the terms set forth in this Ordinance.

§2.02.53 LOADING SPACE, OFF-STREET. A designated space outside a public right-of-way that is designed and used as a convenient temporary parking location for motor vehicles upon which bulk goods or materials are to be placed for shipping or from which bulk goods or materials are to be removed for delivery.

§2.02.54 LOT. A parcel of land of any size defined as a part of a subdivision of land, whether as part of a recorded plat or an unrecorded plat.

§2.02.55 LOT, CORNER. A lot adjoining an intersection of two street rights-of-way such that it possesses frontage along the right-of-way lines of both intersecting streets. A lot located along a curved street shall be considered a corner lot if street frontage opposes both the rear and one side yard of the lot and the interior angle formed by the intersecting front street line and the side street line is less than one hundred thirty-five degrees.

§2.02.56 LOT DEPTH. The longest distance between any point along the frontage line of a lot and the opposing rear property line.

§2.02.57 LOT, DOUBLE FRONTAGE. A lot possessing frontage on two or more streets that do not intersect at any point along the subject lot boundaries.

§2.02.58 LOT FRONTAGE. The distance along the boundary line of a lot which coincides with the public or approved private street right-of-way that provides primary vehicular access to the lot.

§2.02.59 LOT, INTERIOR. A lot other than a corner lot possessing frontage on only one street.

§2.02.60 LOT WIDTH. The longest distance between any point along the side line of a lot and the opposing side property line.

§2.02.61 MANUFACTURED HOME. A dwelling, that does not require a perimeter foundation for support, made in a manufacturing facility, transportable by a set of wheels designed as part of the dwelling and includes plumbing, heating, air conditioning, and electrical systems all contained therein. All manufactured homes shall comply with the relevant and applicable standards contained in Article IV, Section 5 of this Ordinance and HUD Building Standards.

“Manufactured home, Class A” means a new multi-wide manufactured home certified as meeting or exceeding the Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development and the “acceptable similarity” appearance standards in accordance with Section §2.02.61 and §4.05.

“Manufactured home, Class B” means a new manufactured home certified as meeting or exceeding the Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development but does not satisfy the “acceptable similarity” appearance standards in accordance with Section §2.02.61 and §4.05

“Manufactured home, Class C” means a used manufactured home certified as meeting the Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development which upon inspection is found to be in good condition and safe and fit for human occupancy.

“Manufactured home, Class D” means used manufactured homes whether or not certified as meeting the U.S. Department of Housing and Urban Development Construction and Safety Standards or prior codes, found on inspection to be in poor condition and unsafe and/or unfit for residential occupancy.

§2.02.62 MANUFACTURED HOME PARK. A tract of land having multiple spaces for lease which are used or designed to accommodate manufactured homes on a long term basis.

§2.02.63 MINI-WAREHOUSE. A commercial building divided into individual, small, self-contained units leased primarily for the storage of personal household belongings, office equipment, or office furniture. The storage of hazardous materials, solid waste, live animals, or materials normally associated with manufacturing uses shall not be permitted within a mini-warehouse facility. The term mini-warehouse shall be interpreted to include and encompass "personal storage facility" and "self-storage facility."

§2.02.64 MOBILE HOME. A structure which complies with the definition of "manufactured home" but which was manufactured prior to June 15, 1976.

§2.02.65 MODULAR HOME. A dwelling, that requires a perimeter foundation, produced in a manufacturing facility, transported in pre-manufactured sections or components to the construction site and assembled in accordance with a national building code and bearing an insignia issued by the Alabama Manufactured Housing Commission verifying compliance of the structure's components with all applicable requirements of the 1975 Code of Alabama, as amended.

§2.02.66 MONASTERY. A place of worship, building, structure, or compound occupied by monks residing and worshiping within the structure under religious vows and in seclusion. The term "monastery" shall also include convents.

§2.02.67 MOTEL. A commercial lodging facility offering sleeping accommodations to the public. Such facilities shall contain not less than ten bedrooms. Individual lodging rooms within a motel may be accessed directly from the outdoors and may contain partial kitchen facilities. Accessory uses permitted within a motel building may include: a restaurant, laundry facilities, meeting rooms, gift shops, and recreational and exercise facilities.

§2.02.68 NET AREA. The total area of a site minus any setback areas.

§2.02.69 NONCONFORMITY. A lot, structure, use of a lot or structure, or combination thereof, that legally existed at the time of enactment of this Ordinance or of subsequent amendment to this Ordinance, but which no longer conforms to all applicable provisions of the district in which it is located.

§2.02.70 OFFICE. A building or portion of a building dedicated to professional, administrative, clerical, or similar uses.

§2.02.71 OPEN SPACE. Space which is not occupied by a building or structure and is maintained in a natural state or has been developed to support outdoor recreational uses.

§2.02.72 PARKING SPACE, OFF-STREET. A designated space outside a public right-of-way that is designed and used for temporary parking of motor vehicles that complies with all applicable requirements of this Ordinance.

§2.02.73 PARSONAGE. An attached or detached dwelling used as a domicile for a church clergyman and his/her family. A parsonage also may be used as a temporary housing facility for visiting clergy. A parsonage may be an accessory structure on a church property or a principal use on an adjoining lot to a church.

§2.02.74 PERMANENT FOUNDATION. A solid masonry or wood wall which provides a load bearing

support for any structure possessing sufficient strength and thickness to resist all lateral pressures from the structure it is designed to support.

§2.02.75 PLANNING COMMISSION OR COMMISSION. The Town Zoning and Planning Commission of the Town of Wadley, Alabama.

§2.02.76 PLACE OF WORSHIP. A reference to any site or improvement for which used exclusively for religious worship, education, or other related ceremonies or practices.

§2.02.77 PUBLIC LAND USE. A land use operated by or through a unit or level of government, either through lease or ownership.

§2.02.78 REAL ESTATE. The term as applied in this Ordinance to real property. Property consisting of land and buildings along with those things attached to the land. Personal property would apply to those things that can be moved.

§2.02.79 RECREATIONAL VEHICLE. A motorized or non-motorized vehicle designed for traveling that may include sleeping, dining or other accommodations. This includes Park Models as they are constructed to RV standards.

§2.02.80 RECREATIONAL VEHICLE PARK. A tract of land having multiple spaces for lease which are used or designed to accommodate recreational vehicles on a long term basis.

§2.02.81 REGULAR ZONING DISTRICT. A zoning district which is delineated on the base zoning map.

§2.02.82 RESTAURANT. A commercial dining facility serving food prepared or cooked on the premises to patrons who will consume the prepared food on or off the premises or within the dining facility. Under the terms of this definition, a restaurant shall include delis, cafes, and ice cream parlors.

§2.02.83 SHOPPING CENTER. A retail business development consisting of a group of commercial establishments designed as a unit and having shared parking and driveway facilities.

§2. 2.84 SINGLE-FAMILY HOME. A conventional type construction or modular built for residential use by a family unit.

§2.02.85 SOLID WASTE. Any non-liquid or non-gaseous refuse materials or products generated by residential, commercial, industrial, or institutional uses for disposal.

§2.02.86 SOLID WASTE FACILITY. Any land or structure used for the long-term disposal, storage, transfer, collection, treatment, utilization, processing, incineration, or any combination thereof, of solid waste.

§2.02.87 SPECIAL ZONING DISTRICT. A zoning district that encompasses one or more regular zoning district identified on the zoning map or a zone that may encompass characteristics of several zoning districts.

§2.02.88 STORY. That portion of a building included between the surface of any floor and the surface of the floor immediately above, or if there be no floor above it, then the space between such floor and the ceiling above it.

§2.02.89 STREET. A linear right-of-way within which an improved surface has been constructed to support

vehicular traffic and which affords the principal means of access to abutting property. A public street is a street that has been dedicated for public use as a public right-of-way. A private street is a street that has been dedicated for public use but has not been accepted by the Town as a public street. A private street may also be a street within a tract of land that may be part of an easement to adjacent properties, not built to Town standards or accepted by the Town nor maintained by the Town. Improvements on private streets are not subject to set back requirements or similar regulations.

§2.02.90 STREET, ARTERIAL. A street that provides a major transportation linkage.

§2.02.91 STREET CENTERLINE. A line formed by the midpoint between the inside edges of the curbs or the drainage ditches along the roadway within a street right-of-way.

§2.02.92 STREET, COLLECTOR. A minor street that provides access to a arterial or other streets.

§2.02.93 STRUCTURE. Any improvement which may be built or constructed.

§2.02.94 SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value or the assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

§2.02.95 TINY HOMES. A pre-fabricated structure set on a permanent trailer chassis with wheels or may be located on a permanent foundation. The size being less than 400 square feet. Does not meet HUD Code for residential occupancy.

§2.02.96 TOWNHOUSE. Buildings containing only one or two dwelling units, with three or more buildings attached to each other by party walls without openings. Side yards shall be required only at the end of rows of attached dwellings.

§2.02.97 USE. The purpose or activity for which land or a building or other structure is designed, arranged, or intended, or the purpose or activity for which land is or may be occupied or maintained.

§2.02.98 YARD. A space on the same lot with a principal building, open, and unoccupied and unobstructed by buildings or structures from ground to sky.

§2.02.99 YARD, FRONT. A space extending the full width of the lot, and situated between the right-of-way line of the abutting street and the nearest point of the principal building. Typically, the area between the front of the improvement and the street.

§2.02.100 YARD, REAR. A space extending the full width of the lot from the rear of the lot to the nearest point of the improvement.

§2.02.101 YARD, SIDE. A space situated between the nearest point of the principal building and any side line of the lot, generally extending from the rear line of the front yard to the front line of the rear yard.

§2.02.102 ZONING DISTRICT. A section of the Town of Wadley for which the zoning regulations are uniform, as delineated on the Zoning Map.

§2.02.103 ZONING MAP. The "Official Zoning Map of the Town of Wadley" which includes a base map or maps of the regular zoning districts and overlay or overlays of the special zoning districts.

## Article III - General Requirements

### Section 3.01 - Uses

Except as hereinafter provided, no building, lot, 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 3.02 - Structure

It is the intent of this Ordinance that no more than one principal use structure shall be located on any single subdivision lot plus any permitted accessory structures, except as provided in this Ordinance. Accessory or detached structures may include functionally independent living quarters, as provided.

### Section 3.03 - Height and Density

§3.03.01 HEIGHT OF STRUCTURES. In each district, each structure hereafter erected or altered shall not exceed the height limits 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 all such structures specifically exempted from local zoning regulations by applicable federal law, cooling towers, water tanks, and similar structures not intended for human occupancy.

§3.03.02 INTENSITY OF USE. Each building and lot shall not be used or occupied hereafter by more families or for a higher intensity of use than permitted in the zoning district.

### Section 3.04 - Accessory Improvements or Structures

§3.04.01 IN RESIDENTIAL DISTRICTS. Accessory structures in residential districts, or any lot used primarily for residential purposes, shall conform to the following regulations:

- A. Accessory structures shall be permitted in the rear yard only except for lake homes. Accessory structures shall not exceed the height of the principal use structure, shall not cover more than thirty percent of the rear yard, and shall be located at least five feet from lot lines.
- B. When an accessory building is attached to the principal building by a breezeway, passage way, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.
- C. 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 within sixty feet of any front lot line.

§3.04.02 IN NONRESIDENTIAL DISTRICTS. On any nonresidential lot sharing a side lot line with a lot in a residential district, no part of any accessory building shall be located within fifty feet of the property line dividing the non-residential lot and the residentially zoned property. 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 within sixty feet of any front lot line.

§3.04.03 MINIMUM SEPARATION. Except as herein provided, no accessory building shall be located closer than five feet to a lot line, nor closer than ten feet to a principal building or to any other accessory building on the same lot.

### Section 3.05 - Lots

§3.05.01 MINIMUM LOT SIZE. All lots created after the effective date of this Ordinance shall comply with the minimum lot size requirements for the zoning district within which they are located or as approved the Planning and Zoning Commission in a subdivision plan.

§3.05.02 YARD REDUCTION. Except as herein provided, no lot shall be approved that reduces in area less than the minimum area required under this Ordinance.

§3.05.03 MINIMUM FRONTAGE. All lots shall have a minimum frontage of not less than forty feet along a public street or a private street dedicated for public use and constructed in accordance with all applicable Town street standards. The minimum required frontage shall be reduced to thirty-five feet for lots fronting on the turn-about at the end of a permanent cul-de-sac, unless approved by the Planning and Zoning Commission. The reduction of frontage does not apply to the lot sizes or other requirements.

§3.05.04 CREATIVE DESIGN. The Planning and Zoning Commission of the Town of Wadley encourages distinctive, innovative and unique designs for both residential and commercial developments. While the standards established in this section are the design criteria currently, the Board reserves the right to approve innovation and distinct designs that would represent new practices that reflect market appeal while contributing to the overall aesthetics of the community for any zoning district. This would include changes in dimensions.

§3.05.05 The Planning and Zoning Commission, nor the Town of Wadley require a subdivision plan for any casual sale of real estate not intended for development of a subdivision.

### Section 3.06 - Yards and Open Space

§3.06.01 YARDS AND OPEN SPACES. In each district, each structure hereafter erected or altered shall be provided with the area specified, and shall be on a lot of the area and width specified in this Ordinance.

§3.06.02 YARDS ON SUBSTANDARD LOTS. Where the owner of a lot or lots, at the time of adoption of this Ordinance, which are substandard to the requirements of the district in which they are located, such lots may be developed in such a manner as other lots within the same recorded or unrecorded lots have been developed provided:

- A. There exist similar improvements to the proposed improvements in existences on similar lots and no new structures have been placed on similar lots in compliance with this Ordinance.
- B. That neither side yard shall be reduced to less than five feet.
- C. No building shall be required to set back more than the average of the setbacks of the existing residences within one hundred feet each side thereof, but in no case shall the setback of any building hereafter erected or altered be less than twenty feet.

§3.06.03 There is no requirements for open space in any development. However, developers are encouraged to provide open space as an amenity to the development. In no event may open space be considered public property, meaning Town ownership, without the expressed consent of the Town.

§3.06.04 Every part of a required yard must be open from its lowest point to the sky and unobstructed with the following exceptions;

**A.** Sills, belt courses, cornices, eaves, ornamental features, chimneys, awnings, canopies, steps and ramps not higher than 30 inches above grade and similar features may extend into a required yard not more than 36 inches, except as may be required for accessible ramps.

**Section 3.07 - Building Setback Lines**

§3.07.01 PROPERTIES ABUTTING EXISTING IMPROVED PUBLIC STREETS. When any required yard abuts a street or roadway with an existing public street right-of-way of forty feet or more, the setback shall be the standard setback required in that zoning district. The setback shall be measured from the property line.

§3.07.02 PROPERTIES ABUTTING DEDICATED RIGHTS-OF-WAY. When any required yard abuts a street or roadway with a dedicated right-of-way (public or private) of less than forty feet, the setback shall be not less than twenty feet, plus any additional setback required by the minimum dimensional requirements for the applicable zoning district. The setback shall be measured from the centerline of the existing improved roadway. If no improved roadway has been constructed within the right-of-way, then the twenty foot setback shall be measured from the centerline of the dedicated right-of-way.

**Section 3.08 - Frontage on Corner Lots and Double Frontage Lots**

On lots having frontage on more than one street, the side or rear yard setback along the secondary street shall not be less than the required front yard setback for the applicable zoning district.

**Section 3.09 - Access to Streets**

No building for human occupancy shall be erected without unrestricted vehicular access to a public street or a private street dedicated for public use and constructed in accordance with all applicable Town street standards.

**Section 3.10 - Fences and Walls**

§3.10.1 HEIGHT ON RESIDENTIAL PROPERTIES. No fences or walls may be erected, placed, or maintained along a side or rear lot line on residentially zoned property, or adjacent thereto, to a height exceeding six feet above the ground. Fences or walls located in a required front yard shall not exceed a height of four feet and in the first twelve feet from the right-of-way the height shall not exceed three feet.

§3.10.2 HEIGHT ON NONRESIDENTIAL PROPERTIES. No fence or wall erected, placed, or maintained along a lot line between non-residentially zoned property shall exceed a height of eight feet. Between non-residential land and residential land landscaping may be placed that exceeds eight feet in height.

§3.10.3 Other than traffic control signs, no fence, wall, landscaping, sign or other visual obstruction is permitted, between the heights of three feet and 10 ft above street level, that will obstruct a motorist's line of sight at intersections of streets, driveways or alleys, in accordance with the following or AASHTO Geometric Design of Highways and Streets, latest addition, whichever is more restrictive. Requirements are determined as follows:

- A. At the intersection of two streets; 30 ft from the intersection measured along each curb line/ edge of pavement
- B. At the intersection of a street and a driveway or alley: 20 ft from the intersection measured along the curb line/edge-of-pavement and 20 ft along the driveway pavement
- C. At the intersection of a street and a major street or railroad: 20 ft from the intersection measured along the curb line/edge-of-pavement of the street and 70 ft along the curb line/

edge-of-pavement of the major street or the railroad right-of-way, as applicable

§3.10.4 PROHIBITED MATERIALS. Barbed wire, hog wire, chicken wire, hardware cloth, material not designed for fencing use or metal panels shall not be used as fencing for any residential, industrial or commercial property.

§3.10.5 PROHIBITED FENCE. No spite fence of any sort permitted.

### **Section 3.11 - Traffic Visibility at Intersections**

§3.11.1 On any corner lot, nothing shall be erected, placed, or grown in such a manner as to limit or obstruct traffic visibility at the street intersection. A clear sight triangle shall be maintained upon such lot, such sight triangle beginning at the intersection of the two lot lines along the street and running along each lot line. Within such sight triangle, nothing shall be erected, placed, or grown taller than a height of three feet above the centerline grades of the intersecting streets.

§3.11.2 No visual obstruction See §3.10.3

### **Section 3.12 – Storm Water Management**

Storm water runoff from construction sites may be a source of surface water contamination. New development and construction activity must be designed to minimize on-site erosion. The Town may request assistance from qualified experts in evaluating the applicant's proposed measures to comply with these requirements.

§3.12.01 EXEMPT ACTIVITIES. The following activities shall be exempt from these storm water management requirements:

- A.** Minor land disturbing activities normally associated with single family uses, such as home gardens, landscaping, building repairs or alterations, swimming pool installation, or other related, low-impact activities.
- B.** Construction of a single-family dwelling or installation of a manufactured home.
- C.** Agricultural practices or the construction of farm buildings, when conducted in compliance with applicable Best Management Practices.
- D.** Private and commercial forestry activities, when conducted in compliance with all applicable Best Management Practices.

§3.12.02 ADEM PERMIT REQUIRED. Construction projects or land disturbing activities involving one or more acre of land must be approved by the Alabama Department of Environmental Management prior to development, in most instances. Applicants subject to this requirement shall provide evidence that a storm water discharge permit has been issued by ADEM prior to the issuance of a zoning permit by the Enforcement Officer.

§3.12.3 TIE-IN REQUIRED. All proposed drainage improvements shall tie into any existing man-made or natural drainage ways along the existing streets adjoining the development site. Under no conditions shall storm water drainage be emptied into the sanitary sewer system.

§3.12.04 BASIC GUIDELINES. Storm water management measures shall be designed in accordance with all applicable Best Management Practices for the proposed type of construction activity. Appropriate short-term and long-term measures shall be applied to minimize potential erosion of disturbed soils on the development site.

§3.12.05 CREATIVE AND INNOVATIVE POLLUTED RUNOFF MANAGEMENT PRACTICES. Where feasible and appropriate, proposed developments may incorporate creative and innovative design to minimize the impacts of polluted runoff on the environment. Such design features may include, but are not limited to, undisturbed natural buffers between impervious surfaces and adjoining streams and drainage ways, maximum retention of existing mature trees on building lots, the use of seeded shallow “V” drainage swales (with stabilized cut slopes) rather than concrete curb and gutter, the use of porous pavement surfaces for parking lots, service roads, alleys, and cul-de-sacs, the use of crushed gravel or turf parking areas for small parking lots or spillover parking areas, and the creation of wetlands for storm water detention and retention, and other practices as may be appropriate to address on-site storm water drainage needs. Such creative and innovative design features should be used in the following development settings;

- A. where they will be compatible with existing off-site storm water management infrastructure improvements serving the drainage basin, and
- B. where appropriate to adequately and safely accommodate the storm water runoff that would be generated by the proposed level of impervious surfaces without the need for excessive perpetual maintenance.

§3.12.06 STORM WATER MANAGEMENT ON PRIVATELY OWNED COMMON OPEN SPACE LANDS. Where any storm water management improvements are to be constructed on common open space lands within the development, such improvements shall be subject to special maintenance provisions as required in Article V of this Ordinance. The Town of Wadley shall assume no responsibility or liability for the continued, maintenance, improvement, or repair of privately owned storm water management facilities.

§3.12.07 PRIVATE PLACEMENT OF STORM WATER PIPING. All placement of driveway piping are required to have the size approved by the Code Enforcement Officer or for any other piping on the right of way of any public Town street or road. This is to prevent the placement of undersize piping creating street flooding.

**Section 3.13 – Landscaping**

§3. 13.01 INTRODUCTION. This section directs attention to the aesthetic beauty that good landscaping brings to a community. While attractive building and design are essential the natural beauty of flowers and trees complete the picture and lead to a great first impression of an activity and the community. The use of landscaping within areas defined as buffer zones contributes to a positive assessment of the zone and as a distinguishing characteristic.

§3.13.02 PURPOSE. Providing guidance on the use of trees and flowers. The use of good landscaping provides an excellent addition to business appearances. A buffer strip between property usage and Town entrances and street intersections contributes to the overall effect of good landscaping.

§3.13.03 SCOPE OF THIS SECTION. This section applies to all zoning districts defined in the ordinance with the exception of any zone that has a landscaping section. In the instance when a particular

landscaping use defined for a particular zone, that landscaping requirement will supersede this section, unless except as provided within the section.

**§3.13.04 APPLICABLE.** This portion of the zoning ordinance applies to all land within the Corporate Limits of the Town. In particular the ordinance applies to all new construction. A landscaping plan is required for all new subdivisions, commercial and manufacturing projects but not to individual home construction unless the home is being constructed by a builder/developer to be sold (spec home). Individuals constructing their own home are encouraged to provide landscaping but are not mandated.

**§3.13.05 PLAN APPROVAL.** A preliminary landscaping plan shall be submitted along with the plans for any project. For all projects costing less than \$500,000 approval may be granted by the enforcement officer or his designee. For all projects costing over \$500,000 but less than \$1,000,000 approval may be granted by the enforcement officer with the concurrence of three members of the Planning and Zoning Commission. For projects costing over \$1,000,000 approval is required by the Planning and Zoning Commission.

