

ARTICLE IV. GENERAL & DETAILED USE REGULATIONS.**Section 400. Generally.**

The general regulations contained in this Article shall apply in all districts except as specifically provided for elsewhere in this Ordinance.

Section 401. Use of Land and Structures.

401.01. Uses Shall Conform With Regulations: No land shall be used, nor building or structure occupied, erected, converted, enlarged, reconstructed, moved or structurally altered unless use of the lot, building, and structure conform with the requirements of all applicable codes, ordinances and regulations. In every district:

- A. Uses specified in a zoning district as "permitted" shall, after filing a written application with the Building Official meeting the requirements of all other codes, ordinances and regulations, be issued a building permit except when a Site Plan Review by the Planning Commission is required.

- B. The following uses are subject to Site Plan Review by the Planning Commission:
 - 1. Uses specified in a zoning district as "conditional uses;"
 - 2. All uses in commercial and industrial districts;
 - 3. Residential developments exceeding eight dwelling units per acre; and
 - 4. Manufactured home communities.

- C. Applications for site plan review shall be prepared and processed in accordance with the requirements of this Zoning Ordinance. Site plan reviews may be denied, approved with conditions or approved as requested. The Planning Commission may require conditions to preserve and protect the character of the district and the public health, safety, convenience, prosperity and general welfare of the City as a part of approval of a site plan. Building permits shall only be issued after approval by the Planning Commission.

401.02. Extraction Use: Exploration, extraction, or excavation of sand, clay, gravel, oil, gas, sulfur, or other mineral deposits, shall be excluded from all districts except upon written application and Site Plan Review by the Planning Commission.

Section 402. Buildings - General

402.01. No land building, or structure, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations specified for the district in which it is located and all other applicable code, ordinances and regulations.

402.02. It is the intent of this Ordinance that there shall be only one main structure and permitted accessory structures on any lot used for detached residential dwelling units. This stipulation is intended to apply to conventional as well as manufactured housing.

Section 403. 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.

403.01. Heights Restricted: Every part of or complete building or structure that is constructed or altered shall not exceed the lowest height requirement of the zoning district in which the building or structure is located or the following height regulations unless exempted in this section.

403.02. Exemptions from Height Requirement:

Height limits shall not apply to portions of buildings and structures that are not inhabited or regularly used by people. Such portions of buildings and structures include church steeples, farm structures (e.g. silos), chimneys, flag poles, public utility poles, radio and television towers and aerials, and industrial structures (e.g. cooling towers) required by the manufacturing process. *(See Sections 420 & 421 for Broadcast/TV/Radio/Telecommunication Tower Requirements and Section 422 for Airport Overlay District Requirements)*

- A. All structures that are exempt from height requirements shall comply with the following location requirements.
1. Any tall structure shall be setback from all property lines a distance equal to the height of the structure.
 2. Any tall structure that is not setback from all property lines a distance equal to the height of the structure shall provide the Town with a hold harmless agreement for any subsequent damage that may be caused due to the structure falling on adjacent property or a public right-of-way.
 3. No structure that is exempt from the height requirements shall be closer to a property line than twice the distance of the required yard setback.

404. Classification of Uses.

The Town of Elmore recognizes the limitations of a finite list of use classification as utilized in Table 4-1, Table of Permitted Uses. Therefore, in the event that a request is made for approval of a use not contained in the Table of Permitted Uses, the Town Clerk, or a duly authorized agent, is empowered to make use classification interpretations.

TABLE 4-1: TABLE OF PERMITTED USE

| USE CATEGORY | ZONING DISTRICTS | | | | | | | | |
|--|------------------|----|-----|-----|-----|-----|----|----|---|
| | AFR | RE | R-1 | R-2 | DDH | HTC | GB | OI | I |
| <i>Residential Uses:</i> | | | | | | | | | |
| Single Family Detached | P | P | P | P | P | P | N | N | N |
| Multi-Family | N | N | N | N | P | N | N | N | N |
| Manufactured /Modular Home | P | P | P | P | P | N | N | N | N |
| Manufactured Home Park | N | N | N | N | N | N | N | N | N |
| Manufactured Home S/D | N | C | C | C | C | N | N | N | N |
| <i>Institutional Uses:</i> | | | | | | | | | |
| Schools – Public/Private | N | N | N | N | N | N | P | P | N |
| Boarding House | P | N | N | N | N | N | P | N | N |
| Cemetery | P | N | N | N | N | N | P | P | N |
| Place of Worship | P | N | N | N | N | N | P | P | N |
| Community Center | N | N | N | N | N | C | P | P | N |
| Daycare | P | N | N | N | N | N | P | P | N |
| Nursing Home/ Assisted Living Facility | N | N | N | N | C | N | P | P | N |
| <i>Commercial Uses:</i> | | | | | | | | | |
| Auto Repair | N | N | N | N | N | N | P | N | P |
| Bank or Financial Svs. | N | N | N | N | N | P | P | N | N |
| Bed & Breakfast | C | C | N | N | N | C | N | N | N |
| Barber/Beauty Shop | N | N | N | N | N | P | P | N | N |
| Business/Professional Office | N | N | N | N | N | P | P | P | P |
| Building Material Sales | N | N | N | N | N | N | P | N | P |
| Car Wash | N | N | N | N | N | N | P | N | P |
| Convenience Store | N | N | N | N | N | C | P | N | P |
| Dance/Gymnastics Studio | N | N | N | N | N | N | P | P | N |
| Entertainment, Indoor | N | N | N | N | N | P | P | N | N |
| Entertainment, Outdoor | N | N | N | N | N | C | P | N | N |
| Garden Center or Nursery | C | N | N | N | N | N | P | N | N |
| General Retail, Enclosed | N | N | N | N | N | P | P | N | N |
| Home Occupation | P | P | P | P | P | P | N | N | N |
| Home Improvement Ctr. | N | N | N | N | N | N | P | N | P |
| Hotel/Motel | N | N | N | N | N | C | P | N | N |
| Mini-Warehouse | N | N | N | N | N | N | P | N | P |
| Pawn Shop | N | N | N | N | N | N | P | N | N |
| Recreation, Indoor | N | N | N | N | N | N | P | N | N |
| Recreation, Outdoor | C | N | N | N | N | C | P | N | N |

| | | | | | | | | | |
|-----------------------|---|---|---|---|---|---|---|---|---|
| Restaurant, Eat-In | N | N | N | N | N | P | P | N | N |
| Restaurant, Carry-Out | N | N | N | N | N | C | P | N | N |

