TOWN OF
HARPERSVILLE
RICH PAST • BRIGHT FUTURE
FOUNDED 1815

# TOWN OF HARPERSVILLE
# ZONING ORDINANCE

## WITH REVISIONS THROUGH
## NOVEMBER 06, 2023

TOWN OF HARPERSVILLE

RICH PAST • BRIGHT FUTURE

FOUNDED 1815

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## ARTICLE I - SHORT TITLE

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the Planning Commission of the Town of Harpersville, Alabama as follows:

This ordinance shall be known as the "Zoning Ordinance of the Town of Harpersville, Alabama," and the map herein referred to, identified by the title "Zoning Map of the Town of Harpersville, Alabama," shall be further identified by the signature of the Mayor of the Town of Harpersville, and attested by the Town clerk. The zoning Map of the Town of Harpersville is hereby adopted and made a part of this ordinance. Such map shall be filed with Town Clerk and show thereon the date of adoption of this ordinance.

_____
The Honorable Gloria Tate, Mayor Town of Harpersville

ATTEST: _____
Town Clerk

TOWN OF HARPERSVILLE

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE I - SHORT TITLE**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

TOWN OF HARPERSVILLE
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## ARTICLE II - PURPOSE AND METHOD

**Section 1. Purpose**
The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the Town of Harpersville in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of the Town of Harpersville; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces and sanitary, safety and protective measures that shall be required for such buildings, dwellings, and structures; to void congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply and other public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of the Town of Harpersville.

**Section 2. Methods**
For the purposes here-in-before stated, the Town of Harpersville is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are redeemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, to promote wholesome, sightly, harmonious and economic results in civic service, activities and operation; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be use for trade, industry residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE II - PURPOSE AND METHOD**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE III - DEFINITIONS

**Section 1. Generally**

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the singular, the word "building" shall include the word "structure" the word "Harpersville" shall refer to the "Town of Harpersville" and the word "shall" is mandatory and not directory.

***Accessory Structure or Use.*** Any detached minor building or structure, or a portion of the main building or structure, the use of which is incidental to the main use of the premises. An accessory use is one, which is incidental to the main use of the premises, and may include an accessory dwelling.

***Alley.*** A public thoroughfare, which affords only a secondary means of access to abutting property.

***Animal Boarding Facility.*** A structure, land or combination thereof used, designed or arranged for the boarding, breeding, and care of domestic animals, but exclusive of animals used for agriculture purposes.

***Apartment Building.*** See "Dwelling, Multiple."

***Assisted Living Facility.*** A special combination of housing, support services, and personalized health care designed to assist individuals needing help with daily living activities.

***Bank.*** A business engaged in providing banking or financial services to business and the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

***Boardinghouse.*** A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons.

***Bufferyard.*** A strip of land twelve (12) feet in width that provides a visually impervious, vegetative barrier, uniformly dense at all heights from the ground, and a minimum of eight (8) feet above the grade throughout the entire length of the planting strip. Minimum requirements must be met within one (1) year after construction has begun on the lot, parcel, or subdivision.

***Building, Height of.*** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between the eaves and ridge for gable, hip and gambrel roofs.

***Child Care Facility.*** A facility established for the care of children as defined in #38-7-2 of the Code of Alabama, 1975. For the purposes of this ordinance, this definition includes the following:

1) ***Child Care Center.*** This includes facilities licensed as day care center and nighttime centers in accordance with #38-7-2 of the Code of Alabama, 1975. Day care centers and nighttime centers serve more than twelve children.

2) ***Child Care Institution.*** This includes facilities licensed as group homes and child care institutions in accordance with #38-7-2 of the Code of Alabama, 1975. These facilities provide full time care.

***Church.*** See "Place of Worship"

***Clinic, Animal.*** An institution providing diagnostic, therapeutic or preventative treatment of domestic animals by one or a group of veterinarians acting individually or jointly and in the same building for the purposes aforesaid.

***Clinic.*** A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing together.

***Club, Private.*** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

***Conditional Use.*** A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and grant of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

***Condominium.*** The form of ownership of real or personal property or a combination thereof under a declaration providing for ownership of units of the property by one or more owners. Such units may consist of private elements together with an undivided interest in common and limited common elements***. Reference:*** State Code of Alabama Section 35-8-2 Paragraph 5

***Commercial Business*****.** A type of business activity that may distribute goods or provide services, but does not involve the manufacturing, processing or production of goods.

***Day Care Center.*** A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama.

***Day Care Home.*** A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less children. Such a facility shall be licensed by the State of Alabama.

***District.*** A section or sections of the Town of Harpersville for which the zoning regulations governing the uses of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

***Domiciliary Care Facility.*** Licensed home for the aged, intermediate institutions, and related institutions (not otherwise defined by this Ordinance), whose primary purpose is to furnish room, board, laundry, personal care and other non-medical services, regardless of what it may be named or called, for not less the twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention as an individual would receive if living at home. ***Reference:*** State Code of Alabama Section 11-58-1 Paragraph 2

***Duplex.*** See Dwelling, Two-Family

***Dwelling.*** Any building or portion of a building used for residential purposes.

***Dwelling, Multiple.*** A building designed for or occupied exclusively by three or more families.

***Dwelling, Single-Family.*** A building designed for or occupied exclusively by one family.

***Dwelling, Two-Family.*** A building designed for or occupied exclusively by two families.

***Dwelling Unit.*** One or more rooms located within a building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking and eating purposes.

***Family.*** One or more persons occupying a dwelling and living as a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption, or marriage as distinguished from a group occupying a boardinghouse, rooming house, or hotel, as herein defined.

***Family Care Home.*** A group care home, serving up to ten (10) individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one (1) or two (2) resident managers, whose purpose is to serve socially, physically, mentally or developmentally impaired children in a family-type living arrangement and which meet or exceed the minimum requirements of section 11-52-75.1 Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone, Code of Alabama, 1975, as amended.

***Floor Area.*** The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

***Frontage, Street.*** All the property on one side of a street between two streets which intersects such street (crossing or termination), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between a street which intersects such street and the dead end of the street.

***Garage, Private.*** An accessory building designed or used for the storage of motor-driven vehicles owned and used be the occupants of the building to which it is accessory.

***Garage, Public.*** A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, hiring, selling, or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

***Garage, Storage or Public.*** A building or portion thereof designed or used exclusively for storage of motor-driven vehicles, and within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired or sold.

***Grade.*** The average level of the finished ground surface adjacent to the exterior walls of the building.

***Hobby Farm.*** A tract of land used for the production, keeping, or maintenance of farm animals including horses, but excluding poultry and swine and other livestock processing, as an accessory use to the principal dwelling and where any income derived from such use is incidental only to the income of the residents.

***Home Occupation.*** Any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising and no display or storage of materials or exterior identification of the home occupation or variation from the residential character of the premises and in connection with which no person outside the family is employed and no equipment used other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops or doctors' or dentists' offices for the treatment of patients.

***Hotel.*** A building in which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a boardinghouse, or a rooming house, which are herein separately defined.

***Industrial.*** A branch of an economy that produces a closely related set of raw materials, goods, or services.

***Institution.*** The structure or land occupied by a group, cooperative, board, agency or organization created for the purpose of carrying on non-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders and orphanages and also including residential accessory uses, such as rectories, parsonages, dormitories and dwellings for resident administrators, watchmen, custodians or caretakers.

***Lot.*** Land occupied or intended for occupancy by a use including the yards and parking spaces required therein, and having its principal frontage upon a street.

***Lot, Corner.*** A lot abutting upon two or more streets at their intersection.

***Lot, Through.*** A lot other than a corner lot abutting two streets.

***Lot of Record.*** A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate judge of Shelby County, Alabama, or a parcel of land described by meets and bounds, the plat of description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

***Lot, Width.*** The width of the lot at the front building setback line.

***Manufactured Home (Class A, B, C).*** A residential unit that is not constructed in accordance with the standards set forth in the Standard Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the Standard Building Code. The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within this ordinance, when the term single-family dwelling is used it shall not include a manufactured home unless otherwise specified.

***Manufactured Home Park***. Any parcel of ground, which has been planned, improved, and meets the requirements of this Ordinance, upon which one or more Class A or Class B manufactured homes occupied for dwelling purposes are located, regardless of whether a charge is made for accommodations.

***Manufactured Home Subdivision***. A subdivision which has been planned, improved, and meets the requirement of this Ordinance, and is designed and/or intended for the sale of lots for siting Class A Manufactured Homes and in accordance with the requirements of the City/Town Subdivision Regulations.

***Manufacturing Facility.*** A facility in which the basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products takes place.

***Mobile Home.*** A detached unit for commercial, residential, or industrial purposes designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where is to be occupied complete and ready for occupancy or use except for minor and incidental unpacking and assembly separations, foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

***Mobile Home Park.*** An area containing ten or more mobile homes used as living facilities, or an area containing ten or more spaces designed or intended for parking of mobile homes to be used as living facilities.

***Modular Home.*** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama manufactured Housing Commission.

***Motel.*** A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

***Nonconforming Use.*** The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the use regulations of the district in which it is situated.

***Nursing Home.*** A business entity that is engaged in providing housing, meals and care to sick or disabled individuals who require, on a daily basis or more frequently, medical care, nursing care, or rehabilitation services. This definition shall not include any business, operation, or facility that is exempt from licensure pursuant to Alabama law, nor shall it include any business, operation, or facility that is (1) licensed by the Alabama State Board of Health as another kind of facility, and (2) functioning within the scope of applicable law and administrative rules. ***Reference:*** The Alabama Dept of Public Health Chapter 420-5 10 Paragraph "aa"

***Park.*** See “Recreation, Public Facility”

***Parking Lot.*** An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, rented or sold.

***Place of Worship.*** Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

***Premises.*** A lot, together with all building and structures existing thereon.

***Public Utility Facility.*** Facility that provides public utility services to the public at-large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, cable and telephone transmission and distribution facilities.

