

Waverly Zoning Ordinance

2024

Town of Waverly, Alabama 36879

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ARTICLE 1. INTRODUCTION TO THE ZONING ORDINANCE

Section 1 – Establishment of the Zoning Ordinance

The Zoning Ordinance of the Town of Waverly, Alabama, as adopted by the Town Council upon recommendation of the Waverly Planning Commission, provides (1) for the establishment of Zoning Districts within the corporate limits of the Town of Waverly; (2) procedures for amendments to the Zoning Ordinance and map; (3) regulations for the height and size of structures, the size of yards and open spaces, and the use of buildings, structures and land; (4) requirements for off-street parking and loading; (5) the administration and enforcement of the Zoning Ordinance and penalties for violation; (6) the establishment of the Zoning Board of Adjustment (ZBA); and (7) procedures for Variances, Special Exceptions, and appeals related to the Zoning Ordinance. The “Official Zoning Map of the Town of Waverly” is a part of the Ordinance, along with any map amendments. These documents are certified by the signature of the mayor and attested by the Town Clerk, including applicable dates.

Section 2 – Jurisdiction of the Ordinance

The requirements and standards contained in this Ordinance shall apply to all land areas within the corporate boundaries of the Town of Waverly.

Section 3 – Minimum Requirements, Conflicts

The provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where two or more specific requirements in this Ordinance conflict and the Ordinance does not otherwise specify which of the conflicting requirements prevail, then the requirement imposing the higher or greater standard shall govern. Where other ordinances or regulations that may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

Whenever the requirements of this Ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive, or that impose more restrictive standards, shall govern, unless otherwise specifically stated in this Ordinance. No Zoning Permit or Plat Approval shall be issued or considered valid for any use or activity, which is or would be otherwise illegal under the terms of any applicable local, state, or federal law. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

Section 4 – Repeal of Conflicting Ordinances

All previously adopted Zoning Ordinances that are in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5 – Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance that is not, in and of itself, invalid or unconstitutional.

Section 6 – Restrictive Covenants and Bylaws

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

Section 7 – Effective Date

This Ordinance shall take effect five (5) days from the date of final posting by the Town, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.

ARTICLE 2. GENERAL REQUIREMENTS OF THE ZONING ORDINANCE

Section 1 – Land Use

No building or parcel of land shall be used or occupied, and no building or part of a building may be erected, moved, placed, or altered on a parcel of property, except for a use permitted within the Zoning District that applies to said property.

Land Uses are listed in the Table in Article 20. The General Residential (GR) and Rural Residential (RR) districts in the town of Waverly have a wide range of sizes. To fully utilize the potential of the larger lots, these districts have been broken down into those parcels greater than or equal to 5 acres and those less than 5 acres.

Uses listed in the table that are permitted by right are identified by the letter “P”, provided that all other requirements of State law and this Ordinance have been met.

Uses listed in the table that are permitted as a Special Exception by the Zoning Board of Adjustment are identified by the letters “SE”, provided that all other requirements of Federal, State, and County laws, this Ordinance and the Zoning Board of Adjustment have been met.

The letter “N” identifies uses listed in the table that are NOT permitted or are prohibited.

For any use not listed in the Table in Article 20, refer to Article 13, Section 4, Paragraph D.

Some structures, facilities and uses that are permitted as a right or as a Special Exception may have specific requirements that are listed in Article 10 of this Ordinance.

Section 2 – Legal Nonconforming Uses

Any use or structure existing at the time of adoption of or subsequent amendment to this Ordinance, not in conformity with its provisions, shall be considered a “legal nonconforming” use or structure. These non-conformities may continue subject to the following conditions: such non-conformities shall not be enlarged, expanded, or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district. Legal nonconforming status runs with the land; i.e., a change in ownership or tenancy does not terminate the nonconforming status. A legal nonconforming use or structure shall not be:

- A. Changed to another nonconforming use.
- B. Re-established after discontinuance for a twelve (12)-month period.
- C. Extended, expanded or moved, except in conformity with this Ordinance. A pre-existing, legal nonconforming manufactured or mobile home may be replaced as long as it is replaced with a conforming manufactured home, provided the unit is placed in the same location as the previous home or on a more conforming location on the lot, the replacement manufactured home does not create any new dimensional nonconformities, and the new unit houses no more families than the original unit.

- D. Replaced, repaired, or rebuilt if a building has been damaged by fire, explosion, or act of God to the extent of more than 75% of the fair market value (as determined by county tax records) of the building immediately prior to damage. In such case, a replacement structure must conform to the requirements of this Ordinance or subsequent amendment. If a building is damaged by less than 75% of the fair market value prior to damage, it may be repaired and re-used for its original purpose provided that such repairs are done within twelve (12) months of the date of such damage and do not result in enlargement of the building.
- E. Enlarged or altered in a way that increases its non-conformity. Any structure or portion thereof may be altered to decrease its non-conformity. A Special Exception may be granted for an expansion of the principal structure if the front yard setback is equal to or greater than that of the current structure, and all side and rear setbacks are in compliance with this Ordinance.

Section 3 – General Requirements for Lots

These general requirements are established for lots in the Town of Waverly. More specific requirements may be described in the regulations for each district, as well as in the Subdivision Regulations of the Town of Waverly.

Minimum lot size. All lots created after the effective date of this Ordinance shall comply with the minimum lot size requirements for the Zoning District within which they are located.

Minimum Frontage. Unless allowed in another provision of this Ordinance, all lots shall have a minimum frontage of fifty (50) feet at the building setback line along a public street dedicated for public use and constructed in accordance with all applicable Town of Waverly Subdivision Regulations and/or any street standards adopted by the Town.

Section 4 – General Requirements for Residential Structures

For residential land use, no more than one principal residential structure shall be located on any single lot of record. Accessory structures shall not include independent living quarters, except for living quarters for legally related individuals, individuals providing care for occupants of the primary structure, or short-term (less than one month) guests. Only one such accessory residential structure per lot of record is permitted.

Section 5 – General Requirements for Yards, Setbacks

These general requirements are established for the location of buildings or structures on lots in Waverly. See Article 9, Setbacks, for specific requirements.

Yards, generally. In each district, each structure erected or altered shall comply with the yards or setbacks specified in the applicable Zoning District.

Yards and Setbacks on Nonconforming lots. A nonconforming lot of record may be used for any principal use Permitted or Permitted by Special Exception, provided approval is granted by the Zoning Board of Adjustment, within the zone in which the lot is located.

Setbacks for Accessory Structures. See Article 9.

Section 6 – General Requirements for Accessory Structures

Accessory buildings or uses are allowed on any lot subject to definitions of said Structures in Article 20 of this Ordinance or Land Uses Article 20 of this Ordinance.

Accessory commercial structures and activities are allowed provided they conform to all other requirements of this Ordinance.

Setbacks for Accessory structures are listed in Article 9, Section 5 of this Ordinance.

Section 7 – Height Requirements

In each Zoning District, each structure erected or altered shall comply with the height limitations established in this Ordinance. An additional twenty-five (25) feet above the height limitation of a Zoning District shall be allowed for church steeples, belfries, cupolas and domes, barns, silos, windmills, solar installations, farm structures, chimneys, flag poles, radio and television towers, cooling towers, water tanks, smokestacks, derricks, conveyors, and similar structures required to support manufacturing and industrial processes.

Section 8 – Access to Streets

No building intended or used for human occupancy (both residential and nonresidential) shall be erected without vehicular access to a dedicated public street or a private street dedicated for public use and constructed in accordance with all applicable Town street standards.

Section 9 – Traffic Visibility at Intersections

No structure or landscaping shall be erected, placed, or grown on a lot in such a manner as to limit or obstruct traffic visibility at a street intersection or railroad crossing lot. No landscaping or structure between a height of thirty (30) inches and a height of ten (10) feet above the average grade of each street or railroad along the centerline thereof shall be permitted. The requirements of this provision shall not be deemed to prohibit the erection of any necessary retaining wall.

ARTICLE 3. ADMINISTRATION OF THE ZONING ORDINANCE

Section 1 – Waverly Planning Commission Duties and Responsibilities

The primary duty of the Waverly Planning Commission is the preparation and adoption of the comprehensive or community master plan. The Waverly Planning Commission also is responsible for recommending a Zoning Ordinance and amendments of said Ordinance to the Council for approval, and for approval of subdivision regulations and approval of subdivisions. The Waverly Planning Commission is also authorized to approve development plans in accord with certain Zoning Districts. The Town Council has the final authority to approve the Zoning Ordinance or subsequent amendments.

Section 2 – Duties of Zoning Officials

ZONING OFFICIAL AND DEPUTY ZONING OFFICIAL

The mayor shall appoint a Zoning Official. The mayor may also appoint a Deputy Zoning Official. The duties and responsibilities of the position will be administered by the Zoning Official or, if absent or temporarily unavailable, the Deputy Zoning Official. If both the Zoning Official and Deputy Zoning Official are absent or unavailable for more than five (5) consecutive days, the mayor will assume these duties.

DUTIES OF THE ZONING OFFICIAL AND DEPUTY ZONING OFFICIAL.

A. Issuance of Zoning Permits and Notice to Obtain Zoning Permit.

1. Zoning Permit. In order to ensure compliance with the requirements of the Zoning Ordinance, a Zoning Permit is required for any new construction, new land use, placement of any building or structure, or any activities related to or necessary for said construction or placement of a new building or structure. Related or necessary activities include, but not limited to excavation, storing of building materials, and placement of temporary construction offices.

A Zoning Permit must be applied for and granted prior to commencing any of these activities. Application for a Zoning Permit shall be made to the Town Clerk on forms provided for that purpose.

Interior repairs or construction, or repairs to any building or structure that do not extend or expand the footprint of the structure or building, do not require a Zoning Permit.

Upon issuance, the zoning permit must be displayed in a manner clearly visible from the road. Failure to display the permit will constitute a violation of this ordinance. See Article 15.

2. Notice to Obtain a Zoning Permit. If a Zoning Permit has not been obtained for an activity that requires one within the town limits of Waverly, a Notice to Obtain a Zoning Permit will be sent to the property owner.

B. Issuance of Zoning Confirmation Letter.

A Zoning Confirmation Letter will be provided in response to a written request to determine whether a certain use or activity is allowed on a property based on its zoning classification. If the requestor is not satisfied with the Zoning Confirmation Letter, an appeal may be made to the ZBA by filing a ZBA Interpretation Request Form as detailed in Section 5 of this Article.

C. Issuance of Zoning Operation Permits for Commercial Uses in Residential Districts.

A Zoning Operation Permit will be issued for any for Commercial Uses in Residential District that has been granted a Special Exception by the ZBA. This letter will detail the allowed uses of the property as determined by the ZBA and will be issued in conjunction with the written Resolution issued by the ZBA.

D. Initial Enforcement Procedures

The Zoning Official will be responsible for making the initial contact, or sending the initial notice, concerning a possible zoning violation occurring on a property. Sending or posting a “Notice to Obtain a Zoning Permit” is not considered to be a zoning violation. Failure to obtain a Zoning Permit after receiving due notice will be a zoning violation and will be handled as a violation. The procedure for the initial contact or notice associated with a zoning violation is as follows:

1. Receive and investigate complaints of possible zoning violations.
2. Initiate and maintain files on all complaint cases.
3. Provide or send initial notices of possible zoning violations to owner of property.
4. Meet with owners and/or responsible persons to determine if violation is occurring, and to discuss compliance options.
5. Conduct follow-up inspections of property to ensure compliance.
6. If follow-up inspections reveal that property is not in compliance, contact will be made with the Town Attorney for prosecution as a zoning violation.
7. In the event that any legal action is commenced by the town for such a violation, the town shall be paid all court costs, expenses, and reasonable attorney’s fees by the property owner committing the violation, if the court determines the owner is at fault.

Section 3 – Approval of Plans and Issuance of Zoning Permit

Every application for a Zoning Permit for excavation, new construction, new use of land, or moving or exterior alteration of a building or structure shall be accompanied by a plan or plat drawn to scale and showing the following information in sufficient detail to enable the authorized official to ascertain whether the proposed excavation, construction, change of land use, moving or alteration is in conformance with this Ordinance. Information as to the lot number according to a subdivision of record shall be included.

The application shall state:

- The actual shape, proportion, and dimension of the lot to be built upon.

- The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- The existing and intended use of all such buildings or other structures.

If the proposed excavation, construction, moving, or alteration as set is in conformity with the provisions of this Ordinance, then the Zoning Official shall issue a Zoning Permit accordingly. In no case shall issuance of a Zoning Permit be construed as waiving any provision of this Ordinance. If the Zoning Official needs an interpretation of the application, the process for interpretation is in Article 3, Section 5 of this Zoning Ordinance. Disapproval of the permit may be appealed to the Zoning Board of Adjustment.

Section 4 – Interpretation of Zoning Ordinance

The Zoning Board of Adjustment shall be responsible for rendering any and all interpretations of any part of the Zoning Ordinance. A ZBA Interpretation Request Form must be completed and submitted to the Town Clerk at least a week prior to the ZBA meeting date.

After consideration and deliberation, the ZBA will provide a written Resolution stating the interpretation. An appeal of this interpretation may be made to the appropriate Circuit Court within 30 days from the date of the decision. Failure to make an appeal within that time limit will cause the appeal to be null and void. No other method of appeal is allowed.

See Article 13.

Section 5 – Procedure for Rectifying a Zoning Violation

See Article 15.

Section 6 – Temporary Emergency Relief

The Zoning Official is hereby granted authority to provide immediate emergency and temporary relief to applicants requesting such relief, by issuing permits authorizing installation of temporary manufactured home or other approved temporary housing on applicant’s property under the following conditions:

- A. Such permit shall be temporary and not exceed six (6) months from date of issuance, or until a replacement home has been occupied, whichever occurs first, unless an extension of no more than six (6) months is approved by the Waverly Planning Commission.
- B. Such permit shall not be transferable.
- C. Prior to issuance of such permit, the Zoning Official shall be reasonably satisfied that the applicant’s requested relief is necessary, and the need therefore was proximately caused by damage resulting from fire or natural disasters.
- D. Said temporary manufactured home shall be used exclusively as the temporary domicile of the household affected by the fire or natural disasters, only during the time required to reconstruct or replace the original dwelling.

- E. Once the replacement home has been constructed and occupied, the temporary manufactured home shall be permanently removed from the property not more than thirty (30) days from the occupancy date of the replacement home.
- F. The temporary manufactured home shall comply with all applicable minimum standards for dwellings that may be prescribed by the subject Zoning District.

ARTICLE 4. ZONING DISTRICTS AND BOUNDARIES

Section 1 – Zoning Districts

The Town of Waverly is divided into the following districts:

- GR General Residential District
- NR Natural Resource District
- RR Rural Residential District
- CH Central Historic District
- HR Historic Residential District
- GC Gateway Corridor

Overlay Districts:

- PUD Planned Unit Development Residential District
- PID Planned Industrial District

Section 2 – Zoning District Boundaries and Zoning Map

The boundaries of the various Zoning Districts are hereby established as shown on the Official Zoning Map after consideration and recommendation by the Waverly Planning Commission and adoption by the Town Council. The Official Zoning Map is hereby made a part of this Ordinance by reference. A copy of the Official Zoning Map shall be on file in the office of the Town Clerk.

Section 3 – Determining District Boundaries

Unless otherwise specifically noted on the Official Zoning Map of the Town of Waverly, the boundaries of districts are lot lines, the center lines of adjacent streets or alleys (or such lines extended), railroad right-of-way lines, natural boundary lines such as natural or artificial water courses, the corporate limit lines as they exist at the time of enactment of this Ordinance or subsequent amendments, or otherwise depicted by a legal description incorporated into the adoption of a Zoning District by the Town Council upon recommendation of the Waverly Planning Commission.

Where Zoning District boundaries are depicted as being different from any of these features, the location of district boundary lines shall be determined using the scale on the Official Zoning Map by the Zoning Official.

ARTICLE 5. RESIDENTIAL DISTRICTS

Section 1 – General Residential District (GR)

INTENT AND PURPOSE

The purpose of this district is to preserve and protect residential areas of Waverly outside of the historic districts, by promoting single-family residential development and small, compatible commercial uses.

LAND USES

See Article 2, Section 1 and Article 20.

DEVELOPMENT CRITERIA

- A. Minimum Lot Area for All General Residential. Three (3) acres.
- B. Minimum Lot Width at the Building Line. One hundred (100) feet.
- C. Minimum requirements for yards. See Article 9, Setbacks.
- D. Maximum Height of Buildings. Thirty-five (35) feet.
- E. Off-Street Parking. As required by Article 11, Parking.
- F. Signage. General sign regulations are found in Article 12 of this Ordinance. Specific regulations relating to this district are found in Article 12.

Section 2 – Rural Residential District (RR)

INTENT AND PURPOSE

The purpose of the Rural Residential District is the designation of certain land for low density residential, agricultural, and business uses consistent with the rural character of the Town.

LAND USES

See Article 2, Section 1 and Article 20.

DEVELOPMENT CRITERIA

- A. Minimum Lot Size. Three (3) acres.
- B. Minimum Lot Width at Building Line. One hundred (100) feet.
- C. Minimum requirements for yards. See Article 9, Setbacks.

Any structure used for the commercial housing or feeding of livestock or poultry of any kind shall not be located closer than one hundred (100) feet to any property line.

- D. Maximum Impervious Surface Area. Ten (10) percent of total lot area.
- E. Maximum Height of Buildings. Forty-five (45) feet.

- F. Signage. General sign regulations are found in Article 12 of this Ordinance. Specific regulations relating to this district are found in Article 12.
- G. Off-Street Parking. As required by Article 11, Parking.

ARTICLE 6. NATURAL RESOURCE DISTRICT

Section 1 – Natural Resource District (NR)

INTENT AND PURPOSE

The purpose of this zone is to protect public safety and welfare and to conserve Waverly's natural environment for future generations.

LAND USES

See Article 2, Section 1 and Article 20.

SPECIAL EXCEPTION USES

See Article 2, Section 1.

DEVELOPMENT CRITERIA

- A. Minimum Lot Size. Ten (10) acres.
- B. Minimum Lot Width at Building Line. Two hundred (200) Feet.
- C. Minimum yard setbacks. See Article 9, Setbacks.
- D. Maximum Height of Buildings. Forty-five (45) Feet.
- E. Off-Street Parking. As required by Article 11, Parking.
- F. Signage. General sign regulations are found in Article 12 of this Ordinance. Specific regulations relating to this district are found in Article 12.