TABLE 4-1: TABLE OF PERMITTED USE

| USE CATEGORY | ZONING DISTRICTS | | | | | | | | |
|---------------------------------|------------------|----|-----|-----|-----|-----|----|----|---|
| | AFR | RE | R-1 | R-2 | DDH | HTC | GB | OI | I |
| Commercial Uses: (cont.) | | | | | | | | | |
| Restaurant, Drive-In | N | N | N | N | N | N | P | N | N |
| Restaurant, Drive-Thru | N | N | N | N | N | N | P | N | N |
| Tavern | N | N | N | N | N | N | P | N | N |
| Service Station | N | N | N | N | N | N | P | N | P |
| Shopping Center | N | N | N | N | N | N | P | N | N |
| Vehicle Sales or Rental | N | N | N | N | N | N | P | N | P |
| Veterinary Office/kennel | N | N | N | N | N | N | P | N | N |
| Industrial Uses: | | | | | | | | | |
| Manufacturing | N | N | N | N | N | N | N | N | P |
| Warehouse, Distribution | N | N | N | N | N | N | N | N | P |
| Salvage Yard | N | N | N | N | N | N | N | N | N |
| Agricultural Uses: | | | | | | | | | |
| Agricultural/Farm | P | N | N | N | N | N | N | N | N |
| Forestry | P | C | N | N | N | N | N | N | N |
| Greenhouse, no retail sales | P | N | N | N | N | N | N | N | P |
| Recreational Uses: | | | | | | | | | |
| Golf Course | C | C | C | C | C | N | N | N | N |
| Park | P | P | P | P | P | P | P | P | P |
| Tennis Court* | C | N | N | N | N | N | P | N | N |
| Swimming Pool* | C | N | N | N | N | N | P | N | N |
| Public Service Uses: | | | | | | | | | |
| Municipal Office/Facility | C | C | C | C | N | P | P | P | C |
| Hospital | N | N | N | N | N | N | P | P | N |
| Public Utility | C | C | C | C | C | C | P | P | P |
| Communication Tower | P | C | N | N | N | N | P | C | P |

P = Permitted Use "N" = Not Permitted "C" = Conditional

*Applies to Non-residential Only.

*See Sections 425 & 426 for Airport Hazard and Flood Hazard

Section 405. Area and Dimensional Regulations.

Setbacks, height restrictions, and minimum lot size and width are useful tools in zoning to help maintain standards and separate land uses. Except as provided elsewhere in this Ordinance, the area and dimensional regulations set forth in Tables 4-2 through 4-4 shall be observed.

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.

Table 4-2 Table of Dimensional Standards – Non-Residential Districts.

| Zoning District | Maximum Height Of Structure (Feet) | Minimum Setbacks (in feet) | | | | Minimum Lot Size | Minimum Lot Width | ISR |
|------------------|------------------------------------|----------------------------|-----------|-----------------------|------------|------------------|-------------------|-----|
| | | Front Yard | Rear Yard | One Side ¹ | Total Side | | | |
| AFR ² | 35 ² | 50 | 50 | 50 | 100 | 1 acres | 150 | .30 |
| HTC | 35 | 0 | 0 | 0 | 0 | 15,000 sq. ft. | 75 | .80 |
| GB | 35 | 30 | 15 | 15 | 15 | 30,000 sq. ft. | 100 | .80 |
| OI | 40 | 25 | 25 | 12 | 25 | 20,000 sq. ft. | 80 | .60 |
| I | 60 | 50 | 50 | 50 | 50 | 1 acre | 150 | .70 |

¹ Side Yard on Street shall be equal to Front Yard Setback
² See Tables 4-3 & 4-4 for Residential Setbacks

Section 406. 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 its passage, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure. Further, any structure erected or structurally altered subsequent to the passage of this Ordinance shall meet all minimum yard, parking space, and open space requirements independent of any other structure. Additionally, no lot area shall be reduced below the lot area requirements of this Ordinance for the district in which such lot is located. *(See Section 705 for additional standards regarding reduction in, and sharing of, parking)*

Section 407. Residential Use Regulations.

This Section specifies the minimum lot dimensions and other requirements for each type of residential unit permitted by this Ordinance, except in the Residential (R) District.

When a lot size exceeds the minimum permitted area, all other standards applicable to the minimum lot area shall nevertheless apply.

Table 4-3: Table of Dimensional Standards – Existing Residential Uses on Existing Lots of Record and in Non-Residential Districts.

| Minimum Lot Area (sq. ft.) | Minimum Lot Width | Maximum ISR | Minimum Setbacks (feet) | | | | | Off- Street Parking |
|----------------------------|-------------------|-------------|-------------------------|----------|---------------------|------------|------|---------------------|
| | | | Front | One Side | Side Yard on Street | Total Side | Rear | |
| 40,000 | 70 | 0.20 | 25 | 15 | 25 | 30 | 40 | 2 |
| 30,000 | 70 | 0.24 | 25 | 12 | 25 | 25 | 35 | 2 |
| 20,000 | 70 | 0.26 | 25 | 10 | 25 | 20 | 30 | 2 |
| 10,000 | 70 | 0.35 | 25 | 6 | 20 | 15 | 20 | 2 |
| Less than 10,000 | 60 | 0.35 | 25 | 6 | 20 | 15 | 20 | 2 |

Table 4-4: Dimensional Standards – Residential Districts (Except DDH)

| Zoning District | Maximum Height Of Structure (Feet) | Minimum Setbacks (in feet) | | | | Minimum Lot Size (Density) | Minimum Lot Width | ISR | Parking |
|-----------------|------------------------------------|----------------------------|-----------|-----------------------|------------|----------------------------|-------------------|-----|---------|
| | | Front Yard | Rear Yard | One Side ¹ | Total Side | | | | |
| RE | 35 | 40 | 40 | 20 | 50 | 1 acres | 100' | .20 | 2 |
| R-1 | 35 | 35 | 40 | 14 | 30 | 15,000 sq. ft. | 90' | .35 | 2 |
| R-2 | 35 | 40 | 45 | 15 | 35 | 20,000 sq. ft. | 110' | .28 | 2 |
| HTC | 35 | 20 | 20 | 10 | 20 | 15,000 sq. ft. | 50' | .35 | 2 |

¹ Side Yard on Street Setback shall be equal to Front Yard Setback.

