

# YORK, ALABAMA



# ZONING ORDINANCE

ADOPTED SEPTEMBER 15, 1969

ZONING ORDINANCE  
OF THE  
CITY OF YORK, ALABAMA

This report was prepared in cooperation with

THE CITY OF YORK  
THE PLANNING COMMISSION OF YORK

and

THE ALABAMA STATE PLANNING AND INDUSTRIAL DEVELOPMENT BOARD

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May, 1969

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TITLE: ZONING ORDINANCE OF THE CITY OF YORK, ALABAMA

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SUBJECT: An ordinance of the City of York governing  
the use of land

DATE: May, 1969

LOCAL  
PLANNING AGENCY: York City Planning Commission

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ABSTRACT: The Zoning Ordinance is the principal statutory tool governing the use of land within York and its planning jurisdiction. This ordinance provides the governing authority of York with regulatory measures for meeting future as well as present-day needs for the promotion of the health, safety, and general welfare of the citizens of York. It regulates such matters as the height, number of stories and size of buildings and other structures, the percentage of lot area that may be built upon, the size of yards, courts, and other open spaces, the density of the population, the use of structures, the use of the land for such purposes as commerce, industry, residential development, recreation and other purposes.

CITY OF YORK, ALABAMA

Honorable Warren C. Grant, Mayor

Mrs. Christine Davis, City Clerk

CITY COUNCIL

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O. B. Tillery

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Warren C. Grant, Mayor

Dick Smith

Gatewood Hatcher

John A. Mitchell, Jr.

ZONING ORDINANCE

OF

THE CITY OF YORK, ALABAMA

This Zoning Ordinance with the accompanying map is adopted pursuant to the authority of York, Alabama granted by Title 37, Chapter 16, Articles 1 and 2, Sections 772 through 785 inclusive, Code of Alabama of 1940, as amended, to provide for the establishment of districts within the City of York, Alabama and to the police jurisdiction to regulate within such districts the height; number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, the use of buildings, structures and land, and to provide for off-street vehicular parking and off-street loading and unloading of vehicles, and to provide for administration of this ordinance and penalties for violation thereof. This provides for establishment of a Board of Adjustment to assist in certain phases of the administration of this ordinance and to repeal existing zoning ordinance and conflicting laws and to provide penalties for the violation of this ordinance.

WHEREAS, the public welfare requiring it, the Mayor and Council deem it necessary for the purpose of promoting the health, safety, morals, and general welfare to enact such an ordinance and,

WHEREAS, all requirements of the laws of the State of Alabama with the preparation of the Planning Commission and the subsequent action of the Mayor and Council have been made:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK, ALABAMA, as follows:

ARTICLE I

PURPOSES

Section 101. Authority. Under the authority of Title 37, Chapter 16 of the Code of Alabama of 1940, as amended, this ordinance is adopted by the Mayor and Council of the City of York, Alabama. The requirements set forth in the Alabama Code have been complied with. This ordinance is part of the Comprehensive Plan for the City of York, and the intent of this ordinance and accompanying map is to control the development, building, traffic circulation, etc. in

conformance with the Comprehensive City Plan which will provide for the harmonious development of the City, stabilize land values, provide standard structures, avoid unnecessary population densities and, in general, promote the health, safety, convenience, prosperity and general welfare of the population of the City of York.

Section 102. Jurisdiction. This ordinance and accompanying zoning map of the City of York, Alabama further identified by the signature of the Mayor of the City of York and attested by the City Clerk shall govern and regulate all land within the city limits of York, Alabama and the police jurisdiction. If additional territory is annexed to the City of York at a subsequent date, that land shall be an R-1 District until and unless changed to another zone in accordance with the amendment procedure set forth herein.

Section 103. Compliance. Strict compliance with these regulations and the intent of these regulations is mandatory.