**§3.13.06 SITE DEVELOPMENT.** To the extent possible topsoil when moved during construction should be preserved on the site for later use. Trees are an important part of a landscaping plan, natural trees should be preserved as much possible. Natural growth does not always result in proper spacing or species thus selective cutting may be necessary to improve tree health and aesthetics of the site. The creation of steep slopes should be avoided to prevent unnecessary erosion.

**A.** The selection of trees is a critical part of the landscaping plan. Planting distance should be considered in the future canopy development to prevent overlapping and shading which blocks healthy growth.

**B.** Water oaks are prohibited on any parking areas, right-of-way, or any other area of public use. Water oaks are very adaptable to wetland areas such as close by stream locations and should be limited to those areas due to the characteristics of the species.

**C.** The planting of trees or shrubs in underground utility easements should be avoided to potential root damage or limit access to the lines and pipes of the utility for maintenance purposes.

**D.** Within the right-of-way of over-head utility easements, no trees or shrubs should be placed which would require pruning of the utility area.

**E.** The use of a wide variety of plant and shrubs is encouraged, however such species not adapt able to the climate of this location should be avoided as are those that are considered invasive species.

**F.** Plant materials guidelines:

- 1) The planting of canopy trees shall have a caliper of a minimum of two inches and eight feet in height.
- 2) The placement of understory trees shall have a minimum of five feet in height and a caliper of at least one and on-half inches at planting.
- 3) Shrubs or grasses should be of such species to obtain a height of twenty-four inches

with two years.

4) Within the planting strips, planting islands, and buffers or like areas those are to be sodded, seeded mulched or planted with shrubs or ground cover so avoid bare ground following the installation of landscaping materials. This area must be maintained and kept free of weeds and other unintended growth.

5) In locations where buffer strips are required, the landscaping requirements take priority over parking lot plantings.

**G.** Trash receptacles are a part of the landscaping plan. A hard surface pad shall be provide for the placement of a trash receptacle, such pad shall be enclosed with a fence or wall of at lease six feet in height and consistent with the appearance of the primary structure. Such wall or fence must totally enclose the pad and shall have a gate that is possible to latch to the extend as meeting the requirements of the trash disposal requirements. The location of the pad should be placed to provide easy access but not disruptive to landscaped areas.

**H. REDEVELOPMENT.** The requirements for landscaping of an existing site depends on the extent of the redevelopment. A redevelopment of an existing development presents several issues. An existing development in which no change in the building footprint or an increase in size of less than 5,000 square feet will not require any change in the existing landscaping plan. For any change of the footprint greater than 5,000 square feet, see Section §3.13.06 - J.

**I.** Landscaping standards are needed for the public right-of-way. Landscaping along the streets and roads into the Town project a very positive image of the community. Not all public roads require the same standards to be required. Lot sizes and other physical characteristics of the land influence the standards applied to these areas. In the same manner different requirements are recognized for streets and roadways within the Town that are major traffic carrying and secondary streets and roads. While uniformity is desired, the depth of lots and width of frontage require different standards. With lots of varying dimensions and small lots a buffer may limit the utility of the lot, thus the need to consider the negative affect a buffer could cause to the site.

a. The following standards are established for buffers zones fronting on Town streets and roads:

- 1) For frontage of less than 120 feet, no buffer is required.
- 2) For frontage greater than 120 feet a buffer of 6 feet is required.
- 3) For frontage greater than 150 feet a buffer of 8 feet is required.
- 4) For frontage greater than 200 feet a buffer of 10 feet is required.
- 5) For any lot with a depth of less than 120 feet no buffer is required.

b. Landscaping within the buffer zone may consist of small plants and shrubs, none of which upon maturity exceed eighteen inches in height. All plantings shall insure visibility is maintained for safety. If land conditions exist, such as slopes or hills, that would permit taller plants or shrubs so placed not to impede the view, those species would be permitted,

**J.** Perimeter standards for landscaping along property lines, as applied to commercial and industrial zones that border residential areas and between properties within those zones.

- 1) For sites less than one acre, a buffer-landscaping area a minimum of three feet.

- 2) For sites of one acre or more but less than three, a buffer-landscaping area a minimum of five feet.
- 3) For sites three acres to five, a buffer-landscaping area a minimum of eight feet.
- 4) For sites greater than five acres, a buffer-landscaping area a minimum of ten feet.
- 5) The length of each buffer-landscaping area shall be determined by the activity adjoining.
- 6) For the rear of the site, the width shall match the width of the frontage area.
- 7) Landscaping within the perimeter buffer zone shall be a mix of shrubs and understory trees. The placement of shrubs, hedges and understory trees should not in any manner hinder the view of traffic. For sites less than one- acre understory trees may be omitted.
- 8) In some instances, terrain or other features may render the placement of landscaping unreasonable. If such conditions exist no landscaping will be required.
- 9) Within the perimeter area fencing or hedge may be utilized. The attempt is to create a screen. In adjoining residential areas the intent is to provide a buffer to afford protection to the residential zone from trash, debris, lighting or other negative influences on the residential zone. If the topography of the buffer zone is of such physical character landscaping may be omitted.

**K.** Primary streets and roadways are those that have been identified as being the main traffic arteries of the Town. Within those primary roadways are also easements for utilities. In some instances, those overlap the existing road right-of-way to an extent greater than the road right-of-way. This intern creates a potential for an extended buffer for the commercial activity. In those instances, the Planning and Zoning Board may grant an exceptions to the requirements of this Section. The Board may permit the buffer zone to overlap the right-of-way, thus the required landscaping may remain unchanged.

**L.** Special conditions, when in the application of the landscaping and buffer requirements irregular features such as streams, drainage structures, limited frontage, existing streets or similar conditions may be encountered. A special condition may also occur where there has been a sale of land in which a portion of the sale or division results in a tract of land, in dimensions, that may be less than meets the requirements described in this section. In those instances, the Planning and Zoning Board shall grant an exception to the requirements to permit the use of the land. However, the requirements are not totally removed but are to be adjusted to allow as much as possible to meet the intended landscaping or buffer requirements.

**M.** Fences and screening are required for some activities. The activities include vehicles that are visibly damaged or being repaired, off road type construction equipment under repair, manufactured homes, recreational vehicles or similar activities. This does not include sales lots in which the sale of such vehicles are offered to the public.

**N.** Gas and electric utility meters, air conditioners or similar units shall not be placed fronting on streets and roadways within the Town when possible. When those conditions exist, the placement may be in the frontage area but screening is required.

O. Any type of wire fabric fencing material shall not be used forward of the front area of the primary structure, nor shall the fence exceed four feet in height.

P. Landscaping in Historical Districts, when involving with buildings and lots that comprised the original downtown area lack frontage areas for the placement of landscaping and buffer zones, thus landscaping is not required due to the lack of space. This would apply only to James Avenue and McLain streets.

Q. The owner of property developed in accordance with an approved landscaping or buffer plan shall be responsible for the maintaining the landscaping in good condition. This includes reasonable replacement of dead or damaged landscaping items, this includes, grasses, shrubs, canopy trees or understory trees, regardless whether from natural or other causes. The purpose being not to diminish the affect of the landscaped area. Irrigation of landscaped areas is highly recommended. Prior to the issuance of a certificate of occupancy the landscaping, buffer, plantings or construction approval must be obtained from the code enforcement officer or the architect, landscape architect, engineer, surveyor, horticulture professional, landscape contractor must certify to the Planning Commission that the landscaping/buffer has been installed to meet the minimum requirements of this article.

### **Section 3.14 - General Construction Requirements**

Encouraging innovative, new and special details that contribute and enhance existing styles are desirable features to promote within the community. Defining certain levels of construction contribute to the aesthetic attractiveness of the community. To insure compatibility each proposed plan of development, building or structure shall submit such plan to the Planning and Zoning Commission for review and approval by the code enforcement officer in accordance with the following:

- A. EXTERIOR BUILDING MATERIALS. Building cladding materials shall be described in the application. Building facades and accessory structures with some visible to the general public shall consist of natural materials such as wood, stone, brick, stucco and architecturally decorative concrete block.
- B. SITE DESIGN. The site plan shall designate the location on the site plan as well as illustrating on the site plan. Sign materials shall be coordinated with the exterior cladding of the proposed or existing structures, in compliance with the Landscaping criteria defined within Article III.
- C. When the type of design, style, or materials to be used appear to be of such a nature as the application for a particular site, the Code Enforcement Officer may present the plan to the Planning and Zoning Commission for approval.

### **Section 3.15 – Nonconforming Uses and Structures**

§3.15.01 PURPOSE OF PROVISIONS. Within the zoning districts established by this Ordinance or by subsequent amendments to this Ordinance, there exist lots, structures, uses of land and structures, and characteristics of use which were lawfully created, established, or constructed before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or of subsequent amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or discontinued, but not to actively encourage their survival. It is further the intent of this Ordinance to assure that nonconformities shall not be enlarged, expanded,

or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming status runs with the land; a change in ownership or tenancy does not terminate the nonconforming status of a lot and or a structure.

**§3.15.02 INCOMPATIBILITY OF NONCONFORMING USES.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in existing building or use of any building upon which actual construction was lawfully initiated prior to the effective date of adoption of or amendment to this Ordinance. Nonconforming uses are declared by this Ordinance to be incompatible with the permitted uses in the zoning districts in which they are located. A nonconforming use of land, of structure, or of land and structure in combination shall not be extended, enlarged, or otherwise intensified after passage of this Ordinance either by additions to any existing structure of the property which would be generally prohibited in the district in which such use is located.

**§3.15.03 AVOIDANCE OF UNDUE HARDSHIP.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully initiated prior to the effective date of adoption of or amendment to this Ordinance.

**§3.15.04 SINGLE NONCONFORMING LOTS.** A single lot which does not meet the minimum space and height requirements of the zoning district in which it is located at the effective date of adoption of or amendment to this Ordinance may be used or sold for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district, provided:

- A.** Minimum space and height requirements of the lot shall conform as closely as possible to the applicable standards for the district.
- B.** Requirements for yards and setbacks, accessory buildings and uses, and off-street parking and loading spaces shall conform as closely as possible to the applicable standards for the district.
- C.** Variance for area, dimensional, and other requirements shall be obtained only through action of the Board of Adjustment as authorized in Article IX, Section 9.5.3 of this Ordinance. A variance shall only be required where the proposed structure cannot be designed to comply with the applicable dimensional requirements of the zoning district.
- D.** Such lot must not have continuous frontage with other lots in the same ownership that could be combined to eliminate the nonconformity.

**§3.15.05 PROCEDURE TO CURE NONCONFORMING LOTS.** If two or more lots or a combination of lots and portions of lots are contiguous, have continuous frontage, are in single ownership at the time of passage of or amendment to this Ordinance, and if all or part of the lots do not meet the minimum standards of this Ordinance, the land involved shall be considered to be a single parcel for the purpose of this Ordinance. Any existing lot may not be divided in a way that would create a lot that does not comply with the applicable minimum area requirements of this Ordinance. Nothing in this provision shall be interpreted to prevent the adjustment of an adjoining lot line or the re-subdivision of a lot so combined, where sufficient land area exists to establish more than one conforming lot.

**§3.15.06 NONCONFORMING STRUCTURES.** Where, at the effective date of adoption of or amendment to this Ordinance, a lawful structure exists that could not be built under the terms of this Ordinance by reason of not complying with minimum dimensional requirements or other requirements concerning the

structure, such structure may be continued so long as it remains otherwise lawful, provided:

- A.** Nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, such structure may be altered to decrease its nonconformity.
- B.** Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than seventy-five percent of its current replacement value or assessed valuation, at the owners discretion, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- C.** Should such structure be voluntarily relocated for any reason it shall thereafter conform to the requirements or standards for the district in which it is located after it is moved.

**§3.15.07 NONCONFORMING USES OF LAND, STRUCTURE, OR LAND AND STRUCTURE IN COMBINATION.** Where, at the time of adoption of or amendment to this Ordinance, lawful uses of land, structure, or land and structure in combination exist which, under the terms of this Ordinance, would not be permitted in the zoning district in which they are located, the uses may be continued so long as they remain otherwise lawful, provided:

- A.** No such nonconforming uses, nor structures devoted to nonconforming uses, shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of or amendment to this Ordinance.
- B.** Nonconforming uses or structures devoted to nonconforming uses, shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption of or amendment to this Ordinance. In the event a movement of the structure would eliminate the nonconformity such movement is acceptable.
- C.** Additional structures may not be erected in connection with such nonconforming uses.
- D.** If any such nonconforming uses are discontinued for a period of more than six months, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards specified by this Ordinance for the zoning district in which such land and/or structure is located.
- E.** If any nonconforming use is replaced by a permitted use, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards for the district in which it is located, and the nonconforming use may not thereafter be resumed.
- F.** A nonconforming use may change to a new nonconforming use, provided the new use is more consistent with the permitted uses of the district in which it is located and is less objectionable and generates fewer external impacts on neighboring uses and properties than the previous 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. The degree to which traffic generation and congestion, including truck, auto and pedestrian traffic would be reduced. Or, if the new use would create an external obsolescence to other land uses in the immediate area.

2. The degree to which external noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration would be reduced.

3. The degree to which the nature of the new use or business activity is consistent with other business uses permitted in the district.

**G.** Where nonconforming use status applies to land and structure in combination, removal or destruction of the structure to the extent of more than seventy-five percent of its current replacement value or assessed value shall terminate the nonconforming status of the structure but shall not terminate the nonconforming status of the land.

#### §3.15.08 REPAIRS AND MAINTENANCE.

**A.** On any structure devoted entirely or in part to a nonconforming use, work may be done on ordinary maintenance, including remodeling, or on repair or replacement of nonbearing walls, fixtures, wiring, painting, 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 a nonconforming use, work may be performed on ordinary maintenance, repair, or 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 section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## ARTICLE IV - Use Specific Requirements

### Section 4.01 - Accessory Residential Units

The purpose of this Section is to establish basic standards for the development of accessory residential units to provide a semi-independent living environment for family members who require special care and support from the primary household. Such a unit would provide greater privacy and personal freedom than an added bedroom within the primary dwelling, but would not create an addition that would alter the character of the original single family structure and of the surrounding neighborhood. Accessory residential units shall be allowed only for single family dwellings,

§4.01.01 FACILITIES FOR EXCLUSIVE PERSONAL USE. The purpose of this provision is to provide opportunities for families to provide essential on-site care and support for elderly and handicapped members, not to provide opportunities for families to create independent rental units for general leasing. Occupancy is intended for related family members.

§4.01.02 MAXIMUM FLOOR AREA. Accessory residential units shall contain not more than six hundred square feet of gross living area.

§4.01.03 LEASING AGREEMENT PROHIBITED. It is not the intent of an accessory residential unit be leased to a tenant through any formal leasing agreement or contract.

§4.01.04 CONTAINED WITHOUT PRIMARY DWELLING. An accessory residential unit may not be attached to the primary dwelling unit on a property, except by a breezeway, deck or porch.

§4.01.05 LIMIT ON NUMBER OF UNITS. Where permitted, no more than one accessory residential unit shall be allowed per primary dwelling.

§4.01.06 NO CHANGE IN CHARACTER OF STRUCTURE. An accessory residential unit shall be designed to cause no apparent change in the exterior residential character or appearance of the primary dwelling unit.

§4.01.07 DOCUMENTATION OF NEED. Accessory residential units are intended to serve specific family or household needs that would be better satisfied by the creation of a semi-independent living environment. Applicants who desire to construct an accessory residential unit shall submit a written statement to the enforcement officer describing the need that will be served by the accessory residential unit.

### Section 4.02 - Bed and Breakfast

The following standards apply to Bed and Breakfast establishments in residential districts only:

§4.02.01 Bed and Breakfasts are permitted only in detached, single-family dwellings and must be operated by the owner and resident of the dwelling.

§4.02.02 For each and every approved guest room, one parking space must be provided, in addition to the spaces required for the residence. Such additional required parking spaces must be screened from adjacent properties and arranged so that each space has direct access to a driveway. Recreational vehicle parking is prohibited except on lots one acre or larger in size. Where allowed, recreational vehicle parking must be located away from view from public rights-of-way and from neighboring properties to maximum extent practicable.

§4.02.03 Food service is limited to overnight guests of the Bed and Breakfast. No dining facilities may be open to the general public. Guest rooms may not contain cooking equipment.

§4.02.04 One freestanding sign only and no larger than 15 square feet is permitted, regardless of whether the Bed and Breakfast is on a corner lot. Signs may not be illuminated in residential districts

### **Section 4.03 - Group Homes**

Group homes shall be conducted within a building that is consistent or compatible with the character of the district in which it is located.

§4.03.01 NO EXTERIOR CHANGES INCOMPATIBLE WITH RESIDENTIAL CHARACTER. A group home located in a single family or medium density residential district shall be conducted within a building that shall maintain the exterior appearance of a single family dwelling, with no separate outside entrances to individual bedrooms.

§4.03.02 GROUP HOMES IN MULTI-FAMILY AND NONRESIDENTIAL DISTRICTS. A group home in a multi-family or business district may be conducted in a building other than a single family dwelling, provided that the group home conforms to the characteristics described in the definition of "group home" in Article II, Section 2 of this Ordinance.

§4.03.03 COMPLIANCE WITH ALL APPLICABLE STATE LAWS. Where applicable, the group home shall provide evidence that it will operate in compliance with any State licensing requirements.

### **Section 4.04 - Home Occupations And Cottage Industries.**

§4.04.01 HOME OCCUPATIONS. A home occupation may consist of any accessory business use that fully complies with all of the standards contained in this section. No home occupation shall be allowed in any multi-family dwelling.

§4.04.02 COTTAGE INDUSTRIES. A cottage industry may consist of any accessory business use that fully complies with all of the standards contained in this section. Cottage industries may be permitted only within the Residential Zoning and Agricultural Zoning Districts.

§4.04.03 STANDARDS APPLICABLE TO BOTH HOME OCCUPATIONS AND COTTAGE INDUSTRIES. The following standards shall apply to both home occupations and cottage industries.

- A.** The home occupation or cottage industry must be owned and operated by the owner of the dwelling within which or property upon which such business use is to be located or the business owner must have written approval of the owner of the premises, if the applicant is a tenant.
- B.** One full time employee, not family related may be employed in relation to the cottage industry.
- C.** The home occupation or cottage industry shall not involve the use of or result in the production of any hazardous materials or hazardous waste.
- D.** The home occupation or cottage industry shall not generate smoke, glare, vibrations, electrical disturbance, noise, radioactivity, or other conditions that will be a nuisance to the surrounding area. The home occupation shall not involve the use of any equipment or process that creates noise, visual or audible interference.

**E.** The home occupation or cottage industry shall not generate any business or customer traffic between the hours of 6:00 p.m. and 8:00 a.m.

**F.** Not more than one non-illuminated accessory sign having a sign area of not more than two square feet shall be allowed to advertise any home occupation or cottage industry.

**G.** The following or similar type activities are prohibited: activities involving solid or liquid waste, junk or scrap metal shops, junk yards, scrap yards, automobile or similar vehicles repair shops or garages, food processing or packing operations or activities that generate a negative influence or adverse effect on other properties in the immediate area. In particular activities that would cause or attract a noticeable traffic increase.

**§4.04.04 STANDARDS APPLICABLE TO HOME OCCUPATIONS.** The following standards shall apply to only home occupations.

**A.** All business operations, activities, and transactions associated with the home occupation shall be conducted entirely within the dwelling unit.

**B.** The home occupation shall not cause or result in any change in the outside appearance and residential character of the dwelling unit.

**C.** The home occupation shall not generate customers to the home that would cause parking on the public street.

**D.** The home occupation shall not produce any vibrations, noises, or odors that may be discernable by the average person outside of the dwelling unit.

**E.** All equipment, materials, and products of the home occupation, with the exception of one vehicle intended for business use, shall be safely and securely stored inside the dwelling unit at all times.

**F.** The home occupation and dwelling unit shall comply with all applicable building and fire codes. Home occupations will not be permitted in any dwelling unit in which the primary residential use does not fully comply with the applicable requirements for the zoning district within which it is located.

**G.** None of the activities shall cause any change in the exterior appearance or the residential character of the dwelling unit.

**§4.04.05 STANDARDS APPLICABLE TO COTTAGE INDUSTRIES.** The following standards shall apply to only cottage industries.

**A.** No cottage industry shall be permitted on a lot smaller than two acres.

**B.** All business operations, activities and transactions associated with the cottage industry shall be conducted entirely within the primary dwelling unit and/or in an accessory building on the same lot. No activities associated with a cottage industry, including materials storage, shall be located or conducted within an accessory building that is less than twenty feet from an adjoining residential property line. No business operations, activities, or transactions shall be

conducted in any portion of the dwelling or lot not specifically approved by the Town for cottage industry use.

**C.** The cottage industry shall not generate more customers to the home at any point in time than can be accommodated in the parking area on the property, and in no instance shall the total customer traffic at the home exceed more than four vehicles at a time.

**D.** The cottage industry shall not produce any vibrations, noises, or odors that may be discernable by the average person beyond the boundaries of the lot.

**E.** All equipment, materials, and products of the cottage industry, except for one vehicle intended for business use, shall be safely stored inside a secured structure on the lot.

**F.** The cottage industry and dwelling unit shall comply with all applicable building and fire codes. Cottage industries will not be permitted in any structure which does not fully comply with all applicable requirements for the zoning district within which it is located.

**G.** The cottage industry shall not cause or result in any change in the outside appearance or character of any structure on the lot.

**§4.04.06 EXPIRATION OF PERMIT.** A permit for a home occupation or cottage industry shall expire under the following conditions:

**A.** Whenever the applicant ceases to occupy the structure or lot for which the home occupation or cottage industry permit was issued. No subsequent occupant of such premises shall engage in any home occupation or cottage industry until a new permit has been issued for the proposed business activity. A permit to operate a home occupation or cottage industry is not transferable to a new residence or lot.

**B.** Whenever the holder of a home occupation or cottage industry permit ceases operation of the permitted business activity for any period of ninety consecutive days.

**C.** When the owner of a permitted home occupation or cottage industry is issued a notice of violation of this Ordinance, the owner shall cease and desist from all business operations until such time as the enforcing officer has verified, through on-site inspection, that the violation has been remedied. Failure to cease and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease and desist order, or the violation has not been remedied within fifteen days of the date that the notice of violation was issued, the home occupation or cottage industry permit and business license shall expire and no resumption of business activities associated with such business may occur without first obtaining a new permit and business license.