407.01. Standards for Residential Development in DDH District.

The purpose of the DDH district is to provide for innovate development types that make efficient use of land and public facilities, to protect natural features and to allow the developer some flexibility in design.

This district may contain one or more housing types as specified in the subsections below, but in no case shall density exceed six (6) dwelling units per acre. For the purposes of calculating density, the development site shall include all platted lots, together with road, drainage facilities, utility sites and any other common property within the perimeter of the property, regardless of whether or not such facilities will ultimately be dedicated to the Town. Such developments shall contain the minimum amount of open space specified and all parcels or tracts not intended for residential use shall be clearly delineated on the drawing including size and dimensions. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the drawing.

Unless specifically accepted by the Town Council, the Town of Elmore shall not be responsible for maintenance and/or repair of any common facility or properties.

The following subsections specify the standards and requirements for each dwelling type in detail.

A. Single-family detached house. This development type consists of a subdivision containing freestanding single family dwelling units on individual lots. These housing styles may consist of garden or patio homes, and other similar housing styles.

Single family lots in a subdivision in the DDH shall not take direct access from an arterial or collector road. Single family detached subdivisions in the DDH shall meet the following development criteria:

| | |
|--------------------------------|------------|
| Minimum Lot Area | 8,000 s.f. |
| Maximum ISR on individual lots | .50 |
| Maximum FAR | .35 |
| Minimum Yards: | |
| <i>Front</i> | 20 ft. |
| <i>Side</i> | 5 ft.* |
| <i>Side on Street</i> | 15 ft. |
| <i>Rear</i> | 20 ft. |
| Minimum Lot Width | 50 ft. |
| Off-Street Parking Spaces | 2 |

**or width of any easement along side lot line, which ever is greater*

B. Town House. This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for town house dwelling units as defined in Article II. Each town house unit shares a common wall with another such unit on one or both sides, has individual entrances (not used by other units) in the front and rear, and is placed on its own lot within the subdivision. All town house structures shall contain three (3) or more dwelling units. Such units may have multiple stories or combinations of one- and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets.

In addition to meeting all other requirements of the Subdivision Regulations, plats for town house development shall show driveways, walkways, patio slabs, and building envelopes for all structures. No more than ten (10) town house units shall be permitted in any structure. Front elevations of individual units shall be staggered or have some form of architectural detail to provide visual interest and break-up long building facades.

Town house lots shall not take direct access from an arterial or collector road.

Town house subdivision shall also meet the following development criteria:

| | |
|--------------------------------|---|
| Minimum Lot Area | 3000 s.f. (<i>not to exceed six units per acre overall</i>) |
| Maximum ISR on individual lots | .60 |
| Maximum FAR | .60 |
| Minimum Yards: | |
| <i>Front/Side Street</i> | 15 ft. |
| <i>Side (end units)</i> | 10 ft.* |
| <i>Rear</i> | 20 ft. |
| Minimum Lot Width | 20 ft. |
| Off-Street Parking Spaces | 2 per unit |
| | |

**or width of any easement along side lot line, which ever is greater*

C. Duplex Subdivision. This development type consists of two-unit structures in which dwelling units may be constructed side-by-side, one above another, or one behind another. The development site shall be platted as a subdivision containing one (1) duplex structure per lot. In no case shall any duplex lot or development site be subdivided so as to create separate lots for dwelling units within a duplex structure. While ownership of the dwelling units may be separated on a condominium basis, the land on which the structure is built shall remain undivided common property.

Duplex lots shall not take direct access from an arterial or collector road.

Duplex developments shall be designed according to the following standards:

| | |
|--------------------------------|---------------------|
| Minimum Lot Area | 7,000 s.f. per unit |
| Maximum ISR on individual lots | .45 |
| Maximum FAR | .30 |
| Minimum Yards: | |
| <i>Front/Side Street</i> | 25 ft. |
| <i>Side</i> | 10 ft. |
| <i>Rear</i> | 20 ft. |
| Minimum Lot Width | 75 ft. |
| Off-Street Parking Spaces | 2 per unit |
| | |

D. Apartment Development. This development type consists of arrangement of four (4) or more dwelling units on an undivided lot.

All multiple unit developments shall be subject to site plan approval pursuant to Section 902. Separate ownership of the units is permitted on a condominium basis; however, in no case shall the development site be platted or otherwise divided for the purpose of assigning specific lots or parcels to particular dwelling units.

Apartment developments shall meet the following development criteria:

| | |
|-----------------------------------|---------------|
| Minimum Lot Area | 30,000 s.f. |
| Maximum ISR on individual lots | .35 |
| Maximum FAR | .85 |
| Minimum spacing between buildings | 15 ft. |
| Minimum Lot Width | 70 ft. |
| Off-Street Parking Spaces | 1 per bedroom |
| | |

Section 408. Building to be on Lots.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined.

Section 409. Accessory Structures & Uses.

409.01. Authorization. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use by the provision of this Section shall be determined by the Planning Commission pursuant to their authority to interpret the provisions of this Ordinance.

409.02. Building Permit Required. No accessory use or structure shall be established or constructed unless a building permit evidencing the compliance of such use or structure with the provisions of this Section and other applicable provision of this Ordinance shall have first been issued.