COMPLIANCE WITH COMPREHENSIVE COMMUNITY MASTER PLAN AND SUBDIVISION REGULATIONS

Dedications, easements, or other provisions for conservation areas shall be incorporated into subdivision approval. Owners of property zoned as natural resource may provide public easements, Fee Simple title, or other easements for the construction of greenways and trails, if recommended by the Waverly Planning Commission, and subject to the Waverly Planning Commission approval of an alignment for the particular greenway, which does not create an economic hardship for the property owner. The Subdivision Regulations for the Town of Waverly may require that any sub-divider provide routes for pedestrian paths or greenways within the tract of land being subdivided, per the Comprehensive Community Master Plan and Official Zoning Map of the Town.

ARTICLE 7. HISTORIC RESOURCE DISTRICTS

Section 1 – Central Historic District (CH)

INTENT AND PURPOSE

The purpose of this zone is to conserve Waverly’s historical resources including both residential and commercial structures, encourage restoration of abandoned buildings, provide for infill of vacant lots, utilize the Town’s cultural resources in support of economic development, and promote a pleasant and physically attractive environment.

LAND USES

See Article 2, Section 1 and Article 20.

APPLICATION FOR PERMIT IN CENTRAL HISTORIC DISTRICT

- A. If the action involves new construction of a principal structure on a lot, the Waverly Planning Commission must approve that action. Detailed plans and/or drawings must be submitted to and approved by the Waverly Planning Commission before a Zoning Permit for construction can be issued by the Zoning Official.
- B. If the action involves demolition of an existing principal structure, the Waverly Planning Commission must approve that action. A written statement explaining why the particular building must or should be demolished and if applicable, site plans for the building replacement must be submitted to the Waverly Planning Commission. If the Waverly Planning Commission approves the demolition, then a Zoning Permit is required for said demolition.
- C. In considering demolition in the CH district, the Waverly Planning Commission shall consider the following in making its recommendations: evidence that the structure has no historic significance; evidence that the structure has been damaged by fire, storm, insects, or accident to such an extent that it cannot be repaired or restored; evidence that the structure poses an emergency hazard to the public or adjacent properties; and/or evidence that it is not economically feasible to repair or maintain the structure.
- D. In considering recommendations on construction, demolition, or modification, the Waverly Planning Commission may utilize the services and recommendations of a Registered Architect, Architectural Historian, or similar professional in evaluating its impact on the location, character, and extent of the proposed action on the Central Historic District.
- E. A copy of the requested action and any accompanying documents shall be retained in the files of the Waverly Planning Commission.

DEVELOPMENT REQUIREMENTS FOR NEW CONSTRUCTION OR REPLACEMENT STRUCTURES

- A. Minimum Building Setback and Yard Requirements. See Article 9.
- B. Maximum height of all buildings. Thirty-five (35) feet.

- C. Off-Street Parking. As required by Article 11, Parking.
- D. Signage. General sign regulations are found in Article 12 of this Ordinance. Specific regulations relating to this district are found in Article 12.

Section 2 – Historic Residential District (HR)

INTENT AND PURPOSE

The purpose of this zone is to encourage conservation of areas of Waverly with historic residential uses, as well as to allow creative uses of the existing structures that fit in with the character of the district including small, compatible commercial uses.

LAND USES

See Article 2, Section 1 and Article 20.

APPLICATION FOR PERMIT IN HISTORIC RESIDENTIAL DISTRICT

- A. If the action involves new construction of a principal structure on a lot, the Waverly Planning Commission must approve that action. Detailed plans and/or drawings must be submitted to and approved by the Waverly Planning Commission before a Zoning Permit for construction can be issued by the Zoning Official.
- B. If the action involves demolition of an existing principal structure, the Waverly Planning Commission must approve that action. A written statement explaining why the particular building must or should be demolished and if applicable, site plans for the building replacement must be submitted to the Waverly Planning Commission. If the Waverly Planning Commission approves the demolition, then a Zoning Permit is required for said demolition.
- C. In considering demolition in the HR district, the Waverly Planning Commission shall consider the following in making its recommendations: evidence that the structure has no historic significance; evidence that the structure has been damaged by fire, storm, insects, or accident to such an extent that it cannot be repaired or restored; evidence that the structure poses an emergency hazard to the public or adjacent properties; and/or evidence that it is not economically feasible to repair or maintain the structure.
- D. In considering recommendations on construction, demolition, or modification, the Waverly Planning Commission may utilize the services and recommendations of a Registered Architect, Architectural Historian, or similar professional in evaluating its impact on the location, character, and extent of the proposed action on the Historic Residential District.
- E. A copy of the requested action and any accompanying documents shall be retained in the files of the Waverly Planning Commission.

DEVELOPMENT REQUIREMENTS

- A. Minimum Lot Size. One (1) acre.

- B. Minimum Setback Requirements. See Article 9, Setbacks.
- C. Maximum Height of Buildings. Thirty-five (35) feet
- D. Off-Street Parking. As required by Article 11 of this Ordinance
- E. Signage. General sign regulations are found in Article 12 of this Ordinance. Specific regulations relating to this district are found in Article 12.

ARTICLE 8. GATEWAY CORRIDOR AND OVERLAY DISTRICTS

Section 1 – Gateway Corridor Zoning District (GC)

INTENT AND PURPOSE

The purpose of this Zoning District is to provide basic guidelines for planned development in designated areas along U.S. Highway 280 that will provide opportunities for mixed-use development, and minimize the potential for visual clutter, traffic congestion, and conflicts between neighboring land uses.

Development within the Gateway Corridor Zoning District should be of an intensity and design that will complement Waverly's small-town character, while creating a convenient and attractive environment for commercial development and the traveling public and providing maximum flexibility for property owners within the district.

PROCEDURE

A Zoning Permit for construction in the GC District must be in accordance with a Master Plan for Development showing the exact manner in which the entire tract will be improved. This plan must be submitted to the Waverly Planning Commission and approved under the applicable provisions prior to development under this section. A Master Development Plan shall indicate how the plan will substantially conform to the adopted Comprehensive Community Master Plan of the Town with regard to type, character and intensity of use, and public facilities, and must be in compliance with the development standards described in this section. A copy of the Master Plan for Development shall be retained in the files of the Waverly Planning Commission and construction may only be authorized in conformance with this plan. Amendments to the plan may be submitted to the Waverly Planning Commission and considered for approval in accordance with applicable procedures.

LAND USES

See Article 2, Section 1 and Article 20.

BASIC DEVELOPMENT STANDARDS FOR COMMERCIAL, INDUSTRIAL, INSTITUTIONAL TRANSPORTATION, COMMUNICATION AND UTILITY USES

- A. Minimum Lot Size. Three (3) acres.
- B. Minimum Street Frontage. One hundred (100) feet.
- C. Minimum Setbacks and Yard. See Article 9, Setbacks.
- D. Maximum Building Height. Forty-five (45) feet.
- E. Buffer. A buffer shall be provided between adjoining lots with different uses and shall include either a privacy fence or a planted strip to serve as a physical and visual divider. No planted buffer shall be less than fifteen (15) feet in width at any point. Each buffer shall be improved to provide an effective year-round visual screen between adjoining uses.
- F. Maximum gross square footage for all structures and impervious surface coverage. The maximum total square footage for all commercial, industrial, and institutional structures shall be no more

than fifty (50) percent of the total lot area. This is also the total area of any given lot that may be covered by impervious surfaces.

- G. Transportation/Traffic Impact Report. The Planning Commission may require a Traffic Impact Study and Report if the Commission is concerned that the proposed Commercial/Industrial Land Use could produce high traffic volume, high traffic noise in a residential setting, heavy road impact, and/or traffic flow issues.
- H. Off-street parking requirements. All principal uses shall comply with the minimum off-street parking requirements specified in Article 11 of this Ordinance.
- I. Inventory/supply storage. All equipment, inventory, and supplies associated with a commercial land use shall be stored in an approved accessory structure with appropriate screening from public view, if deemed necessary.
- J. Open-air sales. Outdoor, open air display areas for goods and products offered for sale by permitted commercial Land Uses shall be limited to an area not to exceed one quarter (1/4) of the gross floor area of the principal commercial structure on the lot that is devoted to the business use. Outdoor displays placed on a front porch or veranda connected to the principal structure shall be allowed but shall not be included in the calculation of the permitted outdoor display area, nor shall they be counted as part of the permitted outdoor display area. Open-air sales shall not be conducted for any commercial use (excluding the sale of agricultural products) on a lot that does not contain a principal use building.
- K. Allowed Residence. No more than one accessory single-family residence for a night watchman or custodian is allowed.
- L. Signage. All signs shall comply with the provisions set forth in Article 12 of this Ordinance. Due to the unique topography in the Gateway Corridor District, certain signs and sign dimensions that are prohibited in all other districts may be allowed in the Gateway Corridor per Article 12.
- M. Other specific development standards are detailed in Article 10.

DEVELOPMENT STANDARDS FOR RESIDENTIAL, OUTDOOR RECREATIONAL AND AGRICULTURAL USES WITHIN THE GATEWAY CORRIDOR

- A. Minimum Lot Size. Three (3) acres.
- B. Minimum Lot Width at Building Line. One hundred (100) feet.

Any structure used for the commercial housing of livestock or poultry of any kind shall not be located closer than one hundred (100) feet to any property line.
- C. Maximum Impervious Surface Area. Ten (10) percent of total lot area.
- D. Maximum Height of Buildings. Forty-five (45) feet.
- E. Signage. Only those signs that are exempt from sign permits are allowed in residential districts as set forth in Article 12 of this Ordinance.
- F. Off-Street Parking. Two (2) spaces for each dwelling unit, and/or adequate parking space for all other uses to accommodate vehicles incidental to such uses.

G. Other specific development standards are detailed in Article 10.

Section 2 – Planned Industrial Development (PID) District

INTENT AND PURPOSE

The purpose of the Planned Industrial Development (PID) overlay district is to promote the community's economic development through the proper development of light industry and to provide for planned and orderly growth. All light industrial uses, unless otherwise provided, shall be located in a Planned Industrial Development District. Planned Industrial Developments are only allowed in the Gateway Corridor and General and Rural Residential Districts greater than or equal to 5 acres.

PROCEDURE

A Zoning Permit for construction in the PID District must be in accord with a Master Plan for Development showing the exact manner in which the entire tract will be improved. This plan must be submitted to the Waverly Planning Commission and approved under the applicable provisions prior to development under this section. A Master Development Plan shall indicate how the plan will substantially conform to the adopted Comprehensive Community Master Plan of the Town with regard to type, character and intensity of use and public facilities, and must be in compliance with the development standards described in this section. A copy of the Master Plan for Development shall be retained in the files of the Waverly Planning Commission and construction may only be authorized in conformance with this plan. Amendments to the plan may be submitted to the Waverly Planning Commission and considered for approval in accordance with applicable procedures.

LAND USES

See Article 2, Section 1 and Article 20.

DEVELOPMENT STANDARDS

- A. Master Development Plan. Planned industrial uses must be submitted and described in a Master Development Plan submitted to and approved by the Waverly Planning Commission.
- B. Required Size. Industrial uses are allowed in Planned Industrial Development districts on contiguous land tracts of no less than fifteen (15) acres. An unlimited number of landowners may hold title to tracts within a PID.
- C. Minimum Lot Size. Lots of sufficient size shall be permitted for any industrial, service, or business use subject to the approved plan and to provide adequate parking and loading space in addition to the space required for other normal operations of the enterprise.
- D. Setbacks and Yards. Any new industrial building shall be located no closer than one hundred and fifty (150) feet from any existing residential or commercial building. Rear yards, side yards, and front yards shall be 35 feet, except when adjacent to a residential district in which case, all yards must be a minimum of 50 feet. A buffer of not less than twenty-five (25) feet shall be provided along all property lines that border properties developed for residential uses, and be planted with landscaping, per the approved site plan.

- E. Maximum height. Forty-five (45) feet for buildings. Other structures subject to signage, telecommunications, storage tanks or other standards per this Ordinance.
- F. Off-Street Parking. Parking spaces shall be provided per Article 11 of this Ordinance.
- G. Off-Street Loading and Unloading. Adequate space shall be provided for loading and unloading all vehicles or trucks incidental to the operation of the industry or use.
- H. Signage. Signage shall be in accordance with Article 12 of this Ordinance.

Section 3 – Planned Unit Development (PUD) District

INTENT AND PURPOSE

The overlay PUD District is intended to encourage flexibility and creative design in the development of land for residential use, and to encourage the development of overall higher densities of land use in return for planned open space, where appropriate. Housing density in a PUD cannot exceed the density of the underlying district in which it is located. Planned Unit Developments are allowed in the General Residential, Rural Residential, and Gateway Corridor Districts.

PROCEDURE

A Master Plan for Development showing the exact manner in which the entire tract will be improved as outlined in the development criteria below must be submitted to the Waverly Planning Commission and approved under the applicable provisions prior to rezoning and/or development under this section. A copy of the Master Plan for Development shall be retained in the files of the Waverly Planning Commission and construction may only be authorized in conformance with this plan.

LAND USES

See Article 2, Section 1 and Article 20.

DEVELOPMENT CRITERIA

- A. General Criteria.
 - 1. Each proposed PUD shall have a total land area of at least ten (10) acres.
 - 2. More than one owner of undeveloped land may participate in the PUD as long as it is planned and developed in compliance with the standards and requirements of this Ordinance.
 - 3. Structures and open space shall be arranged in such a way as to best serve the needs of residents and commercial interests in the planned development, and to minimize any adverse effects on neighboring properties.
 - 4. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the extent possible.
 - 5. Harmonious design incorporating a variety of building types and variations in building styles shall be encouraged.

6. The public health, safety and general welfare and the purpose and intent of this Ordinance and the Comprehensive Community Master Plan shall be maintained and preserved.

B. Master Development Plan.

1. A Master Development Plan shall indicate how the plan will substantially conform to the adopted Comprehensive Community Master Plan of the Town with regard to type, character and intensity of use and public facilities.
2. The uses proposed, as part of the Master Development Plan shall be designed to relate to the surrounding development.
3. Fences, walls, or vegetative screening (buffers or greenways of sufficient height) shall be provided between different Land Uses and housing types where necessary to minimize influences on adjacent property.
4. The Master Plan of Development for a tract zoned as a residential PUD may be amended, subject to approval of the Waverly Planning Commission, provided the original procedure for review and approval is followed.

C. Vehicular and Pedestrian Circulation.

1. The Master Development Plan will include provisions for vehicular and pedestrian circulation. Access points shall be designed to provide smooth traffic flow and minimum hazard to vehicular or pedestrian traffic.
2. Developed recreation space and other open space intended for pedestrian-oriented structures, such as schools and churches, shall be accessible from related open space or recreation space.

D. Public Facilities.

1. The planned development may incorporate provisions for public facilities and utilities as a part of the development plan.
2. Within a planned development, provisions shall be included for accessibility to all structures for firefighting and similar emergency equipment.

E. Common Open Space Management and Care.

The developer shall provide for ownership and maintenance of any common open space designated on the development plan. Such provisions may be created by covenants running with the land, and such covenants shall be included as a part of development plan and subdivision approved by the Waverly Planning Commission.

F. Other Development Criteria.

1. Gross Housing Density. The gross housing density of the entire tract of land shall not exceed four (4) dwelling units per acre. For instance, in the General Residential district, a 12-acre tract could have only 12 units, even though those units could be grouped on 3 acres within the PUD.

2. Open Space/Recreation. At least twenty (20) percent of the total land area of the PUD must be identified in the Master Development Plan for use as open space. The developers of the proposed PUD shall include improvements identified in the Master Development Plan.
 3. Minimum Building Setbacks and Separations. No building shall be constructed closer than twenty (20) feet to any public street, alley, public right-of-way, or rear lot line and no closer than (50) feet to the right-of-way of any State, Federal or County Road. Where the development adjoins the General Residential District, no building within the development shall be constructed closer than seventy-five (75) feet to the adjoining residential lot line. No building shall be constructed closer than twenty-five (25) feet to any other adjacent building, except where approved by the Waverly Planning Commission in the Master Development Plan.
 4. Parking Requirements. Off-street parking shall be provided at the rate specified below for the building type indicated. In addition, the development shall comply with all other applicable off-street parking requirements specified in Article 11 of this Ordinance.
 - a. Single-Family Detached – two (2) spaces per dwelling unit.
 - b. Single-Family Attached (townhouses) – one and one-half (1.5) spaces per dwelling unit.
 - c. Multi-Family – one and one-quarter (1.25) spaces per dwelling unit.
 - d. Commercial – one (1) space per five hundred (500) sq. ft. of retail area.
 - e. Parking areas shall be contained entirely within the lot areas of the development and shall not cause the destruction of any Town right-of-way or easement, sidewalks, or trees located on any Town right-of-way. Trees should be preserved or planted in a manner conducive to the general character of the development.
- G. Commercial Land Uses will be permitted as a component of a Planned Unit Development if they meet all of the following requirements:
1. Commercial uses are limited to retail establishments oriented to residential customers (grocery, pharmacy, barber shop, etc.), unless specifically authorized by the Waverly Planning Commission as part of the Development Plan.
 2. The total land area devoted to commercial use (including parking) equals fifteen (15) percent or less of the total land area of the Planned Unit Development.
 3. All exterior signs and graphics are consistent with sign regulations in Article 12 of this Ordinance.

ARTICLE 9. SETBACKS FOR MAIN STRUCTURES, ALL CLASSIFICATIONS

Section 1 – Yard Setbacks

The yard setback requirements for any main structure newly constructed, erected, placed, or expanded on a lot within any zoning classification shall be as described in this article, unless a Variance is granted by the Zoning Board of Adjustment for a lesser setback.

Section 2 – Front Yard Setback

DETERMINING MINIMUM FRONT YARD SETBACK

The minimum front yard setback for main structures within the Central Historic and Historic Residential districts shall be an established front yard setback (one that is established by structures on abutting lots).

The minimum front yard setback for main structures for all other zoning classifications shall be a percentage of the lot's depth or a standard dimension. See Table A.

ESTABLISHING FRONT YARD SETBACK

Central Historic and Historic Residential districts (for new structures or expansion of an existing structure).

