

**ARTICLE III. JURISDICTION, ZONING BOUNDARIES, DISTRICTS AND MAPS**

**Section 300. Jurisdiction.**

The requirements of this Zoning Ordinance shall apply within the corporate limits of the Town of Elmore as they exist at the time of adoption or as the corporate limits may be amended in the future.

All territory that is annexed to the corporate limits shall be considered to be in the FAR District until otherwise classified.

**Section 301. Districts**

For the purposes of this Ordinance all property within the corporate limits of the Town of Elmore is divided into the following districts:

**301.01. The following use districts are established.**

- AFR** Agriculture, Forestry & Residential District
- RE** Estate District
- R-1** Residential District
- R-2** Residential District
- DDH** Development District Housing
- HTC** Historic Town Center District
- GB** General Business District
- OI** Office & Institutional District
- I** Industrial District
- SC** Smart Code Overlay District
- FH** Flood Hazard Overlay District
- AH** Airport Hazard Overlay District

**301.02.** The boundaries of the above districts are established on the appropriate Zoning Map.

**Section 302. Zoning Maps.**

**302.01. General Map.** The boundaries of the above use districts are established as shown on the general Zoning Map of Elmore. The map shall be identified by name and signature of the Mayor and attested by the Town Clerk. The general map may be used for display and publication.

**302.02. Map Atlas.** For purposes of maintaining a zoning map with greater detail, a map atlas containing and index and sectional maps may be used. All explanations included on the sectional maps are adopted and made a part of this Zoning Ordinance.

**302.03. Overlay District Maps.** The boundaries of overlay district maps shall be entered on supplemental zoning maps or be interpreted from maps prepared by other agencies. The overlay district maps shall be identified by name and signature of the Mayor and attested by the Town Clerk. All explanations included on the overlay district maps are adopted and made a part of this Zoning Ordinance.

### **Section 303. Location and Interpretation of District Boundaries.**

The boundaries of zoning districts are shown on the Zoning Map(s). The exact location of district boundaries shall be determined using the following rules.

**303.01. Corporate Limits.** When district boundaries are indicated as following the corporate limits, the corporate limit lines shall be construed to be the district boundaries.

**303.02. Lot Lines.** When district boundaries are indicated as following the lot lines, the lot lines shall be construed to be the district boundaries.

**303.03. Centerlines.** When district boundaries are indicated as following the centerline of streets and alleys, railroads, waterways, or such lines extended, the centerlines or the extensions lines shall be construed to be the district boundaries.

**303.04. Parallel Lines.** When district boundaries are indicated approximately parallel to corporate limits, lot lines, the center lines of streets and alleys, railroads or waterways, or the extensions of these lines, the zoning district lines shall be construed as being parallel to and at the distance indicated on the Zoning Map. If no dimension is given on the zoning map, the distance shall be determined by use of the scale appearing on the Zoning Map.

**303.05. Divisions of Land.** When district boundaries divide a lot or land that is less than five acres in area and in single ownership, the district lines, unless specified by dimensions, shall be determined by use of the scale appearing on the Zoning Map. The district regulation applying to the majority of the lot or land area (51% or more) shall only be extended to the entire lot or land by a ruling made by the Zoning Board of Adjustment. Any other interpretations, adjustments or extensions of district boundaries involving two acres or more shall require rezoning.

**303.06. Vacated Rights-of-Way.** When a public right-of-way for a street, alley or other public land, or a private right-of-way such as a railroad, is officially vacated or abandoned through proper legal procedure as established by the Code of Alabama, 1975 as amended, the district regulations applicable to the property to which the vacated or abandoned land reverted shall apply to the vacated or abandoned land and the district boundary shall be adjusted accordingly without further action.

**303.07. Interpretation by Zoning Board of Adjustment.** In the case of any uncertainty, the Zoning Board of Adjustment shall, as authorized elsewhere in this Ordinance, determine the exact location of district boundaries.

#### **Section 304. Interpretation of Districts.**

##### **304.01. Agricultural, Forestry, Residential District (AFR).**

This District is intended to protect and preserve areas of Elmore that are presently rural agricultural, or forested in character and use.

The standards developed for these areas are designed to permit development compatible with the preservation of their rural character and agricultural use, while not permanently foreclosing future development.