***Recreation, Public Facility.*** A building, structure or use of land for recreational or sports activities owned, operated and used by the public.

***Recreation Service.*** A commercial establishment providing recreational or sports activities to participants.

***Retail Store.*** The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.

***Rooming House.*** A building other than a hotel where lodging for three or more persons not of the immediate family is provided for definite periods and for compensation and by prearrangement for definite periods.

***Shopping Center.*** A group of commercial-retail establishments planned, developed, and managed as a unit, under single ownership or control, and built in accordance with a unified architectural plan and with off-street parking provided on the property.

***Service Station.*** Any building, structure, or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories but not including major repair work such as motor overhaul, body and fender repair or spray painting.

***Special Exception.*** An activity that is allowed by the Ordinance if certain conditions are met and the Zoning Board of Adjustments approves.

***Storage, Mini-Warehouse.*** A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous goods.

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

***Story, Half.*** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted a full story.

***Street.*** A public thoroughfare, which affords the principal means of access to abutting property.

***Street Line.*** A dividing line between a lot, tract or parcel of land and a contiguous street.

***Structural Alterations.*** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered as a structural alteration.

***Structure.*** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences or radio towers.

***Tourist Home.*** A dwelling in which accommodations are provided or offered for one or more transient guest for compensation.

***Townhouse***. A single-family attached dwelling constructed with entrance at grade level, with no required setback from the Side Lot Lines, and with fire separation provided by “fire walls” as required by the Building Code.

***Trailer.*** See Mobile Home

***Transportation, Communication and Utility.*** This group of activities includes those uses which provide essential or important public services and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

1) Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue;

2) Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations.

3) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies;

4) Airports, airfields, and truck or bus terminals;

5) Railroad stations, terminals yards and service facilities.

***Travel Trailer.*** A trailer designed primarily for transport under its own power or by passenger vehicles and providing temporary living quarters.

***Variance.*** To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done. ***Reference*** State Code of Alabama Section 11-52-80 Subsection d Paragraph 3

***Warehouse.*** A building intended for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

***Yard.*** An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the "Area and Dimensional Regulations" pertaining to the district in which such yard is required to be provided.

***Yard, Front.*** A yard extending across the front of a lot between the side lot lines. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

***Yard, Rear.*** A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

***Yard, Side.*** A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

***Zoning Board of Adjustments.*** An officially constituted body whose principal duties are to interpret the zoning ordinance and zoning map, hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance or a variance of use (Special Exception) not specifically permitted in the zone.

***Zoning District Map.*** The zone map.

***Zoning Map.*** The map referred to in Article I, of this ordinance

TOWN OF HARPERSVILLE
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## REVISIONS AND AMENDMENTS FOR ARTICLE III - DEFINITIONS

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| 5/12/1997 | | Initial version approved by the Town Council |
| 4/16/2007 | Bufferyard | **Town Council approved adding.** "Minimum requirements must be met within one (1) year after construction has begun on the lot, parcel, or subdivision." |
| 10/4/2021 | Animal Boarding Facility | **Town Council approved adding.** "A structure, land or combination thereof used, designed or arranged for the boarding, breeding, and care of domestic animals, but exclusive of animals used for agriculture purposes." |
| 10/4/2021 | Assisted Living Facility | **Town Council approved adding.** "A special combination of housing, support services, and personalized health care designed to assist individuals needing help with daily living activities." |
| 10/4/2021 | Bank | **Town Council approved adding.** "A business engaged in providing banking or financial services to business and the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses." |
| 10/4/2021 | Clinic, Animal | **Town Council approved adding.** "An institution providing diagnostic, therapeutic or preventative treatment of domestic animals by one or a group of veterinarians acting individually or jointly and in the same building for the purposes aforesaid." |
| 10/4/2021 | Conditional Use | **Town Council approved adding.** "A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and grant of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity." |
| 10/4/2021 | Condominium | **Town Council approved adding.** "The form of ownership of real or personal property or a combination thereof under a declaration providing for ownership of units of the property by one or more owners. Such units may consist of private elements together with an undivided interest in common and limited common elements**.** ***Reference:*** State Code of Alabama Section 35-8-2 Paragraph 5" |
| 10/4/2021 | Commercial Business | **Town Council approved adding.** "A type of business activity that may distribute goods or provide services, but does not involve the manufacturing, processing or production of goods." |

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| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| 10/4/2021 | Day Care Center | **Town Council approved adding.** "A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama." |
| 10/4/2021 | Day Care Home | **Town Council approved adding.** "A licensed service operated from a dwelling by the resident, providing day care on a regular basis to six or less children. Such a facility shall be licensed by the State of Alabama." |
| 10/4/2021 | Domiciliary Care Facility | **Town Council approved adding.** "Licensed home for the aged, intermediate institutions, and related institutions (not otherwise defined by this Ordinance), whose primary purpose is to furnish room, board, laundry, personal care and other non-medical services, regardless of what it may be named or called, for not less the twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally, the same type of limited medical attention as an individual would receive if living at home. ***Reference:*** State Code of Alabama Section 11-58-1 Paragraph 2" |
| 10/4/2021 | Family Care Home | **Town Council approved adding.** "A group care home, serving up to ten (10) individuals, unrelated by blood or marriage, living together as a single housekeeping unit under the supervision of one (1) or two (2) resident managers, whose purpose is to serve socially, physically, mentally or developmentally impaired children in a family-type living arrangement and which meet or exceed the minimum requirements of section 11-52-75.1 Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone, Code of Alabama, 1975, as amended." |
| 10/4/2021 | Hobby Farm | **Town Council approved adding.** "A tract of land used for the production, keeping, or maintenance of farm animals including horses, but excluding poultry and swine and other livestock processing, as an accessory use to the principal dwelling and where any income derived from such use is incidental only to the income of the residents." |

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| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| 10/4/2021 | Industrial | **Town Council approved adding.** "A branch of an economy that produces a closely related set of raw materials, goods, or services." |
| 10/4/2021 | Manufactured Home (Class A, B, C) | **Town Council approved adding.** "A residential unit that is not constructed in accordance with the standards set forth in the Standard Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the Standard Building Code. The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within this ordinance, when the term single-family dwelling is used it shall not include a manufactured home unless otherwise specified." |
| 10/4/2021 | Manufactured Home Subdivision | **Town Council approved adding.** "A subdivision which has been planned, improved, and meets the requirement of this Ordinance, and is designed and/or intended for the sale of lots for siting Class A Manufactured Homes and in accordance with the requirements of the City/Town Subdivision Regulations." |
| 10/4/2021 | Manufactured Home Park | **Town Council approved adding.** "Any parcel of ground, which has been planned, improved, and meets the requirements of this Ordinance, upon which one or more Class A or Class B manufactured homes occupied for dwelling purposes are located, regardless of whether a charge is made for accommodations." |
| 10/4/2021 | Manufacturing Facility | **Town Council approved adding.** "A facility in which the basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products takes place." |
| 10/4/2021 | Nursing Home | **Town Council approved deleting.** "A home for the aged or infirm in which three or more persons not of the immediate family are received, kept, provided with food and shelter, or care for compensation; but not including hospitals, clinics or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured." |

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| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| 10/4/2021 | Nursing Home | **Town Council approved adding.** "A business entity that is engaged in providing housing, meals and care to sick or disabled individuals who require, on a daily basis or more frequently, medical care, nursing care, or rehabilitation services. This definition shall not include any business, operation, or facility that is exempt from licensure pursuant to Alabama law, nor shall it include any business, operation, or facility that is (1) licensed by the Alabama State Board of Health as another kind of facility, and (2) functioning within the scope of applicable law and administrative rules. ***Reference:*** The Alabama Dept of Public Health Chapter 420-5 10 Paragraph "aa"" |
| 10/4/2021 | Place of Worship | **Town Council approved adding.** "Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities." |
| 10/4/2021 | Public Utility Facility | **Town Council approved adding.** "Facility that provides public utility services to the public at-large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, cable and telephone transmission and distribution facilities." |
| 10/4/2021 | Recreational, Public Facility | **Town Council approved adding.** "A building, structure or use of land for recreational or sports activities owned, operated and used by the public." |
| 10/4/2021 | Recreational Service | **Town Council approved adding.** "A commercial establishment providing recreational or sports activities to participants." |
| 10/4/2021 | Retail Store | **Town Council approved adding.** "The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption." |
| 10/4/2021 | Shopping Center | **Town Council approved adding.** "A group of commercial-retail establishments planned, developed, and managed as a unit, under single ownership or control, and built in accordance with a unified architectural plan and with off-street parking provided on the property." |
| 10/4/2021 | Special Exception | **Town Council approved adding.** "An activity that is allowed by the Ordinance if certain conditions are met and the Zoning Board of Adjustments approves." |
| 10/4/2021 | Storage, Mini Warehouse | **Town Council approved adding.** "A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods." |
| 10/4/2021 | Townhouse | **Town Council approved adding.** "A single-family attached dwelling constructed with entrance at grade level, with no required setback from the Side Lot Lines, and with fire separation provided by "fire walls" as required by the Building Code." |