- A. If a structure is existing on an abutting lot on one side and is within 100 feet of a proposed new structure, the new structure (or expansion of an existing structure) may not be erected or placed any closer to the street than the closest existing adjacent structure. The new structure may be erected or placed the same distance to the street as the existing adjacent structure. If no structure is on the abutting lot, or a structure is located beyond 100 feet from the proposed new or expanded structure, the front yard setback in Table A will apply.
- B. If there are existing structures on abutting lots on both sides, and each is within 100 feet of a proposed new structure, the new structure (or expansion of an existing structure) may not be erected or placed any closer to the street than the closer of those structures. The new structure may be erected or placed the same distance to the street as the closest existing adjacent structure. If there are no structures on the abutting lots, the front yard setback in Table A will apply.
- C. An established front yard for a corner lot will be determined by the closest structure on an abutting lot. If no structure on abutting lots is located within 100 feet of the proposed new or expanded structure, the front yard setback in Table A will apply for any portion of the lot that fronts along a street.

CORNER LOTS

Side yard setbacks are used for both side and rear yards for any principal or accessory structure on a corner lot.

The front yard setback in Table A will apply for any portion of a double-fronted lot abutting a street.

TABLE A
DETERMINING MINIMUM FRONT YARD SETBACK FOR PRIMARY STRUCTURES
(For new structures or expansion of an existing structure)

ZONING CLASSIFICATION	MINIMUM FRONT YARD SETBACK			
	<i>If the lot's depth is less than this dimension...</i>	...The minimum front setback is this percentage of the depth	<i>If the lot's depth is equal to or greater than this dimension...</i>	...The minimum front setback is this standard dimension
General Residential (GR)	200 ft	10%	200 ft	20ft
Rural Residential (RR)	200 ft	10%	200 ft	20 ft
Natural Resources (NR)	400 ft	20%	400 ft	80 ft
Central Historic (CH) ⁽¹⁾	100 ft	10%	100 ft	10 ft
Historic Residential (HR)	100 ft	15%	100 ft	20 ft
Gateway Corridor (GC) ⁽²⁾	200 ft	15%	200 ft	50 ft
Gateway Corridor (GC) ⁽³⁾	200 ft	15%	200 ft	30 ft

⁽¹⁾If no structure is on the abutting lot, or a structure is located beyond 100 feet from the proposed new or expanded structure, the front yard setback in Table A will apply.

⁽²⁾Gateway Corridor (GC) for Commercial, Industrial, Institutional, Transportation, Communication, and Utility Uses.

⁽³⁾Gateway Corridor (GC) for Residential, Outdoor Recreation, and Agricultural Uses.

Section 3 – Rear Yard Setback

The minimum rear yard setback for main structures for all classifications shall be either a percentage of the lot’s depth or a standard dimension. See Table B. A lot’s depth shall be measured from the front property line, in a straight line, to the farthest rear property line.

TABLE B
DETERMINING MINIMUM REAR YARD SETBACK FOR PRIMARY STRUCTURES

ZONING CLASSIFICATION	MINIMUM REAR YARD SETBACK			
	<i>If the lot’s depth is less than this dimension...</i>	...The minimum rear setback is this percentage of the depth	<i>If the lot’s depth is equal to or greater than this dimension...</i>	...The minimum rear setback is this standard dimension
General Residential (GR)	200 ft	10%	200 ft	20 ft
Rural Residential (RR)	200 ft	10%	200 ft	20 ft
Natural Resources (NR)	400 ft	20%	400 ft	100 ft
Central Historic (CH)	100 ft	5%	100 ft	5 ft
Historic Residential (HR)	100 ft	5%	100 ft	5 ft
Gateway Corridor (GC) ⁽¹⁾	200 ft	25%	200 ft	50 ft
Gateway Corridor (GC) ⁽²⁾	200 ft	20%	200 ft	40 ft

⁽¹⁾ Gateway Corridor (GC) for Commercial, Industrial, Institutional, Transportation, Communication, and Utility Uses.
⁽²⁾ Gateway Corridor (GC) for Residential, Outdoor Recreation, and Agricultural Uses.

Section 4 – Side Yard Setback

The minimum side yard setback for main structures for all classifications (except Central Historic) shall be either a percentage of the lot’s width or a standard dimension. See Table C. A lot’s width shall be measured at the front building line.

TABLE C
DETERMINING MINIMUM SIDE YARD SETBACK FOR PRIMARY STRUCTURES

ZONING CLASSIFICATION	MINIMUM SIDE YARD SETBACK			
	<i>If the lot’s width is less than this dimension...</i>	<i>...The minimum side setback is this percentage of the width.</i>	<i>If the lot’s width is equal to or greater than this dimension...</i>	<i>...The minimum side setback is this standard dimension</i>
General Residential (GR)	100 ft	15%	100 ft	15 ft
Rural Residential (RR)	100 ft	20%	100 ft	20 ft
Natural Resources (NR)	200 ft	20%	200 ft	50 ft
Central Historic (CH)	NA	NA	NA	0 ft
Historic Residential (HR)	100 ft	5%	100 ft	5 ft
Gateway Corridor (GC) ⁽¹⁾	200 ft	15%	200 ft	30 ft
Gateway Corridor (GC) ⁽²⁾	200 ft	15%	200 ft	30 ft

⁽¹⁾ Gateway Corridor (GC) for Commercial, Industrial, Institutional, Transportation, Communication, and Utility Uses.
⁽²⁾ Gateway Corridor (GC) for Residential, Outdoor Recreation, and Agricultural Uses.

Section 5 – Accessory Structures

Accessory structures as defined in Article 20 are allowed in all Zoning Districts upon issuance of a Zoning Permit by the Zoning Official. The setbacks outlined in above Tables A, B, and C must be followed for accessory structures except as follows:

A necessary structure for utilities, such as a well house, should follow these standards if possible but the zoning official can waive this setback if impractical.

Accessory structures on lots larger than one acre, and not in the Central Historic or the Historic Residential Districts, do not have to be behind the front line of the main building but should adhere to the front setback of that district.

In all districts other than the Historic Districts, the minimum side and rear setback requirement for accessory structures less than or equal to 25 square feet is 5 feet. The minimum side and rear setback requirement for accessory structures greater than 25 sq. ft. and less than or equal to 100 sq. ft. is 10 feet.

ARTICLE 10. STRUCTURES AND USES REQUIRING SPECIAL APPROVAL

Section 1 – Manufactured Housing

A Zoning Permit is required for the placement of a manufactured home. The following requirements must be met prior to occupancy:

- A. H.U.D. seal required. Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any lawfully existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be treated as a nonconforming structure and use in accordance with the regulations established in Article 2, Section 2 of this Ordinance.
- B. Anchoring requirements. All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of storm water runoff beneath the manufactured home.
- C. Skirting required. All manufactured homes shall be skirted with a weather-resistant material that resembles siding materials commonly found on a single-family dwelling. Exterior siding should not have a high-gloss finish and should be residential in appearance, including, but not limited to, clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. Concrete block or brick and mortar foundation walls, constructed in compliance with all applicable building code requirements, shall be the preferred method of skirting. The exterior siding material must extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting. All skirting shall be adequately vented.
- D. Axles and tow bars removed. Once a manufactured home has been placed on an individual lot, all tow bars and axles shall be removed and stored in a location on the lot where they cannot be seen from the street, neighboring homes, or adjoining properties.
- E. Access to exterior entrances. Immediately after installation and prior to occupation, steps and a landing or porch shall be constructed at each raised exterior entrance or doorway to the manufactured home. At a minimum, the front or main entrance to a manufactured home shall be served by a stairway not less than three (3) feet in width leading to a landing or porch not narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length (centered along the entranceway) and containing a railing along all exterior edges of the landing and stairway. A stairway not less than three (3) feet in width with exterior railings shall be erected at all other exterior entrances to the manufactured home. All required stairways and landings/porches shall be constructed of pressure treated wood or other

durable materials, or some combination of both. Required railings may be constructed of pressure treated wood, metal, or other durable materials.

- F. Sanitary facilities. Each manufactured home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water, and a central source of heat for the occupants thereof.
- G. Minimum width. Each manufactured home shall be at least twelve (12) feet in width.
- H. Fuel Storage Facilities. All fuel oil supply systems serving a manufactured home that is sited on an individual lot shall be constructed and installed within the foundation wall or underground in accordance with all applicable building and safety codes, except that any bottled gas tanks may be fenced or screened so as not to be clearly visible from the street or abutting properties.
- I. Number allowed. Not more than one (1) manufactured home shall be permitted on any individual lot.
- J. Use limitations. No manufactured home may be used for any purpose other than as regulated for residential use herein except in a nonresidential Zoning District as provided below:
 - 1. As an office and storage for parts at a legally licensed manufactured home sales lot by the owner, real estate office or sales office.
 - 2. A temporary construction office or a temporary residence at a construction job site provided that such use shall cease when a certificate of occupancy is issued.
 - 3. Campaign headquarters, to be removed immediately after Election Day.
 - 4. Showing of exhibits or special products for a period not to exceed fourteen (14) days.
 - 5. For special sales or promotions by civic or nonprofit organizations, to be removed on a specified date.
- K. Compatibility with Adjoining Residential Properties. In addition to other requirements, manufactured homes may be permitted only in full compliance with the following special conditions:
 - 1. The proposed manufactured home will not be located on a vacant lot that is within a designated local, state, or federal historic district or a vacant lot that is adjacent to one or more structures that have been listed on or are eligible for addition to the National Register of Historic Places or a designated historic resource district.
 - 2. No manufactured home shall be utilized as a parsonage on or adjacent to a lot containing a church.
 - 3. Each manufactured home shall comply with all applicable dimensional requirements and minimum standards for dwellings required for the subject Zoning District in which it will be located.

Section 2 – Commercial Uses in Residential Districts

In keeping with the comprehensive plan, some commercial uses may be allowed in residential districts. These are listed in Use Table (Article 20) of this Ordinance. Some uses are permitted outright. Others are permitted provided a Special Exception is granted for such use by the Zoning Board of Adjustment, and

all requirements and restrictions listed in this section are met. A commercial use can be a stand-alone business, a cottage industry or a home occupation. The ZBA shall take the intent and purpose of each district into account when considering approval of a Special Exception.

In addition to the requirements and restrictions listed in this section, the ZBA may set additional conditions for those uses requiring a Special Exception. These conditions may include, but are not limited to, those listed in Article 13, Section 4E. Any conditions set by the ZBA and listed on the Resolution issued for the property must be met and adhered to fully. Failure to meet any requirement, restriction, or condition will invalidate the Resolution issued for the commercial use.

A. Standards Applicable to Commercial Uses Requiring a Special Exception by the ZBA.

1. The ZBA has the authority to grant a Special Exception for a use not specifically listed if the use is of a similar nature to those in the use table.
2. If a Special Exception is granted by the ZBA, the appropriate Town of Waverly business license must be obtained before any business activity can occur.
3. Any commercial use shall not be allowed within or on the same lot as a multiple-family dwelling.
4. A cottage industry must be owned and operated by the owner of the dwelling within which, or the property upon which, such business use is to be located. If the business owner is a tenant, then written approval of the owner of the premises must be obtained.
5. Only members of the family residing in the principal dwelling on the lot where the commercial use will be located shall operate a home occupation.
6. No commercial use may involve, or result in the production of, any hazardous materials or hazardous waste.
7. No commercial use may generate smoke, glare, vibrations, excessive noise, electrical disturbance, radioactivity, or other conditions that will be a nuisance to the surrounding area.
8. No commercial use may involve the use of any equipment or process that creates visual or audible interference on any radio or television receivers on or near the premises or that cause fluctuations in line voltage off the premises.
9. No commercial use may generate any business or customer traffic (by either the business operators or customers) between the hours of 7:00 p.m. and 7:00 a.m. except as authorized by the ZBA.
10. Adequate off-street parking spaces shall be provided for the commercial use. The location and number of spaces shall be determined by the ZBA. The ZBA may allow the business to use municipal parking in lieu of on-site parking.
11. In the Historic Residential District, only one vehicle is allowed for the exclusive use of the business. All equipment, materials and products, with the exception of one vehicle, shall be safely stored inside a secured structure on the lot.

12. In the Historic Residential District, no commercial use shall cause or result in any change in the outside appearance or character of any structure on the lot, except as authorized by the ZBA.
13. All commercial uses shall comply with applicable building and fire codes. At a minimum, the business shall adhere to all development standards for the Zoning District in which it is located.
14. The Special Exception issued for any commercial use shall expire and be null and void under the following conditions:
 - a. Whenever the applicant ceases to occupy the structure or lot for which the commercial use permit was issued (including any pre-existing, nonconforming use), or
 - b. Whenever the holder of a commercial use permit ceases operation of the permitted business activity for any period of ninety (90) or more consecutive days.
15. When the owner of the permitted commercial use is issued a notice of violation of this Ordinance, the owner shall cease and desist from all business operations until such time as the enforcement officer has verified, through on-site inspections, that the violation has been remedied. Failure to cease and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease-and-desist order, or the violation has not been remedied within fifteen (15) days of the date that the notice of violation was issued, the commercial use permit and business license shall expire and no resumption of business activities associated with such business may occur without first obtaining a new permit and business license.

Section 3 – Group Homes

The Zoning Board of Adjustment may allow group homes in any district as shown in Article 20, as a Special Exception upon approval. The following are the Development Standards for Group Homes.

- A. No exterior changes incompatible with residential character. A group home located in a single- or two-family residential district shall be conducted within a building that shall maintain the exterior appearance of a typical dwelling unit in that district or neighborhood, with no separate external doors to individual bedrooms.
- B. Group homes in multi-family and nonresidential districts. A group home in a multi-family or business district may be conducted in a building other than a single-family dwelling, provided that the group home conforms to the characteristics described in the definition of “group home” in Article 20 of this Ordinance.
- C. Compliance with all applicable State laws. Where applicable, the group home shall provide evidence that it will operate in compliance with any applicable State licensing requirements.

Section 4 – Child Care Center Requirements

All childcare facilities, whether conducted within a home or in a nonresidential building, shall be established in compliance with the following requirements.

- A. In-Home Child Care Centers. Any in-home childcare center that was lawfully established and licensed by the state of Alabama prior to the effective date of this Ordinance shall be allowed to remain in operation without further approval from the Town (subject to any conditions imposed by the Waverly Planning Commission at the time of approval). Any new in-home child care center serving six (6) or fewer children will only be permitted by the Zoning Board of Adjustment as a Special Exception within a residential zone, subject to the applicable requirements of a home occupation, as specified in Section 2 of this Article. No signs advertising an in-home child care center shall be located on the property. An in-home child care center shall be classified as a residential based facility and must satisfy all applicable requirements imposed by the State of Alabama Department of Human Resources.
- B. Nonresidential Child Care Centers. Child care centers serving seven (7) or more children shall not be allowed in any residential zone or residential use building. All such child care centers shall fully comply with requirements of any local or state building code for an educational occupancy. Architectural plans also may be required to document compliance. Any child care center that was lawfully established prior to the effective date of this Ordinance, but does not comply with the requirements specified herein, shall be classified as a pre-existing, nonconforming use, subject to the requirements contained in Article 2, Section 2 of this Ordinance. Such uses shall be allowed to continue operation as previously permitted, only as long as the facility does not increase the number of children it serves and does not expand the area of the facility (both indoors and outdoors) dedicated to child care services. Any such change in the intensity of use shall require the issuance of a new Zoning Permit, and the facility shall fully comply with all requirements of this Ordinance

Section 5 – Other Specific Development Standards.

- A. Automobile Service Stations. All structures, including pumps and underground tanks, shall comply with the setback standards. All points of ingress and egress for a service station must be located on U. S. Highway 280.
- B. Veterinary establishments and kennels. All animals shall be housed within suitably designed, soundproofed, and temperature-controlled buildings. Outdoor exercise areas are allowed and shall have privacy fencing and use is limited to daytime hours.
- C. Shooting Ranges. Indoor and outdoor gun clubs and shooting ranges shall have a sufficient backdrop to prevent projectiles from leaving the property.
- D. Riding stables and academies. Riding stables and academies must be on a lot of not less than ten (10) acres, and any structure, pen, or corral-housing animals shall not be closer than one hundred (100) feet to any property line. All waste must be disposed of properly to prevent contamination of water and runoff. Measures shall be taken prevent a breeding ground for insects.

ARTICLE 11. PARKING REQUIREMENTS

Off-street parking provided for various Land Uses shall be adequate to accommodate motor vehicles according to the following minimum standards.

No recreational vehicle or large commercial vehicle parking is allowed along the street right-of way in the Historic Residential District.

Customer parking for commercial businesses in the downtown Central and Residential Historic districts shall be limited to operational hours.

- A. Zoning Permit. A Zoning Permit is required for the construction of any new parking lot, or to expand an existing one.
- B. Parking spaces. The following number of parking spaces shall be considered a minimum for each specified land use. Any calculation resulting in a half space will be rounded up. Handicapped parking shall be provided in accordance with applicable State or Federal Americans with Disabilities Act (ADA) requirements in addition to the minimum number of Federal or State spaces specified below.
 - 1. Residential uses: Two (2) spaces for each single family detached structure, one and one half (1.5) space for each apartment unit, three (3) spaces for each duplex unit, bed and breakfast inn, lodging, rooming or boarding house.
 - 2. Agricultural uses: No specific minimum required.
 - 3. Commercial uses: One (1) parking space for each two hundred (200) square feet of gross floor area devoted to trade or service activity (including and administrative office space).
 - 4. Institutional uses: One (1) parking space for each two hundred (200) square feet of gross floor area.
 - 5. Manufacturing uses: One and one half (1.5) parking spaces for every two (2) employees working during the peak work shift, or one (1) parking space for every five hundred (500) square feet of gross floor area, whichever is greater. One (1) additional parking space shall be provided for every truck used in connection with the business.
- C. Minimum parking space size. Each individual parking space shall be at least eight (8) feet six (6) inches in width and eighteen (18) feet in length. Designated handicapped parking spaces shall satisfy all applicable Americans with Disabilities Act (ADA) standards.
- D. Location and layout of off-street parking areas.
 - 1. Except for one and two-family dwellings with access only from a local street (not a federal or state route, and with speed limits less than 40 mph), maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. Only vehicles in operating condition shall be allowed to occupy required Off-Street parking areas. Not more than one-third (1/3) of all required parking spaces for commercial, institutional, and manufacturing

Land Uses may be provided between the front façade of the primary use building and the street right-of-way line.