409.03. Use limitations. In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:

- A. No accessory structure or use on any lot shall cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.
- B. In the case of all nonresidential uses: accessory structures shall maintain the same minimum front, side, and rear yard as is required for the principal structure.
- C. No accessory structure shall be closer than ten (10) feet to a principal structure or closer than five (5) feet to any other accessory structure.
- D. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
- E. Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line.
- F. No accessory structure shall be placed within a required bufferyard or located closer than five (5) feet to a property line where no bufferyard is required.
- G. On corner lots, no accessory structure shall be located within the required setback for a side yard adjacent to a street.
- H. On any one (1) residential lot, the total floor area of all accessory structures shall be limited to 75 percent of the floor area of the principal structure. This shall include open carports, gazebos and greenhouses, but not swimming pools. Lots of five (5) acres or larger in the AFR district shall be exempt from this limitation.

The accessory uses and structures specifically mentioned below are subject to the following additional requirements:

409.04. Home Occupations.

- A. **Purpose.** It is the purpose of this Section to provide residents of the Town of Elmore a wide range of opportunities in the use of their residences in profitable activities. However, the character of the Town's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.
- B. **General Regulations.** All home occupations shall meet the following criteria:
 - 1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square

feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At the Planning Commission's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
 3. The home occupation shall be operated on existing residential property and no structure may be enlarged to accommodate the business activity.
 4. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs of no more than two (2) square feet shall be permitted. No more than two (2) company or commercial vehicles shall be parked at the premises at any time.
 5. Persons not residing in the dwelling may not engage in the operation of the home occupation.
 6. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
 7. Off-street parking shall be provided on the premises, as required by Article V.
 8. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
 9. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.
 10. The on-site repair of vehicles shall be prohibited as a home occupation.
- C. Application Procedures.** Any applicant for a home occupation shall pay a fee as established in Article IX, and submit an application form, together with any required attachments, to the Planning Commission. The Planning Commission shall have three (3) business days to approve or deny the application, or inform the applicant that more information is needed to reach a decision.

Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval.

No more than one (1) home occupation shall be approved in any residential dwelling unit. A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

D. Other Provisions.

1. Home-based businesses offering child or adult day- or nighttime-care services to more than two (2) persons shall not be considered home occupations under this Section, but shall be regulated under Section 409.05. These businesses, if previously approved as home occupations, may continue operating as such until the expiration of the current business license.
2. Yard or garage sales shall be exempt from these regulations under the following conditions:
 - a) sales shall last no longer than two (2) consecutive days;
 - b) sales are held no more than four (4) times per year, with an intervening time period of at least 30 days;
 - c) the property on which the sale is conducted shall be occupied by one of the participants;
 - d) no goods purchased for resale may be offered for sale;
 - e) no consignment goods may be offered for sale;
 - f) all directional or advertising signs shall be removed immediately upon completion of the sale.
3. The Planning Commission, or their designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.
4. Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:

- a) the home occupation was approved prior to the effective date of these regulations;
- b) the home occupation is in compliance with all regulations in effect at the time of its approval;
- c) the business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
- d) the home occupation holds a valid business license issued by the Town;
- e) the home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
- f) limitation on company vehicles shall become effective immediately upon adoption of this Ordinance.

409.05. Child Care Home. It is the intent of this Subsection to regulate the operation of child care homes so that the average neighbor, under normal circumstances, will not be aware of their existence.

Any resident of a dwelling unit in the Town of Elmore providing family childcare shall apply for and receive a business license from the Town Clerk subject to the following regulations:

- A. The childcare activity shall be licensed to and operated by a resident of the dwelling unit in which it is located.
- B. The childcare activity must be clearly incidental to the use of the structure as a residence.
- C. Childcare services shall be provided to a maximum of six (6) non-resident children at any one time.
- D. The appearance of the dwelling unit, structure, and/or premises shall not be altered, nor the child care activity within the structure conducted, in any manner which would cause the premises to differ from its residential character or from the character of the neighborhood.
- E. The childcare home shall be operated in the existing dwelling unit. No new or existing accessory structure shall be built or used for the purpose of the child care activity.
- F. No sign shall be permitted in connections with the childcare home.
- G. The total number of persons engaged in the operation of the childcare home shall not exceed four (4). Up to two (2) persons other than those residing in the dwelling may

engage in the operation of the business, provided that there is sufficient off-street parking space to accommodate the vehicles of such non-resident employees.

- H. Off-street parking space shall be provided on the premises, as required by Article V, or as otherwise necessary.
- I. The operation of a child care home shall not create any nuisance such as excessive traffic, on-street parking, or noise to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the child care premises.
- J. The childcare home shall at all times possess an appropriate license issued by the State of Alabama. A copy of such license shall be furnished to the Town Clerk upon request. Revocation or expiration of the state license shall automatically void any business license issued by the Town.

409.06. Private Swimming Pools and Tennis Courts Accessory to a Residential Use.

- A. Swimming pools and tennis courts shall be subject to the same side and rear setback requirements applicable to other accessory structures, and shall not be located within public utility or drainage easements along side and rear lot lines. For purposes of setback measurement, swimming pools and tennis courts shall include all surrounding decking or paving, and vertical supports for screen enclosures.
- B. Pools shall be enclosed by a fence a minimum of four (4) feet in height, which must be in place prior to the filling of the pool.
- C. No swimming pool or tennis court permitted under this Section shall be operated as a business or a private club.
- D. Lighting for pools and tennis courts shall be located and installed so that no direct light is visible from adjoining properties.

409.07. Antennas.

- A. Antennas shall be an accessory use only, and shall not be the principal use of any property.
- B. Residential TV antennae shall not exceed 30 feet in height; all other antennae shall not extend above 60 feet in height, unless otherwise specified by this Ordinance.
- C. Antennae shall not be located forward of the front building line or within a required side street setback area.
- D. Antennae not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.

- E. No more than two (2) antennas shall be permitted for each lot or development site.