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| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| 10/4/2021 | Variance | **Town Council approved deleting.** "A modification of the strict terms of this Ordinance granted by the Board of Adjustment where such modification will not be contrary to the public interest, and were owing to conditions peculiar to the property and not as a result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the Zoning District in which the property is located." |
| 10/4/2021 | Variance | **Town Council approved adding.** "To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done. ***Reference*** State Code of Alabama Section 11-52-80 Subsection d Paragraph 3" |
| 10/4/2021 | Warehouse | **Town Council approved adding.** "A building intended for the storage, wholesale, and distribution of manufactured products, supplies, and equipment." |
| 10/4/2021 | Zoning Board of Adjustments | **Town Council approved adding.** "An officially constituted body whose principal duties are to interpret the zoning ordinance and zoning map, hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance or a variance of use (Special Exception) not specifically permitted in the zone." |

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## ARTICLE IV - ZONING DISTRICTS AND BOUNDARIES

**Section 1. Establishment of Boundaries.** In order to carry out the intent and purpose of this ordinance, Harpersville is hereby divided into the following districts; the location, boundaries and area of which are and shall be as shown and depicted upon the zone map (see Section 2).

| | |
|---|---|
| A1 | Agricultural District |
| R1 | Single Family Residential District |
| R2 | Single Family Residential District |
| R3 | Single Family/Duplex Residential District |
| R4 | Multi-Family Residential District |
| R5 | Single Family Mixed Residential District |
| RG | Garden Home Residential District |
| RT | Townhouse/Cluster Home Residential District |
| MP | Mobile Home Park District |
| B1 | Local Business District |
| B2 | General Business District |
| M1 | Light Industrial District |

**Section 2. Zone Map.** The Map or maps which are identified by the title "Zoning Map of the Town of Harpersville, Alabama," and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this ordinance and shall be known as the "Zone Map" throughout this ordinance.

**Section 3. District Boundaries.** The district boundary lines on the zone map are intended to follow either natural boundaries, streets or alleys or lot lines, and where the districts designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley of the lot lines shall be the boundary of the district unless such boundary lines shall be determined by use of the scale appearing on the zone map.

**Section 4. Annexed Property.** Unless otherwise initially classified, any property hereafter annexed to the town shall be classified "A1 Agricultural District".

**Section 5. Unclassified Uses.** In the event the Town of Harpersville receives an application for permitting of a use that is not listed or that cannot appropriately fit in a district listed above, the following procedure shall apply:

1) If compatible with the existing use district intent, the unclassified use may be permitted as a special exception by the Board of Adjustment pursuant to Article XV.

2) If the unclassified use would not be compatible with the intent of the existing use district, the Planning Commission shall make a determination of the most appropriate use district and require the applicant to have the property rezoned, and special exception granted by the Board of Adjustment pursuant to Article XV before granting approval.

3) Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this ordinance to list the newly permitted use in the most appropriate district(s).

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE IV - ZONING DISTRICTS AND BOUNDARIES**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

TOWN OF HARPERSVILLE
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## ARTICLE V - GENERAL REGULATIONS

**Section 1. Generally.** The general regulations contained in the Article shall apply in all districts except as specifically provided for the Articles X11 and XIV.

**Section 2. Use of Land.** No land shall be used except for a use permitted in the district in which it is located, except growing in agricultural crops in the open will be permitted in any district.

**Section 3. Use of Structures.** No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or structure be used, except for a use permitted in the district in which such building is located.

**Section 4. Height of Structures.** No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

**Section 5. Dimensional Regulations.** No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located.

**Section 6. Encroachment on or Reduction of Open Spaces, etc.** The minimum yards, parking spaces, and open space, required by this ordinance for each structure existing at the time of passage of this ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located.

**Section 7. Building on to Lots.** Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot herein defined.

**Section 8. Accessory Buildings.** No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually been commenced. No accessory building shall be used for dwellings purposes other than by domestic servants entirely employed on the premises.

**Section 9. More than one building on one lot.** More than one building may be erected on one lot if the dimensional regulations for each structure or use are met. The use of a mobile home as a temporary residence on a lot which a permanent residence is being constructed is permitted given that once the permanent residence is completed the mobile home must be removed from the lot within thirty (30) days. (Planning and Zoning approved to amend from 30 days to 1 year on 6/12/2000, Public Hearing was on 11/13/2000. There is no evidence showing this amendment was presented to the Town Council)

**Section 10. Joint Use.** No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use. There shall be but one main dwelling on a single-family residential lot with only one power service to the dwelling.

**Section 11. Building Material Storage.** Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of and located on an Agricultural, Residential, or Business Zone District more than one month prior to the commencement of construction.

**Section 12. Parking or Storage of Major Recreational Vehicles.** Major recreational vehicles including house boats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other vehicles shall not be stored or parked on any required front yard on any lot in the R-2 Residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than twenty-one (21) days when parked or stored on a residential lot, or in any location not approved for such use.

**Section 13. Parking or Storage of Certain Vehicles.** Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

**Section 14. Mobile Homes and Trailers.**

**A.** Mobile homes or trailers may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles.

**B.** The use of mobile homes or trailers for other business or industrial uses may be allowed temporarily by special permit issued by the Planning Commission. Said permit is to be for a period not exceeding one year.

**C.** It is the intent of this ordinance to encourage the provision of affordable housing in a general residential environment by permitting the of Manufactured Home in all residential districts in which similar dwellings constructed on the site are permitted, subject to the requirements and procedures set forth herein to assure similarity in exterior appearance between such residentially designed Manufactured Homes and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same district, zoning classification or general area.

**D.** Manufactured Homes meeting the requirements of this Section and the regulations under each individual district shall be permitted in the R-1, R-2, and A-1 Zoning Districts.

**E.** General Standards for Manufactured Homes meeting the definition of Dwelling, Single Family.

**a.** Towing Devices. All towing devices, wheels, axles, and hitches must be removed, if designed to be removed.

**b.** Landing, Stairs. At all exit doors, landings and stairs must be provided that meet the minimum Code standards in effect at the time the manufactured home is sited.

**c.** Underpinning. The area beneath each structure must be enclosed with materials manufactured for such purposes, including but not limited to brick, concrete, rock or other materials, which have been approved by the Planning Commission.

**d.** Setback. A twenty (20) foot setback is required from any property line and/or any other dwelling unit.

**e.** Utilities. The manufactured home must be connected to water and sewage systems that have been approved by the Alabama Dept. of Health or the Alabama Dept. of Environmental Management.

**f.** Installation. The manufactured home must be installed according to the manufacturer's installation instructions when available or in accordance with the requirements of the Alabama Manufacturing Housing Commission.

**g.** Accessory Use. A manufactured home when used as an accessory structure or secondary dwelling shall be located to the rear of the principal structure.

**h.** Age Limit. No manufactured home that is over fifteen (15) years old shall be allowed to set up within the town limits of Harpersville.

**F.** Compatibility Standards for Manufactured Homes located in the R-2 Residential District:

Manufactured Homes qualifying as dwelling, Single-Family in the R-2 Residential District shall be compared to site-built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the Manufactured Home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to:

1. Site-built or other forms of housing which may be permitted in the same general area under this Ordinance or

2. Existing development or

3. Proposed development in the zoning district or area.

Items subject to compatibility comparison will include the following:

**Minimum Width.** The general shape and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to insure compatibility of site-built houses and manufactured housing. The minimum width shall not be less than twenty-four (24) feet.

**Roof Pitch, Roof Overhang, Roofing Materials**. The general shape and appearance of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby location. The minimum roof pitch shall be 3:12. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.

**Exterior Finish.** Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.

**Site Orientation.** Manufactured homes shall be place on lots in a manner compatible with and reasonably similar orientation to other structures in the area.

**Garages, Carports.** Garages and/or carports for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations.

**G.** Administration. Manufactured homes located within the Town of Harpersville will have forty-five (45) days from the time of placement of the home to comply with the applicable requirements of this ordinance. After forty-five (45) days, failure to comply with this section will be considered a violation of this ordinance and subject to all applicable penalties and fines.

**Section 15. Home Repair and Remodeling.** All home remodeling, repair, and modification shall be permitted provided that the minimum yard requirements are met for the district involved. Substantial remodeling, repair or modification projects shall require a building permit. Substantial remodeling, repair or modification projects are generally defined as those projects that require a professional electrician or plumber.

**Section 16. Keeping of Animals.** The keeping of animals shall be permitted in any district provided that compliance with all applicable laws including State and County Health Regulations are maintained.

**Section 17. Business or Home Occupation.** No business or home occupation shall be operated in a single family or multi-family district without express application to and approval of the Board of Zoning Adjustment. No business or home occupation shall be operated from an accessory structure and all home occupations shall comply with the requirements as set out in each residential district.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE V - GENERAL REGULATIONS**

| REVISION DATE | SEC. #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |
| 4/19/1999 | 14/A-G | **Town Council approved** "to accept the Manufactured Homes Standards" |

TOWN OF HARPERSVILLE
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## ARTICLE VI - A-1 AGRICULTURAL DISTRICT

**Section 1. Generally.** The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the A-1 Agricultural District.

**Section 2. Use Regulations**

**Permitted Uses.** Within "A-1 Agricultural Districts", the following uses and structures designed for such uses shall be permitted:

1. Single family dwelling including mobile homes
2. Nurseries or home gardens
3. Greenhouses
4. Church or other place of worship provided, that any building shall be located not less than twenty-five (25) feet from any side lot line
5. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than twenty-five (25) feet from any side lot line
6. Home Occupations
7. Accessory structures and uses
8. Truck Crops
9. Grazing
10. The growing of crops in the open
11. Horticulture
12. The raising of animals but not including commercial feedlots
13. Dairying

14. Accessory structures and uses provided that no structure for the keeping of farm animals or poultry shall be located closer than one hundred (100) feet from any property line

15. Accessory dwellings for persons employed on the premises

16. Fur bearing animals provided that no structure for keeping fur bearing animals shall be located closer than seventy-five (75) feet to any lot line.