## **Section 4.05 - Manufactured Homes**

All manufactured homes shall comply with the following requirements:

**§4.05.01 H.U.D. SEAL REQUIRED.** Prior to installation, each 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. Any existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be treated as

a nonconforming structure and use in accordance with the regulations established in Section 3.15 of this Ordinance.

**§4.05.02 ANCHORING REQUIREMENTS.** All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of stormwater runoff beneath the manufactured home. Where a concrete pad is available, a manufactured home shall be properly anchored to it.

**§4.05.03 SKIRTING REQUIRED.** All manufactured homes shall be skirted by a continuous weather-resistant material which resembles a permanent foundation commonly found on a single-family dwelling. All skirting shall be adequately vented, and shall be completely installed within ninety (90) days of the date that the manufactured home has been installed and anchored to the home site. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting.

**§4.05.04 SANITARY FACILITIES.** Each manufactured home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water, and a central source of heat for the occupants thereof.

**§4.05.05 AXLES AND TOW BARS REMOVED.** Once a manufactured home has been placed on an individual lot, all tow bars and axles shall be removed and stored in a location on the lot where they will not be seen from the street or neighboring homes. Where the site is greater than five acres and the home is not visible from the roadway the tow bar and axles may continue to be attached to the home.

**§4.05.06 ACCESS TO EXTERIOR ENTRANCES.** Immediately after installation and prior to occupation, steps and a landing or porch shall be constructed at each raised exterior entrance or doorway to the manufactured home. At a minimum, the front or main entrance to a manufactured home shall be served by a stairway, not less than three feet in width, leading to a landing or porch not narrower than four feet in depth nor shorter than six feet in length and containing a railing along all exterior edges of the landing and stairway. A stairway, not less than three feet in width, with exterior railings shall be erected at all other exterior entrances to the manufactured home. All required stairways and landings/porches shall be constructed of wood, concrete or brick materials, or some combination of both. Required railings may be constructed of wood or metal materials.

**§4.05.07 COMPATIBILITY WITH ADJOINING RESIDENTIAL PROPERTIES.** While the Town of Wadley acknowledges and accepts its responsibility to promote a wide range of affordable housing styles for its residents, it also recognizes that manufactured homes are a distinct type of housing. Neighborhoods that consist predominantly or exclusively of site-built single family detached dwellings that represent and reflect a specific architectural style and character or that consist of uniformly high value dwellings, relative to the value of a standard manufactured home may not be compatible with manufactured housing. In these special neighborhoods, the Town's responsibility to provide siting flexibility for manufactured homes must be reasonably tempered and balanced by the Town's competing responsibility to maintain the character and architectural integrity of established single family residential neighborhoods. Therefore, manufactured homes may be permitted on a vacant lot within an AG, R2, or R3 Zoning District only in full compliance with the following special conditions: the combined value of the proposed manufactured home and the site upon which it will be sited shall not be less than ninety percent of the average assessed value of all adjoining properties that have been improved for single family residential use, according to the property value records maintained by the County Tax Assessor's Office. A manufactured home placed within the

permitted Zone must not exhibit a deteriorated condition, damaged exterior walls, windows, roof, trim, exterior doors, lack of heating and cooling system, and an exterior appearance such as poorly painted or significant faded paint or any other condition that would suggest a condition other than average. In some instances, the inspector may find it necessary for the inspection to take place via photos sent to the inspector-for purposes of distance convenience and documentation.

#### **Section 4.06 -Telecommunication Towers, Antennas and Satellite Antennas**

§4.06.01 PURPOSE OF REGULATIONS. The public has a legitimate interest and concern in the placement and appearance of telecommunication towers, antennas, and satellite dishes under the Telecommunications Act of 1996, where such control does not conflict with or unreasonably constrain the legitimate right of businesses to exercise free trade. Wadley desires access to advanced technology to serve its businesses and citizens, with concern regarding the community's overall appearance and public image. Wadley seeks to provide sensible regulations on telecommunication facilities. To that end, the Town desires to partner with telecommunications firms to ensure expansion of the existing telecommunications infrastructure that will provide effective advanced communications services throughout the Town and surrounding environs, commensurate with local needs, with a minimal visual impact without creating impediments to free competition among wireless telecommunications providers seeking to serve the Town. These regulations have been developed by the Town to achieve these objectives.

§4.06.02 DEFINITIONS. The following sign terms, when used in this Ordinance, shall have the meanings defined by this section.

- A. ANTENNA. An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. "Antenna" includes devices commonly known as "whips," "panels," and "parabolic dishes." "Antenna" shall include an antenna used in conjunction with microwave, cellular, or personal communication service systems and any other type of telecommunications systems now or hereafter in use.
- B. APPLICANT. A party or parties who apply for a permit to construct a tower, to install an antenna on a proposed or existing tower, or to locate equipment on a proposed or existing tower compound.
- C. CO-LOCATION SITE. A parcel of land or other site on which the antennas and related equipment of more than one party are located.
- D. COMMUNICATION FACILITIES. Towers, antennas, and associated equipment collectively.
- E. EQUIPMENT. All equipment and facilities used in conjunction with one or more towers and/or antennas, including, but not limited to, electronic systems, generators, fuel tanks, and fuel.
- F. FAA. The U.S. Federal Aviation Administration.
- G. FCC. The U.S. Federal Communications Commission.
- H. FIBER-OPTICS. Light transmissions through very fine flexible glass, by internal reflection.
- I. MONOPOLE. Any self-supporting wooden pole, metal, or concrete pole designed to support an antenna; provided, that the word "monopole" shall not include a latticed steel or metal tower, a tower which requires guy wires for support, or a tower which has more than one source of support, such as a tower with more than one leg.
- J. RESIDENTIAL PROPERTY. Any land which is located in the following Zoning District R-1, R-2, or R-3.

**K. TOWER.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. As used in this Section, "tower" shall include any telecommunication tower installed or constructed within the Town prior to the effective date of this ordinance, regardless of whether such tower is a monopole or another type of tower.

**L. TOWER COMPOUND.** A parcel of land or a building on which communication facilities are located.

**§4.06.03 JURISDICTION OF REGULATIONS.** All communication facilities or structures greater than one meter in size, including but not limited to those facilities known as "cellular", "personal communication system (PCS)", "paging services", and similar services, shall comply with these regulations. However, the following shall be exempt from these regulations under the specified conditions:

**A. PUBLIC PROPERTY.** Property owned, leased, or otherwise controlled by the Town.

**B. AMATEUR RADIO OR RECEIVE-ONLY ANTENNAS.** Any tower, or the installation of any antenna that does not exceed the maximum height restriction of the applicable zoning district or eighty feet, whichever is less, and is operated by a federally-licensed amateur radio operator, or is exclusively for receive-only antennas.

**C. PRE-EXISTING COMMUNICATION FACILITIES OR TOWERS.** Any communication tower or antenna which was constructed prior to the effective date of these regulations and which complied with all applicable State, Federal and Local codes, laws, and regulations in effect at the time of construction.

**§4.06.04 BASIC REQUIREMENTS AND DESIGN CONSIDERATIONS.** All proposed communication facilities, towers and antennas, governed by these regulations shall comply with the following requirements and guidelines.

**A. COMPLIANCE WITH FAA REGULATIONS.** All proposed communication facilities shall comply with all applicable FAA requirements, including but not limited to, Part 77 of the Federal Aviation Regulations (FAR), as amended.

**B. COMPLIANCE WITH FCC REGULATIONS.** All proposed communication facilities shall comply with all applicable FCC requirements, including but not limited to, the Telecommunications Act of 1996, as amended.

**C. STRUCTURAL SAFETY.** All proposed communication facilities shall comply with wind loading and other applicable structural standards contained in local building and technical codes, as they may be in effect and amended from time to time, including, without limitation, and any amendments thereto or replacements thereof, as may be adopted by the Town Council.

**D. Appearance and View Protection.** In the interest of providing suitable locations the Town Council must approve the location of any tower within the Town for commercial activity.

**E. Signs prohibited.** No signs or other forms of advertising, may be attached to on a tower, to serve as a permitted freestanding sign support. This prohibition shall not apply to any required warning or private property posting signs. Contact information must be attached for emergency activity.

**F. CONSTRUCTION MATERIALS.** Where applicable building codes or federal regulations permit flexibility in the choice of construction materials and where the selection of alternative construction materials will not compromise the structural integrity, proposed new towers shall be constructed of materials that have a composition, texture and color that will most closely resemble structures and natural features that exist on and adjoining the facility site when possible.

**G. HEALTH EFFECTS.** All proposed communication facilities shall comply with all applicable FCC regulations and requirements in effect to prevent detrimental health effects from the proposed communication facilities.

**H.CO-LOCATION.** No new tower or monopole shall be erected on a proposed communication facility site unless the applicant can document that an existing co-location site is not available or is not technically capable of serving the specific telecommunication need in the area of the proposed site. This co-location requirement may be waived by the Town where the proposed antenna would create an excessively cluttered appearance on the available co-location site (thereby drawing greater visual attention to the existing antenna site or creating a more imposing obstruction to scenic views and vistas from the area) and the proposed new antenna would be less visible or intrusive on the surrounding area.

**I. SETBACK REQUIREMENTS.** All proposed communication facilities and structures, including guys and accessory facilities shall satisfy the minimum setback requirements of the zoning district in which they will be sited. However, all proposed tower compounds that will be located on a residential property may be subject to an additional setback from all property boundaries of the site equal to the height of the tower structure as measured from the finished ground level at the base or pad surface to the tallest point of the structure.

**J. LIGHTING.** Towers may not be artificially lighted, except where required to satisfy applicable FAA regulations. Lights for security and to assist in making emergency repairs may be installed on buildings within the tower compound which contain equipment essential to the operation and maintenance of the tower. Such lights shall be shielded and directed in a downward direction from a height of not more than ten feet, and no such light may exceed a maximum of one hundred fifty watts. Such lights shall be located and directed so that they do not shine, reflect, or generate excessive glare onto or toward any residential property or adjoining property upon which a residential use exists or has been approved for construction.

**K SECURITY FENCE.** All communication facilities to be located within a proposed tower compound shall be secured by the construction of an eight foot high security fence or wall constructed, at a minimum, using chain link fencing.

**L. LANDSCAPING.** All proposed tower compounds must be surrounded by a landscaped buffer which shall provide an effective year-round screen to a height of at least eight feet upon planting in order to screen views of the tower compound from adjacent public ways, residential properties, and properties upon which a residential use exists. The buffer shall include a landscaped strip at least three feet in depth located outside of the security fence or wall. The landscaped strip shall be planted with a combination of trees, shrubs, vines, and grown covers which are capable of attaining, at maturity, a height as high as the security fence or wall and which will enhance and screen the outward appearance of the security fence. The use of native species of plants and trees are encouraged to the extent that they will satisfy the requirement for adequate year-round screening. Such landscaping is not required if the location of the tower site is not

visible from any residence or from any public or private roadway.

**M. COMMUNICATION FACILITY SITING PRIORITIES.** When selecting sites within the Town to locate proposed communication facilities or tower compounds, priority shall be given to locations in non-residential zoning districts. Residential property sites shall be given the lowest possible consideration for new sites.

**§4.06.05 LEVELS OF REVIEW AND APPROVAL.** In recognition of the standards for proposed communication facilities established by this Ordinance, allowances have been made for an efficient and expedited review process, where the applicant can demonstrate that a good faith effort to embrace and comply with the spirit and intent of these guidelines has been made in the design of the proposal. The three levels of review and approval and the types of projects that can be considered within each level are as follows:

**A. REVIEW AND APPROVAL BY ENFORCEMENT OFFICER.** The following types of communication facilities shall be reviewed and approved by the Enforcement Officer without the need for a public hearing, provided the proposed improvements complies with requirements specified in Section §4.06.04 of this Article:

1. Any antenna that will be co-located on an existing approved or registered pre-existing tower. In addition, the supporting equipment for the proposed antenna(s) shall not require the construction of any new freestanding structures on the tower compound.
2. Any antenna, and associated cables and equipment, that will be sited in an existing structure that fully conforms with all applicable requirements of this Ordinance, not a non-conforming structure, and where, after installation, the antenna and all supporting equipment will be completely enclosed by the exterior walls of the structure or completely screened from public view at any point.

**B. REVIEW AND APPROVAL EXCLUSIVELY BY TOWN COUNCIL.** The Town Council shall have the authority to review and approve the following specific types of communication facilities and tower compounds, subject to the conduct of a public hearing, without the need for a recommendation from the Planning Commission:

1. Any antenna, and associated cables and equipment, that will be installed on a co-location site that does not fall within the approval authority of the Enforcement Officer, as specified in Subparagraph A. 1. of this Section.
2. Any new monopole not greater than thirty feet in height and located in a non-residential zoning district that is camouflaged or disguised in such a way that it cannot be immediately recognized as an antenna support.
3. Any new antenna or tower to be located on property owned, leased, or otherwise controlled by the Town of Wadley and located within a non-residential zoning district.

**C. REVIEW AND APPROVAL BY TOWN COUNCIL UPON RECOMMENDATION FROM PLANNING COMMISSION.** All applications not subject to review and approval by the Enforcement Officer in accordance with Subparagraph A of this Section or review and approval exclusively by the Town Council in accordance with Subparagraph B of this Section shall be subject to review and public hearings by both the Planning Commission and the Town Council. The Planning Commission

shall review the application and issue a recommendation for approval or denial to the Town Council. Final review and approval or denial of the application shall be issued exclusively by the Town Council.

**§4.06.06 APPROVAL PROCEDURES.** Review and approval of an application shall be conducted in accordance with the following procedures.

**A. PRE-APPLICATION CONSULTATION.** Any applicant seeking to develop communication facilities or tower compounds that fall within the jurisdiction may request an informal consultation with the Enforcement Officer prior to the preparation and submission of a formal application. The purpose of this voluntary consultation shall be to answer specific questions about the process or applicable design requirements, discuss possible camouflaging or co-location options, or discuss application format options and/or potential supporting documentation submission needs. Any such consultation discussions should occur before a formal application is submitted to the Town, shall be non-binding on the applicant and the Town, and shall not in any way constitute or be interpreted to constitute a decision to approve or deny an application.

**B. RECEIPT OF APPLICATION.** The applications shall be submitted to the Enforcement Officer. Upon submission, the Enforcement Officer shall determine that the application contains the requirements specified in Section §4.06.07 of this Article. No incomplete application shall be received by the Town for review and approval. Once the Enforcement Officer determines the application is complete, the application shall be determined to have been received by the Town on that date.

**C. ENFORCEMENT OFFICER REVIEW.** The Enforcement Officer and/or Building Official shall review a complete application within thirty days of the date of receipt. At the end of that review, the Enforcement Officer shall issue approval or denial for those aspects of the application that fall within the approval authority of the Enforcement Officer, as specified in Section §4.06.05, Subparagraph A of this Article. If the application or any part of the application is denied, the Enforcement Officer shall provide the applicant with a written letter of denial outlining the specific findings of fact used by the Town as the basis of the denial. Such denial shall be based on the unwillingness of the applicant to comply with the requirements of the regulations and/or the failure of the application to satisfy specific basic requirements and design considerations outlined in Section 8.4 of these regulations. If the Enforcement Officer fails to render a decision on the application within the required thirty days, then aspects of the application subject to review and approval by the Enforcement Officer shall be deemed to be automatically approved without further consideration by the Town. However, the Town Council may grant an extension to the thirty day deadline not to exceed an additional thirty days, due to extended illness or absence of the Enforcement Officer during the required review and approval period or the submission of an application that is too large or extensive to be reviewed by existing staff resources within the prescribed time frame. On the date that the Enforcement Officer's review period ends, any remaining portions of the application not subject to approval or denial by the Enforcement Officer shall be submitted to the Town Council and/or Planning Commission for action, as may be applicable. The forwarded application shall be accompanied by a written report from the Enforcement Officer regarding his/her assessment of the proposed communication facility(ies) or tower compound(s) with the applicable requirements specified in Section §4.06.04 of this Article.

**D. PLANNING COMMISSION AND TOWN COUNCIL REVIEW.** All applications requiring review and approval of the Town Council and/or Planning Commission in accordance with Section §4.06.05, Subparagraphs B or C of this Article shall follow the same general guidelines as for an amendment to this Ordinance as specified in Article VIII, Amendments, of this Ordinance, with

the specific exception that Planning Commission review shall not be required for applications that may be approved exclusively by the Town Council, in accordance with Section §4.06.05, Subparagraph B of this Article.

**E. PUBLIC HEARING.** The Town Council and, if necessary, Planning Commission shall each conduct one public hearing on the application at the earliest regular meeting date that will satisfy the public hearing notice requirements following the date of submission by the Enforcement Officer. The required public hearing shall be noticed in the same manner prescribed in the applicable Sections of Article VIII of this Ordinance (Section §8.05.04 for the Planning Commission and Section §8.05.05 for the Town Council). At the hearing, the presiding body shall entertain a report from the Enforcement Officer regarding his/her assessment of the proposed communication facility(ies) or tower compound(s) with the applicable requirements specified in Section §4.06.04 of this Article. A written copy of the Enforcement Officer's report shall be incorporated into the minutes of the public hearing, along with a written synopsis of all public comments received and an attendance sheet identifying the names and mailing addresses of every person who attended the public hearing.

**F. DECISION.** The Planning Commission shall render a decision on the application within thirty days from the date that the public hearing is closed. For the Planning Commission, such decision shall be in the form of a written recommendation, along with a list of the findings of fact upon which the recommendation was based, to the Town Council for final action. If the Planning Commission fails to render a formal recommendation on the application within the required thirty days, then the application shall be transmitted to the Town Council for final decision with an automatic or implied recommendation of approval. If the Town Council fails to render a decision on the application within the required thirty days, then the application shall be deemed to be automatically approved without further consideration by the Town. If the application or any part of the application is denied, the Town Council shall provide the applicant with a written letter of denial outlining the specific findings of fact used by the Town Council as the basis of the denial. Such denial shall be based on the unwillingness of the applicant to comply with the requirements of the regulations or specific basic requirements and design considerations outlined in Section §4.06.04 of these regulations that the application fails to satisfy.

**§4.06.07 SUBMISSION REQUIREMENTS.** All applications to construct communication facilities that fall within the jurisdiction of these regulations shall provide adequate documentation to demonstrate compliance with all applicable basic requirements and design considerations specified in Section §4.06.04 of these regulations. A single application may include any number of proposed tower compounds that will be located within the jurisdiction of this Ordinance, even though some of the proposed tower compounds may be subject to expedited review procedures as provided in Section 8.5 of this Article. Where an application includes tower compounds subject to different levels of review, the application may be divided into sections for each review category, within which all necessary supporting information for each proposed tower compound shall be provided. Whenever portions of an application have been approved or denied through an expedited review process, that information and any terms of said approval or denial shall be noted and considered in the subsequent review procedures for the remaining portions of the application. The Enforcement Officer shall determine the number of application copies that must be submitted by the applicant, based on the number of parties who must review the application. One copy of the application shall be required for each of the following review agents, as may be required: the Enforcement Officer, Building Inspector (if such person is not the Enforcement Officer), Planning Commission, and the Town Council. At a minimum, each required application shall contain the following:

**A.** A completed zoning permit application form, including the required application fee.

**B.** A site plan of the tower compound, prepared by a surveyor, at a scale not less than one inch to fifty feet, showing the location, street address, tax parcel identification number, and dimensions of the parcel of land that will contain the tower compound, the location of all required setback lines, driveways, parking areas, buffers, fencing, landscaping, storm water management improvements, fuel tanks (both above and below ground), and structures that exist or will be constructed on the property. If the property upon which a proposed tower compound will be located exceeds one hundred acres in size, then the scale of the site plan shall be increased to one inch to one hundred feet, or the Enforcement Officer may grant authority to the applicant to limit the site plan coverage to a specified area around the proposed tower compound.

**C.** Written proof of ownership of the proposed tower compound..

**D.** A written report including a description of the proposed tower with the technical reasons for its design, a certificate from the project engineer documenting the structural integrity of the tower or antenna support for its proposed use including any co-located communication facilities that may already exist at the site, and an affidavit signed by the owner of the proposed communication facilities and the project engineer attesting compliance of the proposed communication facilities with all applicable FCC requirements with regard to any potential detrimental health effects that could be generated by the proposed facilities.

**E.** A silhouette and elevation view of the proposed tower and the tower compound, describing colors and materials to be used for the communication facilities and any security fence, decorative fence, or decorative wall. The configuration of proposed antenna arrays must be shown on the silhouette. The proposed location of future, additional antenna arrays must be shown on the silhouette by dashed lines. The elevation view shall portray the general context and compatibility of the proposed facilities with respect to surrounding structures and natural features.

**F.** Copies of any proposed easements, where applicable to the project.

**G.** For each new monopole or tower that is not otherwise located on a co-location site, a written report documenting the attempts made by the applicant to secure a suitable co-location site both within the Town and in the adjoining unincorporated areas and any supporting technical reasons supporting the need for a new independent site.

**§4.06.08 INSPECTION/FEE.** To determine whether tower compounds are in compliance with the requirements of this Ordinance, the Town may request on its behalf, an inspection of the communication facilities on each tower compound and the walls, fences, and landscaping around each tower compound, for which an inspection fee of \$200.00 shall be imposed. The fee shall be payable by, and shall be the responsibility of the owner or owners of the tower. If there is more than one owner of the tower, each owner shall be jointly and severally liable for the entire amount of the fee and any additional fees due because of delinquency in payment. Any inspection conducted in accordance with these regulations shall not be relate to the safety or structural soundness of the communication facilities or tower. The purpose of the inspection shall be limited to determining whether such communication facilities and tower compound are in compliance with the provisions of this Ordinance. Any violation of the provisions of the Ordinance that are discovered through said inspection shall be processed and resolved in accordance with the procedures specified in Article VI, Section 4 of this Ordinance.

**§4.06.09 SATELLITE DISHES.** All satellite dishes exceeding one meter in diameter shall be considered structures required to be installed in accordance with all applicable provisions of this Ordinance, the

Standard Building Code, and any other applicable regulations enforced by the Town of Wadley. All such dishes shall be located in the rear yard of the property, if possible and shall be set back from all property lines a distance equal to the height of the dish.

§4.06.010 APPEALS. All appeals from a decision by the Enforcement Officer or Town Council shall be to the Circuit Court or FCC as prescribed by the Telecommunication Act of 1996.