409.08. Satellite Dish Antennas.

- A. Satellite dish antennas exceeding two (2) feet in diameter shall be considered structures and shall be installed in accordance with all applicable provisions of this Ordinance, the Standard Building Code, and any other relevant regulations. No satellite dish antenna shall exceed 12 feet in diameter and 18 feet in height, as measured from the ground to the highest projection of the antenna or supporting structure.
- B. No freestanding satellite dish antenna shall be placed forward of the rear plane of the principal structure, and shall be set back from all property lines a distance at least equal to its height. On a corner lot, it shall meet required side street setbacks for principal structures. Setbacks shall be measured from the outermost projection of the antenna or supporting structure.
- C. Where the satellite dish antenna is not mounted on a building, the supporting structure holding the antenna shall not elevate the lower edge of the antenna dish more than 18 inches above the elevation of the eaves of the roof of the principal structure. Where mounted on a building, the combined height of the building and the satellite dish antenna shall not exceed the maximum permitted building height.
- D. The following regulations shall also apply to satellite dish antennas for non-residential uses:
 - 1. A satellite dish antenna shall be allowed either as an accessory use or, if permitted in the district, a principal use. However, in cases where the dish is an accessory use it shall not be installed prior to the construction of the principal structure.
 - 2. No more than two satellite dish antennas shall be placed on any one development site.

409.09. Subdivision Amenities. It is the intent of this Section to allow the provision of recreational amenities within a subdivision as uses, which are secondary and incidental to the principal residential use. Such features are intended to be low in intensity, have minimal impacts on neighboring properties, and serve only residents of the subdivision in which it is located or other developments that are directly adjacent. Amenities approved under this Section may not be subject to the parking requirements of Article VII, nor shall they generally require conditional use approval by the Planning Commission.

Upon submission of a scaled drawing showing all proposed improvements, the Planning Commission shall approve subdivision amenities if they meet the requirements listed below.

Those not meeting the provisions of this Section shall be evaluated as principal uses and shall be subject to all applicable regulations, including Table 4-1, Table 4-4, landscaping and parking.

- A. Amenities that may be approved under this Section include swimming pools, playgrounds, parks, and courts or fields for particular sports such as tennis, shuffleboard, basketball, and volleyball. Specifically excluded are baseball fields, golf courses, golf driving ranges, and miniature golf.
- B. All amenities shall be located on lots or parcels whose recreational purpose is clearly identified on the recorded subdivision plat. Where an amenity is proposed on an existing lot, which is not designated for recreational purposes, it shall be processed by the Town Clerk as a conditional use under Section 903.
- C. Structures shall be limited to one (1) per parcel, shall be set back 25 feet from all lot lines and shall not exceed 1000 square feet in size. Any recreational parcel containing a structure shall have frontage on a public road within the development.
- D. Off-street parking shall be provided for any employees. Vehicles and/or equipment used by employees shall be stored in an enclosed structure.

Section 410. More than One Main Building on One Lot.

More than one main building may be erected on one lot if the dimensional regulations (i.e. lot area, lot width, setbacks, etc.) can be met individually for each structure or use.

Section 411. Temporary Buildings and Material Storage.

411.01. Temporary Structures: Mobile buildings and temporary structures shall only be used on a temporary basis as an on-site construction office in connection with the construction or remodeling of a permanent, site built building or structure. Temporary permits, when granted, shall only be valid for the period specified as needed for completion of site preparation, construction or remodeling, and as indicated on the permit.

411.02. Temporary Shelters: Temporary, protective shelters approved by the Alabama Emergency Management Agency (AEMA) may be used to provide temporary, emergency living quarters in the locations and for the durations as agreed to by AEMA and the Planning Commission.

411.03. Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land more than one month prior to the commencement of construction.

Section 412. Lot Area, Width and Required Setbacks.

412.01. Lot Area and Width Maintained: Lot area, width and setbacks shall be equal to or greater than the highest minimums required by any related Town regulations, the zoning district requirements in which the lot is located or the County Health Department.

- A. Existing lots shall not be reduced in dimension or area in a manner that causes a violation of the area, yard or setback requirements.
- B. Lots, yards and setbacks created after the effective date of this ordinance shall meet or exceed the minimum requirements.
- C. The County Health Department shall determine the minimum lot size required for property having no public water and/or sewer available.
- D. All lots shall have access to a public street.

412.02. Lot Area Calculated and Setback Measured From Future Street Lines: The minimum required lot area, lot width, yard setbacks and building area of any lot shall be measured from the street right-of-way line and not from the edge of pavement.

412.03. Lot Area Applies to One Principal Use or Building: No lot area, yard or open space required for the use of any portion of or a complete lot, building or structure shall be counted toward the requirements of another lot, building or structure.

412.04. Exceptions to Minimum Yard Requirements. All of the required yard areas shall be open and unobstructed from the ground to the sky except for permitted accessory structures and ordinary projections of eaves, cornices and similar architectural features. The following structures shall be allowed to project into or be constructed in any minimum required yard as follows:

- awnings and canopies, roof overhangs and balconies not to exceed three (3) feet;
- bay windows, not to exceed two (2) feet;
- open fire escapes shall not extend into any required yard more than three and one-half (3-1/2) feet;
- Clotheslines; driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance;
- Uncovered decks of no more than 30 inches in height may extend to within five (5) feet of the property line.

Any district or proposed site plan not requiring a building setback shall not allow building projections into the required yard and/or open space of any adjacent property. Nothing contained in this Section shall be construed to allow encroachment of any feature into a required bufferyard.

412.05. Development Setback Required. Commercial uses in the General Business District (GB) zones shall be required to have an additional five foot (5') setback from the property line to the start of any development, including but not limited to parking, accessory structures, areas of outdoor display, etc. When parking is to be adjacent to the development setback, tire stops shall be installed in such a manner as to prevent vehicles from protruding into the development setback.