**Conditional Uses.** Within "A-1 Agricultural Districts", the following uses may be allowed as conditional uses:

1. Outdoor recreation

2. Transportation, communication and utility

3. Child Care institution

4. Libraries

**Section 3. Area and Dimensional Regulations**
Except as provided in Articles XII, XIV, and XV the area and dimensional regulations set forth in the following table shall be observed.

| **Minimum Yards** | | **Minimum Side Yards** | | **Minimum Lot Area Per Family** | **Minimum Lot Width** |
|---|---|---|---|---|---|
| Front | Rear | One Side | Total Both Sides | 1 acre | 150 feet |
| 40 feet | 40 feet | 20 feet | 50 feet | | |

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE VI - A-1 AGRICULTURAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |
| 2/4/2008 | | **Town Council approved moving** "Animal Clinics" to M-1 |
| 2/4/2008 | | **Town Council approved moving** "Kennels provided that open pens or ruins are located not less than seventy-five (75) feet from any lot line" to M-1 |

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## ARTICLE VII - R-1 RESIDENTIAL DISTRICT

### Section 1. Intent

To provide areas suitable for single-family residences on estate size lots, free from other uses which are incompatible with the character and intent of the district.

### Section 2. Uses Permitted

Detached single-family residences
Customary accessory structures and buildings
Public utility service
Non-commercial greenhouse and garden

### Section 3. Special Exception Uses

The following uses may be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

Day Care Home
Family Care Home
Hobby Farm
Home Occupation
Park
Public Utility Facility

### Section 4. Area and Dimensional Regulations

| Minimum Yard Size | | | Minimum Lot Size | | Maximum Bldg. Area | Minimum Living Space Per Dwelling Unit |
|---|---|---|---|---|---|---|
| Front Yard | Rear Yard | Side Yard* | Area Sq. Ft. | Width (Ft. @ Bldg. Line | % | Square Footage |
| 40’ | 40’ | 15’ | 20,000 (.459 acre) | 100 | 25 | 1,500 on Main Level |

*Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-ways.

**Accessory Structures**
Setbacks: Rear 10'
Side 8' (Except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of-way)

**Section 5. Buffer Requirements**
There are no buffer requirements for the R-1 district.

**Section 6. Additional Regulations (When Applicable)**
Article XVIII – Supplementary Regulations and Modifications
Article V – General Regulations

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE VII - R-1 RESIDENTIAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE VIII - R-2 MULTIPLE DWELLING DISTRICT

**Section 1. Intent**

To provide areas suitable for medium density single-family residences, free from other uses, which are incompatible with the character and intent of the district.

**Section 2. Uses Permitted**

Detached Single-Family Residences
Customary Accessory Structures and Buildings
Public Utility Service
Non-Commercial Greenhouse and Garden

**Section 3. Special Exception Uses**

The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

Day Care Home
Family Care Home
Hobby Farm
Home Occupation
Park
Public Utility Facility

**Section 4. Area and Dimensional Regulations**

| Minimum Yard Size | | | Minimum Lot Size | | Maximum Bldg. Area | Minimum Living Space Per Dwelling Unit |
|---|---|---|---|---|---|---|
| Front Yard | Rear Yard | Side Yard* | Area Sq. Ft. | Width (Ft. @ Bldg. Line) | % | Square Footage |
| 35’ | 35’ | 10’** | 15,000 (.344 acre) | 85 | 30 | 1,300 on Main Level |

*Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.
**Total side setback to be twenty-five (25) feet, with a minimum of 10 feet

**Accessory Structures**

| | | | |
|---|---|---|---|
| Setbacks: | Rear | 10’ | |
| | Side | 8’ | (Except corner lots which shall observe front yard set backs on all sides abutting streets or rights-of-way) |

**Section 5. Buffer Requirements**

A twelve (12) foot buffer is required for all property adjoining the R-1 District. See Article III for buffer definition.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE VIII - R-2 MULTIPLE DWELLING DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE IX - R-3 SINGLE FAMILY/DUPLEX RESIDENTIAL DISTRICT

**Section 1. Intent**

To provide areas suitable for both detached single-family residences, along with duplexes, free from other uses which are incompatible with the character and intent of the district.

**Section 2. Uses Permitted**

Detached Single-Family Residences
Duplexes
Customary Accessory Structures and Buildings
Public Utility Service
Non-Commercial Greenhouse and Garden

**Section 3. Special Exception Uses**

The following uses shall be permitted subject to a special exception use permit granted by the Board of Zoning Adjustment and further subject to appropriate permits and/ or licenses being issued:

Day Care Home
Family Care Home
Home Occupation
Park
Public Utility Facility

**Section 4. Area and Dimensional Regulations**

| Minimum Yard Size | | | Minimum Lot Size | | Maximum Bldg. Area | Minimum Living Space Per Dwelling Unit |
|---|---|---|---|---|---|---|
| **Front Yard** | **Rear Yard** | **Side Yard*** | **Area Sq. Ft.** | **Width (Ft. @ Bldg. Line)** | **%** | **Square Footage** |
| **25'** | **30'** | **10'** | **Single Family Dwelling 8,000 (.184 acre)**<br><br>**Duplex 10,500 (.241 acre)** | **60** | **35** | **Single Family Dwelling = 1,000 on main level. Duplex = 800 for each unit with not less than 500 on the main level.** |

*Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

**Accessory Structures:**

| | | | |
|---|---|---|---|
| Setbacks: | Rear | 10' | |
| | Side | 8' | (Except corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.) |

**Section 5. Buffer Requirements**

A twelve (12) foot buffer is required for all property adjoining the R-1 or R-2 districts. See Article III for buffer definition.

**Section 6. Additional Regulations (When Applicable)**

Article XVIII – Supplementary Regulations and Modifications
Article III – General Regulations

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE IX - R-3 SINGLE FAMILY/DUPLEX RESIDENTIAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

TOWN OF HARPERSVILLE
RICH PAST • BRIGHT FUTURE
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## ARTICLE X - R-4 MULTI FAMILY RESIDENTIAL DISTRICT

**Section 1. Intent**

To provide low density multi-family residential areas in which open space and compatibility with single-family neighborhoods are primary considerations, but permitting selected non-residential uses which are compatible with the character of this district

**Section 2. Use Regulations**

**Permitted Uses.** Within "R-4 Multi-Family Residential District", the following uses and structures designed for such uses shall be permitted:

1. Apartments
2. Condominiums
3. Customary accessory structures and buildings, swimming pools, tennis courts
4. Customary minor commercial uses commonly associated with multi-family developments such as rental offices, coin laundry, vending machines, snack bars and etc. subject to business license requirements.
5. Public utility service

**Section 3. Special Exception Uses**

The following uses shall be permitted subject to a Special Exception Use permit being granted by the Board of Zoning Adjustment and farther subject to appropriate permits and/or licenses being issued:

1. Home Occupation, excluding Day Care Homes and Family Care Homes
2. Public Park
3. Public Utility Facility
4. Domiciliary Care Facility
5. Assisted Living Facility

**Section 4. Area and Dimensional Regulations**

| Minimum Interior Living Space | | Minimum Yard Size | | | Maximum Building Height | | Maximum Lot Coverage | |
|---|---|---|---|---|---|---|---|---|
| Interior Living Space per Dwelling Unit | Number of Dwelling Units per Building | Front Yard | Rear Yard | Side Yard | Within 300' of Single Family Residential District | Within 500' of Single Family Residential District | % | Density per Acre |
| 1,000 Sq. Ft. | 2 to 19 Inclusive | 50' | 50' | 50' | 3 Stories | 6 Stories | 35 | 10 Units |
| 900 Sq. Ft. | 20 and over | | | | | | | |

**Section 5. Buffer Requirements**

A twelve (12) foot buffer is required for all property adjoining any other residential district. See Article III for buffer definition.

**Section 6. Additional Regulations (When Applicable)**

A. Boats, trailers, campers, recreational vehicles, and similar items are not allowed to be parked in the areas approved to meet the minimum off-street parking requirements forward of the front set back line. A screened storage area shall be maintained for parking boats, trailers, campers, recreational vehicles, and similar items to contain a minimum of one (1) space per twenty (20) units. All parking areas visible from public roads shall be screened and buffered from view by use of landscape berms, plantings, or other such screening methods as much as possible or practical.

B. A playground or park area shall be provided and maintained in a safe condition.

C. A dedicated car wash area shall be established

D. A storage area for each unit shall be provided of not less than 4' by 4'.

E. Article XII – Supplementary Regulations and Modifications

F. Article V – General Regulations

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE X - R-4 MULTI FAMILY RESIDENTIAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE XI - R-5 SINGLE FAMILY MIXED RESIDENTIAL DISTRICT

**Section 1. Intent**

To provide areas suitable medium density single family residences, free from other uses which are incompatible with the character and intent of the district.