**Section 4.07 - Temporary Use Buildings and Offices**

Nothing in this ordinance shall be constructed to prohibit the use of a portable office, recreational vehicle or vehicle designed for use as a moveable office for a temporary construction office in accordance with the building code of the Town of Wadley, nor shall this ordinance be deemed to prohibit the parking of only one unoccupied recreational vehicle in an accessory building or in a rear yard of any district, so long as no living quarters are maintained and no business is practiced in such recreational vehicle while it is so stored or parked.

**Section 4.08 - Open Space**

Within developments where common open space will be provided by a developer, the following requirements shall apply:

§4.08.01 ACCESS TO COMMON OPEN SPACE. Open space should be distributed throughout the development so that all lots within the development shall have access from an improved public right-of-way or easement to such areas. Where common or public lakefront open space is provided within a proposed development, such lands shall be afforded convenient access.

§4.08.02 IMPROVEMENTS PROHIBITED FROM INCLUSION IN COMMON OPEN SPACE. Common open space shall not include public or private streets, driveways, private yards, patios, parking areas, or utility easements, where the utilities within the easement would interfere with reasonable active or passive recreation uses. Sidewalks, playgrounds, and other outdoor recreational facilities, and ponds or lakes may be constructed within common open space lands, with adequate provisions made for continued private maintenance.

§4.08.03 MANAGEMENT AGREEMENT FOR CONTROL AND MAINTENANCE OF COMMON AREAS. The Town of Wadley shall bear no responsibility or liability for the continued maintenance, repair, or improvement of privately owned common open space lands.

§4.08.04 OPEN SPACE WITHIN CERTAIN DISTRICTS. Within gated communities or those districts with special designations, such developments designed for residents of the developments such open spaces are not open to the public. Manufactured home parks or recreational vehicle parks with lake access or play grounds or other features designed for residents, such open space in those developments access is only open to those residents.

§4.08.05 Nothing within this sign ordinance shall prohibit the placement of a sign across the street or road from an active business or to provide direction to another business further down the street or roadway.

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## Article V - Zoning District Requirements

### Section 5.01 – Establishment of Zoning Districts

For the purpose of this Ordinance, the Town of Wadley is hereby divided into the type of districts designated as follows:

- §5.01.01 AGRICULTURAL DISTRICT
- §5.01.02 RESIDENTIAL DISTRICTS
  - R-1 Low Density Residential
  - R-2 Medium Density Residential
  - R-3 High Density Residential
  - MHP Manufactured Home Park
- §5.01.03 NON - RESIDENTIAL DISTRICTS
  - C-1 Neighborhood Business
  - C-2 General Business
- §5.01.04 INDUSTRIAL DISTRICTS
  - M-1 Light Manufacturing District
  - M-2 Heavy Manufacturing District
- §5.01.05 SPECIAL DISTRICTS
  - FH Flood Hazard Area
  - OI Office Institutional

### Section 5.02 - Zoning District Boundaries

The boundaries of the various zoning districts are hereby established as shown on the Zoning Map. The Zoning Map includes a map which identifies the location of the districts. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this Ordinance. Official copies of the Zoning Map will be on file in the office of the Town Clerk.

### Section 5.03 - Interpretation of Zoning District Boundaries

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

§5.03.01 Where boundaries are indicated as approximately following jurisdictional limits or platted lot lines or other property lines, such lines shall be construed to be such boundaries. Where boundaries are indicated as approximately following streets, alleys, rights-of-way, or railroads, such boundaries shall be construed to follow the center lines of such streets, alleys, rights-of-way, or railroads.

§5.03.02 Where boundaries are indicated as approximately following shorelines of lakes or ponds, such boundaries shall be construed to follow the typical water levels of such lakes or ponds.

§5.03.03 Where boundaries are indicated as approximately following streams, rivers, or other perennial water courses, such boundaries shall be construed to follow the centerline of such waterways as determined by the average water mark along opposing banks. In the event of a natural change in the

location of such waterways, the district boundary shall be construed as moving with the centerline.

§5.03.04 Where boundaries are indicated as being separate from but approximately parallel to any features listed in Subparagraphs §5.03.01 through §5.03.03 of this Section, such boundaries shall be construed as being parallel to and at such distance as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

§5.03.05 In large tracts where a district boundary divides, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Map.

§5.03.06 Where a public road, street, or alley shown on the Zoning Map is officially vacated or abandoned, the regulations applicable to the property to which the right-of-way reverts shall apply to the vacated or abandoned road, street, or alley.

§5.03.07 In case any further uncertainty exists, the Zoning and Planning Commission shall determine the location of boundaries. The Town Council may also cause to be prepared sectional maps of any part of the Town which will interpret the exact location of the district boundaries.

#### **Section 5.04 - Interpretation of Uses**

Where doubt exists as to whether a new or previously unclassified use is similar in nature to the permitted uses identified in this Ordinance, the Town Council shall approve or deny the unclassified use in question. In making such a determination, the Town Council shall consider the extent to which the proposed use is consistent with the intent of the zoning district and determine the specific permitted use within the zoning district that is most similar in impact and characteristics to the proposed new use. However, in no instance shall the Town Council interpret a proposed use as being permitted in one district, when the use is more similar in impact and characteristics to a use that is permitted exclusively in another district. The following procedures to establish consistency of unclassified uses shall be observed.

§5.04.01 DETERMINATION BY THE ENFORCEMENT OFFICER. If compatible with the existing zoning district intent, the unclassified use shall be permitted unless the new use will have an adverse effect on surrounding uses.

§5.04.02 REZONING REQUIRED. If the unclassified use is deemed to be incompatible with the existing zoning district intent, the Enforcement Officer shall recommend the most appropriate district classification or the applicant may seek rezoning of the property in question, before the proposed use may be conducted on the property.

§5.04.03 AMENDMENT OF PERMITTED USES. Following the final action on the unclassified use, as Section §5.04, §5.04.01 and §5.04.02 of this Section may require, the Planning Commission may initiate an amendment to this Ordinance to add the newly permitted use to the list of permitted uses in the appropriate zoning district(s).

#### **Section 5.05 – AG: Agricultural District**

##### **§5.05.01 AG: AGRICULTURAL DISTRICT**

**A. DISTRICT INTENT.** The purpose of this district shall be to provide opportunities for commercial agriculture, forestry, and other land-intensive, natural resource-based industries to continue as the Town grows and expands. The district also provides for a mix of low intensity

residential and limited commercial uses that contribute to the rural economy and maintain the mix of uses that are characteristic of rural areas and newly developing suburban neighborhoods. When annexing into the Town, AG district will be assigned as the default zoning district. If dimensional requirements are met all permitted uses are allowed. If not, the appropriate zoning district will be assigned.

**B. PERMITTED USES.** The following table identifies the uses permitted in the AG - Agricultural Zoning District, subject to standards established in this Ordinance.

Table 5.1- Uses Permitted in Agricultural Districts	
P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	AG
Conventional single-family dwellings, including manufactured homes and any accessory structures incidental to the dwelling or agricultural use	P
Accessory residential dwelling units	P
Duplex residential dwellings	P
Accessory uses and buildings, including accessory signs	P
Home occupations	P
Cottage industries	P
Agricultural, dairying, and livestock raising <sup>1</sup>	P
Sale of products and commodities raised on the premises only	P
Non-commercial poultry and livestock raising	P
Commercial harvesting of timber	P
Riding stables and academies	C
Public or private schools, including pre-schools, day nurseries, and kindergartens	P
Publicly owned and operated community structures and lands, including parks.	P
Public utilities, structures, and lands.	P
Public or private fishing clubs, gun clubs, and other similar outdoor recreational activities	P
Public or private golf courses	P
Places of worship	P
Cemeteries	P
Boat docks and boat houses, as accessory uses to a residential use	P
Bed and Breakfast Inns	P
Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes	P
Greenhouses and nurseries	P
Temporary or portable sawmills for the cutting of timber on the surrounding land	P
Veterinary Clinics, Commercial Kennels, and the raising of other domestic animals for sale	P
Lodges, summer camps, and public or private clubs, including fishing clubs, gun clubs, and other similar outdoor recreational activities	P
Specifically prohibited are the following commercial activities poultry houses and facilities for raising swine of any type.	
Open air markets, Campground, RV parks, Broadcasting Stations	C
1. Provided that the subject lot contains not less than five (5) acres of land, and all buildings used for housing fowl or animals, storing grain or feed, or processing products shall not be located closer than one hundred (100) feet to any property line.	

§5.05.03 SPECIAL EXCEPTION USES. The following uses may be permitted in AG District subject to approval by the Planning and Zoning Commission:

Athletic fields or stadiums, and other recreational areas for public use, including golf driving ranges, swimming pools, fishing lakes, and similar recreational uses, provided that all activities are located at least two hundred feet from any residential property line.

§5.05.04 DIMENSIONAL REQUIREMENTS:

Table 5.2 - Area and Dimensional Requirements for Agricultural Districts							
	Min Lot Size	Min Lot Width	Min Required Yards			Max Height	Max Bldg. Area
			Front	Rear	Side		
<b>AG</b>	30,000 sq. ft.	150 ft. for 0.5 acre And 300 ft. for 5 acres	40 ft.	45 ft.	15 ft.	45 ft. or 3 stories	25%

§5.05.05 MINIMUM STANDARDS FOR ALL DWELLINGS.

A. MINIMUM DWELLING UNIT GROSS FLOOR AREA: Nine hundred square feet.

B. MINIMUM REQUIRED ROOF PITCH: 3:12, not applicable to manufactured housing.

C. LANDSCAPING: All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, shrubs shall be applied along the front yard foundation.

D. UTILITY INSTALLATION: All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility service except as approved by the utility provider.

E. WATER SERVICE: For water service the line size must be greater than one inch for any location greater than three hundred feet from the meter and two inch for any distance greater than four hundred feet.

**Section 5.06 – Residential Districts**

**§5.06.01 R-1: LOW DENSITY RESIDENTIAL DISTRICT**

**A.DISTRICT INTENT.** This zoning district is intended to promote low density suburban tract residential development for single family uses in areas that have limited access to municipal infrastructure or are located in close proximity to sensitive natural resources.

**B. MINIMUM STANDARDS FOR ALL DWELLINGS.**

1. MINIMUM DWELLING UNIT GROSS FLOOR AREA: One thousand square feet

2. MINIMUM EXTERIOR WIDTH OF DWELLING: Fourteen feet.

3. MINIMUM REQUIRED ROOF PITCH: 3:12

4. LANDSCAPING: All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation of each dwelling.

5. UTILITY INSTALLATION: All electrical service shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential service. Water service as approved by the Water Department of the Town or other provider. A one-inch service line for distance greater than three hundred feet and two inch for greater than five hundred feet.

**C. DIMENSIONAL REQUIREMENTS:**

Table 5.3- Area and Dimensional Requirements for Low Density Residential District						
	Min Lot Size	Min. Lot Width	Min Required Yards			Max Height
			Front	Rear	Side	
<b>R-1</b>	15,000 sq. ft. <sup>1</sup> <sub>2</sub>	100 ft.	30 ft.	10 ft.	10 ft.	50 ft.
1. Areas served by sewer 2. Lots not served by municipal sewer shall contain at least 0.5 acres, plus any additional area deemed necessary by the Randolph County Health Department						

**D. PERMITTED USES.** The following table identifies the uses permitted in the R-1: Low Density Residential Zoning District.

Table 5.4- Uses Permitted in Low Density Residential District	
P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	R-1
Single-family dwellings	P
Accessory residential dwelling units in single family dwellings only	P
Single Family Group homes	P
Accessory uses and buildings	P
Home occupations	P
Non-commercial agriculture, horse, and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof	P
Public or private schools, including pre-schools, day nurseries, and kindergartens	C
Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas	C
Public utility structures and lands	P
Athletic fields or stadiums, and other recreational areas for public use, including golf driving ranges, swimming pools, fish lakes, and similar recreational uses	SE
Public or private golf course	C
Churches and other similar places of worship	P
Cemeteries	C
Boat docks and boat houses, as accessory uses to a residential use	P
Bed and Breakfast Inns	P
Residential Care Homes, Domiciliary Care Facilities, or Board and Care Homes	P

**§5.06.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

**A. DISTRICT INTENT.** This zoning district is intended to promote moderate density residential development for single family, duplex, and single and double-wide manufactured homes on individual lots in areas that have access to extensive municipal infrastructure and are in close proximity to places of employment and commercial districts..

**B. MINIMUM STANDARDS FOR ALL DWELLINGS.**

1. MINIMUM DWELLING UNIT GROSS FLOOR AREA: One thousand square feet
2. MINIMUM EXTERIOR WIDTH OF DWELLING: Fourteen feet.
3. MINIMUM REQUIRED ROOF PITCH: 3:12
4. LANDSCAPING: All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation of each dwelling.
5. UTILITY INSTALLATION: All electrical service shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential service. Water service as approved by the Water Department of the Town or other provider.
6. PARKING: Off-street parking for residential single family provided two vehicle spaces per unit.

**C. PERMITTED USES.** The following table identifies the uses permitted in the R-2: Medium Density Residential District.

Table 5.5 - Uses Permitted in Medium Density Residential Districts	
P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	R-2
All uses permitted in the R-1: Low Density Residential Zoning District	P
Class A Manufactured Homes subject to §2.02.61 and §4.05	P
Two-family or duplex dwelling units (including two-family group homes)	P
Multifamily dwellings, Boarding and rooming homes	C
Temporary Use Only- Campers and recreational vehicles (only if lot does not have enough area above Alabama Power Flood Easement line to build a house and mobile home tongue must be removed)	C
Class B and Class C Manufactured Homes	C

**D. DIMENSIONAL REQUIREMENTS:**

Table 5.6 - Area and Dimensional Requirements for Medium Density Residential Districts						
	Min Lot Size	Min. Lot Width	Min Required Yards			Max Height
			Front	Rear	Side	
R-2	10,000 sq. ft. <sup>1</sup> , 15,000 sq. ft. <sup>2</sup>	75 ft. for 10,000 sq. ft. And 80 ft. for 15,000 sq. ft.	25 ft.	10 ft.	8 ft.	50 ft.
1. Single Family lots 2. Two-family lots served by sewer						

**§5.06.03 R-3: HIGH DENSITY RESIDENTIAL DISTRICT**

**A. DISTRICT INTENT.** The purpose of this district shall be to provide opportunities for a broad range of residential environments, including single family, duplex, manufactured homes (on individual lots), and multi-family (including townhouse and condominium developments) housing in areas that are served by the full array of municipal facilities and services offered by the town and that are immediately adjacent to places of employment and commercial districts. This zone also may be used by the town as a transitional buffer zone between commercial and lower intensity residential zones.

**B. MINIMUM STANDARDS FOR ALL DWELLINGS.**

1. **MINIMUM DWELLING UNIT GROSS FLOOR AREA:** Eight hundred square feet for all single family dwellings attached and detached, seven hundred fifty square feet per unit for multi-family dwelling structures.
2. **MINIMUM EXTERIOR WIDTH OF DWELLING:** Fourteen feet.
3. **MINIMUM REQUIRED ROOF PITCH:** 3:12
4. **LANDSCAPING:** All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation of each dwelling.
5. **UTILITY INSTALLATION:** All electrical service shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential service. Water service as approved by the Water Department of the Town or other provider.
6. **PARKING:** Tenants must be provided adequate parking. As guest are expected to visit, allowances are required to accommodate residents and guest alike. For that purpose the parking to bedroom ratio will be utilized for the parking places calculation. The number of bedrooms in each development multiplied by one hundred and twenty percent shall be the determination of the number of required parking spaces.
7. **ACCESSIBILITY:** All dwelling units must be provided ingress and egress to publicly dedicated right-of-way.

**C. DIMENSIONAL REQUIREMENTS:**

	Min Lot Size <sup>1</sup>	Min. Lot Width	Min Develop. Site Size <sup>3</sup>	Max Density <sup>3</sup>	Min Required Yards		Min. Buffer along Single Family Zones <sup>3</sup>	Min. Sep. Distance Between All bldgs. On a Single Lot	Max % of Lot Covered by Impervious Surfaces	Max Height
					Front	Rear And Side				
<b>R-3</b>	8,000 sq. ft. <sup>2</sup>	75 ft. for 10,000 sq. ft. and 65 ft. for 8,000 sq. ft.	1 ¾ acres	20 Dwelling Units per acre	25 ft.	8 ft.	30 ft.	10 ft.	30%	60 ft.
1. For single family, manufactured home, group home, and two-family dwellings only 2. Areas served by sewer 3. For multi-family dwellings										

**D. PERMITTED USES.** The following table identifies the uses permitted in the R-3: High Density residential district.

P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	R-3
All residential uses permitted in R-2: Medium Density Residential Zoning District <sup>1</sup>	P
Multi-family dwellings (including group homes housing three or more families)	P
Condominiums	P
Townhouses	P
Boarding and rooming houses	P
Educational, training, health, medical or nursing uses of public, charitable, or philanthropic nature, including rest homes and sanitariums	P
Nursing Homes	P
College or School Dormitories	P
1. Except temporary use of campers and recreational vehicles	

**§5.06.04 MHP MANUFACTURED HOME PARK**

**A. DISTRICT INTENT.** The purpose of this district is to provide opportunities for the development of high intensity manufactured home parks, where units are placed on rented lots and Tiny Homes (rented/owned land). Tiny Homes on Wheels are permitted, but may only be approved as temporary living quarters, and must be inspected prior to placement and may be required to be inspected semi-annually, as determined by the Building Official.

**B. DIMENSIONAL REQUIREMENTS:**

	Min Develop Site Size	Min. Lot Width	Min. Rental Lot Size	Min Required Yards	Min. Buffer along all Boundaries of the site	Min. Sep. Distance Between All bldgs.	Max % of Lot Covered by Impervious Surfaces	Max Height
				Front				
<b>MHP</b>	2 acres	40 ft.	5,000 sq. ft.	20 ft.	30 ft. <sup>1</sup> , 15 ft. <sup>2</sup>	40 ft.	30%	25 ft.
1. Along any Single-Family Zoning District (R-1 and R-2) boundary 2. Along all other boundaries of the Manufactured Home Park								

**C. PERMITTED USES.** The following table identifies the uses permitted in the MHP Manufactured Home Park District

P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	MHP
Class A, Class B, and Class C Manufactured homes and Tiny Homes	P
One-family dwelling for the exclusive use of a watchman, caretaker, owner, or manager of a manufactured home park	P
Office, maintenance, and storage buildings incidental to a manufactured home park	P
Storage facility for boats, etc., for residents	P
Personal Service facilities, such as laundromats (including coin operated dry cleaning) and refuse disposal areas, accessory to and intended to serve residents of the manufactured home park only	P
Recreational facilities designed and intended for use by residents of the manufactured home park only	P
In addition to the manufactured home spaces, off-street parking and loading spaces for vehicles in operating condition only	P
Restaurants	C

**D. MANUFACTURED HOME PARK PLAN.** A manufactured home park preliminary site plan shall be submitted to the Planning Commission for review and approval prior to the issuance of a Zoning Permit by the Enforcement Officer. The Plan shall be drawn to scale and shall contain or include the following information.

1. A legend containing a site location map; the proposed name of the manufactured home park; the names of the developer, owner, and plan preparer, a north arrow; a scale; and an explanation of all symbols used on the plan.
2. The location of all rights-of-way, streets, utility lines, hydrants, garbage containers, and other infrastructure improvements.
3. The boundaries and dimensions of all rental lots in the park.
4. The boundaries of all buffers and common open spaces, including all proposed recreational improvements.
5. Proposed drainage and stormwater management improvements.
6. The boundaries of all floodplains on the site.
7. The location of any proposed office, showroom, or personal service facilities in the park.

**E. SITE DEVELOPMENT REQUIREMENTS.** In addition to the Dimensional Requirements listed in §5.06.04 - B, each Manufactured Home Park shall comply with the following requirements.

1. All proposed lots and buildings in a Manufactured Home Park shall be served by municipal water and sewer. Each manufactured home space shall be provided with a cold water tap at least four (4) inches above the ground.
2. The proposed park shall be located on a site properly graded and improved to insure proper drainage and freedom from standing water.
3. All driveways and walkways within the park shall be paved and adequately lighted.
4. Electrical outlets supplying at least 220 volts each shall be provided for each manufactured home space.
5. All manufactured homes placed in the park 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. Any existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be subject to the regulations established in §3.15 of this Ordinance.
6. All manufactured homes placed in the park shall be properly anchored to the ground, and all tow bars and axles shall be removed and stored in a location on the site where they will not be seen from the street or neighboring homes.
7. All manufactured homes placed in the park shall be skirted with a weather-resistant material. All skirting shall be adequately vented.
8. All manufactured homes placed in the park shall have a minimum roof pitch of not less than 1:3 (one foot of height for every three feet of length along the roof line).
9. Not less than Ten (10) percent of the total site area of a manufactured home park shall

be reserved for common open space. Such common open space shall, at a minimum, be landscaped, and may be improved for recreational use by the tenants of the park only.

10. No portion of a manufactured home park site that is located within a floodplain shall be improved for residential use.

11. Each manufactured home park shall provide adequate on-site containers for the collection of household garbage generated by the tenants of the park. All garbage containers shall be placed and kept within three-sided enclosures with walls at least six (6) feet high to provide proper screening of the containers.

12. All private streets within the park shall comply with all applicable street standards for the Town of Wadley.

13. Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable regulations of the Town. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

14. TINY HOMES

- a. Minimum Development Size. Ten residential lots or two acres, whichever is greater.
- b. Manufactured homes and tiny homes may be mixed in the same subdivision.
- c. Tiny Homes require approval from planning commission.
- d. Each home must be on its own, subdivided lot.
- e. All dwellings must be on permanent foundations.

**Section 5.07 – Non - Residential Districts**

**§5.07.01 C-1: NEIGHBORHOOD BUSINESS DISTRICT**

**A. DISTRICT INTENT.** This district is designed for small scale, limited impact commercial activities. As growth of the community continues commercial areas tend to expand to adjacent older established residential areas. The expansion results in additional traffic which is recognized as creating greater businesses opportunities. In most instances this clearly indicates a demand for additional commercial opportunities. As the process occurs over a period of time the Neighborhood Commercial provides a period of transition that permits commercial activities to occur that have a minimal impact on the residential neighborhood. Those activities being activities that do not contribute to increasing the traffic such as offices for accountants, lawyers, real estate and similar low impact services. As the use of the residential property declines the zoning changes to permit an increase in the land use by a higher commercial zone.

In most instances these neighborhoods are streets that are already arterial roadways or connector streets that readily lend themselves to commercial activities as a result of traffic flows. The increase in traffic decreases the attraction of the homes for residential use. In many instances the homes built there represents some of the older housing stock in the community.