2. Except for one- and two-family dwelling units, if required parking spaces cannot be provided on the same lot on which the principal use is conducted, such spaces may be provided on adjoining off-street property, provided:
 - a. That the required spaces are located no further than four hundred (400) feet from the main entrance of the principal use.
 - b. That the parking spaces are associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
 - c. Those parking spaces are approved as a Special Exception by the ZBA.
 - d. That the parking lot area is improved with an appropriate surface (as approved by the ZBA).
 - e. That a written agreement is provided by the owners stating that these parking spaces are solely for the use of the adjoining use and cannot be used for a general parking facility or for any other use.
- E. Access entrance (curb cuts). Every required off-street parking area shall be accessed from a public street, except residential parking that may be accessed from a private street or drive that is designated and constructed in accordance with all applicable public street standards. Curb cuts for all residential and agricultural uses shall be at least twenty (20) feet in width. Curb cuts for all commercial and institutional uses shall be at least thirty (30) feet in width. Curb cuts for all manufacturing uses shall be at least fifty (50) feet in width. Curb cuts should be located so that there is one curb cut or driveway per front lot width. Where feasible, joint driveways or access easements should be considered to minimize curb cuts on public streets.
- F. Construction of parking areas. All maneuvering spaces and access lanes must be of adequate width and lead to a street or alley. Required parking may be constructed of impermeable or permeable surface materials, including gravel, crushed stone, or other porous pavement materials designed to serve the anticipated intensity or frequency of overflow parking and to prevent excessive soil erosion.
- G. Residential Parking. The residential parking along the street in the downtown historic districts shall be limited to registered, fully operational vehicles. If a vehicle becomes disabled and is parked along the street, the owner has three business days to make operational or to remove vehicle.
- H. Off-street loading and unloading. All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials and goods and for delivery and shipping. Such off-street space shall be designed so that service and delivery vehicles may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles. All such structures are also required to have sufficient off-street parking space for all vehicles owned, controlled, or rented by such establishment.

ARTICLE 12. SIGN REGULATIONS

PURPOSE OF SIGN REGULATIONS

In order to promote the general public health, safety, and welfare; lessen hazards to pedestrian and vehicular traffic; preserve property values; prevent unsightly development that has blighting influence on the community; and to help preserve the historic character of the town, the Town of Waverly has determined that the zoning regulation of signs is necessary.

Section 1 – Definitions

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

Advertiser. Any person, corporation, or other entity that seeks to convey a visual or audio message to the public.

Animated sign. Any sign that visibly moves, imitates movement, or changes appearance in any fashion whatsoever.

Banner. A temporary sign intended to be hung either with or without a frame or suspended from wires, cables, or rope, generally including letters, characters, illustrations, or materials such as plastic or fabric. Banners shall include pennants but shall not include official flags of a government entity or political subdivision. Banners must contain a message related to a business, profession, or activity conducted or to a commodity or service sold or offered, upon the premises where such sign is located. Banners are limited to a maximum size of 50 square feet.

Beacon or searchlight. Any light with one or more beams (including laser beams), which may be stationary, moving, or rotating, directed into the atmosphere, or directed at one or more points not on the same property as the light source.

Building nameplate. A small sign affixed flush to an exterior wall near the main entrance of a building and bearing the name of the building or occupant, the date of construction, or other information.

Billboard or off-premises sign. Any sign that is erected for the purpose of selling, leasing, or donating the display space on that sign to an advertiser not on the same premises with the billboard.

Canopy and canopy sign. A canopy is a roof-like structure projecting from the wall surface of a building or structure, generally located at or below the roofline and designed to provide shelter from the elements. A canopy shall include all structures commonly known as awnings and marquees. A canopy sign is any sign that is painted on, or attached to, any part of the canopy or its structure.

Copy. The permanent or removable wording and/or graphics placed on, painted on, or bonded to the display surface of a sign.

Erect a sign. To build, construct, attach, hang, place, suspend, paint, or affix a sign.

Face (sign face). That portion of a sign on which the copy is placed, attached, bonded, or painted.

Fee-Exempt Sign. A sign that requires a permit but no fee.

Flashing sign. Any lighted sign or a sign with a surface that changes color, twinkles, or flashes regularly or intermittently, not including signs displaying electronically the current time and temperature, or traffic control signs.

Freestanding sign. Any permanent sign that is either mounted independently on the ground or supported by one or more columns or poles, independent of support from any other building or structure on the site.

Group Home. A dwelling, housing two or more unrelated individuals not related by blood or marriage and who live and function as a single housekeeping unit under the supervision of a resident managers providing this part is ok to leave in. Specific individual living facilities shall be provided within the home for each family or individual residing therein. A group home serves socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, including homes for orphans or neglected children, homes for people with disabilities or who are mentally ill, rehabilitation homes for drug or alcohol dependency, emergency care homes for abused spouses or children, and similar group residency individuals who require on-site assistance, counseling, or supervision from a resident manager. Group homes shall be allowed as a Special Exception in any zoning district where such uses are conditionally permitted, and which comply with the relevant standards contained in Article IV, Section 2 of this Ordinance.

Hanging sign. Any sign which is attached to and projects down or hangs from a roof, canopy, or projecting brace that is attached to the face of an exterior building wall.

Historic marker. A sign prepared in accordance with a state, national or local historic agency guideline that identifies an historic landmark or district.

Inflatable. Any device, which is inflated by gas or air, or has gas or air inserted into it for momentary inflation (“flopping signs”) and intended to serve as a sign or to direct attention to a specific property or location.

Lollipop sign. A sign that is placed, erected, or constructed atop a sign structure at a height that allows the sign to be seen or noticed from a great distance. (This type of sign may require a height Variance.)

Monument sign. A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block, treated wood or brick.

Notification sign. A sign that alerts the public to a safety concern, or a condition or requirement associated with private or public property, such as “Danger,” “No Trespassing,” “No Admittance,” “Authorized Personnel Only,” “Keep Out,” and “Beware of Dog.”

Number of signs. For determining the number of signs, each sign shall be considered a single display surface. A back-to-back sign shall be considered one sign.

Permanent sign. Any sign installed with permanent construction methods and designed with a permanent display face. If a sign face is permanent but the copy displayed is subject to periodic changes, such as a sign displaying prices, etc. that sign shall still be regarded as permanent.

Pole sign. A sign erected, placed, constructed, or attached to the side or top of a post or pole structure.

Portable sign. Any sign not attached to a stationary object or structure, which has a footing not implanted beneath the surface of the soil. Portable signs shall include vehicles or portions of vehicles on which signs or sign copy have been affixed, that are permanently parked or displayed in one or

more locations to serve exclusively as a business advertisement.

Projecting sign. Any sign that is affixed directly to the exterior wall of a building or structure or affixed to a solid brace or frame attached to the exterior wall of a building or structure in such a manner that the sign face extends outward from the wall surface. A projecting sign cannot extend beyond the property line of the lot or into any public right-of-way.

Roof sign. Any sign that is mounted, affixed to, or painted upon the roof of a building or structure.

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

Sign area. The gross area, in square feet, of the advertising copy surface of a sign, as delineated by one continuous perimeter line, enclosing the extreme limits of the writing, representation, or other display. The sign area of a two-face back-to-back sign is calculated using the dimensions of only one face, if not more than 2 feet separate the faces. If the sign faces are not equal in area, then the larger of the two faces shall be used for this calculation.

Sign structure. Any construction used or designed to support a sign.

Snipe sign. A sign of any material that is attached in any way to a utility pole, tree, rock, or similar object located on public or private property, not including real estate, political, yard sale, and notification signs.

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

Traffic control sign. A sign or electronic device, for directing or regulating the movement of traffic and/or pedestrians.

Wall sign. Any sign displaying only one face that is mounted on, affixed flat to, or painted on an exterior wall surface of a building or structure and is located entirely below the roofline.

Window display sign. A temporary sign placed inside a window and intended to be seen from the exterior of the building or structure. Painting a message, or letters and numbers (except an address), on the interior or exterior surface of a window is a wall sign and is subject to the requirements for wall signs.

Section 2 – Standard Sign Permit, Approval, and Fees

A. Permits. A sign permit is required for the erection, placement, or alteration of any sign within the town limits of Waverly, except signs listed in Section 4 of this Article. Applications for a sign permit are available at the Waverly Town Hall. Each application for a sign permit shall contain the following information:

1. Name, signature, and address of the property owner, the authorized agent of the property owner, if any, and the sign contractor.

2. Address of the property where the sign is to be erected.
 3. Zoning and all Land Uses on the property.
 4. A complete description of the sign(s) to be erected, including but not limited to how many, what type(s), whether freestanding or attached, and method of illumination.
 5. A dimensional sketch of the sign (including illumination method), and a plot plan including setbacks, showing the location of each sign on the lot.
- B. Approval. The Zoning Official shall review and approve each permit prior to erection, placement, or alteration.
- C. Fees. Permit fees for all signs, except fee-exempt signs, shall be 50 cents per square foot of sign face, with a minimum sign permit fee of \$5.00.

Section 3 – Fee-Exempt Signs

The following signs must obtain a sign permit but are exempt from fees for said sign permit. All fee-exempt signs are permitted in any district.

- A. Historic markers. Signs such as plaques and markers that are installed by a recognized preservation organization. These signs are not permitted on any public lands or rights-of-way within Waverly without the approval of the Town Council.
- B. Construction site identification sign. Each construction site shall be allowed to erect not more than one non-illuminated, single face, temporary construction sign on a property that has been authorized for construction by the issuance of a Zoning Permit. Said sign shall be freestanding; the sign area shall not exceed 32 cumulative square feet and must be set back at least 10 feet from all property lines. The sign may include the names of the persons and firms performing services or labor or supplying materials for the construction project. All temporary construction signs shall be removed before any building or structures built on the property may be occupied. For residential subdivisions, a temporary construction sign permit is required for each construction project.
- C. Entrance/Exit signs. Entrance/Exit signs that do not display any company or business name or symbol are fee-exempt provided they have a maximum sign face length of 3 feet, a maximum sign face height of 1.5 feet, and a total maximum sign height of 2 feet. Only one Entrance/Exit sign shall be allowed per curb cut. Entrance/Exit signs shall not be allowed in residential zones or for any single or two-family residential use located within any Zoning District. Entrance/Exit signs that display any company or business name or symbol shall be a sign that requires fees. All of the Entrance/Exit signs are subject to the limitations listed in this section.
- D. Farm information sign. Farm information signs include the name and/or logo of a farm operating on the property, or product information affixed to vehicles, equipment, buildings, silos, and tanks, and similar non-freestanding agricultural displays. The maximum sign area for any farm information sign is 64 square feet.
- E. Building nameplates/business name plaques. Not more than one nameplate or plaque per building, which shall not exceed 4 square feet in total sign area.

Section 4 – Signs Not Requiring a Sign Permit

The following signs may be erected, placed, or constructed within the Town of Waverly if all applicable restrictions are met. Except for traffic control signs and ALDOT approved signs, no other signs within this section may be illuminated.

- A. Traffic control signs. Signs erected by any governmental agency or public utility.
- B. Directional signs. Signs exclusively for the control of vehicular or pedestrian traffic; restroom identification and direction; drive-through window direction; telephone identification; and similar directional information. Such signs shall not display any company name or symbol and shall not exceed 6 square feet in total sign area.
- C. Flags. A total of three flags or banners of a government entity or a religious, charitable, or fraternal organization do not require a permit. Maximum size of a flag is 5 feet by 8 feet, and the maximum size of a banner is 3 feet by 20 feet. Larger flags or banners may be permitted with Special Exception. All flags displayed by the Town of Waverly do not require a permit.
- D. Real estate or rental signs. Each property may have one non-illuminated real estate or rental sign, with a maximum of 2 sign faces, which shall follow the following requirements:
 - 1. The sign area shall not exceed 6 square feet for signs in a residential zone or 9 square feet for signs in a nonresidential Zoning District.
 - 2. One on premise “open house” or “open for inspection” sign, not exceeding 2 square feet in sign area, is allowed per property while the premises are open for inspection. Similar off-premises signs for directional purposes shall be allowed within the public right-of-way at subdivision entrances or on other private properties with the consent of the property owner. These signs must be removed when the premises are no longer open for inspection.
 - 3. All real estate signs shall be removed when ownership or occupancy of the property has changed and the property is no longer listed for sale, lease, or rent.
- E. Political signs. Temporary political signs advertising campaigns of candidates for political office, or signs displaying statements, views, or positions on a political question appearing or intended to appear on an official election ballot, may be erected about elections or political campaigns. No political signs shall be allowed within or upon a public right-of-way. Only one sign per candidate or political issue may be placed on any single lot of record. The total sign area for any political sign shall not exceed 4 square feet. Political signs shall not be erected more than 90 days prior to the date of the election, whether general or special, for which the person or issue advertised will appear on the ballot. Such signs must be removed within five days after the date of the election or run-off election (if necessary) has occurred.
- F. Garage or yard sale sign. A temporary sign advertising the sale of personal property may be erected on the lot where the sale is to take place. Such signs shall not exceed 4 square feet in sign area and shall be displayed only on the day immediately prior to and the day(s) during which the sale is conducted.

- G. Legal notices and official instruments. Legal notices and instruments required by a government or public regulatory entity to be posted or displayed shall be exempt from all aspects of these regulations.
- H. ALDOT (Alabama Department of Transportation) approved signs.

Section 5 – Signs Prohibited

Except where qualified below, the following signs are specifically prohibited throughout Waverly.

- A. Any sign which, because of location, position, shape, or color, interferes with, obstructs the view of, resembles, or can be confused with an authorized traffic control sign, signal, or device, or which incorporates the words “stop,” “look,” “danger,” “turn back,” or any other word, phrase, symbol or character that would interfere with, mislead, or confuse motorists.
- B. Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam.
- C. Any sign incorporating illumination that interferes with the view necessary for motorists to proceed safely or where the method of illumination interferes with other establishments or residences.
- D. Hanging or projecting signs may extend into a public right-of-way but shall not extend any closer than eight (8) feet to the inside face of a street curb or the outer edge of the paved travel lane of a street, whichever is applicable.
- E. Animated or revolving signs, except as a Special Exception.
- F. Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.
- G. Any sign with illegal, obscene, or prurient words, scenes, or graphics.
- H. Any sign that blocks a fire escape, door, window, parking or loading aisle or space.
- I. Any sign that is damaged or not in a structurally safe condition and good state of repair.
- J. Snipe signs.
- K. Portable signs, except as a Special Exception.
- L. Flashing or electronic signs, except as a Special Exception.
- M. Inflatable, except as a Special Exception.
- N. Billboards.

Section 6 – Cumulative Sign Area per Lot and Sign requirements

The maximum total sign area allowed for each single lot of record within the Town of Waverly is listed below. These may have limitations specified in another part of this Ordinance or may be increased by action of the Zoning Board of Adjustment. To increase the cumulative area, the ZBA would consider the public road elevation, distance from public roads and the character of the district. Where a lot of record is

divided into two or more nonresidential Zoning Districts, the cumulative total sign area limitation of the more restrictive Zoning District will apply.

- A. GR – General Residential District: 32 square feet of cumulative total sign area. On lots larger than five (5) acres, there may be larger cumulative total sign area allowed by Special Exception. The width of the Right-of-Way (ROW), sign distance from public roads and the elevation of the property from the public road shall be considered.
- B. RR – Rural Residential District: 32 square feet of cumulative total sign area. On lots larger than five (5) acres, there may be larger cumulative total sign area allowed by Special Exception. The width of the ROW, sign distance from public roads and the elevation of the property from the public road shall be considered.
- C. NR – Natural Resource District: 32 square feet of cumulative total sign area.
- D. HR – Historic Residential District: 24 square feet of cumulative total sign area. The only signs permitted in this district are building nameplates/business name plaques and monument signs.
- E. CH – Central Historic District: 120 square feet of cumulative total sign area. Additional square footage by Special Exception may be approved for special projects, i.e. vintage murals on building walls.
- F. PUD – Planned Unit Development: 24 square feet of cumulative total sign area or as approved in the Master Plan.
- G. PID – Planned Industrial Development: 160 square feet of cumulative total sign area or as approved in the Master Plan. Signage for these districts is limited to that listed in the Master Plan. Signs that require a Special Exception may be listed as allowable in the Master Plan, but this type must also receive ZBA approval.
In the Planned Industrial Development (PID), The size of the permitted signs may be larger than the dimensions stated in this Ordinance and must be included in the Master Plan or its amendment.
The width of the ROW, sign distance from public roads and the elevation of the property from the public road shall be considered.
- H. GC – Gateway Corridor Zoning District: 160 square feet of cumulative total sign area or as approved in the Master Plan. Signage for these districts is limited to that listed in the Master Plan adopted. Signs that require a Special Exception may be listed as allowable in the Master Plan, but this type must also receive ZBA approval.
In the Gateway Corridor (GC), The size of the permitted signs may be larger than the dimensions stated in this Ordinance and must be included in the Master Plan or its amendment.

In all Special Exceptions, the width of the ROW, sign distance from public roads and the elevation of the property from the public road shall be considered.

Section 7 – Abandoned, Blank, and Legal Nonconforming Signs

Abandoned Sign. Any sign identifying or announcing a use or business activity or product that has been abandoned, closed, relocated, discontinued, or canceled, shall be removed within 6 calendar months of the date of abandonment or discontinuance. The time will start as soon as the Zoning Official identifies the abandonment.

Blank Sign. If a sign face is left blank for a continuous period of 120 days, that sign shall be considered abandoned. Within 30 days after abandonment the owner of the property where the sign is located shall cause the sign to be removed or shall replace the sign or copy with an appropriate display or advertisement.

Legal Nonconforming Sign. Any permanent sign existing on or before the date of adoption of these regulations or any future amendment thereto that does not conform to the requirements of these regulations may be continued. All nonconforming portable or temporary signs shall be removed or replaced with a conforming sign within 1 year of the date of adoption of these regulations.

- A. A legal nonconforming sign shall not be rebuilt, expanded, or altered in a way that would increase the degree of non-conformity, as it existed at the time the nonconforming status was conferred. This requirement shall not be interpreted in such a way as to prohibit the proper maintenance of a nonconforming sign, or changes to the copy of the sign that do not increase the existing degree of non-conformity.
- B. A legal nonconforming sign shall not be rebuilt or re-established after its use has been discontinued for a period of 1 calendar year, unless approved by the Town Council.
- C. A legal nonconforming sign shall not be reconstructed or repaired to a nonconforming status if it has sustained damage exceeding 60 percent of the fair market value of the sign immediately prior to damage, unless approved by the Waverly Planning Commission.

