

# ORDINANCE NO. 621

## Zoning

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 510 AND ORDINANCE NO. 608.

WHEREAS, Ordinance No. 510 is the City of Hanceville Zoning Ordinance; and

WHEREAS, some restrictions, regulations, and allowances are burdensome and/or in conflict with other current ordinances and it is in the best interest of the City to amend Ordinance No. 510 again.

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

**Section 1.** Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through 11-52-84, Code of Alabama, 1975, as amended, Zoning Ordinance No. 510, is hereby amended as follows:

**Section 2.** ARTICLE III ESTABLISHMENT OF DISTRICTS

Section 3.4 USE CATEGORIES

3.4.2 CONDITIONAL USES

D. Deleted

**Section 3.** ARTICLE IV USE PROVISIONS FOR ZONING DISTRICTS

Section 4.4 FLOOR SPACE REQUIREMENTS IN THE B-1 LOCAL SHOPPING DISTRICT is deleted.

Section 4.5 TABLE OF USES

- Dwelling unit above the first floor of a business establishment (Loft Apts) is permitted in zones B-1 and B-2.
- Fireworks stand is permitted in zones B-1 and B-2 only
- Home occupation subject to the provisions of Article 8, Section 8.7.2 of this article is permitted in all zones.

**Section 4.** ARTICLE V USE PROVISIONS FOR SPECIAL ZONING DISTRICTS

Section 5.1 MHP MANUFACTURED HOME PARK DISTRICT

Section 5.1.6 LICENSE REQUIRED FOR MANUFACTURED HOME PARK

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by them, a manufactured home park without having first secured a license for each such park from the City of Hanceville pursuant to this Article. The annual license fee shall be as set forth in the City of Hanceville's current fee schedule.

**Section 5.** ARTICLE VII GENERAL REGULATIONS

Section 7.4 NECESSARY REPAIRS PERMITTED is deleted.

**Section 7.9 ZONING OF NEWLY ANNEXED LAND**

All land hereafter annexed to the City of Hanceville shall be zoned in accordance with the following procedure:

7.9.1 The Planning Commission at their next scheduled meeting following the annexation of a property must draft a preliminary report of the area involved including the proposed zoning, schedule a public hearing on the proposal, giving notice to the public of such hearing by posting in four (4) conspicuous places in the municipality at least six (6) days prior to the hearing and as required by Alabama State Law. After holding the public hearing, the commission drafts a recommended zoning ordinance and map to be considered by the governing body.

7.9.2 The City Council upon receipt of a recommendation from the Planning Commission, gives notice and holds a public hearing prior to adopting a zoning ordinance. The notice must be published along with the ordinance in full in a newspaper published within the municipality. The notice must state the time and place that the ordinance is to be considered by the municipal governing body and stating further that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of the ordinance. One week after the first insertion the ordinance must be published for a second time (or a synopsis, including the date and name of the newspaper in which the ordinance was first published). Both insertions must be published at least fifteen (15) days in advance of the passage of the ordinance.

7.9.3 Deleted

**Section 7.11 Burial Plots**

7.11.1 Bodies must be buried in an established cemetery.

**Section 7.12 Unattended Donation Bins**

7.12.1 Unattended donation bins/boxes are not permitted in any district or zone.

**Section 6. ARTICLE VIII SUPPLEMENTAL REGULATIONS AND MODIFICATIONS**

**Section 8.1 ACCESSORY USES OR STRUCTURES**

8.1.2 Detached accessory buildings in residential districts shall not be nearer than five (5) feet to any side or rear lot line. Detached automobile garages located in a side yard must maintain the side yard and front yard setbacks for the applicable zoning district.

**Section 8.7 HOME OCCUPATIONS**

8.7.1 Deleted

**Section 8.11 SWIMMING AND WADING POOLS**

8.11.1 Swimming pools and wading pools not located within a permanently and completely walled structure shall be constructed no closer than ten (10) feet of any property line and shall be completely fenced off from the ground up to a height of at least four (4) feet.