- 103.1 No lot, tract, parcel or other division of land shall be occupied, altered or operated unless said parcel, tract or lot conforms with the regulations herein prescribed for the district in which the lot, tract or parcel is located.
- 103.2 No structure shall be occupied, erected, altered or used which exceeds the height limitations herein established; such building site area shall not have less than the front, side and rear yard limitations except as herein provided for the district in which the structure is located.
- 103.3 Every structure must be provided with a separate building site except accessory structures as herein provided.
- 103.4 No part of the yard requirement of one structure shall be included as part of the yard or open space of an adjoining parcel or structure.
- 103.5 No required building site shall be reduced so that the gross area, yards or open spaces, shall be smaller than that prescribed by this ordinance except that where a lot of official record at the time of adoption of this ordinance does not consist of sufficient land to enable the owner to comply with the building site requirements set forth in this ordinance, such lot may be used as a building site provided the yard space and

other requirements conform as closely as possible, in the opinion of the Board of Adjustment, to the requirements for the district in which said lot is located. However, in any residential area no ~~side yard~~ shall be reduced less than five (5) feet and no front or rear yard shall be reduced less than twenty (20) feet.

I, Mrs. Christine Davis, City Clerk of the City of York, Alabama, hereby certify that the above and foregoing is a true and correct copy of the Zoning Ordinance as it appears in the minutes of a meeting of the City Council held

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City Clerk, York, Alabama

## ARTICLE II

### DEFINITIONS

Section 201. Certain terms or words in this ordinance shall be defined for the purpose thereof as follows:

Tense. Words used in the present tense in this ordinance shall be understood to include the future tense unless otherwise clearly indicated.

Person. The word "person" includes a corporation, partnership, association or company as well as an individual.

Lot. The word "lot" includes the words "plot", "tract", or "parcel".

Shall. The term "shall" is always mandatory.

Used or Occupied. The words "used" or "occupied" as applied to any land, building or structure shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.

Accessory Use or Building. A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Alley, shall mean a permanent serviceway providing a secondary means of access to abutting properties; for the purpose of this ordinance any street or lane less than twenty-five (25) feet wide.

Alterations shall mean a change or rearrangement in the structural parts or in existing facilities, or an enlargement, whether by extending on a side or by increasing in height or by moving from one location or position to another.

Alterations, structural shall mean any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Apartment Dwelling shall mean a dwelling arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

Area, building. The building area is computed as the total of areas taken on a horizontal plane at the main grade level of the principal building and all secondary and accessory buildings exclusive of the uncovered off-street parking area, porches, terraces and steps.



Area, net site. The net site area is the total area within the property lines of a project excluding external streets or alleys.

+ Billboard and Advertising Signs. General. A posted advertisement which does not apply to the premises or any use of premises whereon such sign is located. Real estate "For Sale", "For Lease", and "Sold" signs not exceeding eight (8) square feet may be placed in residential areas. See also Article IV, Section 413 of this ordinance.

Boarding House shall mean any dwelling in which more than three (3) persons either individually or as families are housed or lodged for compensation with or without meals.

Building shall mean any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. "Building" includes "structure".

Building, accessory, shall mean a subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Building, front line of, shall mean the line of the face of the building nearest the front or street line of the lot.

Building, height of. The "height of the building" shall mean the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Except that the permissible building height dimension shall be decreased or increased one (1) foot for each foot or fraction thereof in excess of five (5) feet that the average elevation of the proposed finished grade is higher or lower respectively, than the curb level of the street upon which the proposed building fronts.

Building, principal, shall mean a building in which is conducted the main or principal use of the lot on which said building is situated. In the case of certain residential districts, the building located most nearly adjacent to the front line or street line.

Building, secondary. See "Secondary Building" or dwelling.

Club, night. The term "night club" shall pertain to and include restaurants, dining rooms or other similar establishments where floor shows or other forms of lawful entertainment is provided for guests after eleven P.M.

Club, private. The term "private club" shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. "Private club" shall not include casinos, night clubs, or other institutions operated as a business.

Community Building shall mean a building for public assembly, open for use by social, educational and recreational group activities of the immediate or adjoining area.

Court. A "court" is an open unoccupied space other than a yard, bounded or enclosed on two or more sides by the exterior walls and lot lines and clearly open to the sky, unobstructed by roof, skylight or other appendage. A building wall offset more shallow than the width of its open side shall be considered to be a part of the open space on which it abuts.

Coverage. Shall mean that percentage of the lot or plot area covered by the building area.