ARTICLE 13. ZONING BOARD OF ADJUSTMENT

Section 1 – Establishment of Zoning Board of Adjustment by Council

In accordance with this Ordinance, a Zoning Board of Adjustment is hereby established. The appointment, procedure, powers, and action of said Zoning Board of Adjustment shall be governed and controlled by Title 11, Chapter 52, Article 4, Section 80, Code of Alabama 1975, as amended. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. All meetings will comply with public meeting laws of the State of Alabama.

The Zoning Board of Adjustment shall keep minutes of its proceedings, showing or stating the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its official actions, all of which shall be a public record and be immediately filed in the Office of the Town Clerk.

An action shall be taken on every request presented to the Zoning Board of Adjustment. That action shall be to approve, approve with conditions, or deny the request. The Zoning Board of Adjustment may approve certain parts of a request and deny other parts.

Any action taken by the Zoning Board of Adjustment shall be documented in a Resolution stating the Board's decision. The mayor or designee shall sign the Resolution, and a copy provided or mailed to the applicant within five (5) working days of the decision. A copy of the Resolution shall be maintained on file in the office of the Town Clerk of the Town of Waverly.

The Resolution shall contain:

- Date, location, and time of Zoning Board of Adjustment meeting.
- Address, lot number, or other identification of the subject property.
- Detailed statement of applicant's request.
- Stated decision of the Zoning Board of Adjustment, with references to appropriate section(s) of the Zoning Ordinance.
- Signature of mayor or designee.
- Date of mayor or designee's signature.

Section 2 – Action; Decision of The Board

The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Official and/or Planning Commission in the enforcement of this ordinance, or to grant or deny a request for a Variance or Special Exception.

Section 3 – Application Process; Posting of Notices

APPLICATION PROCESS AND PROCEDURE

- A. Application forms to request a Zoning Board of Adjustment action are available from the Town Clerk at Waverly Town Hall during normal business hours.

- B. Any interested party may be the applicant for a property, but the owner must sign the application form. The owner may provide a letter in lieu of a signature, authorizing an application to be filed. When the letter is verified, the Town Clerk may accept the application.
- C. The completed application must be received at least twenty-three (23) days before the regularly scheduled meeting of the Zoning Board of Adjustment.
- D. The applicant, or their agent or authorized representative, must present the request at the Zoning Board of Adjustment meeting.

POSTING OF NOTICES

At least twenty-two (22) days prior to the date of the scheduled ZBA hearing, the Town Clerk shall post a notice of public hearing in four (4) conspicuous places within the Town.

Section 4 – Powers and Duties

The Zoning Board of Adjustment shall have the following powers and duties as granted above and as specified herein.

- A. Administrative Review and Interpretation. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Official and/or Planning Commission in the enforcement of this Ordinance. The ZBA may issue a decision or interpretation in accordance with its powers. A decision of the ZBA may be appealed to the appropriate circuit court.

In exercising the above-mentioned powers, the Zoning Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the requirement, decision, or determination of the zoning official.

Appeals to the ZBA may be taken by any person aggrieved or by any officer, department, and board of the Town affected by any decision of the Zoning Official or Planning Commission. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the ZBA. The Zoning Official shall forthwith transmit to the Board all papers related to the action appealed. The ZBA shall fix a reasonable time for hearing the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person, by agent, or by attorney.

1. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official from who the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Official from who the appeal is taken and on due cause shown.
2. Appeals. Any party aggrieved by any final judgment of the ZBA, may appeal to the Circuit Court or court of like jurisdiction in the County of Jurisdiction. Should the

aggrieved party lose the appeal the Town shall be entitled to the payment of its costs, expenses, and reasonable attorney's fees incurred in such appeal.

B. Special Exceptions. To hear and decide only such Special Exceptions as the Zoning Board of Adjustment is specifically authorized to by the terms of this Ordinance, to decide upon and to grant Special Exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny Special Exceptions when not in harmony with the purpose and intent of this Ordinance. The Zoning Board of Adjustment may prescribe a time limit within which the action for which the Special Exception is required must begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the Special Exception. A Special Exception should not be granted unless the Zoning Board of Adjustment finds all of the following:

1. That the applicant did not knowingly create or cause the situation or circumstance on the lot that now requires a Special Exception.
2. Based on evidence submitted to the Board by the applicant, that the granting of the Special Exception will not tend to have a negative effect on the health, safety, or welfare of the general public, especially those in close proximity to the subject property.
3. That the Special Exception appears to be compatible with other uses in the general area.

C. Variances. To authorize upon request such Variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special physical conditions, a strict enforcement of the provisions of this Ordinance would result in unnecessary physical hardship. A Variance from the terms of this Ordinance should not be granted by the Zoning Board of Adjustment unless the Board finds the following:

1. That special circumstances and hardships exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. That strict enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the applicant did not knowingly cause or create the special hardship or circumstance.
4. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
5. That relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.
6. That the Variance is not a request to permit a use of land, buildings, or structures that are not permitted by right or by Special Exception in the district involved.

7. That the reasons set forth in the application justify the granting of the Variance, and that the Variance is the minimum required to make possible the reasonable use of the land, building, or structures.
 8. That the granting of the Variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- D. Uses Not Permitted in the Land Use Table. If a requested use is not listed in the Table, the application for the use may come before the ZBA for an interpretation. If the use is found to be similar in nature to other uses allowed by right or by Special Exception, the ZBA may allow the use with similar requirements.
- E. Conditions of Approval for Special Exceptions and Variances. In approving a Variance or a Special Exception, the Zoning Board of Adjustment may require certain special conditions or stipulations as may be reasonable and necessary, based on specific findings of fact, to mitigate potential negative impacts of the Special Exception use or Variance on neighboring permitted uses in the neighborhood or Zoning District. Failure to adhere to these conditions or stipulations will invalidate the Special Exception. These conditions or stipulation may include, but are not limited to:
1. Additional setback requirements (to alleviate potential use conflicts, to provide safe isolation distances, or to facilitate traffic access and mobility).
 2. Increase of the buffer, additional or more substantial landscaping, or fencing requirements (to screen potentially conflicting uses).
 3. Additional lighting or light shielding requirements (to prevent excessive glare on neighboring properties).
 4. Increased parking requirements, including but not limited to number or size of spaces, and additional landscaping to shield parking area (to address special traffic or parking needs).
 5. Limitations on signage, including size, number, location, and illumination (to enhance or soften the appearance of the proposed use).
 6. Limitations on traffic access points to the property (to prevent traffic congestion and promote proper traffic circulation).
 7. Special traffic connection requirements between the property to be developed and adjoining properties (to help improve internal traffic circulation and to mitigate turning movement impacts on adjoining highways).
 8. Restrictions on operating hours (to reduce potential use and noise conflicts);
 9. Additional soundproofing requirements (to prevent potential noise impacts).
 10. Additional storm water management requirements (to prevent excessive flooding or erosion impacts and/or to protect affected water resources).

In authorizing or granting any Special Exception, temporary, or special use permit, the Zoning Board of Adjustment may require that bond of ample sum, but not to exceed five thousand dollars (\$5,000.00), be furnished by the applicant to ensure compliance with the requirements, specifications, and conditions imposed with the grant of said special use permit by the stipulated period of time or terminal date.

Section 5 – Separate Duties of ZBA, Waverly Planning Commission

The Zoning Board of Adjustment has differing and separate authority from the Waverly Planning Commission in regard to the Zoning Ordinance.

The Zoning Board of Adjustment hears appeals of rulings or decisions of any municipal administrative officer or Zoning Official designated by the mayor, where such official has made a ruling related to a Zoning Ordinance passed by the Town Council. Decisions of the Zoning Board of Adjustment are subject to appeal to the Circuit Court in the county of jurisdiction. The ZBA has no authority to act on behalf of the Waverly Planning Commission or Town Council in regard to recommending or establishing Zoning Districts.

The ZBA considers and decides on Special Exceptions as listed in the Zoning Ordinance and may approve Variances from strict compliance with the Ordinance.

The Waverly Planning Commission may not approve Special Exceptions or Variances. The Waverly Planning Commission may approve Master Development Plans as specified in the Zoning Ordinance.

The Waverly Planning Commission has no appellate jurisdiction, and no such jurisdiction is conferred upon such Commission by the act creating it, or by the Code of the State of Alabama.

The Waverly Planning Commission may adopt a Master Plan for the Town. The Waverly Planning Commission has certain other powers, specified in the Zoning Ordinance and Subdivision Regulations.

ARTICLE 14. CHANGES OR AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP

Section 1 – Procedures

The regulations and the districts established by this Ordinance may be amended, or repealed by the Waverly Town Council, but no such amendment shall become effective unless and until it is first submitted to the Waverly Planning Commission for its recommendation. The Waverly Planning Commission shall hold public hearings, giving public notice as outlined in Section 4 of this Article, for the consideration of any proposed amendment to the provisions of this Ordinance or to the Zoning Map of Waverly, and report its recommendations to the Town Council. The provisions of Section 11-52-78 of Title 11 of the 1975 Code of Alabama, as the same may be amended, shall apply to all changes and amendments.

Section 2 – Who is Authorized to Request Changes

The Town Council of the Town of Waverly, Alabama, may amend or repeal the regulations, districts, or any provision of this Ordinance. Any member of the Town Council may introduce such amendment; or any official, board, commission or any other person may submit an application to the Town requesting an amendment or amendments to this Ordinance. Whenever an application for amendment has been filed by an administrative or legislative body of the Town or a duly authorized agent or representative of the Town, all required application fees shall be waived.

Section 3 – Application for Changes or Amendments to the Zoning Ordinance and Zoning Map

A. Application Process and Procedure for Change of Zoning of a Property.

1. Application forms to request a change of zoning classification of a property are available online or from the Town Clerk at Waverly Town Hall during normal business hours.
2. Any interested party may be the applicant for a property, but the owner must sign the application form. The owner may provide a letter in lieu of a signature, authorizing an application to be filed. When the letter is verified, the Town Clerk may accept the application.
3. The completed application must be received at least fifteen (15) days before the regularly scheduled meeting of the Waverly Planning Commission.
4. The applicant, or their agent or authorized representative, must present the request at the Waverly Planning Commission public hearing.

B. Posting of Notices

1. At least twenty-two (22) days prior to the date of the scheduled Waverly Planning Commission hearing, the Town Clerk shall post a notice of public hearing in four (4) conspicuous places within the Town. The notice shall contain the following information:
 - a. Name of the applicant.

- b. Location of the property and nature of the application.
 - c. Current and proposed zoning and land use of the property.
 - d. Time, date, and location of Waverly Planning Commission hearing on the requested zoning change.
2. The Zoning Official or Town Clerk also shall place a placard on the subject property at least fourteen (14) days before the scheduled Waverly Planning Commission meeting. The placard shall state the current zoning classification of the property; the requested zoning classification; the date, time, and location of the Waverly Planning Commission meeting; and contact information for the Town Clerk.

Section 4 – Waverly Planning Commission Action

- A. Scheduling of hearing. The Waverly Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this Ordinance.
- B. Waverly Planning Commission recommendation. The Waverly Planning Commission, by majority vote, shall recommend approval or denial of the requested zoning amendment or rezoning. Once a recommendation has been approved, the Waverly Planning Commission reports its recommendations and the findings thereof to the Town Council within thirty (30) days of the hearing, unless an extension period is granted by the Town Council. If the Waverly Planning Commission fails to make a formal recommendation on the petition within the required thirty (30) days, the proposed amendment shall be considered to have been recommended for approval by the Waverly Planning Commission. To obtain an extension period from the Town Council, the Waverly Planning Commission shall entertain a motion to request such extension, and then shall immediately forward such request to the Town Council for consideration at the next regularly scheduled Town Council meeting.

Section 5 – Town Council Action

- A. Scheduling of public hearing. Upon receipt of the recommendation of the Waverly Planning Commission, the Town Council shall schedule a public hearing on the proposed amendment or rezoning petition at the next regularly scheduled Town Council meeting after compliance with the notice requirements of this Ordinance.
- B. Public hearing notice. At least twenty-two (22) days in advance of the Town Council hearing on the zoning change or amendment to the Zoning Ordinance, a notice of a public hearing shall be posted in full in four (4) conspicuous places within the Town, stating the time and place that the amendment is to be considered by the Town Council, and stating that at such time and place all persons shall have opportunity of being heard in opposition to or in favor of such amendment. The Town Council shall hold a public hearing at the first regularly scheduled meeting after compliance with the notice requirements of this Ordinance.
- C. Approval or denial. After the public hearing on a rezoning petition or proposed amendment to the Zoning Ordinance, the Town Council shall vote to approve or deny the amendment. Failure by the

Town Council to vote in favor or denial of a proposed amendment shall constitute denial of the amendment without a formal vote.

Section 6 – Time Limit

After the Town Council has voted to deny an application for rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land or change of the same portion of the Zoning Ordinance, will not be considered until a period of six (6) months has elapsed from the date of such action by the Town Council. However, the Town Council may adjust this time period, if in the opinion of a majority of the Town Council an unusual situation or circumstance exists.

Section 7 – Initial Zoning of Annexed Property

Upon annexation of property (Title 11 Chapter 42 of the Code of Alabama), which is not zoned, the property shall be zoned RR (Rural Residential), for up to ninety (90) days. The property will remain RR unless an application for zoning is initiated by the owner, Waverly Planning Commission, or Town Council. In such case, the following procedures shall apply:

- A. Application for zoning. An application for zoning shall be made on a form available from the Town Clerk and be filed with the Town Clerk at least fifteen (15) regular business days prior to the Waverly Planning Commission hearing. The Town Clerk shall transmit such petition and application to the Waverly Planning Commission, which shall hold a public hearing and give notice of such hearing in accordance with the notice requirements in Section 4, Subparagraph A (Notice of Public Hearing) of this Article.
- B. Waverly Planning Commission action. The Waverly Planning Commission shall hold a public hearing at the first regularly scheduled meeting after submission and acceptance of the application. The Waverly Planning Commission report shall be transmitted to the Town Council within thirty (30) days of the hearing date, unless the Town Council grants an extension of such period. Otherwise, the zoning classification requested by the applicant shall be considered to have been recommended by the Waverly Planning Commission.
- C. Town Council action. Upon receipt of the recommendation of the Waverly Planning Commission, the Town Council shall schedule and hold a public hearing on the recommended zoning of the property to be annexed. Such hearing shall not be held until the Town Council has annexed said property into the Town but may be conducted immediately following adoption of the annexation ordinances. The Town Council shall give public notice of the hearing on the recommended zoning in accordance with Section 5A (scheduling of hearing) of this Article. Following such hearing, the Town Council shall decide by majority vote to accept or reject the recommended zoning. If the recommended zoning is accepted, such property shall be added to the Waverly Zoning Map. If the recommended zoning is rejected, such ordinances shall be remanded to the Waverly Planning Commission for reconsideration.
- D. Waverly Planning Commission reconsideration. If the Town Council rejects the zoning recommended by the Waverly Planning Commission, the Waverly Planning Commission, within thirty (30) days following annexation shall review the zoning of the newly annexed property and, if determined necessary, initiate a petition to rezone the property to the most appropriate district, in accordance with Section 3 (Application for Zoning Change) of this Article. No fee shall be

paid by the applicant for any reconsideration and rezoning action by the Waverly Planning Commission conducted in accordance with this Subparagraph. In determining the most appropriate zoning, the Waverly Planning Commission shall duly consider the following minimum items:

1. The Waverly Comprehensive Community Master Plan, as adopted by the Waverly Planning Commission, as well as other relevant land use and planning studies.
 2. The desires of the property owner subject to rezoning, as well as concerns of adjacent property owners.
 3. The purposes and considerations of zoning, as required by this Ordinance and Title 11 Chapter 52 Section 72 of the Code of Alabama, as amended.
- E. Action on Waverly Planning Commission Petition. The Waverly Planning Commission and Town Council shall act on the Waverly Planning Commission petition to rezone the newly annexed property in accordance with the procedures set forth in Sections 4 and 5 of this Article.

ARTICLE 15. ENFORCEMENT PROCEDURES

When a possible zoning violation is reported to, or observed by, the Zoning Enforcement Officer (ZEO), the following procedure should be followed:

- A. Information about a possible zoning violation on a property should be entered onto a Zoning Violation Report Form (ZVR) by the Town Clerk or the ZEO.
 - B. A Case File should be made by the Town Clerk or the ZEO for each reported location. The ZVR and any further information concerning the possible zoning violation for the location will be placed in this file. The Case File is the most critical part of the compliance process. All information and compliance related documents, including all notices and letters, should be placed within this file. If enforcement becomes necessary, the information contained within the Case File will support and prove the zoning violation.
 - C. A courtesy telephone call shall be made by the ZEO to the resident of the property and the owner of the property, if not the same person to attempt to determine if any activity under the purview of the Zoning Ordinance needs attention. It may be appropriate during this call to set up a site visit to determine what if anything is needed to comply with the Ordinance. If no contact can be made by telephone, a site visit of the reported property shall be made by the ZEO within the next 7 days.
 - D. If the situation observed is a confirmed violation and can be rectified by a Zoning Permit, a “Zoning Permit Needed Notice” shall be mailed to the owner. If the situation cannot be rectified by a Zoning Permit, Proceed to Step G.
 - E. If a Zoning Permit is applied for and granted within 10 business days of notification, a copy of the Zoning Permit shall be placed in the case file. The Case File will remain open until a final review of the property is in compliance, a Zoning Violation Corrected Letter shall be sent, and a copy placed in the Case File.
 - F. If a Zoning Permit is not applied for within 10 business days of notification, and any unpermitted activity continues on the property, a Zoning Violation Notice should be sent, by certified mail, to the property owner.
 1. If the owner responds within the time limit given and a Zoning Permit is able to be issued, a copy of that permit shall be placed in the Case File. If subsequent follow up inspections reveals that the property is in compliance, a Zoning Violation Corrected Letter shall be sent, and a copy placed in the Case File.
 2. If no response is received within the time limit given, the Case File should be forwarded to the Town Attorney.
 - G. If a site visit of a property reveals that a zoning violation not correctable by a Zoning Permit appears to be occurring on a property, a written account of what was observed should be made in the Zoning Inspection Form and a Response Requested Letter (type 1) should be sent to the owner.
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- H. If a site visit is made for a reported zoning violation that might not be able to be readily seen, such as a home occupation or cottage industry without a Special Exception, a Response Requested Letter (type 2) should be sent to the owner.
- I. If there is no response to either of the Response Requested Letters by the date listed in the letter a Zoning Violation Notice-No Reply should be sent, by certified mail, to the owner. If no response is received to this notice, once the certified response card is received, the Case File for the property should be forwarded to the Town Attorney.
- J. If a response is received, a meeting should be scheduled to discuss the possible zoning violation noted for the property. After meeting with the owner (or responsible party) to discuss the zoning violation and possible solutions, a Zoning Corrective Action Notice detailing the corrective actions agreed upon should be given at the meeting and a copy sent, by certified mail, to the appropriate person(s).
- K. A follow-up inspection of the property listed in the Zoning Corrective Action Notice shall be made by the Zoning Enforcement Officer on the dates specified in the notice.
 - (1) If the inspection reveals that the zoning violation has been rectified, a Zoning Violation Corrected Letter shall be sent to the owner or responsible party and a copy placed in the Case File. A copy of any and all documents related to this case, such as actions of the Zoning Board of Adjustments, should be included in the Case File.
 - (2) If the follow-up inspection reveals that the zoning violation has not been rectified, the case file and all related materials shall be provided to the Town Attorney for prosecution in the appropriate County Court System.