**Section 2. Uses Permitted**

1. Single Family Dwellings
2. Manufactured Homes
3. Customary Accessory Structures and Buildings
4. Public Utility Services

**Section 3. Special Exception Uses**

The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

Home Occupation
Public Utility Facility

**Section 4. Area and Dimensional Regulations**

| Minimum Yard Size | | | Minimum Lot Size | | Maximum Bldg. Area | Minimum Living Space Per Dwelling Unit |
|---|---|---|---|---|---|---|
| Front Yard | Rear Yard | Side Yard* | Area Sq. Ft. | Width (Ft. @ Bldg. Line | % | Square Footage |
| 25’ | 35’ | 10’ | 7,500 (.172 acre) | 50 | 25 | 1,000 |

*Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

**Accessory Structures**

Setbacks: Rear 10’
Side 8’ (Except corner lots which shall observe front yard setbacks on all sides abutting streets or rights-of-way.)

**Section 5. Buffer Requirements**

A twelve (12) foot buffer is required for all property adjoining any other residential district. See Article III for buffer definition.

**Section 6. Additional Regulations (When Applicable)**

Article XVIII - Supplementary Regulations and Modifications
Article V – General Regulations

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XI - R-5 SINGLE FAMILY MIXED RESIDENTIAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE XII - RG GARDEN HOME RESIDENTIAL DISTRICT

**Section 1. Intent**

To provide areas suitable for the exclusive development of residential garden homes, free from other uses which are incompatible with the character and intent of this district.

**Section 2. Uses Permitted**

1. Detached Single Family Garden Home Residences
2. Customary Accessory Buildings and Structures
3. Public Utility Service
4. Recreational Facilities designed and intended to serve only the residents of the development.

**Section 3. Special Exception Uses**

The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

Public Utility/Facility
Home Occupation excluding Day Care Homes and Family Care Homes

**Section 4. Area and Dimensional Regulations**

| Minimum Yard Size | | | Minimum Lot Size | | Maximum Density | Maximum Bldg. Area | Maximum Living Space Per Dwelling Unit |
|---|---|---|---|---|---|---|---|
| Front Yard | Rear Yard | Side Yard* | Area Sq. Ft. | Width (Ft. @ Bldg. Line) | Units Per Acre | % | Square Footage |
| 20’ | 25’ | 10’ | 6,000 (.138 acre) | 60 | 4.5 | 25 | One Story = 1,000 on the Main Level |

*Side yards are subject to the following building separation provisions:
**(1)** Garden Homes shall be located so as to permit a minimum of 10’ between home measured from closest outside wall to closest outside wall to closest outside wall.
**(2)** No building in an RG District shall be located less than 25 feet from any portion of an abutting single family residential zoning district.
**(3)** Corner lots shall observe front yard set backs on all sides abutting streets or rights-of-way.

**Accessory Structures**
No Accessory Storage Buildings shall exceed 10% of the heated living area on the main floor of the home, up to a maximum of 200 square feet.

Set Backs: Rear 10'
Side 8'
Corner Lots: Same as Dwelling

**Section 5. Buffer Requirements**
A twelve (12) foot buffer is required for all property adjoining any other residential district. See Article III for buffer definition.

**Section 6. Additional Regulations**

A. Zero lot-line units shall not take access from an arterial or collector street.

B. All utilities shall be under existing public streets rights-of-way or easements.

C. There shall be a minimum of two (2) parking spaces per Garden Home. Garden Homes parking spaces shall not be allowed along streets. Driveways shall be designed to allow a full vehicle length prior to garage entry.

D. No fence shall be permitted forward of the corner of the house and fences shall not exceed six and one half (6 ½) feet in height.

E. No fences or walls other than those provided as part of a required buffer shall be located within fifteen (15) feet of the perimeter of the development site.

F. Because of the zero (0) lot line allowance, easements or comparable access rights shall be included in the deed or in restrictive covenants so as to permit maintenance on each home. For each unit constructed along a zero lot line, an easement five (5) feet in width shall be created on the adjoining property extending to the rear corner of the dwelling. The purpose of this easement is to permit maintenance and repair of the portion of the structure bordering the zero side yard. All maintenance easements shown on the final plat, along with an indication of the lot to which each easement is assigned. No fence, deck, or structure of any kind shall be placed within a maintenance easement.

G. The developer shall provide the Town of Harpersville Planning Commission with a copy of any subdivision restrictive covenants and, in addition thereto, any articles, agreements, or provisions relating to:
    a. Governing body to property owners, if any.
    b. Power conferred to governing body, if applicable.
    c. Any other covenants required by the Planning and Zoning Board.

H. Article XVIII – Supplementary Regulations and Modifications

I. Article V – General Regulations

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FOUNDED 1815

**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XII - RG GARDEN HOME RESIDENTIAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE XIII - RT TOWNHOUSE/CLUSTER RESIDENTIAL DISTRICT

### Section 1. Intent

To provide areas suitable for the development of residential Townhouses and Cluster Homes. Each Townhouse unit or Cluster Home unit may share a common wall with anther such unit on one or both sides, have individual entrances and is placed on its own lot.

### Section 2. Uses Permitted

1. Cluster Homes
2. Townhouse Dwellings
3. Public Utility Service
4. Recreational facilities designed and intended to serve only the residents of the development.

### Section 3. Special Exception Uses

The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and further subject to appropriate permits and/or licenses being issued:

Public Utility Service
Home Occupations, excluding Day Care Homes or Family Care Homes

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**Section 4. Areas and Dimensional Regulations**

<table>
<tr><th>Maximum Density</th><th>Maximum Units per Structure</th><th colspan="2">Minimum Living Space per Unit</th><th>Minimum Lot Width</th><th colspan="3">Minimum Yard Size</th></tr>
<tr><td rowspan="6">8 Units Per Acre</td><td>Townhouses</td><td>One Story</td><td>Two Story</td><td>24’</td><td colspan="3">Townhouses</td></tr>
<tr><td>6</td><td rowspan="3">1,000 Sq. Ft.</td><td rowspan="5">1,000 Sq. Ft. with no less than 600 sq. ft. on the 1st floor</td><td>Minimum Bldg. Separation</td><td>Front</td><td>Rear</td><td>Side*</td></tr>
<tr><td>Cluster Homes</td><td>30’ from side to side</td><td>25’</td><td>35’</td><td>0</td></tr>
<tr><td rowspan="2">4</td><td rowspan="2"></td><td colspan="3">Cluster Homes</td></tr>
<tr><td colspan="3">Each cluster shall be set back a minimum of 30’ from all property lines abutting road rights-of-way and from any private access road.</td></tr>
</table>

*Corner lots shall observe front yard set backs on all sides abutting streets or right of way.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XIII - RT TOWNHOUSE/CLUSTER RESIDENTIAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE XIV - MP MOBILE HOME PARK DISTRICT

**Section 1. Intent**

To provide area for Mobile Home Park development free from other uses which are incompatible with the character of this district.

**Section 2. Uses Permitted**

1. Mobile Home
2. Management Office
3. Manager's Residence
4. Service facilities such as laundromats, household storage buildings, outdoor storage yards, refuse disposal areas, and similar common service facilities designed and intended to serve only the residents of the park.
5. Recreational facilities designed and intended to serve only the residents of the park.
6. Retail convenience sales for residents of the park; and residential accessory uses and structures.

**Section 3. Special Exception Uses**

The following uses shall be permitted subject to a special exception use permit being granted by the Board of Zoning Adjustment and farther subject to appropriate permits and/or licenses being issued:

Home Occupation, subject to established park policy
Public Utility Service

**Section 4. Site Standards**

A. The minimum area for any Mobile Home Park is five (5) acres.
B. The maximum density is eight (8) Mobile Homes sites per acre.
C. Access points shall be controlled through the review of plans submitted to the Planning Commission on each Mobile Home Park.
D. Mobile Home units within the park shall not take access from an arterial or collector road.
E. All Mobile Home sites shall abut a paved roadway.
F. The entire area shall be served with water and sanitary facilities.
G. All utilities shall be under existing public rights-of-way and easements.

**Section 5. Buffer Requirements**

A twelve (12) foot buffer is required for all property adjoining any other district. See Article III for buffer definition.

**Section 6. Additional Regulations (When Applicable)**

A. Boats, trailers, Campers, Recreational Vehicles, and similar items are not allowed to be parked in the areas approved to meet the minimum off-street parking requirements forward of the front set back line. A screened storage area shall be maintained for parking boats, trailers, campers, recreational vehicles, and similar items to contain a minimum of one (1) space per twenty (20) units. All parking areas visible from public roads shall be screened and buffered from view by use of landscape berms, plantings, or other such screening methods as much as possible or practical.
B. If individual storage buildings are not allowed on mobile home lots, a common storage area of not less than 4’ x 4’ shall be provided for each mobile home space.
C. Article V – General Regulations
D. Article XVIII – Supplemental Regulations and Modifications

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XIV - MP MOBILE HOME PARK DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
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| | | Initial version approved by the Town Council |

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## ARTICLE XV - B1 – LOCAL BUSINESS DISTRICT

**Section 1. Generally**

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the B-1 Local Business District.

**Section 2. Use Regulations**

**Permitted Uses.** Within "B-1 Local Business" districts, only the following uses and structures designed for such uses shall be permitted:

1. A public or semi-public or private office.
2. Greenhouse having a retail outlet on the premises.
3. Bakery with sale of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.
4. Barber shop, beauty shop, massage or similar personal service shops.
5. Catering shop
6. Dressmaking or tailoring; provided, that all work is done for individuals, at retail only, and on the premises.
7. Drugstore
8. Medical or Dental Office or Clinic and other professional or business office.
9. Parking lot and storage or parking garage.
10. Restaurant or Coffee Shop
11. Retail Store, limited in character and size to that which is of service to the immediate town only, except for any such use listed for the first time in the B-2 or M-1 districts.
12. Service Station; except, no pump shall be located within seventy-five (75) feet of a dwelling district, nor any portion of a structure within thirty (30) feet of a dwelling district.
13. Shoe Repairing, repairing of household appliances and bicycles on an individual service call basis, and other uses of a similar character limited in size and nature to those which serve the immediately surrounding neighborhood.
14. Accessory structures and uses
15. Amusement or Recreational Service, except drive-in theater or practice golf-driving range.
16. Business, Dancing or Music School.
17. Display room for merchandise to be sold at wholesale.
18. Hotel, Motel, or Motor Court.
19. Bank or lending institution.
20. Medical or Dental Laboratory.