413. Non-Standard Lots

413.01. Corner Lots.

For corner lots, the street frontage with the least distance shall be considered as the front of the lot when applying other zoning requirements. When the lot frontages are approximately the same distance the owner shall declare which frontage is the front.

Corner lots shall be 20' wider than interior lots.

413.02 Double Front (Through) Lots.

For double front lots, the street frontage with the least distance shall be considered the rear of the lot.

Section 414. Manufactured Homes.

The use of manufactured homes or trailers for business or industrial uses may be allowed subject to the following conditions and approval by the Planning Commission:

- All wheels, axles, and towing apparatus must be removed and unit placed on a permanent foundation;
- Unit must be connected to all basic utilities;
- A valid HUD Certificate must accompany unit.

Note: See Manufactured Home Regulations for Additional Manufactured Home Standards.

Section 415. Lighting.

All lighting fixtures incorporated into non-enclosed structures (i.e. gas pump canopies, car washes, etc.) must be fully recessed into the underside of such structures. All lighting must be directed and/or shielded so as to focus lighting onto the use as established and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets.

Section 416. Landscaping.

The following landscaping standards will be required for development within the Town Limits of Elmore.

416.01. Commercial Development. All proposed commercial development shall submit, along with a request for site plan approval, a landscape plan showing a minimum 5% planted area which must including a combination of grass and ornamental plant material and may be included as part of the open space requirement of the zoning district. Said landscape plan shall be subject to review and approval of the Planning Commission along with the proposed site plan. *(See Also Section 412.05 for Development Setbacks)*

416.02. Compliance. The architect, landscape architect, engineer or surveyor of record for each project must certify to the Town of Elmore that the landscaping has been installed to meet the minimum requirements of this Ordinance before a Certificate of Occupancy or release of power will be issued.

417. Renovation, Adaptive Reuse, and Preservation of Structures.

Because there may be value to the community in the renovation, reuse and preservation of structures, and because these actions serve the public interest, renovation, reuse, and preservation of structures are encouraged in all zoning districts.

- A. In addition to a site plan required pursuant to Section 902, each proposed renovation, reuse or preservation of an existing structure shall include a floor plan showing the internal use of the structure.
- B. It is anticipated that the renovation, reuse, and preservation of existing structures will involve difficulties with maximum densities in some zoning districts, bufferyard requirements and off-street parking. Where these conditions occur, the Planning Commission may impose such standards as fencing, screening, and planting as they deems appropriate to buffer existing adjacent properties.

418. Voluntary Dedication of Property for a Public Purpose. No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Ordinance, except that when a lot is reduced in dimension or total area by 20 percent or less by the voluntary dedication by the owner and acceptance of a portion of such lot by the Town for a public use, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of this Code, the dimensions and area of such lot as it exists after the voluntary dedication shall apply.

419. Moving of Buildings. No structure shall be moved from one development site to another unless such structure shall, at the new location, comply with all applicable provisions of this Ordinance.

420. Broadcast/TV/Radio Tower Use Regulations.

- A. General Regulations and Requirements.** All requirements for site plan approval, as set out in Article IX, shall be met at the time of application for site of new broadcast towers.
- B. Safety/Structural Design of Towers.** All broadcast towers must comply with requirements as set out in the latest edition of the EIA-222 code "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
- C. Security.** A chain link fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan submitted with the application of site plan approval. Guy anchors may be fenced separately from the main compound. Climbing pegs shall be removed from the lower 20 feet of all broadcast towers.
- D. Lighting Restrictions.** There shall be no lighting on any tower except when required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

Any security lighting used at the facility shall be of low intensity, shall not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten (10) feet.
- E. Maintenance.** The owner of a broadcast tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the Town of Elmore or its authorized representatives, in perpetuity for as long as said tower remains on a site.
- F. Abandoned Facilities.** Any broadcast tower that ceases to be used for its original communications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Planning Commission with a copy of the notice to the FCC of the intent to cease operations, and shall have 120 days from the date of such

ceasing to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider will be required to remove its facilities within the one hundred and twenty (120) day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower shall complete the removal and restoration process as set forth herein.

G. Area and Dimensional Requirements. The following area and dimensional regulations shall apply to all facilities covered by this Section:

- 1) **Minimum Lot Area:** Determined by setback requirement.
- 2) **Minimum Setbacks:** Each tower shall be set back from all property lines a distance equal to 50 percent of its height (when site is a leased portion of a larger parcel, setbacks shall be measured from the property lines, not the leased site). Maintenance/equipment buildings must meet the setback requirements as specified for the zoning district in which they are to be constructed.
- 3) All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. Guy anchors may be fenced separately from the main compound.

H. Height and Location Restrictions. In regard to the height and sighting of all broadcast facilities and their associated structures the following regulations shall be observed:

- 1) No broadcast tower site boundary shall be located closer than 200 feet to any residence.
- 2) No tower shall be located less than a distance equal to its height, as measured from the base of the tower, from any Residential (R) zoning boundary. Any new towers so located shall further be restricted to a monopole or self-supporting design.
- 3) No tower shall exceed a height of 300 feet.
- 4) Where such facility is constructed in conjunction with a principal structure it shall be sited behind the front plane of said structure. Property located in the Agricultural District (AG) shall be exempt from this provision.

421. Telecommunications Towers.

- A. Application and Justification.** All requirements for site plan approval, as set out in Article IX, "Development Approval Process", shall be met at the time of application for sighting of new telecommunications towers. In addition to meeting the general requirements for site plan approval, the following information shall be provided when applying for approval of a communication tower:

- 1) A current U.S.G.S. quadrangle map (1:234,000), or equivalent, showing the proposed site location and at least a two (2)-mile radius around the site;
- 2) A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location;
- 3) A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent cell(s) and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g. buildings, billboards, water towers, or other structures that could be used for support in lieu of a new tower) considered within a two (2)-mile radius of the proposed location.
- 4) An inventory of all the provider's existing telecommunications towers and communications antenna sites in Elmore County (including those located in municipalities within Elmore County). This inventory must include:
 - a) The location, parcel identification number, and ownership of the telecommunications tower.
 - b) Name of co-locators.
 - c) Height of tower.
 - d) Type of tower or nature of other structure where antenna is located.
 - e) Name of Wireless Communication Service Provider co-location coordinator.
 - f) Copy of Wireless Communication Service Provider's FCC license.