Day Nursery or Kindergarten shall mean any building or premises used for the care and/or teaching of four (4) or more children (exclusive of the owner's children) under seven years of age.

Density means the population load on the land, particularly in residential districts and is expressed in terms of families or persons per acre or specified lot area and further expressed and controlled by the establishment of a relationship between the open space (see "Open Spaces") and the total or gross floor area within a building. For example, the ratio required in multiple residential districts is that at least one (1) square foot of open space be provided for each two (2) square feet of gross floor area of the building.

District shall mean any section of the City of York for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Dwelling shall mean a building designed or used exclusively as the living quarters for one or more families.

Dwelling Unit shall mean a dwelling or portion thereof providing complete living facilities for one (1) family.

Dwelling, single family, shall mean a detached house or building designed and intended for or occupied exclusively by one (1) family and having no party wall or walls in common with an adjacent house or houses, building or buildings.

Dwelling, two-family, shall mean a building designed and intended for or occupied exclusively by two (2) families living independently of each other or a secondary living unit on a lot with a conforming one-family residence.

Dwelling, multiple, shall mean a building intended as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, apartment cooperatives and group houses.

Farm shall mean any plot of land used for planting and similar agricultural purposes. All such uses shall comply with the sanitary and health regulations of the municipality and shall comply with the use restrictions applicable to the area in which the farm is located.

Filling Station shall mean any area of land, including structures thereon, that is used or designed and intended to be used for the supply of gasoline or oil or other fuel for motor vehicles at retail sales. The use may include facilities used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles but shall not include major mechanical repair.

Garage, private, shall mean any garage used for storage purposes only and having a capacity of not more than three (3) automobiles or not more than one (1) automobile per family housed in the building to which such a garage is accessory, whichever is greater. Space therein may be used for not more than two (2) vehicles of others than occupants of the building to which such garage is accessory.

Garage, public, shall mean any garage other than a private garage, available to the public, operated for gain and which is used for storage, minor repair, rental, greasing, washing, polishing, servicing, adjusting or equipping of automobiles or other motor vehicles.

Garage, auto repair, shall mean any garage other than a private garage available to the public operated for gain which is used for storage, repair to engines or body or other mechanical parts, rental, greasing, washing, polishing, servicing, adjusting or greasing of automobiles or other motor vehicles. This does not include storage of one or more wrecked automobiles and/or sales of parts from wrecked automobiles on the premises.

Hazardous Substances shall mean any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such material or substance.

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Home Occupation shall mean an occupation for gain or support conducted by only members of a family residing on the premises and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises and providing that space used for the home occupation shall not exceed twenty per cent (20%) of the living area.

Hotel shall mean a building containing ten (10) or more bedrooms to be rented for temporary occupancy, with no provision for cooking in any room. A hotel may provide dining and other accessory facilities such as newsstands for its occupants and the public.

Hotel, residential, shall mean a dwelling containing ten (10) or more bedrooms provided for occupancy by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidental to the public.

Line, street, shall mean the dividing line between the street and the lot.

Line, lot, shall mean any line dividing one lot from another.

Livable Area, shall mean the heated livable area of any residence, motel, hotel or boarding house.

Lot shall mean any lot or lots, plot, portion, tract or parcel of land considered as a unit.

Lot, corner, shall mean a parcel of land at the junction of and fronting on two or more intersecting streets having a front yard setback line on each street.

Lot, interior, shall mean a lot other than a corner lot.

Lot, depth of, shall mean a horizontal distance between the front and rear lot lines, measured in the mean general direction of its side lot lines.

Lot, front line of, shall mean the street line upon which the lot abuts. In the case of a corner lot, the "front" of the lot shall be taken as that abutting the street line upon which the lot has the least frontage where the width or lesser dimension of the lot is less than ninety (90) per cent of the depth or greater dimension. Where the width is equal to or greater than ninety (90) per cent of the depth, the owner may elect to call either street line the front line of the lot if said election conforms to the requirements of this ordinance.

Lot, rear line of, shall mean the dividing line between two (2) tiers of lots, or in the case of one (1) tier, the line abutting the narrowest or less important street, or in the case of a corner lot, that lot line parallel or approximately parallel to the interior lot line.