ARTICLE 16. OTHER IMPORTANT LEGAL PROVISIONS AND REMEDIES

SECTION 1 – CONFLICTING REQUIREMENTS

The provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where two or more specific requirements in this Ordinance conflict and the Ordinance does not otherwise specify which of the conflicting requirements prevail, then the requirement imposing the higher or greater standard shall govern. Where other ordinances or regulations that may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. Whenever the requirements of this Ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in this Ordinance. No certificate of zoning permit or plat approval shall be issued or considered valid for any use or activity which is or would be otherwise illegal under the terms of any applicable local, state, or federal law. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

SECTION 2 – REPEAL OF CONFLICTING ORDINANCES

All previously adopted zoning ordinances that are in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 3 – SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance that is not, in and of itself, invalid or unconstitutional.

SECTION 4 – VIOLATIONS AND PENALTIES

Any failure to comply with the applicable requirements of this Ordinance shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of not less than fifty dollars (\$50.00) or more than five hundred (\$500.00) dollars and/or imprisonment of not more than six (6) months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. Each day

such violation continues, shall constitute a separate offense. Where such a violation has been confirmed to exist by the Zoning Officer, the violation shall be cured in accordance with the administrative procedures outlined in Article IX, Section 4 of these Regulations.

In case any building or other structure is erected, demolished, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Zoning Official of the municipality or any other appropriate authority, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, demolition, construction, reconstruction, alteration, repair, conversation, maintenance or use to correct or abate such violations or to prevent occupancy of such building, structures, or land.

SECTION 5 – RESTRICTIVE COVENANTS AND BYLAWS

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

SECTION 6 – EFFECTIVE DATE

This Ordinance shall take effect five (5) days from the date of final posting by the Town, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.

ARTICLE 17. DRAINAGE, STORM WATER, DEVELOPMENT IN FLOOD PLAIN

Section 1 – Drainage and Storm Water Management Requirements

New development and construction activity must be designed to minimize storm water drainage onto adjacent properties, on-site erosion, and the resulting increase in sedimentation in off-site water resources caused by storm water runoff. All site development shall comply with the following requirements.

The following activities shall be exempt from these storm water management requirements:

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

Where an ADEM permit is required. Major construction projects or land disturbing activities that fall within the requirements of the Clean Water Act must be approved by the Alabama Department of Environmental Management (ADEM) prior to development. Applicants subject to this requirement shall provide evidence that a storm water discharge permit has been issued by ADEM prior to the issuance of a Zoning Permit by the Zoning Official.

Tie-in required. All proposed drainage improvements shall tie into an existing man-made or natural drainage way along the existing public streets adjoining the development site. Under no conditions shall storm water drainage be emptied into any sanitary sewer system or vice-versa.

Basic guidelines. Storm water management improvements shall be designed in accordance with all applicable Best Management Practices for the proposed type of construction activity. All slopes on the development site in excess of ten (10) percent grade shall be permanently stabilized using natural vegetation, retaining walls, terracing, or a combination, as may be appropriate.

Development sites which will contain more than twenty thousand (20,000) square feet of impervious surfaces (buildings and paved surfaces), or on which more than fifty (50) percent of the total lot area will consist of such surfaces, shall contain adequate storm water management facilities (detention or retention basins, drainage ways, storm drains, etc.) to accommodate on-site runoff and safely release or transmit the runoff that would be generated by a twenty-five (25) year storm event, without causing an increase or surge in the volume and velocity of off-site peak storm water runoff over the pre-development state.

In accordance with Best Management Practices, proposed developments may incorporate creative and innovative design to minimize the impacts of storm water runoff. Such design features may include, but are not limited to, undisturbed natural buffers between impervious surfaces and adjoining streams and drainage ways; retention of existing mature trees on building lots; the use of seeded drainage swales, with

stabilized cut slopes not to exceed a ten (10) percent grade, rather than concrete curb and gutter; the use of porous pavement surfaces for parking lots and driveways; the use of crushed gravel or turf parking areas for small parking lots or parking areas for temporary or occasional parking; the creation of wetlands for storm water detention and retention; and other practices as may be appropriate to address on-site storm water drainage needs.

Storm water management on privately owned common open space lands. Where any storm water management improvements are to be constructed on common open space lands within a development, such improvements shall be managed and maintained in perpetuity by the developer or a homeowner's association (HOA) with interests in the common areas and facilities in the entire development, at the expense of such entity. The developer or HOA shall be vested with the authority to ensure maintenance of said mutually owned features of the development or tract portion thereof. Such entity shall operate under recorded conditions, covenants, and restrictions that may include memberships of all owners of lots and/or dwelling units, and assessments to meet the changing costs of maintenance, repairs, and services. A subdivider or developer shall submit evidence of compliance with these requirements to the Waverly Planning Commission prior to approval of a Zoning Permit.

Section 2 – Construction in Flood Prone Areas

INTENT AND PURPOSE

The purpose of these regulations is to protect public health, safety, and general welfare; to conserve ecologically sensitive environments; and to protect the community from the economic or social costs incurred when development occurs in flood plains. These requirements shall be supplemental to other requirements of the applicable zone district. These requirements shall apply in those areas delineated as subject to 100-year flood on FEMA Federal Flood Insurance Maps, or otherwise identified as subject to 100-year flooding from State or Federal documents. The 100-year flood plain line must be delineated and certified on any subdivision or lot approved by the Waverly Planning Commission.

USES PERMITTED

Agricultural uses and crop production; wildlife or game preserves or sanctuaries; forest reserves; watershed conservation areas and reservoirs; dams and ponds that are a part of storm water detention; outdoor recreation which does not require over five (5) percent of the lot or tract to be dedicated to impervious surfaces; other recreational, agricultural, and open space uses; or uses allowed in the actual Zoning District which do not require buildings within the 100-year flood plain.

SPECIAL EXCEPTION USES

All uses listed as Special Exception in the applicable Zoning District and single-family residences, provided all structures and uses meet the other requirements of this section.

USES PROHIBITED

All uses not specifically allowed or permitted by Special Exception are prohibited.

SPECIAL CONSTRUCTION REQUIREMENTS

The Flood prone areas shall be defined as those areas delineated on FEMA Federal Flood Insurance Maps or otherwise identified as subject to 100-year flooding from State or Federal documents. No permanent building or structure, except for agricultural uses or unless approved as part of a flood remediation plan, shall be constructed in the flood prone areas.

The following may be permitted when specifically approved by the Zoning Board of Adjustment as a Special Exception to these regulations:

- A. Permanent building structures associated with the uses permitted, provided that the first-floor level shall be at or above an elevation of the flood of record plus two (2) feet, and that such construction shall not impede the flow of flood waters nor increase the hazard of flooding either upstream or downstream unless part of flood remediation plan.
- B. Earth fill or other materials may not be used to raise the elevation of the land, unless the fill proposed does not restrict the flow of water and unduly increase flood height and hazard, as determined by the Zoning Official based on an engineering report prepared by a licensed engineer at the expense of the landowner.
- C. Filing with the Town Clerk of a restrictive covenant providing that no foreign matter such as rubbish, car bodies, refuse, etc., shall be deposited within the excavation area, and binding upon the applicants, their heirs, successors, or assigns.
- D. A performance bond shall be required in such an amount and for such length of time as may be determined by the Waverly Planning Commission to be necessary to guarantee excavation in accordance with the provisions set forth above.

Documents of Compliance must be provided to the Waverly Planning Commission, certifying such compliance by a registered engineer.

COMPLIANCE WITH COMPREHENSIVE COMMUNITY MASTER PLAN AND SUBDIVISION REGULATIONS

Dedications, easements, or other indications of the 100-year flood plain shall be incorporated into any subdivision approval. Owners of property which has been designated a flood prone area and documented on official state or federal flood maps, may provide public easements, fee simple title or other form of easement for the construction of greenways, trails, etc., if recommended by the Waverly Planning Commission, and subject to approval of the Waverly Planning Commission on an alignment for the particular greenway which does not create an economic hardship for the property owner.

ARTICLE 18. TELECOMMUNICATION TOWERS, ANTENNAS, AND SATELLITE DISHES

A. Extent and Purpose of Regulations.

It is the intent of the Town of Waverly to provide for the placement and appearance of telecommunication towers, antennas, and satellite dishes in accordance with Telecommunications laws of regulations.

B. Applicable Terms

The following terms are used in this Ordinance, relative to these facilities.

1. Antenna. An electromagnetic device that conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. "Antenna" includes devices commonly known as "whips," "panels," and "parabolic dishes." "Antenna" shall include an antenna used in conjunction with microwave, cellular, or personal communication service systems and any other type of telecommunication's systems now or hereafter in use.
2. Applicant. A party or parties who apply for a permit to construct a tower, to install an antenna on a proposed or existing tower, or to locate equipment on a proposed or existing tower compound.
3. Co-Location Site. A parcel of land or other site on which the antennas and related equipment of more than one party are located.
4. Communication Facilities. Towers, antennas, and associated equipment collectively.
5. Equipment. All equipment and facilities used in conjunction with one (1) or more towers and/or antennas, including, but not limited to, electronic systems, generators, fuel tanks, and fuel.
6. FAA. The U.S. Federal Aviation Administration.
7. FCC. The U.S. Federal Communications Commission.
8. Fiber Optics. Light transmissions through very fine flexible glass, by internal reflection.
9. Monopole. Any self-supporting wooden, metal, or concrete pole designed to support an antenna; provided, that the word "monopole" shall not include a latticed steel or metal tower, a tower that requires guy wires for support, or a tower that has more than one source of support, such as a tower with more than one (1) leg.
10. Residential Property. Any land which is located in a Residential Zoning District-GR, HR, and PUD.
11. Surveyor. A person who is registered with, and licensed by, the State of Alabama as a surveyor.
12. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and any other like structure used to support wireless telecommunications transmission facilities now or hereafter in use.

13. Tower Compound. A parcel of land or a building on which communication facilities are located.

C. Jurisdiction of Regulations.

All communication facilities or structures greater than one (1) meter in diameter, including but not limited to those facilities known as “cellular,” “personal communication system (PCS),” “paging services,” and similar services, shall comply with these regulations. However, the following shall be exempt from these regulations under the specified conditions:

1. Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the Town of Waverly, provided a license or lease authorizing such antennas or towers has been approved by the Town Council.
2. Amateur Radio or Receive-Only Antennas. Any tower, or the installation of any antenna that does not exceed the maximum height restriction of the applicable Zoning District or seventy (70) feet, whichever is less, and is owned and operated by a federally licensed amateur radio station operator or is exclusively for receive-only antennas.
3. Pre-Existing Communication Facilities or Towers. Any communication tower or antenna which was constructed prior to the effective date of these regulations, and which complied with all applicable State, Federal, and Local codes, laws, and regulations in effect at the time of construction.
4. Telecommunication Towers: Towers are allowed in any business or industrial districts subject to district requirements. Such facilities are allowed as a Special Exception in other districts upon appeal to the Zoning Board of Adjustment. Such freestanding facilities are prohibited in the Central Historic and Historic Residential Districts.

D. Basic Requirements and Design Considerations.

All proposed communication facilities (towers and antennas) governed by these regulations shall comply with the following requirements and guidelines.

1. Compliance with FAA Regulations. All proposed communication facilities shall comply with all applicable FAA requirements.
2. Compliance with FCC Regulations. All proposed communication facilities shall comply with all applicable FCC requirements, including but not limited to, the Telecommunications Act of 1996, as amended.
3. Structural Safety. All proposed communication facilities shall comply with wind loading and other applicable structural standards contained in any applicable federal, state or best management practices.
4. Appearance and View Protection. All proposed communication facilities with the exception of proposed antennas that will be co-located on a pre-existing tower shall be attractively camouflaged, disguised, or hidden in a manner that it will blend into the surrounding environment to the greatest extent possible, including means of minimizing the visual impact of the antenna, such as installing it onto an existing telephone pole, streetlight, or building rooftop, rather than erecting a new tower specifically for the proposed antenna. In no instance shall a non-camouflaged communication facility be approved for a residential property.

5. Signs prohibited. No signs or other forms of advertising, including signs displaying the name of the owner or user of the tower or antenna, may be attached to or depicted on a communication facility except any required warning to private property postingsigns.
6. Construction materials. Construction will be in accordance with Federal and State Building Codes and best management practices.
7. Health Effects. All proposed communication facilities shall comply with all applicable FCC regulations and requirements in effect to prevent detrimental health effects from the proposed communication facilities. Subject to the provision of the Telecommunications Act of 1996.
8. Interference with Existing CommunicationFacilities. All proposed communication facilities shall comply with all applicable FCC regulations and requirements in effect to prevent interference with existing communication facilities serving the area.
9. Co-Location. No new tower or monopole shall be erected on a proposed communication facility site unless the applicant can document and prove that an existing co-location site is not available or is not technically capable of serving the specific telecommunication need in the area of the proposed site. This requirement may be waived where the proposed antenna would create an excessively cluttered appearance on the available co- location site(thereby drawing greater visual attention to the existing antenna site or creating a more imposing obstruction to scenic views and vistas from the area) and the proposed new antenna would be less visible or intrusive on the surrounding area if effectively camouflaged on an alternatesite.
10. Setback Requirements. All proposed communication facilities and structures, including guysand accessory facilities shall satisfy the minimum setback requirements of the Zoning District in which they will be sited.
11. Lighting. Towers may not be artificially lighted, except where required to satisfy applicable FAA regulations and lights for security and making emergency repairs may be installed on buildings within the tower compound that contain equipment essential to the operation and maintenance of the tower. Such lights shall be located and directed so that they do not shine, reflect, or generate excessive glare onto or toward any residential property or adjoining property upon which a residential use exists or has been approved for construction.
12. Security Fence. All communication facilities to be located within a proposed tower compound shall be secured by a minimum standard of construction of an eight (8) foot high security fence or wall using chain link fencing.
13. Landscaping. All proposed tower compounds must be surrounded by a landscaped buffer that shall provide an effective year-round screen to a height of at least eight (8) feet upon planting in order to screen views of the tower compound from adjacent public ways, residential properties, and properties upon which a residential use exists or has been approved for construction.
14. Access and Parking. A driveway and parking area with a surface appropriate for the intensity of use shall be provided for each proposed tower compound to provide adequate access to the tower compound for the maintenance and repair of the communication facilities and for vehicle providing emergency services.

E. Application

1. Receipt of Application. All required applications shall be submitted to the Zoning Official as outlined in Subsection G below.
2. Zoning Official Review. The Official shall review a complete application within thirty-one (31) days of the date of receipt. On the date that the Zoning Official's review period ends, any remaining portions of the application not subject to approval or denial by the Zoning Official shall be submitted to the ZBA for action.
3. Public Hearing. The ZBA shall conduct a public hearing on the application at the earliest regular meeting date that will satisfy the public hearing notice requirements following the date of submission by the Zoning Official. Ordinance.

F. Decision.

The ZBA shall render a decision on the application within thirty-one (31) days from the date that the public hearing is closed.

G. Submission Requirements.

All applications proposing to construct communication facilities that fall within the jurisdiction of these regulations shall provide adequate documentation to demonstrate compliance with all applicable basic requirements and design considerations.

1. A completed Zoning Permit application form, including any required application fee.
2. A site plan of the tower compound, prepared by a surveyor, showing the location, street address, tax parcel identification number, and dimensions of the parcel of land that will contain the tower compound, the location of all required setback lines, driveways, parking areas, buffers, fencing, landscaping, storm-water management improvements, fuel tanks (both above and below ground), and structures that exist or will be constructed on the property.
3. Written proof of ownership of the proposed tower compound or authorization to use it.
4. A written summary including a description of the proposed tower or antenna with the technical reasons for its design, a certificate from the project engineer documenting the structural integrity of the tower or antenna support for its proposed use including any co-located communication facilities that may already exist at the site, and an affidavit signed by the owner of the proposed communication facilities and the project engineer attesting compliance of the proposed communication facilities with all applicable FCC requirements with regard to any potential detrimental health effects that could be generated by the proposed facilities.
5. A drawing showing the coordination of the proposed tower (or the existing tower, if the applicant is seeking permission to install an antenna on an existing tower) and all other communication facilities and the tower compound, describing colors and materials to be used for the communication facilities and any security fence, decorative fence, and decorative wall.
6. Copies of any proposed easements, where applicable to the project.

H. Removal of Obsolete Towers.

Any tower that is no longer serving an active communication use shall be removed at the owner's expense. The owner shall provide the Zoning Official with a copy of the notice to the FCC of intent to

cease operations and remove the tower and all associated communication facilities from the site within three (3) months from the date that all operations ceased.

Where a tower serves as a co-location site, this provision shall not apply until all active users cease operation. If the owner of the tower fails to remove the tower as required, the responsibility for removal shall then apply to the owner of the land upon which the obsolete tower is located. Once the responsibility from removal has shifted to the property owner, the property owner shall remove the obsolete tower within one (1) month of the date that tower owner's removal deadline lapsed. If neither the owner of the tower nor the owner of the land removes the obsolete tower within the time prescribed herein, the Town may, but shall not be obligated to, remove the obsolete tower. If the Town removes the obsolete tower, it shall be entitled to recover the cost of removal from the owner of the tower and/or the owner of the land upon which the tower is located.