**B. SPECIAL EXCEPTION OCCUPANCY OF EXISTING STRUCTURES:** When an existing residential unit is converted from residential use to some commercial activity permitted in the Neighborhood Business District, the unit should comply with the standards of commercial

zones.. As existing structures were likely built prior to the demand for commercial activity neither the structure or the site are likely to comply with current requirements for the structure or the site. In those instances, the existing structure will be considered and accepted as in compliance with the standards established for the Neighborhood Business District or the General Business District.

**C. PERMITTED USES.** The following table identifies the uses permitted in the C1 - Neighborhood Business District.

Table 5.11- Uses Permitted in Neighborhood Business Districts	
P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	C-1
Retail establishments customarily serving residential neighborhoods	P
Personal or professional service establishments, and businesses repairing and servicing small equipment	P
Professional offices	P
Dine-in or carry-out restaurants <sup>1</sup>	P
Family entertainment and cultural uses <sup>2</sup>	P
Clubs or lodges, public and private	P
Public and private educational institutions and associated accessory uses	P
Bed and breakfast inns	P
Hotels and motels	P
Boarding or rooming houses	P
Group homes, subject to the standards established in §2.02.42, and §4.03	P
Nursing homes	P
Multi-family apartment buildings	P
Loft, efficiency, and studio apartments <sup>3</sup>	P
Public utility structures and lands	P
Accessory off-street parking and loading spaces, subject to the standards established in Article VI <sup>4</sup>	P
1. Not including drive-through restaurants 2. At least 300 ft. buffer from churches and schools for alcohol sales 3. Must meet requirements in §5.07.01 - C 4. No equipment or inoperable vehicles may be externally parked or stored	

**D. LOFT, EFFICIENCY, AND STUDIO APARTMENTS,** provided that all of the following requirements are satisfied:

1. Such residential uses are located above the first floor of a multi-story commercial use
2. Appropriate soundproofing or sound attenuation measures have been installed to limit noise impacts that may be generated by ground floor commercial uses,
3. Adequate off-street parking for all proposed apartment units is provided in the rear yard of the lot,
4. Separate building entrances are available for the proposed apartments,

5. All exterior apartment windows and doors are secured by appropriate locks/devices.
6. Adequate fire escape ladders are available for each apartment unit and hard-wired fire alarms and sprinkler systems are provided on all floors of the building, and
7. The lower floor commercial uses in the building will not operate between the hours of 6:00 p.m. and 9:00 a.m.

**E. DIMENSIONAL REQUIREMENTS:**

Table 5.12 - Area and Dimensional Requirements for Neighborhood Business Districts						
	Max Business Size	Min Setback From the Mean High Water Mark of Tallapoosa River	Min Required Yards		Max Percentage of Lot Covered by Impervious Surfaces	Max Height
			Front			
C-1	2,500 sq. ft.	25 ft.	10 ft.		75% <sup>1</sup> , 50% <sup>2</sup>	50 ft.
1. All lots not fronting on Tallapoosa River 2. All lots with frontage along the mean high-water mark of Tallapoosa River						

**§5.07.02 C-2: GENERAL BUSINESS DISTRICT**

**A. DISTRICT INTENT.** It is the intent of this zone to provide for almost every type of retail, wholesale, financial and service activity. This zone is directed toward accommodating the needs of the community for the trade area as the market may demand. The locations are almost exclusively along the major highways and streets of the community or areas in which the market would indicate commercial potential areas, the intent being areas that are likely to develop into commercial areas.

**B. DIMENSIONAL REQUIREMENTS:**

Table 5.13- Area and Dimensional Requirements for General Business District					
	Minimum Setback from the Mean High Watermark of Tallapoosa River	Maximum Percentage of Lot Covered by Impervious Surfaces	Min Required Yards		Max Height
			Front	Side and Rear	
C-2	30 ft. <sup>1</sup>	60% <sup>2</sup> , 50% <sup>3</sup>	30 ft.	25 ft., 10 ft. <sup>4</sup>	50 ft.
1. All required lakefront setback areas shall be maintained in a natural vegetated state and shall be kept free of all materials and supplies associated with the commercial use. 2. All lots not fronting on Tallapoosa River 3. All lots with frontage along the mean high-water mark of Tallapoosa River 4. From any property line that abuts a residential zoning district (R-1, R-2, R-3, or MHP). All required setbacks along residential zoning districts shall be improved and maintained as a vegetated buffer to provide an effective year-round visual screen between the commercial use and the neighboring residential areas.					

C. PERMITTED USES. The following table identifies the uses permitted in the C-2: General Commercial District.

Table 5.14- Uses Permitted in General Business District	
P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	C-2
Retail establishments	P
Service establishments and repair shops	P
Professional offices	P
Restaurants including dine-in, carry-out, and drive-through restaurants and dining establishments	P
Family entertainment and cultural uses <sup>1</sup>	P
Lounges or Clubs, public and private	P
Public and private educational institutions and associated accessory uses	P
Churches and cemeteries	P
Public and semi-public institutions and offices, including government offices.	P
Bed and breakfast inns	C
Hotels and motels	P
Residential structures, boarding or rooming houses	C
Hospitals and medical clinics	P
Miniature golf courses	P
Indoor gun clubs and shooting ranges	C
Marinas	P
Campgrounds and Recreational Vehicle parks	P
Golf courses, public and private	P
Shopping plazas, shopping malls, and office parks	P
Public utility structures and lands	P
Wholesale business establishments	C
Mini-storage facilities	P
Accessory off-street parking and loading spaces, subject to the standards established in Article V <sup>2</sup>	P
Temporary mobile or modular office buildings <sup>3</sup>	P
1. Do not serve or offer alcoholic beverages for sale 2. No equipment or inoperable vehicles may be externally parked or stored 3. Term not to exceed 2 years unless probable cause can be shown	

D. MINIMUM STANDARDS:

1. PARKING, as described in Article 6.
2. LANDSCAPING, as described in Section §3.13.
3. UTILITIES, sufficient water supply for health and sanitary uses. Depending on size and occupancy sprinkler system may be required.
4. SAFETY, fire lanes, depending on the structure, size and use fire lanes may be required.

Section 5.08 – Industrial Districts

§5.08.01 M-1: LIGHT MANUFACTURING DISTRICT

A. DISTRICT INTENT. The intent of this zoning district is to provide development opportunities for a mixture of general small to medium sized business establishments in the downtown core. The district is also designed to enhance the architecturally and historically unique character of the Town Centre. To achieve those goals few requirements are imposed to encourage the use of the buildings.

B. DIMENSIONAL REQUIREMENTS:

Table 5.15 - Area and Dimensional Requirements for Light Manufacturing District						
	Min. Lot Size	Min. Setback from the Mean High Watermark of Tallapoosa River	Min Required Yards		Maximum Percentage of Lot Covered by Impervious Surfaces	Max Height
			Front	Side & Rear		
<b>M-1</b>	1 acre	100 ft. <sup>1</sup>	30 ft.	25 ft. <sup>2</sup>	60% <sup>3</sup> , 50% <sup>4</sup>	50 ft.
<ol style="list-style-type: none"> <li>1. All required lakefront setback areas shall be maintained in a natural vegetated state and shall be kept free of all materials and supplies associated with the industrial use.</li> <li>2. Twenty-five (25) feet from all adjoining property lines and an additional twenty-five (25) feet from any property line that abuts a residential zoning district ( R-1, R-2, R-3, or MHP). All required setbacks along residential zoning districts shall be improved and maintained as a vegetated buffer to provide an effective year-round visual screen between the commercial use and the neighboring residential areas.</li> <li>3. All lots not fronting on Tallapoosa River</li> <li>4. All lots with frontage along the mean high watermark of Tallapoosa River</li> </ol>						

C. PERMITTED USES. The following table identifies the uses permitted in the M1 District.

Table 5.16- Uses Permitted in Light Manufacturing District	
<p>P-The use is permitted by right                      SE -Special Exception Use, requires approval by the Board of Adjustment                      C-Conditional use, requires approval by the Planning Commission                      A blank cell indicates the use is not permitted.</p>	
USES	M-1
Any industrial enterprise engaged in a manufacturing, assembly, or processing activity that does not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) permit and does not emit fumes, odors, or particulate matter into the air that would be discernable beyond the boundaries of the property.	P
Accessory commercial activities limited to the sale or servicing of products manufactured by the primary industrial use <sup>1</sup>	P
Indoor and outdoor gun clubs and shooting ranges (outdoor shooting range for law enforcement use only) <sup>2</sup>	P
Warehousing and storage facilities	P
Filling stations, Car washes, Nurseries.	P
Construction and maintenance services, such as building contractors, janitorial services, exterminating services, landscape services, and similar uses.	C
Truck terminals and shipping facilities	P
Lumber yards and mills	P
Accessory off-street parking and loading spaces, subject to the standards established in Article V <sup>3</sup>	P
Temporary mobile or modular office buildings <sup>4</sup>	C
<ol style="list-style-type: none"> <li>1. Provided such commercial activities occupy not more than twenty-five (25) percent of the total floor area of the principal use building. All commercial activities shall be conducted entirely within the principal use building</li> <li>2. Provided that all activities involving the discharge of firearms shall conducted more than two hundred fifty (250) feet from any property line and directed away from any established residential uses</li> <li>3. Provided that no equipment or inoperable vehicles are externally parked or stored</li> <li>4. Term not to exceed two (2) years unless probable cause can be shown</li> </ol>	

**§5.08.02 M-2: HEAVY MANUFACTURING DISTRICT**

**A. DISTRICT INTENT.** The purpose of this district is to provide opportunities for the development of large industrial operations that will have minimal impacts on the natural environment and that will be located in areas served by all necessary municipal facilities and services. Such uses shall not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) permit and shall not emit potentially noxious fumes, odors, or particulate matter into the air. The district also will provide opportunities for the development of limited commercial uses that are accessory and complementary to the associated primary industrial use.

**B. MINIMUM STANDARDS:**

1. **PARKING,** Off-street parking provided space necessary to accommodate the vehicles of all workers in the industry of use. Also, adequate parking space shall be provided as necessary to accommodate, overnight, all vehicles incidental to the operation of the industry or use. Subject to Article 6.

**C. DIMENSIONAL REQUIREMENTS:**

Table 5-17 Area and Dimensional Requirements for Heavy Industrial District						
	Min Lot Size	Min Lot Width	Min Required Yards			Max Height
			Front	Rear	Side	
<b>M-2</b>	<sup>1</sup>	100 ft.	<sup>2</sup>	<sup>3</sup>	<sup>3</sup>	50 ft. or 4 stories
<p>1. None required. It is the intent of the ordinance that lots of sufficient size be used for any industrial, service, or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.</p> <p>2. 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 setbacks of the existing establishments within one hundred (100) feet on each side thereof.</p> <p>3. None specified, except a lot adjoining its side lot line with another lot which is a residential district, there shall be a side yard not less than ten (10) feet wide. No requirements for rear yard setback.</p>						

**D. PERMITTED USES.** The following table identifies the uses permitted in the M-2: Heavy Manufacturing District.

Table 5.18- Uses Permitted in Heavy Industrial Districts

<p>P-The use is permitted by right  SE -Special Exception Use, requires approval by the Board of Adjustment  C-Conditional use, requires approval by the Planning Commission  A blank cell indicates the use is not permitted.</p>	
USES	M-2
All uses described in the M-1 zone	P
Distribution plants	P
Forge plants	P
Manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, tile, concrete blocks, candles, disinfectants, dyestuffs, and fertilizers	P
Junkyards	P
Metal fabrication	P
Flammable gases, ammonia, or similar products	P
Tire recycling	
Grain elevators	
Rendering plants, slaughterhouses, and stock yards	

## Section 5.09 – Special Districts

### §5.09.01 FH: FLOOD HAZARD AREA ZONE

**A. DISTRICT INTENT.** Within floodplain areas, special land use restrictions are desired to: minimize human exposure to flood hazards, prevent excessive pollution or contamination of surface water resources during floods, provide maximum transmission and absorption of flood waters by restricting the intensity of impervious surfaces and man-made obstructions within floodplains, ensure that structures built within floodplains are properly floodproofed, to minimize private investment losses due to flooding, and ensure the Town's continued participation in the National Flood Insurance Program. The purpose of this "overlay zone" is to impose special development standards and restrictions in areas identified by the Federal Emergency Management Agency as subject to special flood hazard to serve the aforementioned objectives. An "overlay zone" imposes special development requirements and restrictions in addition to the provisions of the underlying regular zoning district. Where the requirements of this district conflict with the requirements of an underlying regular zoning district or with other applicable ordinances and regulations, the more restrictive requirements shall be followed. All land use and development activities on lands within the FH: Flood Hazard Area Zone shall also comply with all requirements of the Town of Wadley Flood Damage Prevention Ordinance.

**B. MINIMUM STANDARDS:**

1. The boundaries of the Flood Hazard Area Zone shall encompass all areas of Wadley lying within a Special Flood Hazard Area or 100-year floodplain, as shown on the latest published Flood Hazard Boundary Map or Flood Insurance Rate Map for the subject property, prepared for the National Flood Insurance Program by the Federal Emergency Management Agency.

**C. DIMENSIONAL REQUIREMENTS:** Development activities and land uses within the FH: Flood Hazard Area Zone shall comply with all requirements contained in the Town of Wadley Flood Damage Prevention Ordinance in addition to the specific requirements contained in this Zoning Ordinance. Maximum Percentage of Lot Covered by Impervious Surfaces should not exceed Twenty (20) percent.

**D. PERMITTED USES.** The following table identifies the uses permitted in the FH: Flood Hazard Area Zone.

Table 5.19- Uses Permitted in Flood Hazard Area Zone	
P-The use is permitted by right SE -Special Exception Use, requires approval by the Board of Adjustment C-Conditional use, requires approval by the Planning Commission A blank cell indicates the use is not permitted.	
USES	FH
On-site septic systems and temporary sewage holding tanks	
Open air storage or holding pits, bunkers, or ponds for the storage of animal manure or wastes	
Sanitary landfills and other solid waste facilities	
Junkyards	
Animal corrals, stockyards, and poultry houses	
Multi-family residential structures	
Nonresidential buildings exceeding twenty thousand (20,000) square feet in gross floor area. <sup>1</sup>	
Mini-storage facilities	
Group homes, nursing homes, and other congregate care facilities	
Public and private schools or educational facilities	
Hotels, motels, and bed and breakfast inns	
Warehouse facilities used for the storage of hazardous waste or materials	
Residential uses not otherwise prohibited within the FH: Flood Hazard Area Zone shall not be permitted within the floodway, nor shall any such residential structure encroach upon the floodway.	
1. However, a nonresidential building containing more than twenty-thousand (20,000) square feet of floor area may be partially located within a floodway fringe area, provided that not more than twenty-thousand square feet of total building floor area is located within said floodway fringe area, no portion of the building encroaches upon or extends into the floodway, and the building has been properly floodproofed in accordance with all applicable requirements of the Flood Damage Prevention Ordinance.	

**§5.09.02 OI: OFFICE INSTITUTIONAL DISTRICT**

**A. DISTRICT INTENT.** This district is intended to provide areas for the development of public, semi-public and private offices, schools, municipal buildings, fire departments, public safety, libraries, governmental and similar activities.

**B. PERMITTED USES.** Activities that tend to be more public oriented such as city halls, schools, social security offices, libraries, office complex or hospital.

**C. PROHIBITED USES.** Any use that would be considered noisy, odor generating, public retail, wholesale, or activities more suited for a commercial site.

**Section 5.10 – Animal Equivalent Units**

Animal Equivalent Unit: A unit of measurement to compare various animal types based upon equivalent forage needs or waste generation. The keeping and raising of livestock and poultry is limited to one animal equivalent unit per acre (see table below) and the following:

Cattle over 2 yrs. Old	Cattle over 6-12 mos. Old	Cattle over 12-24 mos. Old	Turkeys, ducks, and chicken	Horses, mules, and donkeys over 2 yrs. old	Horses, mules, and donkeys up to 2 yrs. old	Sheep and goats over 2 yrs. old	Sheep and goats up to 2 yrs. old
1	0.5	0.75	0.02	1.25	0.8	0.2	0.15

A. Agricultural, dairying, and poultry and livestock raising, provided that the subject lot contains not less than five (5) acres of land, and all buildings used for housing fowl or animals, storing grain or feed, or processing products shall not be located closer than one hundred fifty (150) feet to any property line.

B. Structures or fenced areas for the housing or feeding of animals or for the storage of manure must be set back at least 150 ft from any residential district boundary or property line of a lot used exclusively for residential purposes. Fence enclosures adjoining an agricultural district is not required to be set back from the property line.

C. No livestock or poultry may be kept forward of the front building line on properties with a front yard less than 75 ft deep that adjoin a residential property nor on properties under one acre in area.

## Article VI - Off-Street Parking Requirements

### Section 6.01 - Basic design requirements for parking lots.

Required parking spaces, as set forth below, shall provide not less than two hundred square feet of total parking lot area per space and shall be located entirely off street rights-of-way. Each individual parking space shall be a minimum of eight feet and six inches in width between the lines delineated for each space. Required spaces shall have an all-weather surface, an unobstructed maneuvering space, and access lanes of adequate width leading to a street or alley. Overflow or reserve parking areas in excess of the minimum spaces required herein may be constructed of permeable surface materials, including gravel, crushed stone, or other porous pavement materials designed to serve the anticipated intensity or frequency of overflow parking and to prevent excessive soil erosion. Except for one and two-family dwellings with access from local or minor collector streets only, maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. The following identifies the minimum number of automobile parking spaces for specified uses. Where a particular use is not specifically mentioned, the requirements of a similar or related use shall apply. Where more than one use will be conducted on a specific site, the site shall satisfy the combined requirements of all specified uses. Required parking spaces shall include spaces designated for people with disabilities, the number and design of which shall be in accordance with the standards set forth by the Americans with Disabilities Act.

- A. AUTOMOBILE SERVICE/GARAGE/QUICK OIL** - Three parking spaces for each grease rack, vehicle lift, or similar facility, plus one for each attendant.
- B. DWELLINGS** – Two parking spaces per dwelling unit on detached or attached homes. Residential structures containing three or more dwelling units shall have one and one quarter parking spaces per bedroom. A garage or carport may count toward the required parking space.
- C. HOSPITALS, SANITARIUMS OR NURSING HOMES** - One space for each four beds intended for patients, plus one space for each staff member employed during the peak work shift.
- D. MANUFACTURED HOME PARKS** - Two parking spaces located on each manufactured home site, plus one-half parking space per site to be located to serve the parking needs of visitors to the park and of occupants who have more than two automobiles. However, for each manufactured home space that fronts along a private road that does not provide through-traffic service, the minimum space required for each off-street parking space on the lot shall be reduced to one hundred two square feet, and the requirement to provide off-street space for vehicle turn-around without backing into the street shall be waived.
- E. MOTELS AND HOTELS** - One and a quarter parking space for each room leased for guest accommodation, plus one additional space per full-time equivalent employee during the peak work shift.
- F. OFFICES, OR PROFESSIONAL OR PUBLIC BUILDINGS** - One parking space for each two hundred fifty square feet of gross floor area or four parking spaces for each separate office or work cubicle, whichever is greater. Travel lanes for drive-through services are not be included in the minimum area required for parking lot.
- G. PLACES OF WORSHIP, THEATRES, AUDITORIUMS, STADIUMS OR OTHER PLACES OF PUBLIC ASSEMBLY** - One parking space for every four seats in the principal assembly room or

area.

**H. PRIVATE CLUB OR LODGE** - One space for every ten members.

**I. RESTAURANT OR OTHER EATING PLACE** - One parking space for every two seats. Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.

**J. RETAIL OR SERVICES** - One parking space for each three hundred square feet of gross floor area devoted to trade or service activity including administrative areas but not including inventory storage area.

**K. ROOMING HOUSES, BOARDING HOUSES, AND BED AND BREAKFAST INNS** - One parking space for each rental room, plus one spaces for each resident manager unit.

**L. SCHOOLS** - One parking space for each administrative employee working at the school. Two parking spaces for each classroom serving students below grade ten. One parking space for every five students of classroom seating capacity for each classroom serving students in grade ten or higher.

**M. SHOPPING CENTERS** - Four parking spaces for each 1,000 square feet of area devoted to trade or service activity.

**N. WAREHOUSING, MANUFACTURING, AND INDUSTRIAL ESTABLISHMENTS** - Three parking spaces for every two employees working during the peak work shift.

**O. WHOLESALE ESTABLISHMENTS** - One parking space for every one thousand square feet of gross floor area.

**P. RECREATIONAL VEHICLE PARKS** – An area suitable for the parking of two vehicles on each site.

The enforcement officer may approve up to ten percent deviation of the required parking areas when such approval is indicated due to special conditions. The Zoning and Planning Commission may approve up to a deviation of twenty-five percent of the required parking area due to special conditions. The percent of deviations may not be combined.

**§6.01.01 PLANS AND SPECIFICATIONS REQUIRED FOR OFF-STREET PARKING SPACES.** Plans and specifications showing required off-street parking spaces or other parking areas, including the means of access and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.

### **Section 6.02 - Location of Parking Spaces.**

**A.** Parking areas shall be in such a manner to facilitate access to the principal use of the improvements on the site.

**B.** Parking spaces designated for use by people with disabilities shall be located in close proximity to the main entrance of the building with which they are associated, in accordance with the standards set forth by the Americans with Disabilities Act.

**Section 6.03 -Truck Parking Restrictions.**

No trucks larger than three quarter ton pick-up trucks shall be permitted to park in any residential district, except that a truck or commercial vehicle not greater than one and one quarter tons may be parked in an accessory structure within a residential district.

**Section 6.04 -Joint Use of Off-Street Parking Areas.**

Nothing in this Ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two or more buildings or uses if the total of such spaces, when used together, shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

§6.04.01 LANDSCAPING. All paved surface parking lots containing more than one hundred parking spaces shall incorporate, within the paved area, landscaped islands constituting not less than ten percent of the total paved portions of the parking lot. The area of any required islands shall not be counted as part of the required minimum parking area for the off-street parking lot. Landscaped islands shall be distributed broadly throughout the parking lot and designed to provide sufficient unpaved area to support healthy plant growth and root structures. Each landscaped island shall also be designed to accommodate at least one shade tree, which shall be not less than eight feet tall at planting. Shrubs, flowers, and other ornamental plants or ground cover shall be incorporated into the landscaping on each island. Special consideration shall be given the location of trees and tall shrubs with respect to above ground power lines, light poles, and other possible obstructions, to prevent the need for excessive pruning as the trees and shrubs grow and mature. See also Section 3.13.