Lot, side line of, shall mean a lot line which adjoins an interior lot line.

Lot, width of, shall mean the mean width measured at right angles to the depth of the lot at the setback line.

Lot Lines shall mean any line dividing one lot from another.

Minimum Distance shall mean the minimum distance and the average distance from a building to a lot line or street line always measured at right angles to such line.

Mobile Home shall mean any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

Mobile Home Park means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Mobile Home Space means a plot of ground within a Mobile Home Park designed for the accommodation of one mobile home.

Motel. (See Tourist Court or Motel)

Motor Vehicle Repair Shop shall mean a building or portion of a building arranged, intended or designed to be used or used for making repairs to motor vehicles.

Non-conforming Use, a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Nursing or Convalescent Home shall mean any building and premises used for housing and caring for the aged, convalescents, physically unfit, except persons suffering from mental ailments and persons so ill as to require regular hospitalization.

Off-street Parking Space shall mean 300 gross square feet, 200 feet (10 x 20) for the actual parking, plus 100 feet for drives and maneuvering area.

Open Air Parking Lots shall apply only to lots used for the parking of passenger automobiles for storage or hire and shall exclude the use of the property for the parking or storage of any truck, trailer, tractor or any part or parts thereof for hire or otherwise.

Open Spaces shall mean an unoccupied space open to the sky on the same lot with the building.

Parking, off-street, shall mean the parking on the lot of cars connected with use to which the lot is put. The objective being the relief of traffic congestion by the removal of motor vehicles, when not in actual use, from public or private thoroughfares.

Planned Shopping Center shall mean an area of land within the City of York which is not zoned for commercial use and which has been approved for use as a "planned shopping center" by the Planning and Zoning Board.

Planned Industrial and/or Warehouse Site shall mean an area of land within the City which is not zoned for industrial use, and which has been approved for use as a "planned industrial and/or warehouse site" by the Planning and Zoning Board.

Plat shall mean a map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties.

Poultry shall mean any chickens, turkeys, ducks, or geese.

Poultry Market shall mean a commercial establishment or place where live poultry or fowl are kept and offered for sale.

Premises shall always be understood to mean "land".

Recreation Space shall mean an open space for general recreational activities including small flower garden plots and for children's playgrounds. Such recreational space requirement shall be a mandatory provision for multiple storied dwelling unit developments, the scope of which includes eight (8) or more dwelling units in one group.

Secondary Building or Dwelling shall mean a dwelling for one family built in the rear portion of the lot and erected either simultaneously with or after the erection of another dwelling on the front of the lot.

Setback Line, shall mean the distance from the street line to the building line. In cases of cul-de-sacs, the setback line shall be increased to meet the minimum front yard width requirements.

Sign, Small Announcement, shall mean a sign or plate not more than one (1) square foot in area.

Stable, private, shall mean an accessory building in which horses or cows are kept for private use and not for hire, remuneration, or sale. A private stable is construed as a stable with capacity for not more than an aggregate of two (2) animals (horses or cows) provided that the net site area of the lot is not less than six thousand (6000) square feet, and for each twenty-five hundred (2500) square feet of net site area in excess of six thousand (6000) square feet, an additional animal (horse or cow) may be stabled, subject to other ordinances governing such stables.

Stable, public, shall mean a building in which any horses or animals are kept for remuneration, hire or sale. Dairy use is not included herein.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it.

Story, ground or first, shall mean the lowest story entirely above the mean or average grade of the adjoining ground.

Story, half, shall mean a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Story, upper, means any story above the first or ground story.

Street shall mean a public or private thoroughfare which affords the principal means of access to abutting property; for purposes of this ordinance, any street not less than twenty-five (25) feet wide.

Street Line means the dividing line between a street and a lot; that line being the lot or property line.

Structure means a combination of material to form a construction that is safe and stable and includes among other things, buildings (see Building) walls, appurtenances, platforms staging and flooring used for standing or seating purposes; stadiums, radio and television towers, storage bins, sheds, fences and display signs or billboards on public or private property or on, above or below a public street or highway.