21. The following uses provided all materials are stored and all work done on the premises is within a building.
    A. Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.
    B. Painting Decorators
    C. Radio and Television Repair Shop
    D. Dressmaking, Millinery or Tailoring establishment.
    E. Upholstery Shop, not involving furniture manufacturing
    F. Any other general service or repair establishment of similar character.
22. Sales Office, provided the merchandise shall not be stored on the premises.
23. Research or testing laboratories compatible with other permitted uses.
24. A clinic, convalescent home or hospital except one used for the treatment of animals.
25. Church or School
26. Child Care Center
27. Child Care Institution
28. Auditorium, Library and Museum operated by non-profit organizations.
29. Private Club or Lodge, excepting one, the chief activity of which is a service customarily carried on as a business.
30. Mini Storage Warehouses for private storage.

**Conditional Uses.**
Within "B-1 Local Business" districts, the following uses may be allowed as Conditional Uses.
1. Outdoor Recreation
2. Transportation, Communication and Utility.

**Section 3. Area and Dimensional Regulations.**
Except as provided in Article XII, XIV, and XV the area dimensional regulations set forth below shall be observed.

| Maximum Height of Structures | | Minimum Yards | | | Minimum Lot Width |
|---|---|---|---|---|---|
| Stories | Feet | Front | Rear | Side | |
| 2 ½ | 35 | 20 | None, except on the rear of a lot abutting a dwelling district, in which case there shall be a **bufferyard** | None, except on the side of a lot abutting a dwelling district, in which case there shall be a **bufferyard** | None |

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XV - B1 – LOCAL BUSINESS DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |
| 6/5/2000 | Section 2/Line 30 | **Town Council approved adding** "Mini Storage Warehouses for private storage" to the B1 & B2 Districts |

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## ARTICLE XVI - B-2 GENERAL BUSINESS DISTRICT

**Section 1. Generally**
The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article are the regulations in the B-2 General Business District.

**Section 2. Use Regulations**
**Permitted Uses.** Within "B-2 General Business" districts, only the following uses and structures designed for such uses shall be permitted.

1. Any use permitted in the B-1 Local Business District: provided however, that the limitations upon extent of service area shall not apply.
2. Automobiles or Trailer Display and Sales Room.
3. Public Garage
4. Frozen Food Locker
5. Farm Implement Display and Sales Room.
6. Hospital or Clinic for animals, but not including open kennels.
7. Retail Store or Shop
8. Tavern or Drive-In Restaurant
9. Used Car Lot
10. A Shopping Center or Facility composed of any one or more of the permitted uses or any combination thereof.
11. Hardware or Building Materials Sales
12. Automotive, Farm Implement or Trailer Repair or Servicing
13. Carpentry, Painting, Plumbing, Tin Smithing and Electrical Shops; provided, that all work on the premises is done within a building, and all materials are stored in a building.
14. Mini Storage Warehouses for private storage.

**Conditional Uses.**
Within "B-2 General Business Districts", the following uses may be allowed as Conditional Uses.
Outdoor Recreation
Transportation, Communication and Utility

**Section 3. Area and Dimensional Regulations.**
Except as provided in Articles XII, XIV, and XV the area and dimensional regulations set forth in the following table shall be observed:

| **Maximum Height of Structures** | | **Minimum Yards** | | **Minimum Lot Area** | **Minimum Lot Width** |
|---|---|---|---|---|---|
| Stories | Feet | Front | Rear/Side | | |
| 5 | 50 | None | None, except if abutting a dwelling district, in which case there shall be a **bufferyard** | No Minimum | No Minimum |

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XVI - B-2 GENERAL BUSINESS DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |
| 6/5/2000 | Section 2/Line 14 | **Town Council approved adding** "Mini Storage Warehouses for private storage" to the B1 & B2 Districts |
| 2/4/2008 | Section 2/Line 14 | **Town Council approve moving** "Mini Storage Warehouses for private storage" to B-2 |

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## ARTICLE XVII - M-1 LIGHT INDUSTRIAL DISTRICT

**Section 1. Generally**

The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article are the regulations in the M-1 Light Industrial District.

**Section 2. Use Regulations**

**Permitted Uses.**

Within "M-1 Light Industrial Districts", only the following uses and structures designed for such uses shall be permitted:

1. Animal Hospital or Clinic including open kennels.
2. Contractor's or construction dealer's yard.
3. Grain and Feed Storage
4. Heating fuel or building material storage or wholesaling; provided, that the materials shall not be extracted or processed on the premises.
5. Lumber Yard
6. Warehouse
7. Bottling Plant or Dairy
8. Assembly of parts for production of finished equipment.
9. Manufacturing, fabricating, processing, or assembling uses which do not create any danger to health or safety in surrounding areas, and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, such as the following:
   a) Boats (less than five (5) tons)
   b) Bolts, nuts, screws, washers, rivets, nails, brads, tacks, spikes, staples, and similar items
   c) Clothing
   d) Food, not including animal or poultry slaughter or processing
   e) Pharmaceuticals
   f) Furniture and wood products
   g) Glass products but not including glass manufacture
   h) Hand tool and Hardware products
   i) Ice
   j) Musical Instruments, Games or Toys
   k) Office Machines
   l) Plastic and Rubber products, not including processing of raw materials
   m) Plating of silverware or utensils
   n) Signs
   o) Sporting Goods
   p) Other similar uses
10. Accessory buildings including a dwelling for a watchman or custodian employed on the premises.

11. Transportation, Communication and Utility

**Section 3. Area and Dimensional Regulations**

| **Maximum Height of Structures** | | **Minimum Yards** | | **Minimum Lot Area** | **Minimum Lot Width** |
|---|---|---|---|---|---|
| Stories | Feet | Front | Rear/Side | No Minimum | No Minimum |
| 8 | 100 | None | None, except where abutting a dwelling district, in which case there shall be a **bufferyard** | | |

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XVII - M-1 LIGHT INDUSTRIAL DISTRICT**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |
| 2/4/2008 | Section 2/Line 1 | **Town Council approved** moving "Animal Clinics" to M-1 |
| 2/4/2008 | Section 2/Line 1 | **Town Council approved** moving "Kennels provided that open pens or ruins are located not less than seventy five (75) feet from any lot line" to M-1 |

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## ARTICLE XVIII - SUPPLEMENTARY REGULATIONS AND MODIFICATIONS

### Section 1. Regulations Supplemental

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this ordinance.

### Section 2. Use Modifications

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

2. Utility structures, including, but not limited to, poles, wires, cross arms, transformer attached to poles, guide wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained or replace within any district in Harpersville. This is not to be construed to include the erection or construction of buildings or electric substation.

3. Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains, may be constructed, repaired, maintained or replace in any district.

### Section 3. Height Modifications

1. Chimneys, cooling towers, elevator bulkheads, head houses, fire towers, gas tanks, steeples, penthouses, stacks, tanks, water towers, ornamental towers and spires, or necessary mechanical appurtenances, where permitted may be erected to any height not in conflict with existing or hereafter adopted ordinance of Harpersville except that where permitted in connection with residential uses such structures shall be limited to a height of twenty (20) feet above the maximum height of structures permitted in that district.

2. The limitation of the number of stories shall not apply to buildings uses exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which located.

3. Public, semi-public or public service buildings, including but not limited to hospitals, schools and churches, when permitted in a district with height limitations of less than sixty (60) feet, may be erected to a maximum height of sixty (60) feet, provided side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

**Section 4. Area Modifications for Lots of Record**

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

**Section 5. General Yard Modifications**

1. Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar use except as provided herein. All yards shall be regularly maintained.

2. Sills, belt courses or ornamental features may project not more than six (6) inches into any yard.

3. Cornices or eaves may project not more than eighteen (18) inches into any required yard.

4. Terraces, uncovered porches, underground fallout shelters or ornamental features which do not extend more than five (5) feet above grade may project into a required yard, provided such projections be not closer than two (2) feet to any lot line.

5. More than one multiple dwelling, institutional, commercial or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations. For multiple dwellings, the open space between buildings shall be thirty (30) feet when one or both are two-story buildings, and forty (40) feet when one or both are three or more story buildings.

6. Where an open space is more than fifty (50) percent surrounded by residential or institutional buildings, the minimum width of the space shall be at least twenty (20) feet for one story building, thirty (30) feet for two story buildings and forty (40) feet for three or more story buildings.

7. In a residential district, a private swimming pool shall be enclosed by a fence of not less than four (4) feet in height. No mechanical appurtenance or pool shall be within ten (10) feet of any lot line.

8. The minimum dimension of a yard upon which any entrance or exit of multiple dwelling places shall be twenty (20) feet.

9. Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of not less than six (6) feet.

**Section 6. Front Yard Modifications**

The required front yards heretofore established shall be modified in the following cases:

1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five (5) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:

3. Through lots shall provide the required front yard on both streets.

   A. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings, or

   B. Where a building is to be erected on a parcel of land that is within one-hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

4. Corner lots shall provide a front yard on each street side. However, the buildable width of a lot or record need not be reduced to less than twenty-eight (28) feet; provided that the side yards shall in no case be reduced to less than that otherwise required for the zone district. No accessory building shall project into the front yard on either street.