**Section 7. ARTICLE XIII ADMINISTRATION AND ENFORCEMENT**

**Section 13.2 BUILDING PERMIT REQUIRED (paragraph 1)**

It shall be unlawful to commence earthwork; the excavation for the construction of any building or other structure including accessory structures or signs; installation of

any mobile home or house trailer; store building materials or erect temporary field offices; or commence the moving, alteration, repair, or improvement (except repairs/improvements not exceeding the City of Hanceville's current minimum cost policies) of any structure, until the Administrative Officer of the City of Hanceville has issued a building permit for such work.

**Section 13.5 EXPIRATION OF BUILDING PERMIT (paragraph 2)**

If the work described in any building permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be cancelled by the Administrative Officer and written notice thereof shall be given to the persons affected, together with a notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

**Section 13.8 PENALTIES**

Any person, owner, agent, lessee, tenant, contractor, firm, corporation, or any other person violating any provision of this Ordinance shall be punished by a fine not to exceed more than one thousand dollars (\$1000.00) and cost of court for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 8. ARTICLE XV AMMENDMENTS**

**Section 15.2 APPLICATION FOR REZONING BY PROPERTY OWNER (paragraph 1)**

**15.2.1 Application.** The applicant shall submit a complete zoning amendment application, on a form provided by the City, to the Administrative Officer at least five (5) days prior to the Planning Commission meeting at which the amendment is to be considered including a site plan, if required by Section 10.1.1, subparagraph D of this Ordinance, or if a site plan is not required, the application shall include, as a minimum, the following:

**Section 15.4 PUBLIC HEARINGS AND NOTICES**

The following procedures for hearings and notices shall be followed for the rezoning of specific property. The following procedures for hearings and notices shall be required for amendments or revisions to the Zoning Ordinance. Such amendments or revisions shall follow the following requirements and the requirements of the Alabama State Law regarding notices and hearings.

15.4.1 Deleted

15.4.2 Deleted

**15.4.3 Planning Commission Hearing.** The planning commission must hold a public hearing, giving notice to the public of such hearing by posting in four conspicuous places in the municipality at least six (6) days prior to the hearing. After holding the public hearing, the commission drafts a recommendation to the governing body. If the commission recommends rezoning the recommendation must include the proposed zoning ordinance and map to be considered by the governing body.

**15.4.4 City Council Hearing.** Upon receipt of a recommendation from the Planning Commission, the council gives notice and holds a public hearing prior to adopting a zoning ordinance. The notice must be published along with the ordinance in full

in a newspaper published within the municipality. The notice must state the time and place that the ordinance is to be considered by the municipal governing body and stating further that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of the ordinance. One week after the first insertion the ordinance must be published for a second time (or a synopsis, including the date and name of the newspaper in which the ordinance was first published). Both insertions must be published at least fifteen (15) days in advance of the passage of the ordinance.

**Section 9. ARTICLE XVIII EFFECTIVE DATE**

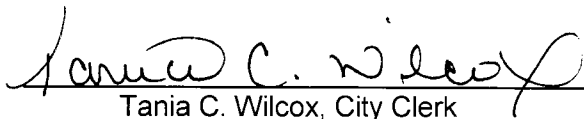
This Ordinance shall take effect and be in force immediately after its adoption by the City Council of the City of Hanceville, Alabama.

ADOPTED on the 23<sup>rd</sup> day of August, 2018.

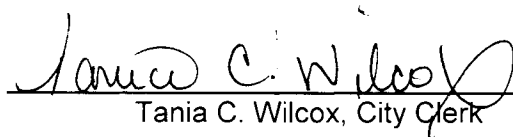
(Seal)

  
Kenneth Nail, Mayor

ATTEST:

  
Tania C. Wilcox, City Clerk

I, Tania Wilcox, City Clerk of the City of Hanceville, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 621, which ordinance was adopted by the City Council on August 23, 2018. This Ordinance was duly advertised as required by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended.

  
Tania C. Wilcox, City Clerk