Tourist Court or Motel means a combination or group of apartments for hire for overnight use of motor tourists. Where restaurants or other commercial establishments are connected, they shall comply with the

restrictions of the area in which they are located.

Tourist Home means a home or dwelling in which overnight sleeping accommodations with or without meals are provided or offered for guests in transit.

Use, accessory, (see Accessory Use or Building)

Use, business, means that use of land and the structures thereon pertaining to activities (1) which are not strictly commercial in character; such as those activities conducted in offices and establishments rendering personal services; and (2) which are strictly commercial in character indicating an exchange of goods, wares or property by purchase or sale.

Use, industrial, means that use of the land and structure thereon pertaining to those manufacturing or other operations through which marketable commodities are produced.

Use, residential, means that use of the land and the structures thereon dominantly for dwellings; i.e. for living and sleeping occupancy thereof by persons.

Used Car lot, means any area of land, including structures thereon that is used or designed to be used for the buying and selling at retail and the open storage and display incidental thereto of used or secondhand vehicles.

Wall, length of, the "length of wall" of a building in relation to a lot or street line is the length of a wall which forms a horizontal angle of forty-five (45) degrees or less with such a lot or street line.

Way, means a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Yard, means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front, means an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches,



whether enclosed or unenclosed, and bay windows, shall be considered as part of the main building and shall not project into a required front yard.

Yard, front, width means the width of the lot at the setback line.

Yard, junk, means any area of land, including structures thereon that is used or designed to be used for the buying and selling at retail and/or wholesale and storage, remodeling or reconditioning of old, used, or secondhand materials or items of any kind, which among others include cloth, rubber, paper, rubbish, bottles, iron, brass, copper, steel and other metals, furniture and used inoperable motor vehicles or parts thereof, or other articles exclusive of or in conjunction with any other use.

Yard, rear, means an open space unoccupied (except for open air off-street parking) on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

Yard, side, means an open space unoccupied (except for open air off-street parking) on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

## ARTICLE III

### APPLICATION OF REGULATIONS

#### Section 301. USE

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

#### Section 302. HEIGHT AND DENSITY

No building or other structure shall hereafter be erected or altered:

- 302.1 To exceed the height limits;
- 302.2 To accommodate or house a greater number of families or occupy a smaller lot area per family;
- 302.3 To occupy a greater percentage of lot area;
- 302.4 To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance except as permitted by the Board of Adjustment and Appeals after due public hearing.

#### Section 303. YARD SERVICE TO ONE BUILDING

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

#### Section 304. ONLY ONE PRINCIPAL BUILDING

Every building or structure hereafter erected shall be located on a lot or tract as defined herein; and in no case shall there be more than one (1) principal building on one (1) lot -- plus its accessory buildings except in industrial or commercial zones. (See Article. X .).

Section 305. REDUCTION OF LOT AREA

No lot, even though it may consist of one or more adjacent lots of record shall be reduced below the minimum size required by this ordinance. This section shall not apply when a portion of a lot is acquired for public purposes.

No sham conveyances or agreements shall be made between property owners for the purpose of evading any provision of this Ordinance and such conveyances or agreements shall be unlawful and shall not make lawful what would otherwise be a violation of this ordinance.

Section 306. STREET FRONTAGE

No residential building shall hereafter be erected on a lot which does not abut or have immediate frontage on a publicly dedicated, publicly approved, or publicly maintained street for a distance of twenty-five (25) feet.

Section 307. INUNDATED AREAS

All areas within the corporate limits of the City of York which are under water and not shown as included within any district shall be subject to all regulations of the district adjacent to the water areas.

Section 308. AREAS SUBJECT TO INUNDATION

Certain areas within the corporate limits of the City of York are subject to periodic inundation due to a potential fifty (50) year flood. The flood elevation is predicted by the United States Army Corps of Engineers in Table I of a Special Flood Hazard Report on the Toomsaba and Alamuchee Creeks. The areas below the flood elevation shall be designated as a floodway district and the nature of urban uses permitted shall be limited to open space development and/or recreational development, off-street parking facilities, and fairground facilities. More specifically, the disposal of waste or refuse by either dumping or sanitary land fill methods shall be prohibited.