I. Provisions for Satellite Dishes.

All satellite dishes exceeding one (1) meter in diameter shall be considered structures required to be installed in accordance with all applicable provisions of this Ordinance, any applicable local or state regulations, and any other applicable regulations enforced by the Town of Waverly.

J. Appeals.

All appeals of a decision by the Zoning Board of Adjustment shall be to the Circuit Court or FCC as prescribed by the Telecommunication Act of 1996.

ARTICLE 19. DEFINITIONS OF TERMS IN THE ZONING ORDINANCE

Section 1 – Interpreting the Definitions

Except as otherwise provided herein, all words in this Ordinance have the customary dictionary meaning. Any interpretations of a term used in these regulations shall be determined by the Zoning Official of the Town or by the Zoning Board of Adjustment, upon appeal or request from the zoning official.

Section 2 – Specific Definitions

The following are definitions of certain words and phrases that apply to this Ordinance, unless specifically defined elsewhere in the Ordinance.

Accessory Structure or Accessory Use: A detached freestanding structure, building, or land use activity that meets the following criteria:

- Structure or use is subordinate and incidental to a main structure or principal land use.
- Structure or use is subordinate in area, size, nature, and purpose to the principal structure or land use.
- Structure or use is located on the same lot as the primary structure or use except as otherwise authorized by this Ordinance.

Alteration: “Alteration” shall include any of the following:

- Any addition or change to the height, width, or length of an existing building or structure.
- Any change in the position or placement of an existing structure or building on a lot.
- Any change in the interior space or use of a building or structure.
- Any repairs or remodeling to a structure which is estimated to cost, in total, more than fifty percent (50%) of its value prior to the beginning of such repairs.

Alley: A public or private way less in width than a street, designed for the rear or side access to a lot or lots it serves, not intended for general travel.

Apartment: A single dwelling unit contained within a multi-family dwelling.

Automobile Filling Station or Service Station: Any place of business having pumps and storage tanks in which fuels or oils for motor vehicles are dispensed, sold as retail sales and where minor repairs, services and inspections may be performed incidental to the sale of such fuels and oils.

Bed and Breakfast: An existing residence where the owner lives on the premises and provides short- time lodging for lodging facility having the exterior appearance of a single-family house and providing short-term rental sleeping accommodations of less than one (1) month per visit. Such structure shall contain at least one (1), but not more than five (5) bedrooms for rent. Individual bedrooms within a Bed and Breakfast Inn shall not contain any kitchen facilities. The lodging facility shall also contain the primary living facilities for the onsite resident manager or owner of the facility.

Best Management Practices: Those engineering guidelines or other design, construction, and land use standards recognized by a body of professional engineers, architects, or contractors as a proven and responsible means of design or construction.

Boarding House: An establishment other than a hotel, motel, or restaurant where lodging is provided for compensation to at least two (2) unrelated persons.

Buffer: A densely planted strip of evergreen shrubs or trees, solid brick or wood fencing, earthen berm, or any combination of these features intended to serve as a physical and visual divider between different uses or lots. Each buffer shall be improved and maintained to provide an effective, year-round, visual screen between adjoining uses and structures.

Building: Any structure having a roof supported by columns, or by walls, including tents, lunch wagons, dining cars, trailers, and similar structures whether stationary or moving.

Building (Main): The main building shall be considered as the largest structure on a lot; an attached garage, carport, porte-cochere, porch, or part thereof shall be considered as part of the main building and shall be subject to the setback and side yard requirements for the district in which it is located.

Building Area: The portion of the lot occupied by the main building, accessory building, and other structures.

Building Line: A line showing the minimum distance from the street right-of-way to where a structure may be located, subject to provisions of this Ordinance. For purposes of determining the minimum building line, the location of the structure shall include porches, landings, bay or bow windows, and decks, but not steps, gutters, flagpoles, awnings, and similar protruding fixtures on a building.

Campground: An area of land divided into commercial camping sites which include cabins, campers, or tents for temporary rental occupancy by transient persons for recreational purposes, and which retains an open air or natural character.

Child Care Center (or Day Care Center): Any nonresidential center, agency, or place, used to provide custodial care for children not related to the operator, whether for pay, or otherwise, during the day only, and in full compliance with all applicable State requirements and/or certifications. Each Child Care Center shall comply with the special requirements outlined in Article 10, Section 4 of this Ordinance.

Child Care Center, In-Home: A child care business, conducted in a residential structure, as a home occupation as provided for in this Ordinance, where care is provided for not more than six (6) children, not related to the operator during the day only, whether for pay, or otherwise, and in full compliance with all applicable State requirements and/or certifications. Each In-Home Child Care Center shall comply with the special requirements outlined in Article 10, Section 4 of the Ordinance.

Church: A structure used exclusively for religious worship, education, or other related ceremonies or practices (not including living quarters) by a congregation or members. The term “church” shall include and encompass religious structures, such as synagogue, chapel, mosque, temple, and the like. A lot containing a church as the land use also may contain a cemetery/graveyard and/or parsonage as accessory uses, provided that any accessory parsonage use does not exceed the permitted number of families allowed for the residential Zoning District, in which the parsonage, should the church be located within a residential zone. No structure designed to serve as a residence as its primary use shall be considered a church.

Citation: The legal notification of a property owner or other party of a violation of the Zoning Ordinance, issued by the Zoning Enforcement Officer in behalf of the Town Council, specifying the violation of the Ordinance and remedies, therefore.

Clinic: An establishment, public or private where people are given examination, diagnosis, and treatment as outpatients by physicians, dentists, optometrists, or other members of the medical profession, not including overnight stay.

Common Open Space: That open area not used for buildings, and which is available for the use of multiple parties as part of a master plan or overall site plan for development.

Comprehensive Community Master Plan: The plan for the community approved by the Waverly Planning Commission in accord with state enabling legislation and providing for the land use, transportation and streets, utilities and community facilities and other provisions to promote the health, safety, and welfare of the Town.

Covenant: A legal document attached to a subdivision or other recorded document which specifies certain conditions on the use of a parcel or parcels of land, usually included as part of a subdivision or development plan and can be recognized, but not entered into by the Waverly Planning Commission in consideration of a Zoning or Rezoning or subdivision.

Cottage Industry: An incidental business use or activity, which is conducted within a building accessory to the permanent dwelling unit of the business owner.

Dedicated Rights-of-Way: Streets, alleys, or easements designated by a property owner for use by the public for travel, access, or other purposes, included on a subdivision approved by the Waverly Planning Commission, accepted by the Town Council, and properly recorded in the County Probate Office.

Drive-In Restaurant: A commercial dining facility serving food prepared or cooked on the premises and specifically packaged for dining on the premises or taking the prepared food away. Such dining facilities may include a drive-through lane and/or service window.

Drive-In Theatre: A theatre so arranged and operated, where the customer or patron may view the performance while being seated in a motor vehicle.

Documents of Compliance: Information provided in writing to demonstrate that the proposed construction or use is allowed in accordance with applicable local, county, state or federal laws and regulations.

Duplex: A residential structure containing two (2) dwelling units.

Dwelling: A house or other structure used primarily a residence for one, or two families, except that the word “dwelling” shall not include boarding or rooming houses, tents, hotels, or other structures designed or used primarily for transient residents.

Dwelling, Multi-family: A building containing three or more separate dwelling units accessed by independent exterior entrances or through a shared foyer or stairwell on a commonly shared lot.

Easement: The designation of a right of way for access, utilities, or other purpose on a parcel of land, usually included in a recorded subdivision or otherwise recorded, to be used specifically for the purpose state in the recorded document

Family: Individuals related by blood, marriage, or adoption, and up to three (3) nonrelated individuals, living together as a single housekeeping unit. The nonrelated individuals cannot be living together as part of a program or required residence such as a halfway house or Group Home.

FEMA Fed Flood Insurance Map: Official maps prepared by the Federal Emergency Management Agency which delineate the extent of flooding relative to the Floodway and Flood Plain according to the latest records available and incorporated into the official maps provided by FEMA.

Fence or wall in lieu of fence: A barrier, railing, or other upright structure; typically constructed of wood, stone, masonry, metal, wire, or similar materials; enclosing an area of ground to mark a boundary, control access, screen a use, or prevent escape. For the purpose of this Ordinance, a fence structure is not subject to a building or structure setback but must meet all height and visibility restrictions and requirements of the Ordinance.

Firing range (gun range): A facility with targets for rifle or handgun practice. All activities involving the discharge of firearms shall have a sufficient backstop to prevent projectiles from leaving the property.

Funeral Home: A business that prepares the deceased for burial and provides facilities for funerals.

Gross Housing Density: The overall number of housing units relative to the overall land area on which they are located, usually stated in terms of number of units per acre.

Group Home: A dwelling housing two or more unrelated individuals not related by blood or marriage and who live and function as a single housekeeping unit under the supervision of a resident managers. Specific individual living facilities shall be provided within the home for each family or individual residing therein. A group home serves socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, including homes for orphans or neglected children, homes for people with disabilities or who are mentally ill, rehabilitation homes for drug or alcohol dependency, emergency care homes for abused spouses or children, and similar group residency individuals who require on-site assistance, counseling, or supervision from a resident manager. Group homes may be allowed as a Special Exception in any Zoning Districts designated to allow Group Homes in Article 20, Use Table.

Hardships: Extraordinary limitations on the development of property resulting from unique physical conditions making it extraordinarily difficult to comply with provisions of the Zoning Ordinance.

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

Hazardous Waste: Any discarded or disused material, chemical, or substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

Height of Building: The vertical distance measured from the finished ground level to the highest point of the roof, if a flat roof or to the average height level between eaves and ridge for a gable, hip, or gambrel roof.

Historic District: An area, neighborhood or collection of properties that are considered as having historic significance by recognized state, national or other preservation authorities or determined such by a County or local agency and/or designated as such by the governing body in accord with state and local laws including relevant planning and zoning codes, usually having provisions for certain design or preservation guidelines in accord with applicable enabling statutes.

Home Occupation: A business activity incidental to the use of the property for residential purposes, conducted only by members of a family residing on the premises, and conducted entirely within a dwelling unit.

Hospital: An institution devoted primarily to the diagnosis, treatment, or care of the sick or injured on an in-patient and/or an outpatient basis.

Hotel: Any building or portion thereof that contains at least ten (10) guest rooms intended for occupancy by individuals for compensation on a daily, weekly basis.

Impervious Surface: Any surface or improvement to land that substantially reduces or prevents the natural infiltration of stormwater into the underlying soil layers, and which causes increased runoff, including, but not necessarily limited to: paved surfaces, buildings, sidewalks, swimming pools, and any compaction of the soil not allowing water infiltration into the soil, subject to best practices.

Industry: A use of land for manufacturing, distribution, fabrication, assembly, warehousing or production of products not including retail businesses or services, cottage industries or home occupation.

Junkyard: Any lot or parcel of land upon which discarded or nonfunctional articles, products, and materials are kept, compacted, burned, stored, bought, or sold, but not actively repaired or used for their original purposes. Such articles shall include, but may not be limited to household appliances, scrap metal, demolition materials or debris, used furniture, scrap paper or glass, used or flat tires, and inoperable automobile bodies and parts. Any lot containing, for a period exceeding thirty (30) consecutive days, two (2) or more inoperable motor vehicles that are unregistered or are incapable of fully operating (start and move) under their own power shall constitute a Junkyard.

Light Industry: That business which includes the warehousing, distribution or production of goods and materials NOT causing substantial noise, smoke, dust, odor, or other effects relative to impact on adjacent properties and not including the manufacturing or production of equipment, goods or products requiring the conversion of raw materials final product.

Lodging, rooming or boarding house: An establishment other than a hotel, motel, or restaurant where lodging is provided for compensation to at least two (2) unrelated persons.

Lot: A parcel of land occupied or intended to be for uses as provided for in this Ordinance.

Lot, Corner: A lot adjoining an intersection of two street rights-of-way such that it has frontage along the right-of-way lines of both intersecting streets, or a lot along a curved street that shall be considered a corner lot by the Waverly Planning Commission.

Lot Depth: The longest distance between the front property line and the opposing rear property line as measured by a line drawn perpendicular to the building front setback line.

Lot, Double Frontage: A lot having frontage on two (2) or more streets that do not intersect at any point along the subject lot boundaries.

Lot of Record: A lot, which is included on a map or plat, which has been recorded in the office of the Probate Judge.

Lot Size: The total land area of a parcel of land according to a recorded subdivision or other parcel otherwise recorded in the Probate Office of the county in which it is located.

Lot Width: The distance between the side lines of a lot, measured by a line drawn along the building line of a lot.

Mandamus: An order from a higher court to a lower court or an authority to perform an action or fulfill a duty, usually associated with an appeal on behalf of a property owner or aggrieved party.

Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which is connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein.

All manufactured homes shall comply with the relevant and applicable standards contained in Article 10, Section 1 of this Ordinance.

Manufactured Home Community or Park: A tract of land in single ownership having multiple spaces for lease, which are used or designed to accommodate manufactured homes.

Master Plan for Development: A site plan depicting the use, location, character, and extent of development proposed for a parcel or parcels of land including buildings and construction, parking, access, signage, landscaping and other features as required per the Zoning Ordinance.

Mobile Home: A structure which complies with the definition of “manufactured home”, but which was manufactured prior to June 15, 1976. After the effective date of this Ordinance, mobile homes shall be a legal nonconforming use subject to the regulations established in Article 2, Section 2 of this Ordinance.

Modular Home: A dwelling transported in pre-manufactured sections or components to the construction site and assembled and inspected in accordance with a national building code and bearing an insignia issued by the Alabama Manufactured Housing Commission verifying compliance of the structure’s components with all applicable requirements of the 1975 Code of Alabama, as amended.

Motel: A building or groups of buildings containing three (3) or more guest rooms having separate outside entrances for each such room or suite of rooms and where required automobile parking space is provided.

National Pollutant Discharge Eliminations System: Those regulations for storm water run-off that requires permitting of construction or land disturbance by the state and/or federal environmental agencies in accord with the federal Clean Water Act.

Nonconforming Lot of Record: A nonconforming lot of record is any validly recorded lot, which at the time it was recorded fully, complied with all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum area, minimum lot width, or minimum street frontage.

Nonconforming (Legal) Use or Structure: An allowance use of land or structure which, though originally legal, does not conform to the current provisions of this Ordinance or any subsequent amendments thereto for the district in which it is located.

Nursing Home: A home for the aged, chronically ill, or handicapped persons, except mental or substance abuse patients, in which two or more persons are received, kept, or provided with food, shelter and care for pay but not including hospitals, clinics or other such institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

Offices: Space or rooms used for professional, administrative, clerical, and similar uses: may include doctor and dentist offices.

Office Building: A building whose predominant use is for offices including doctor and dentist office buildings.

Overlay District: An Overlay District is a planned development district allowed within certain designated Zoning Districts and is intended to promote planned and orderly economic growth in industrial areas, and to encourage the development of a higher density of land use in residential areas in return for planned open space. Overlay districts must meet the development standards of the underlying district and will only be allowed upon approval of a Master Development Plan by the Waverly Planning Commission.

Parking Garage: A building or portion thereof designed or used exclusively for the parking of motor driven vehicles.

Parking Lot: A lot or lots used exclusively for the purpose of parking motor driven vehicles.

Parking Space: A clearly designated space to be occupied by a motor driven vehicle which is not less than eight (8) feet, six (6) inches in width, and not less than (18) feet in length.

Parsonage: An attached or detached dwelling used as a domicile for church clergy and his/her family.

Performance Guarantee or Bond: A financial assurance or security posted by a person to ensure that all improvements, facilities, maintenance, or work required by this Ordinance, or the Town of Waverly Subdivision Regulations will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development. This term shall include and encompass the term “maintenance guarantee.”

Permitted Uses: Those uses of land allowed in accordance with the provisions of the Zoning Ordinance.

Permitted Uses or Structures: Uses or structures specified as “permitted” under provisions of the Ordinance.

Planned Unit Development or P.U.D.: A single or multi-use development on a single or multiple parcels which is designed and constructed, per the guidelines contained in the Zoning Ordinance for such developments.

Public Buildings: Those buildings or uses in which the business of the town, county, state, and federal government may be conducted.

Public Utilities: The utilities necessary to the health and welfare of the community such as water distribution, sewage disposal, telephone service, gas distribution, cable and fiber optic service and transmission, whether publicly or privately owned and operated.

Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes. A recreational vehicle shall not be permanently affixed to the ground or any structure.

Residence, Permanent: Residential occupancy of a dwelling unit by the same individual(s) for a period of more than 180 consecutive days and the usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence.

Rooming House: Any predominantly residential building or portion thereof which contains not less than three (3) or more than (9) guest rooms which are designed or intended to be used, rented, or established for occupancy by individuals for compensation.

Semi-Public Buildings: Those buildings or uses established by public or private non-profit interests such as churches, country clubs, private schools, etc.

Setback: That distance from the property line at the front or rear of a lot of record to the location of a building or structure.

Shooting range: An enclosed firing range with targets for rifle or handgun practice. All activities involving the discharge of firearms shall be conducted more than two hundred fifty (250) feet from the property line and directed away from any established residential uses and must have a sufficient backstop to prevent projectiles from leaving the property.

Short-Term Non-Primary Rental: A dwelling unit that is not a permanent residence and that is leased in its entirety to one party for periods of less than 30 consecutive days. The term "party" as used in this definition shall mean one or more persons who as a single group rent a short term non-primary rental pursuant to a single reservation and payment.

Signage: The display of information relative to the name, type, identification of business, residence or other permitted use located on a parcel of property or otherwise located on public property in order to provide public information relative to public safety, health, or general welfare.

Special Exception: A use not specifically permitted within a Zoning District, but which could be compatible with other uses in the district, provided that certain controls or restrictions were placed on the use. A Special Exception is allowed only by vote of the Zoning Board of Adjustment.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; a basement shall be considered as a story if its ceiling is more than five (5) feet above grade.