5. Service station pumps and pump islands may be located within a required front yard, but in no case shall the pump centerline be closer than fifteen (15) feet to any street line.

**Section 7. Rear Yard Modifications**

The rear yards heretofore established shall be modified in the following cases:

1. Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.

2. An unenclosed balcony, porch steps or fire escape may project into a rear yard for a distance not exceeding ten (10) feet.

3. Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall no occupy more than thirty (30) percent of the required rear yard and shall not be nearer than three (3) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than seven (7) feet to the alley line.

**Section 8. Walls and Fences**

Walls or fences may be located within the yards except as provided herein:

1. No wall or fence in a front yard shall exceed a height of four (4) feet, except as required for a retaining wall.

2. No wall or fence in a rear or side yard shall exceed a height of six and one-half (6 ½) feet, except as required for a retaining wall.

3. In any residential district, no fence, structure or planting which obstructs visibility shall be maintained within twenty-five (25) feet of any street intersections.

4. All fences shall be regularly maintained.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XVIII - SUPPLEMENTARY REGULATIONS AND MODIFICATIONS**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

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## ARTICLE XIX - NONCONFORMING USES

**Section 1. When Continuance of Use Permitted; Change in Use**

The lawful use of a structure or the lawful use of land existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same general classification or to a conforming use.

**Section 2. Structures or Premises Vacant for One Year**

In the event that a structure or premises occupied by a nonconforming use becomes and remains vacant for a continuous period of one (1) year or more, the use of the same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

**Section 3. Enlargement, etc., of Structures or Premises**

No structure or premises occupied by a nonconforming use shall be enlarge, extended reconstructed or structurally altered, unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located; provided, however, that a structure or premises may be physically enlarged, extended, reconstructed or structurally altered to the extent necessary for compliance with any existing and applicable law or ordinance specifying minimum standards of health or safety.

**Section 4. Enlargements, etc., of Nonconforming Use**

No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use, which conforms to the regulations of the district in which such use is located.

**Section 5. Structures Conforming to District Regulations but not other Regulations**

A structure or building conforming to the use regulations of the district in which it is located but not conforming to any other provisions of this ordinance, may be enlarged, extended or expanded; provided; that such enlargement, extension or expansion conforms to the provisions of this ordinance.

**Section 6. Restoration of Damaged Buildings**

Any nonconforming building or structure damaged or destroyed by any cause may be rebuilt or reconstructed to its original state of nonconformity provided that such reconstruction shall be commenced within one year after the damage occurs.

**Section 7. Reestablishment of Nonconforming Use**

Any nonconforming use discontinued because of damage or destruction of a building or premises may be reestablished at its original level on nonconformity provided that the use is resumed within one (1) year of its discontinuance.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XIX - NONCONFORMING USES**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
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| | | Initial version approved by the Town Council |

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## ARTICLE XX - BOARD OF ADJUSTMENTS

**Section 1. Establishment and Membership**

A Zoning Board of Adjustment is hereby established (hereafter referred to as the Board). The Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the Town Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing. All members of the Board shall be citizens and residents of the Town of Harpersville.

**Section 2. Meetings, Procedures and Records**

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

**Section 3. Interpretation of Boundaries**

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the power to hear and decide upon the interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Article V Section 3.

**Section 4. Appeals**

The Board, in appropriate cases and subject to appropriate conditions and safeguards shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrators of this ordinance. Such an appeal may be taken to the Board by any person aggrieved or by any officer, department, Board or bureau of the town affected by any decision of any town officer under this ordinance. Such appeal shall be taken 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 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 after the notice of appeal shall have been filed with him, that by any reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

**Section 5. Variances**

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the power to authorize upon appeal in specific cases a variance from the terms of this ordinance such as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, but where the spirit of the ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of this ordinance, or exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property as would result in peculiar, extraordinary and practical difficulties. No variance shall be authorized unless the Board finds all the following exist:

1. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

2. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

3. That the condition from which the relief of a variance is sought did not result from any action of the applicant.

That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger or fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the Town of Harpersville.

**Section 6. Special Exceptions**

When any modification authorized pursuant to this section will not tend to impair the health, safety, convenience or comfort of the public, including that portion of the public occupying the property immediately contiguous to the parcel of land which the modification concerns, to be determined by the Board upon the abduction of competent evidence, including a view of the premises and its surroundings at the discretion of the Board, the Board may modify the strict application of the provisions of this ordinance and cause permit to be issued upon such reasonable conditions as it may prescribe for the location, construction, extension, structural alteration, and operation of any of the following:

1. Building on lots of record as defined in Article XVIII, Supplementary Regulations and Modifications, Section 4.
2. Resumption, extension, reconstruction, or change of a non-conforming use as specified in Article XIV, Nonconforming Uses.
3. Erection, extension, and use of a structure, or use of premises not otherwise authorized or permitted by this ordinance for a public service corporation for utility purposes which shall be deemed reasonably necessary for the public convenience or welfare.
4. Unclassified uses as outlined in Article IV, Zoning Districts and Boundaries, Section 5

**Section 7. Hearings**

The Board shall fix a reasonable time for hearing of each appeal or other request for interpretation or exception, 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 8. Appeals from Action of the Board of Adjustment**

Any party aggrieved by any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal there from to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which the appeal is taken. In the case of such appeal, the Board shall cause a transcript of the proceedings in the cause to be certified to the court which the appeal is taken and the cause in such court shall be tried.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XX - BOARD OF ADJUSTMENTS**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

# ARTICLE XXI - ADMINISTRATION

**Section 1. Enforcement**
The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Zoning Official, Administrator, or other such official designated by the Planning Commission.

**Section 2. Zoning Certificates**
A Zoning Certificate shall be required for the construction of any building or for the alteration of any building where such alteration will cause an increase in the land coverage of such building provided however, that a certificate shall not be required for accessory buildings or barns.

Any applicant for a zoning certificate shall submit to a responsible municipal official a sketch showing the location of the proposed construction or alteration, the property lot lines and all applicable dimensions so that the zoning official may determine that the construction or alteration conforms to the dimensional and use regulations of the district in which it is located. There shall be a charge of $5.00 for the zoning certificate and $5.00 per acre.

**Section 3. Conditional Uses**
***Purpose***. It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as conditional uses in these regulations in order to determine the appropriateness of a particular conditional use in a given location.

***Authorization***. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the planning commission reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

***Procedures***.

1. The City Clerk shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

2. The City Clerk shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.

3. The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

***Submission Requirements***. No request for conditional use approval shall be considered complete until all of the following have been submitted to the City Clerk:

1. **Application Form**. The application shall be submitted to the City Clerk on forms to be provided by the City Clerk. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

2. **Plans and Specifications**. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Planning Commission may reasonably require. Any supplementary information, exhibits, plans or maps which are to accompany and constitute part of the application shall be submitted to the City Clerk at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.

**Application Fee**. The applicant shall be required to pay an application fee of fifty dollars ($50) plus $5.00 per acre. This fee shall be non-refundable irrespective of the final disposition of the application.

***Standards for Approval***. A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

1. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the **Harpersville Comprehensive Plan**, these regulations, or any other official plan, program, map or regulation of Harpersville.

2. The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;

3. The proposed use shall not unduly decrease the value of neighboring property

4. The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.

***Conditions and Restrictions on Approval***. In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these regulations. Those conditional uses which the Planning Commission approves subject to conditions, shall have specified by the Planning Commission the time allotted to satisfy such conditions.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XXI - ADMINISTRATION**

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| | | Initial version approved by the Town Council |

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## ARTICLE XXII - INTERPRETATION OF ORDINANCE

**Section 1. Minimum Requirements**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this ordinance imposes greater restrictions upon the use of a building or land or upon the open spaces, yard area or lot area, than are imposed or required by other ordinances, rules, regulations, or permits, or by easement, covenants or agreements, the provisions of this ordinance shall govern. Where other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the regulations of this ordinance, such provisions shall govern.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XXII - INTERPRETATION OF ORDINANCE**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
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## ARTICLE XXIII – ZONING AMENDMENTS AND CHANGES[2]

**Section 1. Requirements for Change**

Whenever the public necessity, convenience general welfare or good zoning practice warrants such action, The Planning Commission may amend, supplement, modify or repeal the regulations or zoning district boundaries herein established.

**Section 2. Petition for or Initiation for Change**

A proposed change of the zone district boundaries or of the regulations may be initiated by Planning Commission, or by petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

**Section 3. Action on Petition**

1. Any proposed amendment, supplement, modification, or repeal shall be submitted to the Planning Commission prior to 7 (seven) days before the next regular scheduled meeting for its consideration. Any submittal received within 7 (seven) days of the next regular scheduled meeting will be assigned to the following monthly meeting.

2. The Planning Commission, within sixty (60) days of the date of the application, may proceed to hold an Application Review Meeting to determine if the application warrants a public hearing in relation thereto, giving notice as required by law.

3. The City Clerk shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by certified mail to the owners of property adjacent to and within five hundred (500) feet of the proposed application site as their names appear in the county tax records. Names and addresses of neighboring property owners must be supplied along with the cost of the mailouts by the applicant of the application.

4. The proposed change may be deemed by the applicant to have been denied if the Planning Commission takes no final action upon the same within ninety (90) days after the filing of the application. The proceeding sentence shall not remove the Planning Commission of jurisdiction to take final action on such proposed change prior to any litigation instituted against the Planning Commission by the applicant.