Section 309. AIRPORT APPROACH ZONE

All areas in the airport approach zone are shown on the zoning map and regardless of the zoning district, the height limitations of planting or buildings are determined by the glide angle approach to the airport as established by the Alabama State Department of Aeronautics.

ARTICLE IV

GENERAL PROVISIONS

Section 401. NONCONFORMING USES

401.1 Intent:

Within the districts established by this ordinance or amendments that may later be adopted these existing lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that all nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, constructions, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

401.2 Nonconforming Lots of Record:

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment and Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance. The provisions of this section shall be subject to the variance only after public hearing by the York Planning Commission and approved by the Mayor and Council.

401.3 Nonconforming Uses of Land (Or Land with Minor Structures Only:)

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

401.3.1 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

401.3.2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

401.3.3 If any such nonconforming use of land ceases or is discontinued, or abandoned for any reason for a period of more than 180 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

401.3.4 No additional structures not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

401.4 Conversion of Structures not Permitted:

Where a business building has been constructed in a residential district in violation of this ordinance or where a residence has been constructed and then converted into a place of commercial business in violation of said ordinance, the City Clerk is hereby prohibited from issuing a privilege license for the operation of said business. It shall be unlawful for any city utilities including water, gas, and sewerage to be connected or such services to be continued to any land or building used in violation of this ordinance.

401.5 Nonconforming structures:

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

401.5.1 No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

401.5.2 Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

401.5.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

401.6 Nonconforming Uses of Structures or of Structures and Premises in Combination:

If lawful use involving individual structures or of structure and

premises in combination exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 401.6.1 No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 401.6.2 Any nonconforming use may be extended throughout any parts of a building which are manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- 401.6.3 If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment and Appeals, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In recommending such special exception to the Mayor and Council, the Council may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
- 401.6.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- 401.6.5 When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three year period (except when government action impedes access to the premises) the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

401.6.6 Where a nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 per cent of the replacement cost at the time of the destruction.

#### 401.7 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared unsafe or unlawful by reason of physical condition by any duly authorized official, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

#### 401.8 Uses Under Special Exception Provisions Not Nonconforming Uses:

Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through the Board of Zoning Adjustments and Appeals action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

#### Section 402 OFF-STREET AUTOMOBILE PARKING AND STORAGE

Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established or where space is not available on the lot, space shall be provided as reasonably practicable to improvements located on said lot as determined by the Planning Commission and such space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific use as set forth below. For the purpose of this section, a parking or storage space shall not be less than



two hundred (200) square feet excluding all driveways and entrances and exits. For single family residences, the driveway may be used for off-street parking. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements, shown upon the plans are made part of the building permit, shall be in place and ready for use.

402.1 Space Requirements:

- 402.1.1 Single family residence: Two (2) spaces
- 402.1.2 Multi-family residences: One and one-half ( $1\frac{1}{2}$ ) spaces per dwelling unit.
- 402.1.3 Rooming and boarding houses, hotels: One (1) space for each two (2) guests or sleeping rooms or suites.
- 402.1.4 Mobile home courts, parks or camps: One (1) space for each Mobile Home and one (1) space for each camper.
- 402.1.5 Tourist home, tourist courts, or motels. One and one-half ( $1\frac{1}{2}$ ) space for each unit or suite.
- 402.1.6 Private clubs or lodges: One (1) space for each fifty (50) square feet of total floor area in the auditorium, assembly hall, and/or dining room in such building.
- 402.1.7 Churches: One (1) space for each four (4) seats in the main auditorium.
- 402.1.8 Stadiums and other places of public assembly One (1) space for each four (4) seats in the building or structure, based on maximum seating capacity.
- 402.1.9 Hospitals or nursing homes: One (1) space for each two (2) beds intended for patients, excluding bassinets.
- 402.1.10 Retail Sales Stores: One (1) space for each two-hundred (200) square feet of retail floor space for 1st floor and one (1) space for each (400) sq. ft. of retail area for each additional floor.