Street: Any public way set aside for common travel more than twenty (20) feet in right-of-way width, if such existed at the time of enactment of this Ordinance, or fifty (50) feet in right of way width, or more if established thereafter, subject to Waverly Subdivision Regulations

Structure: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything located on the ground, including signs, retaining walls or terraces greater than three (3) feet high, and similar items, but not including a Fence.

Total Floor Area: The inside area in square feet of all floors of a building including finished attics and basements when considered as a story under the terms of this Ordinance.

Tourist Park or Camp: Any site, lot, field, or tract or land privately or publicly owned or operated, upon

which two (2) or more cabins or similar structures, used for living, eating, or sleeping quarters are, or are intended to be, located; such establishments shall be open and designated to the public as places where temporary residential accommodations are available, whether for or without pay.

Truck Stop: A large roadside service station (and restaurant) that caters to truck drivers and large vehicles.

Yard: The area on a lot between the structure and the front, rear, or side property line; for example:

Front Yard: The yard existing across a lot between the main structure (the main building includes an attached garage, porte-cochere, carport, or covered porch) and the front lot line or an official street right-of-way line.

Rear Yard: The yard across a lot between the main structures, including covered porches and the Rear lot line.

Side Yard: The yard along a side lot line, between structures, including covered porches, attached garages, porte-cocheres and carports and the side lot line.

Variance: Approval granted by Zoning Board of Adjustment for specific variations from the strict requirements of the Zoning Ordinance due to hardships that apply to the physical conditions of a particular piece of property.

Zoning Ordinance: The local code or law governing the use and development of land within the applicable municipal or county jurisdiction relative to the type, character, location, height, density and of land use.

Zoning Permit: A written certification issued by the Town authorizing the use of or construction on a parcel of property in accordance with the Zoning Ordinance, such authorization does not include any approval, sanction, or recognition relative to other local, county, state, or other health, building or safety provisions.

ARTICLE 20. LAND USE TABLES

P = PERMITTED USE: Uses in the Table of Uses identified by (P) are permitted as of right, subject to the conditions specified in the Table or elsewhere in these Ordinances.

SE= Uses in the Table of Uses identified by (SE) are permitted as a Special Exception by the Zoning Board of Adjustment.

N = NON-PERMITTED USE (PROHIBITED): Uses in the Table of Uses identified by (N) are not permitted

Land Uses	Zoning Districts						These districts require approval of a Master Plan by the Waverly Planning Commission		
	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID	
Group Residence	SE	SE	N	N	N	SE	N		
Manufactured home	P	P	N	N	N	N	N		
Manufactured housing community or mobile home park	N	N	N	N	N	N	N		
Modular Construction, Permanent	P	P	N	SE	SE	P	SE		
Multiple family dwelling ≤ 4 units	SE	SE	SE	SE	N	SE	SE		
Multiple family dwelling > 4 units	N	N	N	N	N	N	N		
Single family dwelling	P	P	P	P	P	P	P		

Land Uses	Zoning Districts							These districts require approval of a Master Plan by the Waverly Planning Commission	
	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID	The PUD is an OVERLAY district only with GR, RR, CBD and GC. The PID is an OVERLAY district only in GC and in GR & RR Greater than 5 Acres.
AGRICULTURE & OUTDOOR RECREATION: COMMERCIAL									
Animal raising: Small-scale	SE	P	SE	P	SE	P	P		
Animal raising: Large-scale, Or feedlots	N	SE	N	SE	SE	SE	N		
Arboretums	P	P	P	P	P	P	P		
Ball fields	SE	P	N	SE	P	P	SE		
Camps: public/private	SE	SE	SE	SE	SE	SE	SE		
Commercial outdoor activities: fishing & hunting	SE	P	N	P	P	P	SE		
Community and Cultural Events.	SE	P	SE	P	SE	P	SE		
Dairying	SE	P	N	N	SE	SE	SE		
Farming, Plants	P	P	P	P	P	P	P		
Firewood	P	P	N	P	P	P	SE		
Hatchery: poultry / fish	SE	P	N	N	SE	P	N		
Horticulture: nurseries/greenhouses	SE	P	SE	P	SE	P	SE		
Golf course: public or private	SE	P	N	N	SE	P	SE		
Motorized vehicle: Trail, Course	N	N	N	N	N	N	N		
Non-motorized Trails: Bicycling, hiking, jogging, nature	P	P	P	P	P	P	P		
Park and/or playground	P	P	P	P	P	P	P		
Silviculture / Forestry practices	P	P	P	P	P	P	P		
Stables	SE	SE	N	N	SE	SE	N		
Swimming pool: public	SE	P	N	P	SE	SE	SE		
Tennis court public	SE	P	N	SE	SE	P	SE		
Viticulture	P	P	P	P	SE	P	P		

COMMERCIAL and/or INSTITUTIONAL	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID
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Adjunct, satellite, industrial or private educational facilities	SE	SE	N	SE	SE	P	N	
Adult retail/entertainment	N	N	N	N	N	N	N	
Air conditioning sales and service	SE	P	N	P	N	P	N	
Ambulance Service	SE	SE	N	N	N	SE	SE	
Amusement arcade	SE	SE	N	SE	N	P	N	
Amusement Park	SE	SE	N	N	N	P	N	
Animal clinic / kennels	SE	SE	N	SE	N	SE	N	
Animal shelter	SE	SE	N	SE	N	SE	N	
Antique store, furniture store	SE	P	N	P	N	P	SE	
Apparel, Shoe and accessory shop	SE	P	N	P	N	P	SE	
Appliance store including repair	SE	P	N	P	N	P	SE	
Art supplies	SE	P	N	P	N	P	SE	
Auditorium, theater or event center	SE	P	N	P	SE	P	SE	
Automobile repair (mechanical and body)	SE	SE	N	SE	N	P	N	
Automobile sales	N	SE	N	N	N	P	N	
Automobile service station, gas station, refueling station (All ingress and egress from US Highway 280)	N	N	N	N	N	P	N	
Automobile storage (long-term parking lot/garage)	N	SE	N	N	N	SE	N	
Automotive parts, new sales	SE	P	N	P	N	P	SE	
Automotive parts, salvage	N	N	N	N	N	SE	N	
Bakery, retail	SE	P	N	P	N	P	SE	
Bakery, wholesale	SE	SE	N	SE	N	P	N	
Barber shop/beauty parlor	SE	P	N	P	P	P	SE	
Bed and breakfast	P	P	SE	P	N	P	SE	
Bicycle sales and service	SE	P	N	P	N	P	SE	
Boarding or lodging house	SE	SE	N	SE	N	SE	N	
Boat sales and service, outdoor	N	SE	N	N	N	P	N	
Book store	SE	P	N	P	N	P	N	
Bowling alley	N	SE	N	N	N	P	N	
Building materials	N	SE	N	N	N	P	N	
Business machine: sales/service	SE	P	N	P	N	P	N	
Café, coffee shops	SE	P	N	P	N	P	SE	
Camera and photo shop	SE	P	N	P	N	P	SE	

COMMERCIAL and/or INSTITUTIONAL	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID
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Candy store	SE	P	N	P	N	P	SE	
Car wash	SE	P	N	SE	N	P	N	
Carpentry & wood crafts, light	P	P	N	P	N	P	SE	
Carpentry, heavy (noise level)	SE	P	N	P	N	P	N	
Catering shop or service	SE	P	N	P	N	P	SE	
Cemetery	P	P	P	P	P	P	N	
Charitable organizations	SE	SE	SE	SE	SE	P	SE	
Child care center	SE	SE	N	N	SE	SE	SE	
Children's Toy store	SE	P	N	P	N	P	N	
Church or similar places of worship	SE	P	N	P	N	P	SE	
City hall or courthouse	SE	P	N	SE	SE	P	N	
Clinic or doctor office (medical, dental, psychiatric, optician)	SE	P	N	P	N	P	N	
Club or lodge	SE	SE	N	SE	N	SE	N	
Convalescent or nursing home, Assisted Living	N	SE	N	N	SE	SE	SE	
Convenience store	SE	SE	N	SE	N	P	N	
Copy, graphics shop	SE	P	N	P	N	P	SE	
Correctional, detention, or penal Inst.	N	N	N	N	N	SE	N	
Country club	N	SE	N	SE	N	P	N	
Arts & Craft store: pottery, jewelry, wood etc.	SE	P	N	P	N	P	SE	
Creative arts and events venue	SE	P	N	SE	N	P	SE	
Deer Processing	N	SE	N	N	N	SE	N	
Delicatessen	SE	P	N	P	N	P	SE	
Department store	N	SE	N	SE	N	P	N	
Discount/variety store (> 3,000 sq. ft.), ingress and egress from US Highway 280	N	N	N	N	N	P	N	
Discount/variety store (3,000 sq. ft.)	N	SE	N	P	N	P	N	
Drug store (>3,000 sq. ft.), ingress and egress from US Highway 280	N	N	N	N	N	P	N	
Drug Store (3,000 sq. ft.)	N	SE	N	P	N	P	N	
Electronics sales, service and repair	SE	P	N	P	N	P	SE	
Farm implements	SE	P	N	P	N	P	N	

COMMERCIAL and/or INSTITUTIONAL	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID
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Farmer's market / truck crops	P	P	N	P	N	P	SE	
Feed and Seed Store	SE	P	N	P	P	P	N	
Fire station /EMS	SE	SE	N	SE	N	P	SE	
Fireworks sales	N	N	N	N	N	SE	N	
Firing range, public	N	SE	N	N	N	P	N	
Fitness center or gym	SE	P	N	P	N	P	SE	
Fixture sales: plumbing, electrical, lighting	SE	P	N	P	N	P	SE	
Flea market, outdoor	N	N	N	N	N	N	N	
Floor covering sales or service	SE	P	N	P	N	P	SE	
Florist	SE	P	N	P	N	P	SE	
Funeral home or mortuary	N	SE	N	SE	N	P	N	
Gift shop	SE	P	N	P	N	P	SE	
Golf driving range	N	SE	N	SE	N	P	N	
Grocery store	SE	P	N	P	N	P	N	
Hardware store (> 3,000 sq. ft), ingress and egress from US Highway 280	N	SE	N	N	N	P	N	
Hardware store (3,000 sq. ft.)	SE	P	N	P	N	P	N	
Home improvement center	N	N	N	N	N	P	N	
Hospital	N	SE	N	N	N	P	N	
Hotel or motel	N	SE	N	P	N	P	N	
Ice cream shop	SE	P	N	P	N	P	N	
Ice machine/self-serve	SE	P	N	P	N	P	N	
Interior decorating/design shop	SE	P	SE	P	N	P	SE	
Junkyard	N	N	N	N	N	N	N	
Laboratory; scientific, medical, dental	N	SE	N	SE	N	P	N	
Landscape sales	N	P	N	P	N	P	N	
Laundry and dry-cleaning store	N	SE	N	SE	N	P	N	
Laundry, self service	N	SE	N	SE	N	P	N	
Lawnmower sales and service	N	P	N	SE	N	P	N	
Library	SE	P	N	P	N	P	N	
Liquor store, Package store	N	SE	N	P	N	P	N	
Locksmith	SE	P	N	P	N	P	SE	
Manufactured housing sales, service and repair	N	N	N	N	N	P	N	
Micro-brewery/Winery/Distillery	SE	P	N	P	N	P	N	

COMMERCIAL and/or INSTITUTIONAL	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID
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Mini warehouse	N	SE	N	SE	N	P	N	
Motorcycle sales, service, repair	N	N	N	N	N	P	N	
Movie theatre	N	SE	N	SE	N	P	N	
Museum	SE	P	N	P	N	P	SE	
Office equipment and supplies sales	SE	P	N	P	N	P	N	
Office, General Business	SE	P	SE	P	P	P	SE	
Paint and wallpaper store	SE	P	N	P	N	P	SE	
Parking; short-term (48 hours)	P	P	P	P	N	P	P	
Pawn shop, Goods or Title	N	SE	N	SE	N	SE	N	
Pet shop	N	SE	N	SE	N	SE	N	
Picture framing	P	P	SE	P	N	P	SE	
Police station/Private security firm	SE	SE	N	SE	N	P	SE	
Post office /Parcel service	SE	P	N	P	N	P	SE	
Printing and publishing establishment	SE	P	N	P	N	P	SE	
Propane gas sales	N	SE	N	SE	N	P	N	
Pubs, Taverns, Nightclub, Brewpub, Lounge, Bar, Wine bar	N	SE	N	SE	N	SE	N	
Racetrack	N	N	N	N	N	N	N	
Recreational vehicle sales, service and repair	N	SE	N	N	N	P	N	
Rehabilitation facility: Substance, Sexual, Behavioral or Mental	N	N	N	N	N	N	N	
Restaurant	SE	P	N	P	N	P	SE	
Restaurant suppliers	N	SE	N	SE	N	P	N	
Restaurant, drive-in/fast food	N	N	N	N	N	P	N	
Rug and/or drapery cleaning service	N	P	N	P	N	P	N	
RV park: more than one RV	N	SE	N	N	N	SE	N	
School (public or private)	SE	SE	N	SE	N	P	SE	
Screen Printing	SE	P	N	P	N	P	SE	
Shoe repair shop	SE	P	N	P	N	P	SE	
Short-Term Non-Primary Rental	P	P	N	P	N	P	SE	
Sign shop	SE	P	N	P	N	P	N	
Skating rink	N	SE	N	SE	N	P	N	
Sporting goods store	N	P	N	P	N	P	N	
Stone monument sales	SE	P	N	SE	N	P	N	

COMMERCIAL and/or INSTITUTIONAL	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID
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Studio for instruction in photography, painting, writing, academic, dance, music	SE	P	SE	P	N	P	SE	
Tailor shop	SE	P	N	P	N	P	SE	
Tattoo Parlor	N	SE	N	N	N	SE	N	
Taxidermy	SE	P	N	SE	N	P	N	
Teen club or youth center	SE	SE	N	SE	N	SE	N	
Tobacco/Vapor store	N	SE	N	SE	N	P	N	
Truck Stop	N	N	N	N	N	N	N	N
Veterinary Clinic	SE	SE	N	SE	N	SE	SE	
Warehouse, storage	SE	P	N	P	N	P	SE	

Land Uses	Zoning Districts					These districts require approval of a Master Plan by the Waverly Planning Commission		
	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID
Light industry								
Automobile parts manufacture	N	N	N	N	N	SE	N	P
Contractor's yard	SE	SE	N	N	N	P	N	P
Electric power generating plant. DOES NOT INCLUDE PERSONAL USE SOLAR OR WIND	N	SE	N	N	N	SE	N	P
Grain milling storage and elevators	N	SE	N	N	N	SE	N	P
Lumberyard	SE	P	N	N	N	P	N	P
Machine shop	N	SE	N	N	N	P	N	P
Machinery, tools and construction equipment sales and service	N	SE	N	SE	N	P	N	P
Manufacturing, repair, assembly or processing of a light industrial nature including food/milk products; clothing; musical instruments; scientific, optical, medical & electronic equip; toys, sporting goods, taxidermy supplies	N	SE	N	SE	N	P	N	P
Sand and gravel storage yard	SE	P	N	N	N	P	N	P
Sawmill or planer mill	SE	SE	N	N	N	SE	N	P
Stone cutting and processing	SE	SE	N	N	N	SE	N	P
Warehouse and storage facilities and/or distribution: Large Commercial	SE	SE	N	SE	N	SE	N	P
Welding shop	SE	P	N	SE	N	P	N	P

Land Uses	Zoning Districts					These districts require approval of a Master Plan by the Waverly Planning Commission		
	General & Rural Residential < 5 acres	General & Rural Residential ≥5 acres	Historic Residential	Central Historic	Natural Resources	Gateway Corridor	Planned Unit Development PUD	Planned Industrial Development PID
GENERAL INDUSTRY								
Automobile wrecking and salvage	N	N	N	N	N	N	N	SE
Concentrated animal feeding	N	N	N	N	N	N	N	N
Manufacturing, repair, assembly, processing, fabrication establishments of a general industrial nature including: acetylene gas; acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement or cement products; lime; gypsum; plaster of Paris; coal tar or derivatives thereof; creosote or creosote treatment; clay, tile or vitrified products; emery cloth or sandpaper; explosives or fireworks; fertilizer; glue; size or gelatin; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber products; plastics; petroleum refining; tanning; curing or storage of hides and skins; boiler works; foundry or forge operation; incineration; fat rendering; storage of junk, iron or rags; distillation of bones, coal, or wood; rock crushing	N	N	N	N	N	N	N	SE
Meat slaughtering and/or packing	N	N	N	N	N	N	N	SE
Mining	N	N	N	N	N	N	N	SE

ORDINANCE NO 2024-03

AN ORDINANCE ADOPTING THE TOWN OF WAVERLY REVISED ZONING ORDINANCE, MAY 21, 2024, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Title 11, Chapter 52, Code of Alabama, 1975, as amended, authorizes the Town Council to enact a zoning ordinance to govern all territory within the corporate limits of the Town of Waverly, Alabama, and

WHEREAS, the Town of Waverly, Alabama desires to exercise its zoning powers in accordance with Alabama law; and

WHEREAS, the Planning Commission has prepared a revised zoning ordinance for the Town; and

WHEREAS, the Planning Commission conducted a formal public hearing on the proposed zoning ordinance on April 23, 2024 and sent a positive recommendation to the Town Council for the adoption of the aforementioned revised zoning ordinance; and

WHEREAS; the Town Council conducted a formal public hearing to receive public comments on the proposed zoning ordinance on May 21, 2024 as required by Section 11-52-77 of the Code of Alabama, 1975, as amended;

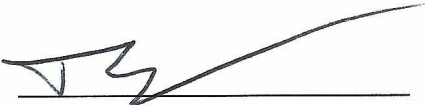
NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WAVERLY, ALABAMA:

SECTION 1. That the Waverly Town Council hereby adopts the Town of Waverly Zoning Ordinance, May 2024, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

SECTION 2. That all conflicting ordinances adopted previously by the Town Council be repealed.

SECTION 3. That the aforementioned zoning ordinance becomes effective five(5) days from the date of the final posting in accordance with Section 11-45-8 of the Code of Alabama, 1975, as amended.

ADOPTED, this 21st day of May, 2024.




Mayor

Absent

Mayor Pro Tem



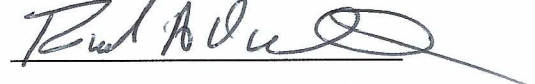
Council Member



Council Member



Council Member



Council Member



Town Clerk