

ORDINANCE NUMBER 3-19-01-B

AN ORDINANCE TO AMEND ORDINANCE ADOPTED 8/15/83
ENTITLED ZONING ORDINANCE RAINSVILLE, ALABAMA

Be it ordained by the City Council of City of Rainsville, Alabama, as follows:

Section A. Ordinance adopted 8/15/83 entitled Zoning Ordinance Rainsville, Alabama, is hereby amended as follows:

1. Section 3-2 Official Zoning Map is amended to add the following as a subsection thereunder:

Section 3-2-5 Use District Designation of Annexed Territory. When any territory is annexed to the City of Rainsville, the planning commission shall recommend to the City Council what use district designation or designations to apply to the territory so annexed. Upon receipt of said recommendation, the City Council will make a determination of the actual use district designation or designations for the annexed territory and so establish the same by resolution or ordinance.

2. Section 4-1-2 Special Exceptions (R-1 Low-Density Residential District) is amended to add the following as an additional special exception:

- Bed and breakfast accommodations in a private residence.

3. Section 4-3-1 Permitted Uses (R-3 Multi-Family Residential District) is amended to add the following as an additional permitted use:

Assisted Living Facility.

4. Section 4-6-1 Permitted Uses (to General Business District) is amended to add the following as an additional permitted use:

Detached single-family homes and accessory uses and buildings, except mobile homes

5. Section 4-7-1 Permitted Uses (M-1 General Industrial District) is amended to add the following as additional permitted uses:

- Concrete plants or cement products manufacturing
- Recreational facilities open to the public

6. Section 4-7-2 Special Exceptions (to M-1 General Industrial District) is amended as follows:

To delete the following as a special exception:

Concrete or cement products manufacturing provided the use does not adjoin any residential district.

To add the following as a special exception:

structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Enlargement. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- (b) Reconstruction. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means except acts of nature or non-intentional causes to an extent of more than fifty (50) percent of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Zoning Ordinance. Destruction due to acts of nature or non-intentional causes shall entitle the owner to replace or reconstruct the non-conforming structure within 12 months of such destruction.
- (c) Relocation. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

10. Section 5-2-4 Non-conforming use of major structures, or of major structures and premises in combination is deleted in its entirety and replaced with the following:

5-2-4 Non-Conforming Use of Major Structures, or of Major Structures and Premises in Combination. Where, at the effective date of adoption or amendment of this Zoning Ordinance, a lawful use of structures, or of structures and premises in combination exists involving an individual, permanently-fixed structure with a replacement cost at or exceeding \$1,000 or a combination of permanently-fixed structures with a replacement cost at or exceeding \$4,000, such use may be continued so long as it remains otherwise lawful provided:

- (a) Enlargement, Extension, Alteration, Etc. of Structures. No existing structure, except residences and outbuildings customary thereto, devoted to a use not permitted by this Zoning Ordinance in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, replaced or moved to another location on the property, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Change in Tenancy or Ownership. There may be a change in tenancy, ownership, or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use.
- (c) Discontinuance. If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.
- (d) Destruction of Major Structure or Structures. Except for residences and customary outbuildings, where non-conforming use status applies to a major structure or structures, or to a major structure or structures and premises in combination, removal, or destruction of the structures, unless due to acts of nature or non-intentional causes, shall eliminate the non-conforming status of the land.

4-8-3 Dimensional Requirements

1. Front yard setback: forty (40) ft.
2. Side yard setback: fifteen (15) ft. except on corner lots where the side adjoining the right-of-way shall be thirty (30) ft.
3. Rear yard setback: forty (40) ft. Unattached rear yard accessory buildings shall be set back one (1) ft. from the utility easement line and five (5) ft. from any property line, whichever is the greatest.
4. Minimum lot size: 15,0000 sq. ft.
5. Width in feet at building line: 100 ft.
6. Lot coverage: Main and accessory buildings shall not cover more than twenty-five (25%) percent of the lot area.
8. Section 5-2-2 Non-conforming uses of land is deleted in its entirety and replaced with the following:

Section 5-2-2 Non-Conforming Uses of Land. Where, at the effective date of adoption or amendment of this Zoning Ordinance, a lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Ordinance, and where such use involves no individual, permanently-fixed structure with a replacement cost exceeding \$1,000 and no combination of permanently-fixed structures with a replacement cost exceeding \$4,000, the use may be continued so long as the current owner owns said land and it remains otherwise lawful, provided:

- (a) Enlargement, Increase, Intensification, Alteration. No such non-conforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
- (b) Discontinuance/Transfer. If any such non-conforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months or if the current owner sells, transfers or conveys such land, then any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the District in which such land is located. A transfer of ownership by death or inheritance shall not disallow the heir from using the land as it had been used by the ancestor.
- (c) Subdivision or Structural Additions. No land in non-conforming use shall be subdivided, nor shall any structures be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located.