5. Upon approval of proposed rezoning the developer shall have one year from the rezoning approval date to furnish a preliminary plat in accordance with the subdivision regulations,

along with all deliverables per the subdivision regulations section 301. In the event the developer fails to furnish these required deliverables the rezoning shall revert to the previous zoning of the land. The Planning Commission may amend, modify, grant an extension, or repeal the grace period if such action is needed.

**Section 4. Fees**

Before any action shall be taken as provided in this article, the applicant petitioning for a change shall deposit with the Planning Commission fifty dollars ($50.00) plus five dollars ($5.00) per acre to cover this procedure. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. A full refund will be issued if there is no action taken by the Planning and Zoning Board within ninety (90) days after the filing of the application. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months, provided that by unanimous resolution of the Planning Commission that such action may be initiated at any time.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XXIII – ZONING AMENDMENTS AND CHANGES**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |
| 10/4/2021 | Sec. 4 | Added "five dollars ($5.00) per acre" |
| 3/21/2022 | | **Town Council approved** amending the title to "Zoning and Amendment Changes" |
| 3/21/2022 | Sec. 3/Par. 1 | **Town Council approved** amending Section 3 and Paragraph 1 to include "prior to 7 (seven) days before the next regular scheduled meeting for its consideration. Any submittal received within 7 (seven) days of the next regular scheduled meeting will be assigned to the following monthly meeting." |
| 3/21/2022 | Sec. 3/Par. 2 | **Town Council approved** amending Section 3 and Paragraph 2 to include "an Application Review Meeting to determine if the application warrants" |
| 3/21/2022 | Sec. 3/Par. 3 | **Town Council approved** amending Section 3 and Paragraph 3 to include "The City Clerk shall, two weeks before the scheduled public hearing by the Planning Commission, provide notice of such hearing by certified mail to the owners of property adjacent to and within five hundred (500) feet of the proposed application site as their names appear in the county tax records. Names and addresses of neighboring property owners must be supplied along with the cost of the mailouts by the applicant of the application. |
| 3/21/2022 | Section 4 | **Town Council approved** amending Section 4 to include "A full refund will be issued if there is no action taken by the Planning and Zoning Board within ninety (90) days after the filing of the application." |
| 11/06/2023 | Sec. 3/Par. 5 | Language amendment to include "Upon approval of proposed rezoning the developer shall have one year from the rezoning approval date to furnish a preliminary plat in accordance with the subdivision regulations, along with all |

| | | |
|---|---|---|
| | | deliverables per the subdivision regulations section 301. In the event the developer fails to furnish these required deliverables the rezoning shall revert to the previous zoning of the land. The Planning Commission may amend, modify, grant an extension, or repeal the grace period if such action is needed."<br>- Approved by council 12/04/2024 |

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## ARTICLE XXIV - APPLICATION AND INSPECTION FEES

**Section 1. Rezoning Application Fees**

| | |
|---|---|
| Rezoning Application | $50.00 + $5.00 per acre |

**Section 2. Conditional Use Application Fees**

| | |
|---|---|
| Conditional Use Application | $50.00 |

**Section 3. Subdivision Application Fees**

| | |
|---|---|
| Subdivision Application | $50.00 per lot |

**Section 4. Trailer, Double Wide, Manufactured Home Application Fees**

| | |
|---|---|
| Application | $100.00 |
| Electrical Application | $25.00 |
| Electrical Inspection | $75.00 |

**Section 5. Residential Building Application Fees**

| | |
|---|---|
| New Homes/Structures Application | $100.00 |
| Electrical Application | $25.00 |
| Plumbing Application | $25.00 |
| HVAC Application | $25.00 |

**Section 6. Residential Building Application Fees**

| | |
|---|---|
| Additions, Repair or Remodel of Existing Structure Application | $50.00 |
| Electrical Application | $25.00 |
| Plumbing Application | $25.00 |
| HVAC Application | $25.00 |

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**Section 7. Commercial Building Application Fees**

| | |
|---|---|
| Building Application Fee | $200.00 |
| Electrical Application Fee | $75.00 |
| Plumbing Application Fee | $75.00 |
| HVAC Application Fee | $75.00 |
| Gas Application Fee | $75.00 |
| Mechanical Application Fee | $75.00 |
| Fire Application Fee | $75.00 |

**Section 8. Residential Inspection Fees**

| | |
|---|---|
| Inspection Fees | |
| Value per Square Foot | $80.00 |
| Value per Square Foot Unfinished | $20.00 |
| Fee per every $1,000 of Value | $6.00 |
| Electrical Inspection Fee | $75.00 |
| Plumbing Inspection Fee | $75.00 |
| HVAC Inspection Fee | $75.00 |
| First Re-inspection | $25.00 |
| Second Re-inspection | $50.00 |
| Third Re-inspection | $100.00 |

**Section 9. Commercial Inspection Fees**

| | |
|---|---|
| Inspection Fees | |
| Value per Square Foot | $100.00 |
| Fee per every $1,000 of Value | $6.00 |
| Electrical Inspection Fee | $100.00 |
| Plumbing Inspection Fee | $100.00 |
| HVAC Inspection Fee | $100.00 |
| Gas Inspection Fee | $100.00 |
| Mechanical Inspection Fee | $100.00 |
| Fire Inspection Fee | $100.00 |

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The Application and Inspection Fees are effective immediately.

Exception: Permit and Inspection Fees for structures within plat plans submitted to Planning and Zoning Board prior to October 1, 2021, will be subject to prior rates for a period of nine (9) months.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XXIV - APPLICATION AND INSPECTION FEES**

| ITEM | REVISION DATE | REVISION DESCRIPTION |
|---|---|---|
| Rezoning Application Fees | 8/15/2005 | **Town Council approved** amending the ordinance to include the fee of $50 |
| Conditional Use Application Fee | 8/15/2005 | **Town Council approved** amending the ordinance to include the fee of $50 |
| Subdivision Application Fee | 8/15/2005 | **Town Council approved** amending the ordinance to include the fee of $50 per lot |
| Commercial Application Fee | 8/15/2005 | **Town Council approved** revising Application Fee from $50 to $100 |
| Commercial Inspection Fees | 8/15/2005 | **Town Council approved** revising Square Foot Value from $65 to $80 |
| Residential Application Fee | 8/15/2005 | **Town Council approved** amending the ordinance to include the fee of $50 |
| Residential Inspection Fees | 8/15/2005 | **Town Council approved** revising Square Foot Value from $50 to $65 |
| Rezoning Application Fees | 10/4/2021 | **Town Council approved** revising the fee from $50 to $50 + $5 per acre |
| Trailer, Double Wide, Manufactured Home Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |
| Trailer, Double Wide, Manufactured Home Electrical Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |
| Trailer, Double Wide, Manufactured Home Electrical Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Residential Application Fee (New) | 10/4/2021 | **Town Council approved** revising the fee from $50 to $100 |
| Residential Electrical Application Fee (New) | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |
| Residential Plumbing Application Fee (New) | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |
| Residential HVAC Application Fee (New) | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |
| Residential Application Fee (Remodel) | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $50 |

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| ITEM | REVISION DATE | REVISION DESCRIPTION |
|---|---|---|
| Residential Electrical Application Fee (Remodel) | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |
| Residential Plumbing Application Fee (Remodel) | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |
| Residential HVAC Application Fee (Remodel) | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |
| Commercial Application Fee | 10/4/2021 | **Town Council approved** revising the fee from $100 to $200 |
| Commercial Electrical Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Commercial Plumbing Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Commercial HVAC Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Commercial Gas Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Commercial Mechanical Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Commercial Fire Application Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Residential Inspection Fee (Finished) | 10/4/2021 | **Town Council approved** revising the Square Foot Value from $65 to $80 |
| Residential Inspection Fee (Unfinished) | 10/4/2021 | **Town Council approved** amending the ordinance to include the Square Value fee of $75 |
| Residential Inspection Fee per every $1,000 of Value | 10/4/2021 | **Town Council approved** revising the fee from $5 per every $1,000 of Value to $6 per every $1,000 of Value |
| Residential Electrical Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Residential Plumbing Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Residential HVAC Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $75 |
| Residential First Re-Inspection | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $25 |

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| ITEM | REVISION DATE | REVISION DESCRIPTION |
|---|---|---|
| Residential Second Re-Inspection | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $50 |
| Residential Third Re-Inspection | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |
| Commercial Inspection Fee | 10/4/2021 | **Town Council approved** revising the Square Foot Value from $80 to $100 |
| Commercial Inspection Fee per every $1,000 of Value | 10/4/2021 | **Town Council approved** revising the fee from $5 per every $1,000 of Value to $6 per every $1,000 of Value |
| Commercial Electrical Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |
| Commercial Plumbing Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |
| Commercial HVAC Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |
| Commercial Gas Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |
| Commercial Mechanical Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |
| Commercial Fire Inspection Fee | 10/4/2021 | **Town Council approved** amending the ordinance to include the fee of $100 |

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## ARTICLE XXV - VIOLATION AND PENALTY

**Section 1. Penalty**

In addition to all other means provided by law for the enforcement of the provisions of this ordinance, any person violating any of the provisions thereof shall, upon conviction, be fined not more than one hundred dollars ($100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XXV - VIOLATION AND PENALTY**

| REVISION DATE | SEC #/PAR # | REVISION DESCRIPTION |
|---|---|---|
| | | Initial version approved by the Town Council |

## ARTICLE XXVI - VALIDITY

**Section 1. Severability of Ordinance**

If any section or provision of this ordinance, including any part of the Zoning Map which is a part of this ordinance, is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

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**REVISIONS AND AMENDMENTS FOR**
**ARTICLE XXVI - VALIDITY**

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