**Section 6.05 - Off-Street Loading and Unloading.**

§6.05.01 PLANS AND SPECIFICATIONS REQUIRED FOR OFF-STREET LOADING AND UNLOADING SPACES. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning permit.

**A.** All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials, goods, or things and for delivery and shipping. Such off-street space shall be designed so that service and delivery vehicles may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles. All such structures are also required to have sufficient off-street parking space for all vehicles utilized by such establishment.

**B.** Where any commercial or industrial structure is enlarged, or any such use is expanded, the full amount of off-street loading space shall be provided and maintained for the structure or use in its enlarged size.

**C.** Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading space under this article, the full amount of off-street loading space shall be provided and maintained to comply with this Section.

**D.** Off-street loading space shall be an area a minimum of twelve feet wide by forty-five feet long with fourteen and one half feet of vertical clearance. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

1. For each retail store, storage warehouse, wholesale establishment, industrial plant, freight terminal, market, restaurant, funeral home, laundry, dry cleaning plant, or similar use which has an aggregate floor space of:
    - a. Less than 6,000 square feet – One designated off-street loading area in the parking area required;
    - b. 6,000 square feet to less than 20,000 square feet - One space of off-street loading is required outside the parking area;
    - c. 20,000 square feet to less than 60,000 square feet - Two spaces of off-street loading is required;
    - d. For each additional 50,000 square feet, or fraction thereof, over 60,000 square feet - One additional off-street loading space is required.
  2. For each auditorium, convention hall, hotel, office building, stadium, sanitarium, or similar use which has an aggregate gross floor area of:
    - a. Less than 10,000 square feet – One designated off-street loading area required in the parking area;
    - b. 10,000 square feet to less than 40,000 square feet - One space of off-street parking is required;
    - c. For each additional 50,000 square feet, or fraction thereof, over 40,000 square feet - One additional off-street loading space is required.
  3. For any use not specifically mentioned herein, the off-street loading requirements specified above for the most similar use shall apply.
- E.** No area or facility supplied to meet the required off-street parking facilities shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.
- F.** Nothing in this article shall prevent the collective, joint, or combined provision of off-street loading facilities for two or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.
- G.** Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance, and access of all such required off-street loading facilities.

### **Section 6.06 - Emergency Vehicle Access.**

The enforcing officer shall require, at the specific request of the Police Chief or Fire Chief separate additional emergency vehicle access lanes, if deemed necessary to provide for adequate emergency vehicle access to the principal structures on the property. Where required, emergency vehicle access lanes shall be located as close as possible to the main entrance of the principal structures of the property, shall be a minimum of fourteen feet in width, and shall be visibly designated for exclusive emergency

use, either by painting, appropriate signage, or both.

**Section 6.07 - Continuing Character of Obligation.**

Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring such parking or loading facilities continues. Apart from the discontinuance, sale, or transfer of the building or use, it shall be unlawful for said owner to discontinue, change, dispense with, or cause the discontinuance or change of the required vehicle parking or loading space without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this Ordinance; or for any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this Ordinance.

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## Article VII - Sign Regulations

### Section 7.01 - Purpose of Sign Regulations.

The public has a legitimate interest and concern in the construction, maintenance, and regulation of outdoor advertising within the Town. While Wadley acknowledges the legitimate public need for business visibility, local businesses must also recognize the legitimate public need for a beautiful and uncluttered community. Wadley has determined that it is desirable to prescribe the manner of sign construction and to compel the use of safe materials; limit the number, type, surface area, height, and location of signs; and requiring maintenance of signs in order to protect and promote the public health, safety, and welfare of the community. Further, these sign regulations are intended to lessen hazards to pedestrian and vehicular traffic; preserve property values; prevent unsightly and detrimental development which has a blighting influence upon the community; and, in general, preserve the character and aesthetic quality of the various zones within the Town.

**SIGN TERMS DEFINED.** The following sign terms, when used in this Ordinance, shall have the meanings defined by this section.

§7.01.01 **ADVERTISER.** Any person, corporation, or other entity that seeks to convey a visual or audio message to the public.

§7.01.02 **ANIMATED SIGN.** Any sign which all or any part thereof visibly moves, imitates movement, or changes appearance in any fashion whatsoever.

§7.01.03 **BALLOON SIGN.** Any device which is inflated by gas or air and intended to serve as a sign or to direct attention to a specific property or location.

§7.01.04 **BANNER.** A temporary sign intended to be hung either with or without a frame or suspended from wires, cables, or rope. Banners generally possess letters, characters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banners shall include pennants, but shall not include official flags of a government entity or political subdivision.

§7.01.05 **BEACON OR SEARCHLIGHT.** Any light with one or more beams (including laser beams), which may be stationary, moving, or rotating, directed into the atmosphere or directed at one or more points not on the same property as the light source.

§7.01.06 **BUILDING NAMEPLATE.** A small memorial plaque, usually composed of metal or wood, affixed flush to an exterior wall near the main entrance of a building and bearing the name of the building or occupant, the date of construction, and/or the persons, entities, or corporations that financed its construction.

§7.01.07 **BILLBOARD.** Any sign owned by a person, corporation, or other entity that is erected for the purpose of selling, leasing, or donating the display space on that sign to an advertiser.

§7.01.08 **CANOPY.** Any permanent roof-like structure projecting from the wall surface of a building or structure, generally located at or below the roof line and designed to provide shelter from the elements. A canopy shall include all structures commonly known as awnings and marquees.

§7.01.09 **CANOPY SIGN.** Any sign attached to or made part of the front, top, or side of a canopy.

- §7.01.10 COPY. The permanent or removable wording and/or graphics placed upon, painted upon, or bonded to the display surface of a sign.
- §7.01.11 ERECT A SIGN. To build, construct, attach, hang, place, suspend, paint, or affix a sign.
- §7.01.12 EXEMPT SIGN. A sign made exempt from a sign permit, in accordance with Subparagraph §7.02.01 (Signs Exempt from Sign Permits) of this Section.
- §7.01.13 FACE. That portion of a sign upon which the copy is placed, attached, bonded, or painted.
- §7.01.14 FLASHING SIGN. Any lighted sign or sign containing a reflective surface which changes color, twinkles, or flashes regularly or intermittently. Flashing signs may include signs displaying the current time and temperature or traffic control signs.
- §7.01.15 FREESTANDING SIGN. Any permanent sign that is either mounted independently upon the ground or supported by one or more columns or poles, and independent of support from any other building or structure on the site. Freestanding signs shall include, but shall not be limited to, all signs commonly known as ground signs, pole signs, pylon signs, A-frame signs, sandwich signs, and billboards.
- §7.01.16 HANGING SIGN. Any sign which is attached to and projects down or dangles from a roof, canopy, or projecting brace that is attached to the face of an exterior building wall.
- §7.01.17 HISTORIC MARKER. A sign prepared in accordance with National Trust for Historic Preservation guidelines and approved by the Town Council which identifies an historic landmark or district on the property. Such sign may contain a narrative describing the historic significance of the landmark or district.
- §7.01.18 NUMBER OF SIGNS. For the purpose of determining the number of signs, each sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit. Where copy is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A multi-sided sign shall be considered one sign.
- §7.01.19 PERMANENT SIGN. A sign intend for displayed for an unidentified period of time. Any sign, other than a temporary sign, designed with a permanent display face. If a sign face is permanent but the copy displayed is subject to periodic changes, that sign shall still be regarded as permanent.
- §7.01.20 PORTABLE SIGN. Any sign that is not attached to a stationary object or structure that has a footing or that is not implanted beneath the surface of the soil. Such signs are commonly mounted on wheels or a frame that rests upon the ground. Portable signs shall include vehicles or portions of vehicles upon which signs or sign copy have been affixed that are permanently parked or displayed in one or more locations to serve exclusively as a business advertisement.
- §7.01.21 PROJECTING SIGN. Any sign containing not more than two (2) faces, that is affixed directly to the exterior wall of a building or structure or to a solid brace or frame that is attached to the exterior wall of a building or structure in such a manner that the sign face extends outward from the wall surface.
- §7.01.22 ROOF SIGN. Any sign that is mounted upon, affixed to, or painted upon the roof of a building or structure or that extends above the building or structure roof line.

§7.01.23 SIGN. Any identification, structure, illustration, or device, illuminated or non-illuminated, that is visible to the general public and directs attention to a product, message, service, place, activity, person, institution, business, or solicitation. A sign may include any emblem, painting, flag, statue, banner, pennant, balloon, or placard designed to advertise, identify, or convey information to the public.

§7.01.24 SIGN AREA. That gross area, in square feet, of the advertising copy surface of a sign, as delineated by one continuous perimeter line, enclosing the extreme limits of the writing, representation, or other display. Where a sign contains multiple faces, only one (1) face of the sign shall be used in computing the sign area.

§7.01.25 SIGN STRUCTURE. Any construction used or designed to support a sign.

§7.01.26 SNIPE SIGN. A sign of any material that is attached in any way to a utility pole, tree, fence, rock, or other similar object located on public or private property.

§7.01.27 TEMPORARY SIGN. Any sign fabricated of paper, plywood, fabric, window whitewash, or other light, impermanent material and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

§7.01.28 TRAFFIC CONTROL SIGN. A sign or electronic device, such as a traffic signal or signs denoting stop, danger, handicap parking, one-way traffic, no parking, fire lane, etcetera, for the purpose of directing or regulating the movement of traffic and/or pedestrians.

§7.01.29 WALL SIGN. Any sign displaying only one face that is mounted flat upon, affixed flat to, or painted upon an exterior wall surface of a building or structure and is located entirely below the roof line.

§7.01.30 WINDOW SIGN. A sign placed inside or upon a building or structure window and intended to be seen from the exterior of the building or structure.

## **Section 7.02 - Required Permits, Fees, and Inspections.**

**A.** Except where this chapter explicitly exempts a sign, all signs erected shall require a sign permit issued by the Enforcement Officer. In addition, whether a sign is exempt or not, Town building and electrical codes may require additional permits. A sign permit shall not be required for routine maintenance or painting of a permitted or pre-existing, nonconforming sign, provided that such maintenance or painting activities do not alter the original size of the sign or result in any increase in the existing sign area or height of the sign.

**B.** Each application for a permanent sign permit shall include the following items:

1. Name, signature, and address of the property owner, authorized agent of the property owner, if any, and sign contractor.
2. Address of the property where the sign is to be erected.
3. Lot area, zoning, and principal land use(s) on the subject lot.

4. A complete description of the sign(s) to be erected, including, but not limited to number, type, freestanding or attached, method of illumination, on or off-premises display, and setbacks.
5. A dimensioned sketch of the sign and a plot plan showing the location of each sign on the lot.
6. Other details sufficient for the Enforcement Officer to determine compliance with the requirements of this chapter.
7. The required application fee.

**C.** A \$15.00 fee shall accompany each application for a sign permit. For new construction any sign shown on the proposed building or site no permit fee is required.

**D.** The Enforcement Officer shall inspect each sign authorized by permit to determine compliance with the permit application.

**§7.02.01 SIGNS EXEMPT FROM SIGN PERMITS.** The following signs are exempt from required sign permits and all associated fees, and are permitted in accordance with the standards contained within this section and any other applicable provisions of these regulations. Exempt signs are permitted in any district if related to a permitted activity on a lot.

**A. HISTORIC MARKERS.** Where approved by the Town Council.

**B. TRAFFIC CONTROL SIGNS.** Such sign may include legal notices required by law; warning signs and no trespassing signs; identification, informational, or directional signs erected by any governmental agency or public utility.

**C. DIRECTIONAL SIGNS.** Such sign may indicate direction, off-street parking, control of vehicular or pedestrian traffic; restroom identification and direction; drive-thru window direction; telephone identification; and similar directional information. Such signs shall not exceed four square feet in total sign area.

**D. FLAGS.** Any official flag of a government entity or banners of a religious, charitable or fraternal organization.

**E. ARTISTIC DISPLAYS.** Such display may include decorative or architectural features of a building; public art works or displays; and similar artistic displays.

**F. REAL ESTATE OR RENTAL SIGNS.** Each property may have up to one non-illuminated real estate or rental sign, in compliance with the following requirements:

1. The maximum sign area shall not exceed six square feet for signs in a residential zone or twelve square feet for signs in a non-residential zoning district.
2. Multiple listing strips, sale pending, and sold signs shall be allowed when attached to the real estate sign, as long as the combined sign area does not exceed the maximum allowed in subparagraph §7.02.01(1) above.

3. One on-premise 'open house' or 'open for inspection' sign, not exceeding eight square feet in sign area, may be allowed per property. Similar off-premise signs for directional purposes shall be allowed within the public right-of-way at subdivision entrances, inter sections or on other private properties with the consent of the property owner. These signs must be removed when the premises are no longer open for inspection.

4. Real estate signs shall be removed when ownership or occupancy of the property changes and the property is no longer listed for sale or rent.

**G. CONSTRUCTION SITE IDENTIFICATION SIGN.** Each construction site shall be allowed to erect two non-illuminated, temporary construction sign. Said sign shall be freestanding and the sign area shall not exceed twenty square feet within any residential zone or thirty-two square feet within any non-residential zoning district. Construction signs must be set back at least ten feet from all property lines. The sign may include the names of the persons and firms performing services or labor, financing or supplying materials for the construction project. Temporary construction signs for residential developments shall be allowed to remain erect until the total residential lots have been sold or until a permanent identification sign has been erected whichever occurs first.

**H. WINDOW SIGNS.** Properties not located within a residential zoning district (AG, R-1, R-2, R-3 or MHP) may display window signs

**I. POLITICAL SIGNS.** Temporary political signs advertising campaigns of candidates for political offices or advertising, proposing, opposing, or relating views or positions upon a political question appearing or to appear upon an official election ballot may be erected in connection with political campaigns. No political signs shall be allowed within or upon a public right-of-way. The total sign area for any political sign shall not exceed thirty-two square feet. Political signs shall not be erected more than ninety days prior to the date of any election, whether general or special. Such signs must be removed within fifteen days after the date of the election or run-off election has occurred.

**J. GARAGE OR YARD SALE SIGN.** A temporary sign advertising the sale of personal property on a lot may be erected on the lot where the sale is to take place. Such signs shall be displayed only on three days immediately prior to and during which day the sale is conducted.

**K. SPECIAL EVENT SIGN AND DECORATIONS.** A temporary sign indicating a special event such as a grand opening, traveling public exhibits, fair, carnival, circus, festival, personal announcements of births, marriages, birthdays, or similar events may be erected on the lot where the event is to take place, provided that such signs do not exceed the maximum applicable height and surface area requirements for the type of sign used and the sign is installed not more than thirty days prior to the event and removed not more than ten days after the event has occurred.

**L. FARM INFORMATION SIGN.** Such sign may include farm logos or product information affixed to vehicles, equipment, buildings, silos, and tanks, and similar non-freestanding agricultural displays.

**M. VEHICLE SIGNS.** Such sign may depict identifying name, business, product, service, logo, and similar information painted or otherwise affixed to a registered vehicle that is in operating condition and is used regularly for business transportation.

**N. BUILDING NAMEPLATES.** Not more than one nameplate per non-residential building, which shall not exceed four square feet in total sign area.

**O. LEGAL NOTICES AND OFFICIAL INSTRUMENTS.** Legal notices and instruments required by a government or public regulatory entity to be posted or displayed shall be exempt from all aspects of these regulations.

**P. RESIDENTIAL FAMILY NAME AND/OR HOUSE NUMBER SIGNS.** A sign of less than two square feet in area located on a parcel of property used for residential purposes, if that sign announces the name of the occupants or the street number of the property only.

**§7.02.02 SIGN PROHIBITIONS.** Except where qualified below, the following signs are specifically prohibited throughout the Town:

**A.** Any sign or advertising structure which, by reason of location, position, shape, or color, interferes with, obstructs the view of, resembles, or can be confused with an authorized traffic control sign, signal, or device, or which incorporates the words "stop," "look," "danger," "turn back," detour or any other word, phrase, or symbol or character that would interfere with, mislead, or confuse motorists.

**B.** Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam.

**C.** Any sign of any type or support thereof placed, extending, or projecting into or upon a public right-of-way, except as expressly authorized.

**D.** Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.

**E.** Any sign with illegal, obscene, or prurient words, scenes, or graphics.

**F.** Any sign that blocks another sign, fire escape, door, window, parking or loading aisle or space.

**G.** Any sign that is damaged or not in a structurally safe condition and good state of repair.

**§7.02.03 TREATMENT OF ABANDONED SIGNS AND SIGNS ADVERTISING ABANDONED USES, PRODUCTS, OR SERVICES.**

**A.** Any sign copy or billboard copy identifying or announcing a use or business activity that has been abandoned, closed, or relocated, or which advertises a product, service, or entertainment the production, sale, or provision of which has been discontinued or canceled, shall be removed within six calendar months of the date of abandonment or discontinuance.

**B.** If a sign face is left blank for a continuous period of one hundred twenty days, that sign shall be considered abandoned, and within thirty days after abandonment the owner of the property where the sign is located shall cause the sign to be removed or replace the sign face or copy with an appropriate display or advertisement.

## §7.02.04 NONCONFORMING SIGNS.

**A. GRANDFATHER STATUS.** Any permanent sign legally existing on or before the date of adoption of these regulations, or any future amendment thereto, that does not conform with the requirements of these regulations may be continued and maintained.

**B. ALTERATIONS.** A nonconforming sign shall not be rebuilt, expanded, or altered in a way that would increase the degree of nonconformity as it existed at the time the grandfather status was conferred. This requirement shall not be interpreted so as to prohibit proper maintenance of a nonconforming sign or changes to the copy of the sign that do not increase the existing degree of nonconformity.

**C. EXPIRATION.** A nonconforming sign shall not be rebuilt or re-established after its use has been discontinued for a period of one calendar year, unless approved by the Town Council.

**D. DAMAGE REPAIR.** A nonconforming sign shall not be reconstructed or repaired to a nonconforming status if it has sustained damage exceeding seventy-five percent of the current replacement cost of the sign immediately prior to damage, unless approved by the Town Council.

### Section 7.03 - Dimensional Requirements for Permitted Signs.

**A. CANOPY SIGNS.** In permitted zoning districts, canopy signs shall be allowed on the vertical faces of any canopy, awning, or marquee that is located directly above a building entranceway. The sign face or copy of any canopy sign is not allowed to extend beyond the edges of the vertical face of a canopy, awning, or marquee. In addition, the following absolute dimensional requirements shall apply.

1. Maximum sign area per single canopy face: twenty square feet.
2. Total cumulative sign area for all sign faces on an individual canopy, awning, or marquee: forty-eight square feet.
3. Maximum sign face or copy height: four feet.
4. Maximum sign face or copy width: eight feet.

**B. FREESTANDING SIGNS.** In zoning districts where freestanding signs are permitted, each lot may have not more than one freestanding sign as an accessory structure to a principal use structure on the property. Freestanding signs shall be securely fastened to the ground or to some other metallic or concrete supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. The Planning Commission may approve one additional freestanding sign for any existing lot that is accessed by more than one collector or arterial street on opposing sides of the property. Furthermore, if a development is located on a corner lot that has at least two hundred feet of frontage on each of the two intersecting public streets, then two freestanding sign are permitted along each side of the development site bordered by such streets. Freestanding signs shall be located as close a possible to the main traffic access to the property, but shall not be located closer than four feet to the right-of-way of a public street nor closer than ten feet to any property boundary. In addition, no freestanding sign shall be located less than fifty feet from another freestanding sign on the same side of the street or less than one

hundred feet from another freestanding sign on the same property. All freestanding signs shall comply with the following dimensional requirements.

1. Maximum sign area:

- a. thirty-two square feet for buildings containing less than two thousand, five hundred square feet of gross floor area;
- b. forty-eight square feet for buildings containing at least two thousand, five hundred, but less than fifteen thousand square feet of gross floor area; and
- c. eighty square feet for all buildings containing at least fifteen thousand square feet of gross floor area. However, the Town Council may increase the maximum sign area to a total sign area of not more than one hundred and sixty square feet for a freestanding sign that will serve all businesses in a shopping plaza or office park containing not less than three businesses.

2. Maximum sign height, including the supporting structure and sign face: fourteen feet along a street in a residential zoning district (R-1, R-2, R-3, and MHP), twenty-five feet in all other districts. However, the Town Council may increase the maximum height of a freestanding sign to ensure sign visibility from an adjoining public street, where the elevation of the street exceeds the elevation of the property by more than five feet at the point where the freestanding sign will be erected. In no instance shall the increased height allow the top of the freestanding sign face or copy to extend more than twenty feet above the nearest surface elevation of the paved street.

3. Maximum sign face or copy height: Twelve feet.

4. Maximum sign face or copy width: Twelve feet.

**C. HANGING AND PROJECTING SIGNS.** In zoning districts where hanging and/or projecting signs are allowed, each building may have not more than five hanging or projecting sign per building wall that has an exterior entrance. Hanging or projecting signs may not extend into a public right-of-way, and shall not extend any closer than two feet to the inside face of a street curb or the outer edge of the paved travel lane of a street, whichever is applicable. Hanging or projecting signs shall be located as close as possible to said exterior building entrance in accordance with the following requirements:

1. Maximum sign area: sixteen square feet.

**D. WALL SIGNS.** In zoning districts where wall signs are allowed, no portion of a wall sign shall extend above the building roof line or beyond the edges of the wall. In addition, no portion of a wall sign shall obscure any portion of an entranceway to any building. Each wall sign shall be affixed flush to the wall, and shall not project more than four inches away from the wall surface, exclusive of any approved lighting fixtures. The following dimensional requirements also shall apply to all permitted wall signs:

1. Maximum sign area of any individual wall sign: thirty-two square feet.

2. Maximum cumulative sign area of all wall signs on a single building: one hundred and

twenty-eight square feet, or not more than sixty percent of the surface area of an affected wall.

3. Maximum sign face or copy height and width: six feet.

**§7.04 SIGNS ALLOWED WITHIN RESIDENTIAL ZONING DISTRICTS.** Within agricultural and residential zoning districts (R-1, R-2, R-3, MHP) the only signs allowed are those classified as exempt from these regulations under Subparagraph 7.4 of this Section and residential subdivision entrance signs in accordance with the following requirements:

- A.** Permanent freestanding ground signs to residential subdivision developments may be erected at principal entrances to the project. One sign shall be permitted at each principal entrance to the development.
- B.** Entrance signs shall not exceed thirty-two square feet in sign area and five feet in height as measured from the base of the sign.
- C.** Entrance signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be accidentally toppled or moved by the wind or other forces of nature and cause injury to persons or property.
- D.** Development entranceways, and, specifically, the area adjoining the entrance sign, should be appropriately landscaped and maintained to provide an attractive and inviting entrance to the subdivision.