- 402.1.11 Drive-in retail business: Maximum of ten (10) spaces plus one (1) for each one hundred (100) square feet of floor area.
- 402.1.12 Wholesale and general business and warehouses: One (1) space for each four (4) employees based on maximum employment and one (1) space for each truck to be stored or stopped simultaneously.
- 402.1.13 Filling stations: Four (4) spaces for each grease rack or similar facility, plus one (1) space for each gas pump.
- 402.1.14 Office and professional buildings: One (1) space for each four hundred (400) square feet of office space.
- 402.1.15 Industries: One (1) space for each four (4) employees at maximum employment on a single shift and one (1) space for each vehicle to be stored or stopped simultaneously.
- 402.1.16 Bus terminals: Two (2) spaces for each loading or unloading bay.
- 402.1.17 Auto sales and repair: One (1) space for each employee at maximum employment on a single shift, plus two (2) spaces for each five hundred (500) square feet of auto repair or sales space.

402.2 Combined Parking Spaces:

The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half ( $\frac{1}{2}$ ) of the parking space required for churches, theatres, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

402.3 Off-Street Space within 500 feet of Principal Use:

If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, such space may be provided on other off-street property, provided such space lies within a reasonably close

proximity as determined by the Planning Commission to the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

Section 403. OFF-STREET LOADING AND UNLOADING SPACE

Every building or structure used for business, trade, or industry shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street.

403.1 Retail Business:

One (1) space of three hundred (300) square feet for each three thousand (3000) square feet of floor area.

403.2 Wholesale and Industry:

One (1) space of five hundred (500) square feet for each ten thousand (10,000) square feet of floor area.

403.3 Bus and Truck Terminals:

Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at any one time.

Section 404. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases of boxes used for transporting recreational equipment whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Section 405. PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

No vehicle over 8,000 pounds gross vehicle weight and no trucks with over six wheels shall be admitted on residential off-street or on-street parking facilities.

Section 406. VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision above a height of two and one-half feet above the centerline grades of the intersecting streets 25 feet from the projected intersection of the curb lines.

Section 407. FENCES, WALLS AND HEDGES

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard in an residential district shall be over two and one-half feet in height except where authorized by the Board of Adjustments. ~~not be build without prior approval of Planning Commission.~~

Section 408. ACCESSORY BUILDINGS

No accessory building or equipment shall be erected in any front yard and no separate accessory building shall be erected within seven feet of any other building except in industrial or commercial zones.

Section 409. HOME OCCUPATIONS

The following criteria shall be employed to determine a valid home occupation.

- 409.1 No employment of help other than members of the resident family;
- 409.2 No use of material or mechanical equipment not recognized as being a part of reasonable household uses;
- 409.3 No sales of products or services not produced on the premises;
- 409.4 The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located;
- 409.5 No storage of materials and/or supplies outdoors;
- 409.6 ( It shall not involve the use of signs other than those permitted in the district of which it is a part; )

- 409.7 No building or space outside of the main building shall be used for home occupational purposes;
- 409.8 No more than one room in the dwelling shall be employed for the home occupation;
- 409.9 In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by color, materials, or construction, lighting, signs, sounds or noises, or vibrations); and
- 409.10 There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

Section 410. CORNER LOTS

In any residential district, corner lots shall have front yard setback on both sides abutting public streets.

Section 411. EXCAVATION AND EXPLORATION

No excavation shall be made of earth, sand, gravel, shells topsoil or of any land for any purpose, building or otherwise without application first being made for the issuance of a certificate of occupancy and compliance, nor shall the grade of any property be raised higher than that of adjoining property or of any street without provision being made by the applicant to provide proper drainage and in accordance with the requirements of the Department of Public Works of the City of York. The excavating of land or any change in the grade of land shall be a change in use within the meaning of this Ordinance.

In all zoning districts, the exploration and/or extraction of oil and gas is specifically prohibited.

Section 412. STORAGE

The storage of gasoline, or other similar combustible material above ground in excess of 500 gallons is specifically prohibited in any residential or commercial district.