##### **304.02. Residential Estates District (RE)**

The intent and purpose of this district is to provide for and protect the quiet and peaceful character of very low density, single family residential development and accessory uses normally necessary and compatible with such use. Regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single family dwellings situated on lots having an area of at least one (1) acre and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

##### **304.03. Residential District (R-1 & R-2).**

The intent and purpose of these districts is to provide for and protect the quiet and peaceful character of residential development and accessory uses normally necessary and compatible with such use. Regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for residential dwellings and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

##### **304.04. Development District Housing (DDH)**

The intent and purpose of this district is to provide for conventional single-family and multi-family development at somewhat higher densities and/or provide a transition between lower density residential districts. Developments proposed for this zoning district will be required to have public sewer and water services available and, at the time of application, present an overall development plan showing all requirements of this Ordinance met.

**304.05. Historic Town Center District (HTC)**

This district is intended to serve as the retail, financial, and service focal point of Elmore as well as to preserve the historic character of the original central business district. Uses in this area will be compatible and in keeping with the historic significance of the area. Use will be of relatively low intensity to allow for the limited parking available and to maintain the small town atmosphere of the district. Property and business owners will be encouraged to restore and maintain historic structures and properties. Infill development in the district will be required to be of an architectural style in keeping with existing historic structures. In general the HTC district provides for uses of local importance and encourages private investment in the development of uses appropriate for a central city area (i.e. small retail shops, restaurants, offices and government buildings). Aesthetics and access will be of major importance for development proposed in this district and two story buildings will be encouraged.

**304.06. General Business District (GB)**

This district is intended to be located along the more intensely developed areas of Elmore Parkway and Highway 14. Uses in this district will include higher intensity uses such as shopping centers, restaurants, and large commercial retail establishments. These uses are intended to provide goods and services to residents of the Town as well as the surrounding trade area. Because these uses are subject to the public view, which is a matter of important concern to the entire Town, they should provide ample parking, controlled traffic movement, suitable landscaping, and protection for abutting residential areas from the traffic and visual impacts associated with commercial activity. All storage and display shall occur inside a fully enclosed building and/or outdoors behind the front building line. The Planning Commission may require that outdoor storage and display of equipment or merchandise, be surrounded by an opaque screen, the height and location of which shall be determined by the Commission. Vehicular display areas are exempt.

**304.07. Office and Institutional District (OI)**

This district is intended to provide areas for the development of public, semi-public and private offices; healthcare and child care facilities; places of worship and special residential development. Such uses are supportive of the surrounding residential community and should gain access via an arterial or major collector road.

**304.08. Industrial District (I)**

This district is intended to accommodate industrial areas that must be segregated, because of negative impacts that are not compatible with other uses. This district also recognizes that industrial uses may have infrastructure and operational incompatibilities with uses in other districts. Uses permitted in this district shall generate no objectionable odor, smoke, dust fumes, vibration or excessive noise. Industrial and related uses shall be located only in areas directly accessible to major roadways or railroads. Outside and open storage is permitted provided that such activities are screened from the public roadway by an appropriate combination of fencing and landscaping, when such storage is located between the front building line and the public

roadway. Such storage shall not exceed the height of the screening except in areas behind the front building line. Outdoor operations other than parking are not permitted between the front building line and the public roadway unless such operations are screened from the public roadway.

### **304.09. Smart Code Overlay District (SC)**

Need to Insert Description Here.

### **304.10. Flood Hazard (FH)**

It is the intent of the flood hazard area to provide protection in the floodway and flood fringe from the hazards and losses caused by flooding to residences, businesses, industries and public uses and to protect the natural flood environments that might be increased or significantly altered by improper use or development.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its "Flood Insurance Study" and the "Flood Insurance Rate Map" and any revision thereto are adopted by reference and declared to be a part of this Ordinance.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Elmore or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

### **304.11. Airport Hazard Overlay (AH)**

It is the intent of the Airport Hazard area to provide protection for the public health, safety and general welfare through the prevention or elimination of obstructions that are a hazard to air navigation. It has been declared that the Wetumpka Municipal Airport fulfills an essential community purpose and that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Wetumpka Municipal Airport.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Wetumpka Municipal Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Wetumpka Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Wetumpka Municipal Airport and the public investment therein. Accordingly, it is declared the

prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

An Airport Hazard Overlay District may overlay, or include, properties located in one or more use districts. Regulations to govern activities within the Airport Hazard Overlay District, as outlined herein, shall be applied in addition to other regulations required in the underlying use districts. The more restrictive of such regulations shall apply.