**§7.05 SIGNS ALLOWED WITHIN NON-RESIDENTIAL ZONING DISTRICTS.** All signs that are exempt from these regulations shall be permitted in any non-residential zoning district in accordance with the conditions specified in Subparagraph 7.4 of this Section. In addition, owners of land within a non-residential zoning district may erect any sign identified in Subparagraph 7.8 of this Section in accordance with all dimensional requirements prescribed therein. However, in no instance shall the cumulative total sign area for all signs permitted under Subparagraph 7.8 of this Section that are erected on a single lot exceed the limits specified below for the applicable non-residential zoning district. Where a lot is divided by two or more non-residential zoning districts, the cumulative total sign area limitation of the less restrictive zoning district shall apply to the entire non-residentially zoned area of the subject lot.

- 1. C-1- Neighborhood Business District. Sixty-four square feet of cumulative total sign area.
- 2. C-2 - General Business District. One hundred and sixty-four square feet of cumulative total sign area.
- 3. M-1, M-2 - Industrial Districts. One hundred square feet of cumulative total sign area.

**§7.06 TRAFFIC VISIBILITY PROVISIONS.** No permanent or temporary sign exceeding four square feet in area shall be permitted within the clear sight triangle of an intersection, as defined in Article III Section 3.11, Traffic Visibility at Intersections, or within sixteen feet from the front lot line. This limitation may be waived if such sign does not obstruct visibility between a height of thirty-six inches and eight feet above the nearest street grade level or otherwise does not interfere with traffic visibility for entrance onto and exit from the lot and adjacent lots and the visibility of traffic flow through nearby intersections, as determined by the Enforcement Officer. In any event, no sign, regardless of size, height, or design shall

extend into any right-of-way, except as expressly authorized.

#### §7.07 CONSTRUCTION AND MAINTENANCE OF SIGNS.

- A. All signs shall conform with applicable Town building codes, which provide a comprehensive set of construction standards for signs. These specifications include wind loads, vibration resistance, seismic loads, acceptable supports, allowable stresses, materials, and electrical wiring.
- B. All signs and all components thereof, including structural supports, shall be kept in a state of good repair.
- C. The area surrounding the base of any freestanding sign shall be kept clear of all debris and undergrowth.
- D. For the purpose of increasing or enhancing the visibility of any sign, vegetation may be trimmed, cut or removed within any right-of-way except only by express written authorization is obtained from the agency having jurisdiction over the right-of-way.
- E. Owners of commercial buildings shall be responsible for the location and maintenance of awnings, awning frames, overhangs, marquees, and supporting pillars of their respective buildings.

## Article VIII - Administration and Enforcement

### Section 8.01 - Zoning Permit Required

No construction, renovation (except repairs, not changing the character of the structure and not exceeding \$1,000.00 in cost or value, or painting and wallpapering), reconstruction, or development activity governed by this Ordinance shall be conducted prior to the issuance of a Zoning Permit by the Enforcement Officer.

### Section 8.02 - General Administration

§8.02.01 ENFORCEMENT OFFICER. The provisions of this Ordinance shall be administered and enforced by the Building Inspector or other officer of the Town as may be designated. This official shall have the right to enter upon any premises, for which a permit has been issued, at any reasonable time for the purpose of making inspections of building or premises necessary in carrying out the duty in the enforcement of this Ordinance.

#### §8.02.02 INVALID PERMITS.

**A.** No zoning permit, building permit, certificate of occupancy, or business license, or any other permit or license shall be issued by any Town department, official, or employee except in full compliance with this Ordinance.

**B.** Any permit or license issued by any Town department, official, or employee, 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.

#### §8.02.03 APPROVAL OF PLANS AND ISSUANCE OF ZONING PERMIT.

**A.** The Enforcement Officer shall not issue a zoning permit for any proposed development activity until an application and accompanying plans or documentation has been filed and reviewed in conformance with this Ordinance. To this end, the Enforcement Officer shall require that every application for a zoning permit for construction, use of land, moving, or alteration be accompanied by appropriate documentation of compliance with all other applicable codes, ordinances, and regulations and a map or plat drawn to scale and showing the following in sufficient detail to enable the Enforcement Officer to ascertain whether the proposed construction, use of land, moving, or alteration is in conformance with this Ordinance. Clearing of a site for a potential development is not required when the activity is limited to the removal of trees, under growth and other vegetation. For other activity as follows:

1. The actual shape, proportion, and dimensions of the lot to be built upon.
2. The shape, size, and location of all 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 the adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

5. The locations of all existing zoning district boundaries that apply to the lot.

**B.** If the proposed excavation, construction, moving, or alteration as set forth in the application, is in conformity with the provisions of this Ordinance and other Town codes, the Enforcement Officer shall issue a zoning permit accordingly. The issuance of a zoning permit shall, in no case, be construed as waiving any provision of this Ordinance.

**C.** If the application is rejected, the Enforcement Officer shall state in writing on the application the reason for rejection.

#### §8.02.04 CERTIFICATE OF OCCUPANCY REQUIRED.

**A.** No land or building or other structure or part thereof hereafter constructed, moved, or altered in accordance with a zoning permit shall be occupied until the Enforcement Officer has 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 regular business days after the owner or his agent has notified the Enforcement Officer that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Enforcing Officer to make final inspection of the development site, 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 Town codes.

**C.** If a Certificate of Occupancy is denied, the Enforcement Officer shall state in writing the reason for rejection.

### Section 8.03 - Temporary Land Uses

§8.03.01 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. The Enforcement Officer is authorized to issue a Temporary Certificate of Zoning Compliance for any of the following temporary uses:

**A.** Carnival, circus, or fair in any commercial district, for a period not to exceed twelve days, subject to the approval of the Town Council.

**B.** Religious meeting in a tent or other temporary structure in any district, for a period not to exceed thirty days.

**C.** Open lot sale of Christmas trees in any district, for a period not to exceed forty-five days.

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

§8.03.02 All Temporary Certificates of Zoning Compliance may be renewed, 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 8.04 - Violation Procedures**

Where a violation of the requirements of this Ordinance has been identified, either by complaint or by Town staff inspection, the following procedures shall be followed.

§8.04.01 INVESTIGATION. If a complaint is received regarding an alleged violation of this Ordinance, the Zoning Enforcement Officer shall investigate the complaint and document the extent of the violation.

§8.04.02 INITIAL NOTIFICATION OF VIOLATION. Once a violation has been confirmed and documented by investigation, the Zoning Enforcement Officer shall issue a stop work order (if applicable) and/or prepare a letter to the owner of record of the property stating the nature of the violation, the date that the violation was verified, and requiring that the property owner cure the violation within a specified number of days from the date that the letter was mailed. The deadline for correction of the violation shall be established by the Zoning Enforcement Officer with due consideration and respect for the nature of the violation, the amount of work necessary to correct the violation, and the need for expeditious remedy of the violation to prevent undue public impacts. However, in no instance shall the deadline for correction of the violation be less than fifteen days nor more than thirty days from the date that the letter was mailed. The letter also shall state that the owner must correct the violation, or the Town will issue a citation. Finally, the letter shall afford the offending property owner an opportunity to schedule a meeting with the Zoning Enforcement Officer within five business days to discuss objections to the violation or to make special arrangements to cure the violation. Such notification letter shall be sent to the property owner via certified mail, return receipt requested. The Town may, at the discretion of the Zoning Enforcement Officer, send a copy of the letter to the developer or tenant of the property (as the case may be) by first class mail.

§8.04.03 RE-INSPECTION. The Zoning Enforcement Officer shall, at the expiration of the prescribed deadline for correction of the violation, re-inspect the property for compliance with the notification of violation.

§8.04.04 NOTICE OF CITATION. If, upon re-inspection, the Zoning Enforcement Officer confirms that the violation has not been cured as ordered, the Zoning Enforcement Officer shall prepare a notice of citation, which shall be sent to the offending property by certified mail, return receipt requested. The notice shall state the date upon which the initial violation was confirmed, the nature of the violation (including references to the specific code provisions that have been violated), the required corrective measures, the dates upon which the initial notification of violation was sent and received, the time frame afforded to the property owner for correction of the violation, the date that the failure to correct the violation was confirmed, and the amount of the applicable fine, which shall be calculated from the date of citation and full payment of which shall constitute an additional remedial action for correction of the violation. The notice also shall require the property owner to fully correct the violation within ten days of the date of citation, or the owner will be required to appear before the Municipal Court, at a time and date to be determined by the Municipal Court, to answer the charge of violation as explained in the notice of citation.

§8.04.05 COURT ACTION. If the Zoning Enforcement Officer confirms that the violation has not been cured within the time frame specified in the notice of citation, the Zoning Enforcement Officer shall file a written complaint for relief of the violation with the Municipal Court.

**Section 8.05 - Amendments**

§8.05.01 PROCEDURES

The regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the Town Council, but no amendment

shall become effective until it is first submitted to the Zoning and Planning Commission for its recommendation. The Planning Commission, upon its own initiative, shall hold public hearings, public notice of which shall be provided, for the consideration of any proposed amendment to the provisions of this Ordinance or to the Zoning Map of Wadley, and report its recommendations to the Town Council. The provisions of Section 78 of Title 11 of the 1975 Code of Alabama, as the same may be amended, shall apply to all changes and amendments.

#### §8.05.02– AUTHORIZED PETITIONERS

A petition for amendment of this Ordinance or the zoning district boundaries may be initiated by the Town Council, the Planning Commission, or the owner of a property or his agent.

#### §8.05.03 - PETITION FOR AMENDMENT

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

Any persons, firm, or corporation desiring to petition for rezoning under the authority of this section must present such petition to the Enforcement Officer in writing, at least eighteen days prior to the Planning Commission hearing. The petition shall be accompanied by the following information and materials:

- A. Name, signature, and address of the property owner and agent of the property owner, if any.
- B. 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.
- C. Present and proposed zoning and land use of the property under consideration.
- D. Reason for the rezoning request.
- E. 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, if proposed.
- F. A payment to the Town of Wadley in the amount of \$100.00.

#### §8.05.04 - PLANNING COMMISSION ACTION

**A. NOTICE OF PUBLIC HEARING.** Where a zoning amendment or rezoning is petitioned by a property owner, the Town Clerk shall post, at least fifteen days prior to the date of the scheduled planning commission hearing, a public hearing notice regarding the proposed rezoning in four conspicuous places within the Town. The notice shall state the following information:

1. The name of the petitioner.
2. The location of the property and the nature of the petition.
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. SCHEDULING OF HEARING.** 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. PLANNING COMMISSION RECOMMENDATION.** The Planning Commission, by majority vote, shall recommend approval or denial of the requested zoning amendment or rezoning. Once a recommendation has been approved, the Planning Commission report its recommendations and the findings thereof to the Town Council. The Planning Commission report shall be transmitted to the Town Council within thirty days of the hearing, unless an extension period is granted by the Town Council. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission. To obtain an extension period from the Town Council, the Planning Commission shall entertain a motion to request such extension then shall immediately forward such request to the Town Council for consideration at the next regularly scheduled Town Council meeting.

#### §8.05.05 TOWN COUNCIL ACTION

**A. PUBLIC HEARING NOTICE.** At least fifteen days in advance of the passage of the amendment to the Zoning Ordinance, a notice of a public hearing on the proposed amendment shall be posted in full in four conspicuous places within the Town, together with a notice stating the time and place that the amendment is to be considered by the Town Council and stating further that at such time and place all persons who desire shall have opportunity of being heard in opposition to or in favor of such amendment. The Town Council shall hold a public hearing at the first regularly scheduled meeting after compliance with the notice requirements of this Ordinance.

**B. SCHEDULING OF PUBLIC HEARING.** Upon receipt of the recommendation of the Planning Commission, the Town Council shall schedule a public hearing on the proposed amendment at the next regularly scheduled Town Council meeting, unless there is not sufficient time for the public notice to be posted or unless the Town Council elects not to hear the request.

**C. APPROVAL OR DENIAL.** After the public hearing on a rezoning petition or proposed amendment to the zoning ordinance, the Town Council shall vote to approve or deny the amendment. Failure by the Town Council to vote in favor of a proposed amendment shall constitute denial of the amendment without a formal vote.

#### §8.05.06 TIME LIMIT

After the Town Council has voted on an application for 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 year has elapsed from the date of such action by the Town Council. Provided, however, that the Town Council may adjust this time period, if in the opinion of a majority of the Town Council an unusual situation or circumstance exists.

#### §8.05.07 INITIAL ZONING OF ANNEXED PROPERTY

**A. APPLICATION FOR ZONING.** An application for zoning of property to be annexed shall accompany each petition for annexation. The application for zoning shall be made on a form available from the Town and be filed with the Town Clerk at least three regular business days prior to the Zoning and Planning Commission hearing. The Town Clerk shall transmit such petition

and application to the Planning Commission, which shall hold a public hearing and give notice of such hearing in accordance with the notice requirements in Subparagraph §8.05.04 - A (Notice of public hearing) of this Article.

**B. PLANNING COMMISSION ACTION.** The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after submission and acceptance of the application. The Planning Commission, by majority vote, shall report its recommendations to the Town Council as to whether the property to be annexed should be brought into the Town in the zoning district requested by the applicant or, if the Planning Commission believes the requested zoning designation to be inappropriate, in the AG: Agricultural Zoning District (AG district will be assigned as the default zoning district and subject to all zoning regulations therein unless rezoned as part of the annexation process). The Planning Commission report shall be transmitted to the Town Council within thirty days of the hearing date, unless the Town Council grants an extension of such period. Otherwise, the zoning classification requested by the applicant shall be deemed to have been recommended by the Planning Commission.

**C. TOWN COUNCIL ACTION.** Upon receipt of the recommendation of the Planning Commission, the Town Council shall schedule and hold a public hearing on the recommended zoning of the property to be annexed. Such hearing shall not be held until the Town Council has annexed said property into the Town, but may be conducted immediately following adoption of the annexation ordinances. The Town Council shall give public notice of the hearing on the recommended zoning in accordance with Subparagraph §8.05.05 - A (Public hearing notice) of this Article. Following such hearing, the Town Council shall decide by majority vote to accept or reject the recommended zoning. If the recommended zoning is accepted, such property shall be added to the Wadley Zoning Map. If the recommended zoning is rejected, such ordinances shall be remanded to the Planning Commission for reconsideration.

**D. PLANNING COMMISSION RECONSIDERATION.** If the Town Council rejects the zoning recommended by the Planning Commission, the Planning Commission, within thirty days following annexation, shall review the zoning of the newly annexed property and, if determined necessary, initiate a petition to rezone the property to the most appropriate district, in accordance with Section §8.05.03 (Petition for Amendment) of this Article. No fee shall be paid by the applicant for any reconsideration and rezoning action by the Planning Commission conducted in accordance with this Subparagraph. In determining the most appropriate zoning, the Planning Commission shall duly consider the following minimum items:

1. The Wadley Comprehensive Plan, as adopted by the Planning Commission, as well as other relevant land use and planning studies;
2. The desires of the property owner subject to rezoning, as well as concerns of adjacent property owners;
3. The purposes and considerations of zoning, as required by this ordinance and Section 11-52-72 of the Code of Alabama, as amended.

**E. Action on Planning Commission petition.** The Planning Commission and Town Council shall act on the Planning Commission petition to rezone the newly annexed property in accordance with the procedures set forth in Sections §8.05.04 and §8.05.05 of this Article.

**Section 8.06 - Conditional Uses**

Conditional uses are defined as those that have a unique impact, in contrast to potential impacts from permitted uses. This can include exceeding permitted uses in intensity or having such singularity that the use's effect on the surrounding area cannot be determined prior to implementing the proposed use. Therefore, conditional uses must be reviewed in consideration of existing zoning and land uses in the area. This includes consistency with the Comprehensive Plan, this ordinance, and any other development policies and/or city regulations; in addition; consideration should be given to what extent the developer has exhausted other steps to minimize adverse effects on surrounding properties, and the health, welfare, and safety of the public in general.

§8.06.01 APPLICATION. Conditional use applications must be first submitted to the Commission for consideration. Applications should include a Site Plan and be filed at least 20 business days prior to the application hearing date. Notice should also be given to adjoining landowners. The Commission must approve, approve with conditions, or deny the request within 60 days, unless the applicant agrees upon an extension. In addition, the Commission must hold a public hearing and give sufficient public notice. Should the Commission fail to provide a decision within the 60-day period, it is assumed to have approved the proposed conditional use.

§8.06.02 CRITERIA. The Commission will review the proposal for consistency with the Comprehensive Plan, this ordinance, and any other applicable city policies or regulations. The Commission must determine whether the proposal has made satisfactory provisions concerning the following:

- A. Access into and out of the property and the proposed structures/use, giving particular consideration to vehicular and pedestrian safety, accessibility, traffic flow and control, and emergency access
- B. The location and convenience of off-street parking and loading areas
- C. The location and convenience of refuse and service areas, including consideration of possible adverse effects on the surrounding properties
- D. The screening and buffering of possible adverse appearances and activities on surrounding properties
- E. The control of potential noise, glare, odor, water runoff, and other impacts on surrounding properties
- F. The location, availability, and capacity of utilities in the area
- G. The location and scale of signs and/or lighting, considering traffic safety, glare, and consistency with surrounding properties
- H. The bulk, density, and lot coverage of structures/yards/open areas, considering consistency with surrounding properties

§8.06.03 CONDITIONS. The Commission may institute conditions for approval that it deems necessary to protect the public interest; this can be in relation to the topics discussed above, and/or to any other consideration that is determined applicable. The approval and conditions will be connected and run with the property, and not with any particular person. Violations of conditions attached to uses are considered violations of this ordinance.

**Section 8.07 - Penalties, Remedies**

Fines for violation of any provision of this ordinance are defined below. Each day a violation is committed or continues constitutes a separate offense. Violation conviction and charging of fines does not exempt the violation from compliance.

§8.07.01 If corrections are made within 72 hours of correction notice receipt, there will be no monetary penalty.

§8.07.02 If no corrections are made within 72 hours, a second correction notice will be delivered, and the property owner will be subject to a fine of \$100.

§8.07.03 If no corrections are made within 72 hours of the second correction notice receipt, a final notice will be delivered. This will include an additional fine of \$100-500 per day until the violation is corrected, in addition to any further penalties as determined through court proceedings.

When a structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or a structure or land is used in violation of this Ordinance, the Building Official or an adjacent property owner, who would be especially damaged by the violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent, correct or abate the violation.

## Article IX - Board of Adjustments

### Section 9.01 - Creation

A Board of Adjustment is hereby established. The appointment, procedure, powers, and action of said Board of Adjustment shall be governed and controlled by Title 11, Chapter 52, Article 4, Section 80, Code of Alabama 1975, as amended.

### Section 9.02 - Composition and Appointment

The Board of Adjustment shall consist of five members, each to be appointed for a term of three years, except in the first instance as provided by law. In addition, two supernumerary members shall be appointed to serve on the Board at the call of the Chairman in the absence of regular members. Such supernumerary members shall be appointed to serve 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 becomes vacant.

### Section 9.03 - Procedures of The Board of Adjustment

§9.03.01 BYLAWS. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other time as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be opened to the public.

§9.03.02 RECORDS. The Board of Adjustment 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 the records of its examination and other official actions, all of which shall be of public record and be immediately filed in the office of the Town Clerk.

### Section 9.04 - Appeals to the Board of Adjustment

Appeals to the Board of Adjustment may be filed by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the enforcing officer. Such appeal and subsequent hearing of the appeal by the Board of Adjustment shall proceed as established by Section 80 of Title 11 of the Code of Alabama 1975, as amended, and by the rules of the Board. All appeals shall be submitted within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken 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 officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, 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 officer from whom the time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

## Section 9.05 - Powers and Duties of the Board of Adjustment

§9.05.01 ADMINISTRATIVE REVIEW. To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by the enforcing officer in the enforcement of this Ordinance.

§9.05.02 SPECIAL EXCEPTIONS. To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance. In approving a use allowed by special exception, the Board of Adjustment may impose any of the following special conditions as may be reasonable and necessary, based on specific findings of fact, to mitigate potential negative impacts of the special exception use on neighboring permitted uses in the neighborhood or zoning district.

- A. Special setback requirements (to alleviate potential use conflicts, to provide safe isolation distances, or to facilitate traffic access and mobility);
- B. Special buffer, landscaping, or fencing requirements (to screen potentially conflicting uses);
- C. Special lighting or light shielding requirements (to prevent excessive glare on neighboring properties);
- D. Special parking requirements (to address special traffic or parking needs);
- E. Special limitations on signage (to enhance or soften the appearance of the proposed use);
- F. Special limitations on traffic access points to the property (to prevent traffic congestion and promote proper traffic circulation);
- G. Special restrictions on operating hours (to reduce potential use conflicts);
- H. Special soundproofing requirements (to prevent potential noise impacts); and
- I. Special storm water management requirements (to prevent excessive flooding or erosion impacts and/or to protect affected water resources).

§9.05.03 VARIANCES.

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

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 special conditions and circumstances do not result from the actions of the applicants or the legal owners of the property.

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

**B.** No variance may be granted for a use of land or building or structure that is not permitted by this Ordinance.

**C.** In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

§9.05.04 DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the enforcing officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

**Section 9.06 - Appeals From Actions by the Board of Adjustment**

Any interested party who is aggrieved by any action or decision of the said Board of Adjustment may make an appeal there from as provided by law.

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## Article X- Legal Provisions

### Section 10.1 - Conflicts with Other Ordinances

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. Whenever the requirements of this ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in this Ordinance. No certificate of zoning compliance or plat approval shall be issued or considered valid for any use or activity which is or would be otherwise illegal under the terms of any applicable local, State, or Federal Law. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts.

### Section 10.2 - Repeal of Conflicting Ordinances

All previously adopted zoning ordinances or parts of zoning ordinances are hereby repealed to give this Ordinance full force and effect.

### Section 10.3 - Severability

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 10.4 – Violations and Penalties

Any failure to comply with the applicable requirements of this Ordinance shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of up to five hundred dollars and or imprisonment of not more than six months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. Where such a violation has been confirmed to exist by the Enforcement Officer, the violation shall be cured in accordance with the administrative procedures outlined in Article VIII, Section 8.04 of these Regulations.