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Section 413. Billboards. Billboards are specifically excluded from all residential areas except as provided in Article II, "Billboards And Advertising Signs". All billboards in residential areas at the time of adoption of this ordinance shall be considered non-conforming uses and must be removed within six (6) months from the date of adoption of this ordinance.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

Section 501. DIVISION INTO DISTRICTS

For purpose of this ordinance, the City of York is hereby divided into nine (9) districts designated as follows in order of restrictiveness:

R-1	Residential
R-2	Residential
R-3	Residential
M	Medical
B-1	Commercial (Highway)
B-2	Commercial (Central Business)
B-3	Commercial (Local Shopping)
I-1	Industrial (Light)
I-2	Industrial (Heavy)

Section 502. BOUNDARIES

The boundaries of these districts are as shown upon the map entitled "Official Zoning Map, City of York, Alabama", dated and certified by the City Clerk and also herein referred to as the Official Zoning Map. Said Map is hereby made a part of this ordinance.

502.1 Amendments to the Official Zoning Map:

All amendments and changes to the Official Zoning Map shall be recorded by the City Clerk with the Zoning Enforcement Officer (hereinafter referred to as the Building Official) not later than forty-eight (48) hours after such amendment becomes effective. All amendments and changes to the Official Zoning Map shall be recorded at the end of each fiscal year upon a new copy of the "Official Zoning Map, City of York, Alabama".

502.2 Revision of the Official Zoning Map:

The Mayor and Council may from time to time order the revision of the Official Zoning Map as to include all changes to date and take the place of the original map which is a part of this ordinance. No changes shall be made upon such revised map that have not been made in the regular form by the Mayor and Council of the City of York, Alabama.

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502.3 Location of the Official Zoning Map:

Regardless of the existence of purported copies of the "Official Zoning Map, City of York, Alabama", which may from time to time be made or published, the Official Zoning Map in the Office of the City Clerk shall be the final authority for zoning districts in the City of York. A copy of said map shall be in the office of the Building Official for his use.

Section 503. INTERPRETATION OF DISTRICT BOUNDARIES

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

- 503.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- 503.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- 503.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of street lines or streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Official Zoning Map. If no distance is given, such distance shall be determined by the use of the scale on the Official Zoning Map.
- 503.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- 503.5 Where property lies in two or more zoning districts, zoning for frontage of the property shall prevail.



Section 504. CLASSIFICATION OF ANNEXED TERRITORY

All territory, which may hereafter be annexed to the City of York shall automatically be classified as Residence R-1 until all or portions hereof are changed by ordinance.

Section 505. VACATION OF STREETS

Whenever any street, alley or other public way is vacated by official action of the Mayor and Council of the City of York, the zoning district adjoining each side of such street, alley or public way shall be, unless otherwise indicated, automatically extended to the center of same, and all area included therein shall then and henceforth be subjected to all appropriate regulations of the extended districts.

ARTICLE VI

DISTRICT REGULATIONS

Section 601. RESIDENTIAL (R-1) DISTRICT REGULATIONS (SINGLE FAMILY)

601.1 USES PERMITTED:

601.1.1 Single family dwellings, accessory structures, playgrounds, parks, public buildings of a governmental nature including public schools, libraries and fire stations.

601.2 USES PERMITTED ON APPEAL:

601.2.1 Home occupations, public utilities, substations, pumping stations, public buildings of a proprietary nature, general hospitals for humans and uses including private schools and churches.

601.3 USES PROHIBITED:

601.3.1 Business, commercial, industrial uses and services conducted for profit, billboards, signs, mobile homes, mobile home parks, overnight parking of any vehicle used in a business for profit, and storage.

601.4 REQUIRED LOT AREA AND WIDTH, YARDS, BUILDING AREA AND HEIGHT FOR RESIDENCES: *Home Size 1400 sq. ft.*

601.4.1 Minimum lot area 12,000 square feet.

601.4.2 Minimum lot width at setback line 80 feet

601.4.3 Minimum depth of front yard 30 feet (Minimum setback line).

601.4.4 Minimum depth of rear yard 30 feet.

601.4.5 Minimum width of each side yard 10 feet.

601.4.6 Maximum total building area 25 per cent of total gross lot area.

601.4.7 Maximum height of structures, 2 stories or 35 feet.

601.5 OFF-STREET PARKING REQUIREMENTS:

601.5.1 See Article IV, Section 402