In the event such inventory has already been provided, each successive application must include an update such that said inventory will be completely current and accurate.

- 5) Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:
 - a) a list, description and map of the potential co-location, nonresidential use or alternative location sites that are located within the geographic service area of the proposed site;
 - b) documentation that requests for co-location have been made at least 30 days prior to the filing of application for site plan approval.

- c) a detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
 - d) an analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the countywide network;
- 6) Certification that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed, to meet the co-location requirements set forth in this Section. Immediately upon completion of construction, as-built certifications of same shall be submitted as well.
- B. Co-location Requirements.** All towers constructed subsequent to the adoption of this Section, and their associated compounds, shall be designed and built to accommodate additional wireless communication service providers based on the height of the tower as follows:
- 1) Towers 80 to 159 feet in height shall accommodate a minimum of two (2) providers.
 - 2) Towers 160 to 209 feet in height shall accommodate a minimum of three (3) providers.
 - 3) Towers of 210 to 300 feet in height shall accommodate a minimum of four (4) providers.
- Carriers wishing to co-locate on an existing tower may receive administrative approval of their request.
- C. Maximum Utilization of Existing Sites.** No new telecommunications tower shall be constructed if space is structurally, technically, and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower; or on an alternative site (e.g. building or other structure), where such alternative location would cover the required service area without creating undue signal interference.
- A. Safety/Structural Design of Towers.** All telecommunication towers must comply with requirements as set out in the latest edition of the EIA-222 code "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association, and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other Acts of God.

- B. Security.** A chain link steel fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan submitted with the application for site plan approval. (Guy anchors may be fenced separately from the main compound). Climbing pegs shall be removed from the lower 20 feet of all communication towers.
- C. Lighting Restrictions.** There shall be no lighting on any tower except when required by the FAA or FCC. In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

Any security lighting used at the facility shall be of low intensity shall not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten (10) feet.

- D. Maintenance.** The owner of a telecommunications tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the Town of Elmore or its authorized representatives, in perpetuity for as long as said tower remains on a site.
- E. Abandoned Facilities.** Any wireless telecommunications facility that ceases to be used for its original communications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Planning Director with a copy of the notice to the FCC of the intent to cease operations, and shall have 120 days from the date of such ceasing to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider will be required to remove its facilities within the 120-day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower shall complete the removal and restoration process as set forth herein.

- F. Area and Dimensional Requirements.** The following area and dimensional regulations shall apply to all facilities covered by this Section:
- 1) Minimum Lot Area: Determined by setback requirement.

- 2) **Minimum Setbacks:** Each tower shall be set back from all property lines a distance equal to 50 percent of its height (when site is a leased portion of a larger parcel, setbacks shall be measured from the property lines, not the leased site).

Maintenance/Equipment buildings must meet the setback requirements as specified for the zoning district in which they are to be constructed.

- 3) All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. Guy anchors may be fenced separately from the main compound.

G. Height and Location Restrictions. In regard to the height and sighting of all telecommunications facilities and their associated structures, the following regulations shall be observed:

- 1) No telecommunications tower site boundary shall be located closer than 200 feet to any residence.
- 2) No tower shall be located less than a distance equal to its height, as measured from the base of the tower, from any Residential (R) zoning boundary. Any new tower so located shall further be restricted to a monopole or self-supporting design.
- 3) No tower shall exceed a height of 300 feet.
- 4) Where such facility is constructed in conjunction with a principal structure it shall be sited behind the front plane of said structure. This provision shall not apply in the Agricultural (AG) District.

H. Pre-Existing Towers. Any telecommunications tower or telecommunications antenna for which a permit has been properly issued shall hereafter be considered a non-conforming use subject to the provisions of Article VII of this Ordinance. The purpose and intent of this Section is to minimize the proliferation of new towers and promote the co-location of new antennas onto existing towers. Any communications antenna locating on a pre-existing properly permitted telecommunications tower subsequent to adoption of this Section shall be exempt from the setback and landscaping restrictions of this Article when the provisions below are met:

- 1) If structural strengthening is necessary to accommodate co-location, the tower type shall remain the same as previously permitted.
- 2) There will be no increase in the total height or type of lighting of the facility, including the tower, antennas and all other associated facilities.

- 3) All setback and buffer requirements applicable to the existing tower, at the time its permit was issued will continue to be applicable to such tower.

The Planning Commission or their designee shall permit such facilities through administrative review and approval.

I. Exemptions. The following wireless communications facilities shall be exempt from the requirements of this Section:

- 1) Amateur radio antennas and receive-only antennas not more than 60 feet in height, and satellite earth station antennas two (2) meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.
- 2) Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.
- 3) Accessory facilities used exclusively for dispatch communications by private entities, or for internal communications by public utilities, provided such facilities do not exceed a total of 60 feet in height whether mounted to a structure or ground mounted.

The Planning Commission shall make determination of exemption of any such facilities exceeding the foregoing dimensions.

Section 422. Airport Hazard Overlay District.

Definitions. For the purpose of interpreting this Section, certain words or terms are herein defined.

Airport. Wetumpka Municipal Airport.

Airport Elevation. 1997.0 feet above mean sea level.

Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Nonconforming Use. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Section.

Person. An individual, firm, partnership, corporation, company, association, joining stock association, or governmental entity; including a trustee, a receiver, an assignee, or a similar representative of any of them.

Primary Surface. A surface longitudinally centered on the runway. The primary surface extends 200 feet beyond each end of the runway and is 500 feet wide. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.

Structure. An object, including a mobile object, constructed or installed by man, including but without limitation, building, towers cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional Surfaces. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Tree. Any object of natural growth.

Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

Airport Hazard Overlay Districts Established. In order to carry out the provisions of this Section of the Elmore Zoning Ordinance, there are hereby created and established an airport height overlay district which includes all of the land lying in the Town of Elmore and beneath the Approach Surface, Transitional Surfaces, Horizontal Surface, and conical Surface as they apply to the Wetumpka Municipal Airport. The Airport Hazard Overlay District is defined and established by the four types of zones which are related to the approach, transitional, horizontal and conical surfaces. Such district and applicable zones are shown on the Airport Overlay Map, which is a part of this Zoning Ordinance. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. **Visual Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach district expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 2. **Transitional Zone.** The transitional zones are the areas beneath the transitional surfaces.
 3. **Horizontal Zone.** The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 4. **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.
- C. **Limitations.** In all areas where an airport hazard overlay district has been established, the following limitations and restrictions shall be observed.
1. **Height Limitations.** Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height herein established for such zone.

Such applicable height limitations are hereby established for each of the zones in question as follows:

- a. **Runway Visual Approach Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- b. **Transitional Zones.** Slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of 347.0 feet above mean sea level which is 150 feet above the airport elevation.
- c. **Horizontal Zone.** Established at 150 feet above the airport elevation of 197.0 feet which is 347.0 feet above mean sea level (MSL).
- d. **Conical Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

- e. **Excepted Height Limitations.** Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.
2. **Use Restriction.** Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 423. Flood Hazard Areas.

A. Floodways.

Located within defined flood hazard areas are areas designated as floodways. The floodway is a hazardous area due to the velocity of floodwaters, which carries debris and has erosion potential. The floodway is a sensitive area in that this channel must be kept free of encroachment to minimize the increase of flood heights. Therefore, in floodways, the following provisions shall apply:

1. All encroachments are prohibited including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrences of the base flood discharge.
2. If paragraph 1 above is satisfied, all new construction and substantial improvements shall comply with all other flood hazard reduction provisions.
3. Within flood hazard areas there may be small streams for which no base flood data has been provided or floodway defined. In such cases, the following provisions apply:
 - a. No encroachments, including full material or structures shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet on each side from to of bank, whichever is greater.
 - b. New construction or substantial improvements of structures shall be elevated or flood proofed one foot (1') above the estimated flood elevation as determined and certified by the applicant's professional engineer.

B. Uses Permitted in Flood Fringe.

The flood fringe shall be interpreted, as overlaying the immediately adjacent zoning district and the general use and yard restrictions of that district shall apply. The following uses, subject to the above, are permitted in the flood fringe because they have low flood damage potential, do not threaten other lands during times of flood, do not require special structures, flood control works, or substantial filling or grading, the use of channels or flood ways, streams, drainage ditches or any other drainage facility or system.

Agricultural uses such as general farming, pasture, grazing, outdoor plan nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

Residential related uses such as lawns, gardens, parking areas and play areas.

Commercial or industrial related uses such as loading areas, parking areas, airport landing strips, circuses, carnivals and similar transient amusement enterprises.

Private and public recreational uses such as marinas, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming area, parking, wildlife and nature preserves, game farms, fish hatcheries, shooting reserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding rails, temporary moveable structures for the sale of food and refreshment, arts and crafts.

C. Conditional Uses.

Drive-in theatres, new and used car lots, roadside stands, signs and billboards, storage yards for equipment, machinery or materials.

Railroads, streets, bridges, utility transmission lines and pipelines.

Kennels and stables.

Extraction of sand, gravel and other materials; substantial grading, filling or other excavation alterations or natural protective barriers only if such activities will not result in damage to the drainage or flood system itself or destroy natural protective barriers.

Standards for Conditional Uses.

No structure, storage of materials or equipment, or other use may be allowable as a conditional use which, acting alone or in combination with existing or future uses, will significantly cause flood damages to other lands or accelerate erosion.

All buildings or structures, temporary or permanent, within the flood hazard area shall:

- a. Be designed with a low flood potential.
- b. If permitted, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- c. Structures shall be firmly anchored to prevent flotation, which may result in damage to other structures.
- d. Service facilities such as electrical and heating equipment shall be flood proofed or constructed at or above the regular flood protection elevation for the particular area.
- e. Storage of materials and equipment within the flood prone area shall:
 1. Not include the storage or processing of materials that are flammable, explosive or injurious to human, animal, or plant life or become buoyant during flooding.
 2. Be allowed if such materials or equipment is not subject to major damage by flood and is firmly anchored to prevent flotation or is readily removable from the area within the time available after a flood warning.

D. Flood Hazard Area Standards.

1. General Standards.

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

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- f. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- g. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Ordinance, shall meet the requirements of “new construction” as contained in this Ordinance.

2. Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided, the following provisions are required:

- a. **Residential Construction.** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot (1') above base flood elevation.
- b. **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of one foot (1') above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the equivalent level the structure is water tight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
- c. **Manufactured Homes.**
 - 1. No manufactured home shall be placed in a flood fringe except in an existing manufactured home park or existing manufactured home subdivision.
 - 2. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirement shall be that:
 - a) over-the-top ties be provided for each end of the manufactured home, with on additional tie per side at an intermediate location on manufactured homes of less than fifty feet and one additional tie per side for manufactured homes of fifty feet or more;
 - b) frame ties be provided at each corner of the home with four additional ties per side at intermediate points for manufacture homes less than

- fifty feet long and one additional tie for manufactured homes of fifty feet or longer;
- c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - d) any additions to the manufactured homes be similarly anchored.
3. For new manufactured home parks or subdivisions or for existing manufactured home parks and subdivision where the repair, reconstruction or improvement of the streets, utilities and pads equal or exceed fifty percent (50%) of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, the following is required:
- a) stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above one foot (1') above the base flood level;
 - b) in the instance of elevation on pilings:
 - 1) lots are large enough to permit steps;
 - 2) piling foundations are placed in stable soil no more than ten feet (10') apart; and
 - 3) reinforcement is provided for pilings more than six feet (6') above the ground level.
 - c) adequate surface drainage and access for a hauler are provided.