9. Section 5-2-3. Non-Conforming Structures is deleted in its entirety and replaced with the following:

Section 5-2-3 Non-Conforming Structures. Where a structure exists lawfully at the effective date of the adoption or amendment of this Zoning Ordinance that could not be built under this Zoning Ordinance by reason of restrictions on area, residential densities, lot coverage, height, yards, location on the lot, or requirements other than use concerning the

Other industrial uses not specifically listed which, in the opinion of the board of adjustment, are within the intent of this district.

7. Section 4-8 AG Agricultural District is amended to delete the same in its entirety and to replace it as follows:

The purpose of the AG District is to provide a zoning classification for land which is not expected to experience rapid urbanization in the immediate future. The types of uses, area and intensity of the uses of land which are authorized in this district is designed to encourage and protect most agricultural uses until urbanization is warranted.

4-8-1 Permitted Uses

- Any use allowed as a Permitted Use in the R-1 District
- Churches and cemeteries
- Agricultural uses including the raising of crops and livestock. There is specifically prohibited as a permitted use hog farms, chicken farms, feed lots for cattle and other similar types of farming where animals are concentrated in a relatively small area or housed within a building.
- Plant nursery
- Sanatoriums, convalescent and nursing homes
- Assisted living facilities
- Public and private schools having curricula substantially the same as that ordinarily given in public schools
- Parks and playgrounds
- Publicly owned or private parks, including campgrounds; golf courses; riding trails; seasonal resort areas; hunting, fishing, or country clubs; game preserves; and similar uses for the purpose of preserving and enjoying the natural resources of the property
- Accessory uses, including, but not limited to the following:
 - (a) Those associated with agricultural activities, such as tenant houses, residences, agricultural structures, stables, and parking areas
 - (b) Roadside stands offering for sale only agricultural products grown on the premises
- Mobile homes (no more than one per lot), provided the requirements of Subsection 4-8-3 are met and the location and utilities shall be approved by the DeKalb County Health Department in writing.

4-8-2 Special Exceptions

- Fire stations and other public utility structures
- Home occupations
- Animal hospitals and kennels
- Mobile home park subject to the provisions of Section 5-7
- Hog farms, chicken farms and feed lots for cattle and other similar types of farming where animals are concentrated in a relatively small area or housed within a building.

"Destruction" of the structure for purposes of this Subsection is hereby defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction. Upon removal or destruction as set out in this Subsection, the use of land and structures shall thereafter conform to the regulations for the district in which such land is located. Destruction due to acts of nature or non-intentional causes shall entitle the owner to replace or reconstruct the non-conforming structure within 12 months of such destruction.

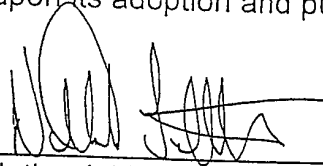
11. Section 10-2. Definition of commonly used terms and words is amended to add the following additional definitions:

Section 10-2-6(a) Assisted Living Facilities. An assisted living facility is a building arranged to be occupied as a residence by several individuals who need some assistance to live independently in a residential setting. This definition shall not be construed to include nursing homes, convalescent homes or hospitals.

Section 10-2-6(b) Bed and Breakfast Accommodations in a Private Residence. A bed and breakfast (B & B) is a private residence which, for a fee, allows travelers to use part, but not all, of the house for overnight accommodations and provides breakfast as part of said arrangement. A B & B must have off-street parking for one car per bedroom dedicated to such use and may only have one sign which shall be not larger than 3 ft. by 5 ft.

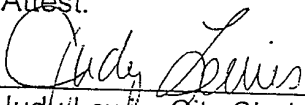
Section B. This ordinance shall become effective upon its adoption and publication.

Done this 23rd day of April, 2001.



Nathaniel Ledbetter, Mayor

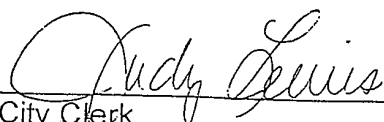
Attest:



Judy Lewis, City Clerk

CLERK'S CERTIFICATE OF PUBLICATION

The undersigned, City Clerk of the City of Rainsville, Alabama, hereby certifies that the City Council introduced the above ordinance at its meeting on March 19, 2001, and also set a public hearing on the same as required by law and published the proposed ordinance, together with notice of the public hearing once a week for two successive weeks in The Weekly Post, a newspaper of general circulation published in the City of Rainsville. Further, the Council held a meeting, more than 15 days after the second publication of the notice in the newspaper, at which all members were present. on April 23, 2001, and conducted a public hearing concerning the same and thereafter, by unanimous vote, adopted this ordinance. The above ordinance has been published by one insertion in The Weekly Post on the 26th day of April, 2001.



City Clerk