### Section 10.5 - Restrictive Covenants and Bylaws

A property owner may impose bylaws, covenants, and deed restrictions upon any private property. Once any such bylaws, covenants, and deed restrictions have been recorded, they can be administered only by the owner of the property, and they may be enforced only by private legal action through a court of competent jurisdiction. The Town of Wadley and the Wadley Planning Commission are in no way liable for and assumes no responsibility to approve, enforce, amend, or administer any duly adopted or recorded bylaws, covenants, and deed restrictions. Furthermore, advance knowledge by the Town prior to Final Plat approval that any such bylaws, covenants, and deed restrictions will be imposed by the land owner shall in no way constitute implied authority or responsibility to approve, enforce, amend, or administer any subsequently adopted or recorded restrictive covenants or bylaws. Finally, no such authority shall be implied by the granting of a zoning permit for any development activity on a property for which special bylaws, covenants, or deed restrictions have been or will be imposed.

**Section 10.6 - Effective Date**

This Ordinance shall take effect immediately upon its adoption and publication by the Town Council, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.



**APPENDIX A**  
**FORMS**



**TOWN OF WADLEY, ALABAMA**  
**ZONING PERMIT APPLICATION**

All property owners within the Town of Wadley must apply for and receive a Zoning Permit before undertaking any construction activities, which shall include site preparation and excavation for the construction of new buildings (including accessory or temporary structures), moving any structures onto a property, relocating existing structures on a property, alteration or repair of a structure (excluding painting, interior remodeling, or any alteration or repair activity that will not change the character, size, or position of the structure as it exists on the property). The purpose of this permit process shall be to establish compliance with the Zoning Ordinance prior to the commencement of construction activities. The approval of a Zoning Permit Application by the Zoning Administrator shall not imply or constitute approval of any other applicable permit requirements including, but not limited to, subdivision plat approval, building permits, septic system approval from the Randolph County Health Department, and wetland permits from the U.S. Army Corps of Engineers. To apply for a Zoning Permit, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Wadley at (256) 395-2261 during regular business hours.

**Applicant Information:**

*Name of Applicant:* \_\_\_\_\_

*Mailing Address:* \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_

*Business Hours Telephone #:* (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

*Fax # (If available):* (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Property Information:**

*Name of Owner(s), if different from above:* \_\_\_\_\_

*Street Address of Subject Property:* \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_

*Tax Map & Lot Number of Property:* \_\_\_\_\_

*Size of Subject Property:* \_\_\_\_\_ [ ] Acres [ ] Square Feet

*Current Zoning Classification of Subject Property:* \_\_\_\_\_

*Does the Subject Property Contain any Existing Structures?* [ ] Yes [ ] No

Was the Property (if vacant) or Existing Improvements created or constructed prior to the effective date of the Zoning Ordinance? [ ] Yes [ ] No

**Project Information:**

Do you propose to: (Please check all activities that apply to your project)

- Construct a new building or accessory structure on the property?
- Move a new or used structure onto the property?
- Construct an addition to an existing building or accessory structure on the property?
- Move or relocate an existing building or accessory structure to a new location on the subject property?
- Replace or repair a building or accessory structure that was damaged or destroyed by fire or act of God?
- Other activity (please explain): \_\_\_\_\_

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Please attach one reproducible copy of a site plan showing the proposed project activities. The site plan must show the entire boundaries of the subject property and must be drawn to scale in ink, preferably by a licensed and certified or registered surveyor, architect, or engineer. For single family residential projects, the required site plan may be drawn to scale on a survey plat contained in a closing document or a copy of the tax map showing the subject property. In addition, the site plan must contain or show the following information as may be applicable to the subject property or project (please contact the Zoning Administrator if you have any question as to whether one or more of the items listed below must be included on your site plan):

- A. A north arrow.
- B. A scale bar.
- C. The length in feet of all property lines.
- D. The outline of all existing buildings or structures and any proposed buildings, structures, or building additions on the property in their proper locations. (New buildings or additions should be hatched.)
- E. The shortest distance in feet from all property lines to the closest point on any existing building or accessory structure or proposed new construction on the property.
- F. The minimum width in feet (between opposing property lines of the property).
- G. The maximum height in feet of any proposed new structure or addition.
- H. The location of any existing or proposed street access or curb cut.
- I. The location of any existing streams, lakes, ponds, or rivers on the property.
- J. The boundaries of any floodway or 100-year Flood Hazard Area on the property as identified on the applicable Flood Insurance Rate Map.
- K. Any boundaries of the Alabama Power Flood Easement on the property.
- L. The outline and location of any existing or proposed septic system and associated leachfield on the property.

**Certifications:**

*Applicant:*

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator to determine the compliance of the proposed property construction or improvement activities with the Town of Wadley, Alabama Zoning Ordinance.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Applicant's Signature*

*Property Owner:*

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator to determine the compliance of the proposed property construction or improvement activities with the Town of Wadley, Alabama Zoning Ordinance.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Property Owner's Signature*

----- FOR TOWN OF WADLEY USE ONLY -----

**Zoning Administrator's Information:**

*Date Filed:* \_\_\_\_\_

*Received By:* \_\_\_\_\_

*Application Fee Received:* \$ \_\_\_\_\_ [ ] Cash [ ] Check #

*Residential Fee.....*\$25.00

*Commercial Fee.....*\$50.00

*Industrial Fee...* \$75.00

*Date Reviewed:* \_\_\_\_\_

*Decision:* [ ] *Application Approved* [ ] *Application Denied*

*Zoning Administrator's Signature:* \_\_\_\_\_

**Zoning Administrator's Review Checklist (To be completed by Zoning Administrator Only):**

- Proposed Land Use:*     *Allowed in Zone*         *Not Allowed (Rezoning Required)*
- Lot Size/Area:*     *Complies/Grandfathered*     *Too small (Variance Required)*
- Lot Width:*         *Complies/Grandfathered*     *Too small (Variance Required)*
- Street Frontage:*  *Complies/Grandfathered*     *Too small (Variance Required)*
- Front Yard:*        *Complies/Grandfathered*     *Too small (Variance Required)*
- Side Yard:*         *Complies/Grandfathered*     *Too small (Variance Required)*
- Rear Yard:*         *Complies/Grandfathered*     *Too small (Variance Required)*
- Imperv. Surfaces:*  *Complies/Grandfathered*     *Exceeds limits (Variance Needed)*
- Building Height:*  *Complies/Grandfathered*     *Too high (Variance Required)*

*Special Requirements/Conditions (required buffers, setbacks, etc.):*

*Other Permits/Approvals Required:*

*Approval Conditions (if necessary):*

**Certificate of Zoning Compliance # \_\_\_\_\_**

The plans and specifications submitted with this Application are in conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate Town officials.

Failure to comply with the above shall constitute a violation of the provisions of the Town of Wadley Zoning Ordinance.

Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: \_\_\_\_\_.

Zoning Administrator



**Temporary Certificate of Zoning Compliance # \_\_\_\_\_**

The plans and specifications submitted with this Application are in temporary conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate Town officials.

Failure to comply with the above shall constitute a violation of the provisions of the Town of Wadley Zoning Ordinance.

Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: \_\_\_\_\_  
Zoning Administrator



**TOWN OF WADLEY, ALABAMA  
REZONING APPLICATION**

Property owners in the Town of Wadley who wish to request a change in the zoning classification that applies to one or more specific properties must complete a Rezoning Application form. To apply for a rezoning, please complete the following application and return the form with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Wadley at (256) 395-2261 during regular business hours.

**Applicant Information:**

*Name of Applicant:* \_\_\_\_\_

*Mailing Address:* \_\_\_\_\_  
\_\_\_\_\_

*Business Hours Telephone #:* (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

*Fax # (If available):* (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Property Information:**

*Owner(s) of Record:* \_\_\_\_\_

*Street Address of Subject Property:* \_\_\_\_\_  
\_\_\_\_\_

*Tax Map & Lot Number of Property:* \_\_\_\_\_

*Size of Subject Property:* \_\_\_\_\_ [ ] Acres [ ] Square Feet

*Current Zoning Classification of Subject Property:* \_\_\_\_\_

*Proposed Zoning Classification of Subject Property:* \_\_\_\_\_

*Current Use of Subject Property:* \_\_\_\_\_

*Proposed Use of Subject Property:* \_\_\_\_\_

*Is the Subject Property Being Considered for Annexation?* [ ] Yes [ ] No

**Supporting Information:**

*Please submit the following items with the Rezoning Application form:*

[ ] *A written request from the property owner stating the reasons for the rezoning.*

[ ] *A Certified Check or Cash payable to the Town of Wadley in the amount of \$100.00.*

[ ] *A reproducible plat or plan (site plan and tax map) drawn to a scale sufficient to clearly show the following items:*

- 1. The actual shape, proportion, and dimensions of the lot(s) proposed to be rezoned.*
- 2. The legal description of the lot.*
- 3. The shape, size, and location of all buildings or other structures existing on the lot and a description of any planned construction, improvement, alteration, or movement of structures.*
- 4. The existing and intended use of all such buildings or structures.*

**Certifications:**

*Applicant:*

**I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator, Planning Commission, or Town Council to determine the compliance of the proposed property construction or improvement activities with the Town of Wadley, Alabama Zoning Ordinance.**

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Applicant's Signature*

*Property Owner:*

**I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator, Planning Commission, or Town Council to determine the compliance of the proposed property construction or improvement activities with the Town of Wadley, Alabama Zoning Ordinance.**

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Property Owner's Signature*





**TOWN OF WADLEY, ALABAMA**

**PETITION FOR VARIANCE**

Property owners in the Town of Wadley who desire relief from certain requirements of the zoning ordinance that create a specific hardship for the property owner must file a Petition for Variance. To file a petition, please complete the following form and return it with all necessary supporting documents to Town Hall. Incomplete applications will not be processed. For additional information, please call the Town of Wadley at (256) 395-2261 during regular business hours.

**Applicant Information:**

*Name of Applicant:* \_\_\_\_\_

*Mailing Address:* \_\_\_\_\_

\_\_\_\_\_

*Business Hours Telephone #:* (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

*Fax # (If available):* (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Property Information:**

*Owner(s) of Record:* \_\_\_\_\_

*Street Address of Subject Property:* \_\_\_\_\_

\_\_\_\_\_

*Tax Map & Lot Number of Property:* \_\_\_\_\_

*Size of Subject Property:* \_\_\_\_\_ [ ] Acres [ ] Square Feet

*Current Zoning Classification of Subject Property:* \_\_\_\_\_

***Nature of the Hardship:***

***Nature of Relief Requested by Petitioner:***

**Certifications:**

*Applicant:*

**I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to**

provide any additional information within my powers that may be required by the Zoning Administrator or the Board of Adjustment to determine the need for a variance.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Applicant's Signature*

*Property Owner:*

**I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator or the Board of Adjustment to determine the need for a variance.**

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Property Owner's Signature*

----- FOR TOWN OF WADLEY USE ONLY -----

**Zoning Administrator's Information:**

*Date Filed:* \_\_\_\_\_

*Received By:* \_\_\_\_\_

*Amount of Fee Received:* \$\_\_\_\_\_ [ ] *Cash* [ ] *Check #* \_\_\_\_\_

*Date Reviewed:* \_\_\_\_\_

*Decision:* [ ] *Petition Approved* [ ] *Petition Denied*

*Board of Adjustment Findings and Conclusions:*

*Specific Relief Granted:*

*Chairman's Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_

**TOWN OF WADLEY  
ZONING VIOLATION  
COMPLAINT**

Date of complaint: \_\_\_\_\_ Complaint received by: \_\_\_\_\_  
Form of Complaint: \_\_\_\_\_ Citizen      \_\_\_\_\_ Public Official      \_\_\_\_\_ Inspector  
Name of Person Filing Complaint: \_\_\_\_\_  
Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Nature of Complaint:

Location:

Probable violation of Article \_\_\_\_\_ Section \_\_\_\_\_, of the Wadley  
Zoning Ordinance, described as follows:

Referred for inspection to: \_\_\_\_\_

Date of inspection: \_\_\_\_\_

Inspection findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Violation found      \_\_\_\_\_ No violation found      \_\_\_\_\_ Other

Initial action following discovery of violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice of Zoning Violation sent on: \_\_\_\_\_

\_\_\_\_\_ Other

Follow-up inspection due on: \_\_\_\_\_

Notes:



**TOWN OF WADLEY**

**NOTICE OF ZONING VIOLATION**

Date of notice: \_\_\_\_\_

Name of Property Owner

Mailing address

Town, State, Zip

Dear (Name of property owner):

On (Date of investigation), I investigated and confirmed a violation of the Wadley Zoning Ordinance on your property located at (Street address of subject property) . The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. I am writing to request that you take action to correct this violation on or before (Specify date by which the violation must be corrected), in order to avoid the issuance of a formal citation and penalty. If you feel that this notice has been issued in error or you feel that an extension to the deadline is necessary, please arrange a meeting with me on or before (Date – five business days after the date of notice). I will be happy to discuss this problem with you in greater detail. Thank you for your help in addressing this problem. The Town of Wadley appreciates your cooperation.

Sincerely,  
Signature: \_\_\_\_\_  
Zoning Administrator

Contact Information:  
Town Hall - 265 Highland Circle  
Wadley, AL 36276  
Phone: (256) 395-2261  
Hours of Operation: 7:30 AM – 4:00 PM M-F



**TOWN OF WADLEY**  
**NOTICE OF CITATION**

Date of citation

Name of Property Owner  
Mailing address  
Town, State, Zip

Dear (Name of property owner):

On (Date upon which initial violation was confirmed), I investigated and confirmed a violation of the Wadley Zoning Ordinance on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. Our records show that the Notice of Violation was sent to you on (Date that the notice was mailed) and received by you on (Date of receipt by property owner) explaining the nature of this violation and requesting that you correct the problem on or before (Deadline for correction of violation specified in the notice of zoning violation).

On (Dated of re-inspection), I performed a follow-up investigation to determine whether or not the violation had been corrected in accordance with the Notice of Zoning Violation. My inspection of the property revealed that the violation has not been corrected in accordance with the Zoning Ordinance. Therefore, the Town of Wadley is hereby issuing this Citation to you for failure to correct a violation of the Zoning Ordinance. To correct this violation, you must (Specify corrective measures including the amount of the fine that must be paid by the property owner) on or before (Ten days after the date of citation). If this violation is not corrected in full by the aforementioned date, the Town of Wadley will be obligated to file a written complaint with the Municipal Court for relief. If such a complaint is filed, you will be required to appear before the Municipal Court, at a time and date to be determined by the Court, to answer the charge of violation as explained in this Citation. If you have any questions regarding this violation or the subsequent actions that the Town will take, please do not hesitate to contact me at (Specify contact number and/or e-mail address) during the hours of (Specify business hours).

We appreciate your efforts to resolve this violation as soon as possible. Thank you for your cooperation.

Sincerely,

Signature: \_\_\_\_\_  
Enforcement Officer



**Certificate of Occupancy**  
Town of Wadley  
Permit Department  
Town Hall - 265 Highland Circle  
Wadley, AL 36276 Phone: (256) 395-2261

**Permit Number: \_**

**Job Location**

Permit Number: \_\_\_\_\_  
Address: \_\_\_\_\_

Wadley, AL 36276  
Survey: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_

**Owner/Occupant**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Wadley, AL 36276  
Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Contractor**

Contractor ID: \_\_\_\_\_ Location: \_\_\_\_\_  
Contractor: \_\_\_\_\_  
Address: \_\_\_\_\_

**Occupancy (Use)**

Residential: Y/N Occupancy: \_\_\_\_\_ Improvement: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## Application for Planning Commission Review

### Applicant Information

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Parcel Information

Owner of Record: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Signature of Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Tax Map I.D. #: \_\_\_\_\_ Parcel Area: \_\_\_\_\_

Zoning of Parcel: \_\_\_\_\_

Present Land Use: \_\_\_\_\_

Proposed Land Use: \_\_\_\_\_

### Enclosure Check List

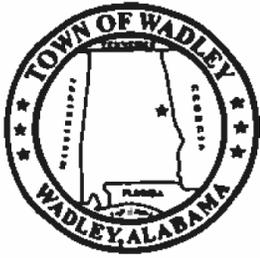
\_\_\_\_ Detailed statement describing the intended use of the parcel and the size of any proposed development.

\_\_\_\_ Site Plan

\_\_\_\_ Tax map showing the intended development

**Notice: This application must be submitted to the Town 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.**





# TOWN OF WADLEY

Permit Department

Town Hall - 265 Highland Circle

Wadley, AL 36276 Phone: (256) 395-2261

## BUILDING DEPARTMENT

PERMIT #	_____
CICT FEE	_____
PERMIT FEE	\$15.00
TOTAL FEE	_____

### SIGN PERMIT APPLICATION

**Project Address:**

\_\_\_\_\_  
 (Street) (City) (ST) (Zip)

Freestanding Sign(s)     New     Reface

Sign Face Dimensions	Area (sqft)	Height	Monument or Elevated

Building Sign(s)     New     Reface

Sign Face Dimensions	Area (sqft)	Sign Type (Open Letter, Cabinet, etc.)

Gross Job Cost:    \$ \_\_\_\_\_

### CONTRACTOR INFORMATION

Company Name: \_\_\_\_\_ Company Owner: \_\_\_\_\_

Address: \_\_\_\_\_  
 (Street) (City) (ST) (Zip)

Phone #: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Alabama General Contractor License #: \_\_\_\_\_ City License#: \_\_\_\_\_

### PROPERTY OWNER INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 (Street) (City) (ST) (Zip)

Phone: \_\_\_\_\_

**DIMENSIONED DRAWINGS OF ALL PROPOSED SIGNS MUST BE ATTACHED TO THIS APPLICATION.**

All permit fees will be due at the time you collect your permit.

**NOTE TO APPLICANT:** Applications will not be processed until all required information is provided and applicant signs application.

*I certify that the above information given is correct to the best of my knowledge and work authorized upon this application is to be done in accordance with all Town of Wadley Ordinances.*

\_\_\_\_\_  
Applicant (Print)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



***Sign Permit # \_\_\_\_\_***

The plans and specifications submitted with the sign permit application are in conformity with the zoning ordinance requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate Town officials.

Failure to comply with the above shall constitute a violation of the provisions of the Town of Wadley Zoning Ordinance.

Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_  
Town Administrator



**APPENDIX B**  
**RESOLUTION AND ORDINANCE**

**RESOLUTION # 12-16-2020—Planning and Zoning Commission**

**A RESOLUTION RECOMMENDING THAT THE WADLEY TOWN COUNCIL ADOPT AN ORDINANCE OF THE TOWN OF WADLEY, ALABAMA ADOPTING THE TOWN OF WADLEY ZONING ORDINANCE AND ZONING MAP, JANUARY 4, 2021, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS RESOLUTION.**

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

**WHEREAS**, the Town of Wadley, Alabama desires to exercise its zoning powers in accordance with Alabama Law; and

**WHEREAS**, the Planning and Zoning Commission has prepared a zoning ordinance for the Town; and

**WHEREAS**, the Town of Wadley Planning and Zoning Commission conducted formal Public Hearings on the updated Zoning Ordinance on October 7, 2020, and on November 2, 2020. A formal Public Hearing was conducted on December 8, 2020, for the purpose of the updated Zoning Map. These Hearings were conducted to receive public comments on the proposed zoning ordinance and the proposed zoning map in accordance with Section 11-52-77 of the Code of Alabama, 1975, as amended;

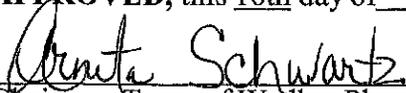
**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF WADLEY, ALABAMA:**

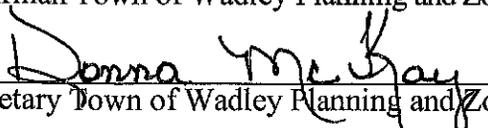
**SECTION 1.** That the Town of Wadley Planning and Zoning Commission recommends to the Town of Wadley Town Council that the Town of Wadley Zoning Ordinance and Zoning Map, December 16, 2020, be adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

**SECTION 2.** That the Town of Wadley Planning and Zoning Commission recommends that conflicting ordinances adopted previously by the Town Council be repealed.

**SECTION 3.** That the Town of Wadley Planning and Zoning Commission recommends that the aforementioned zoning ordinance and zoning map become effective five (5) days from the date of final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

**APPROVED**, this 16th day of December, 2020.

  
\_\_\_\_\_  
Chairman Town of Wadley Planning and Zoning Commission

  
\_\_\_\_\_  
Secretary Town of Wadley Planning and Zoning Commission

ORDINANCE #01-04-2021

**AN ORDINANCE ADOPTING THE TOWN OF WADLEY ZONING ORDINANCE AND ZONING MAP, DECEMBER 16, 2020, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

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

**WHEREAS**, the Town of Wadley, Alabama desires to exercise its zoning powers in accordance with Alabama law; and

**WHEREAS**, the Planning and Zoning Commission has prepared a revised zoning ordinance and zoning map for the Town; and

**WHEREAS**, the Planning and Zoning Commission conducted formal Public Hearings on the proposed zoning ordinance on October 7, 2020 and November 2, 2020. A formal Public Hearing was conducted on December 8, 2020, for the purpose of the updated Zoning Map. These Hearings were conducted to receive public comments on the proposed zoning ordinance and the proposed zoning map in accordance with Section 11-52-77 of the Code of Alabama, 1975, as amended;

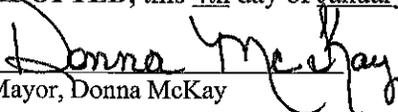
**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WADLEY, ALABAMA:**

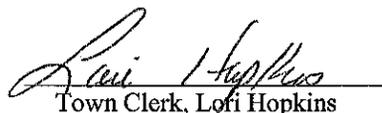
**SECTION 1.** That the Wadley Town Council hereby adopts the Town of Wadley Zoning Ordinance and Zoning Map, January 4, 2021, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

**SECTION 2.** That all conflicting ordinances adopted previously by the Town Council, be repealed.

**SECTION 3.** That the aforementioned zoning ordinance and map become effective five (5) days from the date of final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

**ADOPTED**, this 4th day of January, 2021.

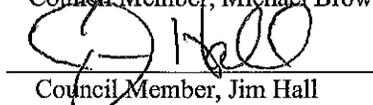
  
\_\_\_\_\_  
Mayor, Donna McKay

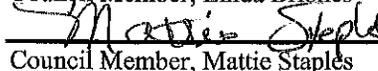
  
\_\_\_\_\_  
Town Clerk, Lofi Hopkins

\_\_\_\_\_  
Council Member, Matthew Allen

  
\_\_\_\_\_  
Council Member, Michael Brown

  
\_\_\_\_\_  
Council Member, Linda Briones

  
\_\_\_\_\_  
Council Member, Jim Hall

  
\_\_\_\_\_  
Council Member, Mattie Staples