

ORDINANCE NO. 2005-01Updated 2012-01 (Section 5-2-6)
Updated 2017-02 (Section 4-3-1; 4-3-2; 5-2-6)

BE IT ORDAINED by the Town Council of the Town of Mooresville, Alabama, as follows:

I. The Zoning Ordinance of the Town of Mooresville, Alabama, adopted on March 11, 2003, is hereby repealed and the following Zoning Ordinance is adopted in substitution therefor.

ARTICLE I

AUTHORITY AND PURPOSE

Section 1-1. Authority

An ordinance establishing comprehensive zoning regulations for the Town of Mooresville, Alabama, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Title 11, Chapter 52, Article 4 of the Code of Alabama 1940 (recompiled 1975) and providing for the repeal of all ordinances in conflict herewith.

Section 1-2. Purpose

It is the purpose of this Zoning Ordinance:

- (a) To protect and provide for the public health, safety, and general welfare of the town.
- (b) To guide the future growth and development of the town.
- (c) To provide for adequate light, air, and privacy to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect the historic character and the social and economic stability of the Town of Mooresville and to encourage the orderly and beneficial development of all parts of the town.

- (e) To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- (f) To guide public and private policy and action in order to provide adequate and efficient transportation and public facilities.

ARTICLE II

TITLE

This ordinance shall hereafter be known, cited, and referred to as the "Zoning Ordinance of the Town of Mooresville, Alabama". This ordinance specifically repeals the ordinance adopted on March 11, 2003.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 3-1. Use Districts Named

For the purpose of this ordinance, the Town of Mooresville, Alabama is hereby divided into the following use districts:

- R-1 Low Density Residential District
- AG Rural Residential and Agriculture District
- B-1 Local Business District

Section 3-2. District Boundaries

The boundaries of these districts are hereby established on the map entitled "Official Zoning Map, Town of Mooresville, Alabama," by Dunivant Engineering Company, Inc., as being dated April 4, 1991, attached hereto as Exhibit 1.

Section 3-3. Rules Governing Boundaries

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

- 3-3-1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers or other bodies of water, shall be construed to follow such center lines.
- 3-3-2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3-3-3 Boundaries indicated as approximately following corporate limit lines shall be construed as following such corporate limit lines.
- 3-3-4 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or highways, they shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- 3-3-5 Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 3-3-1 through 3-3-4 above, the Zoning Board of Adjustment shall interpret the district boundaries.

Section 3-4. Annexation

In the event of annexation of new areas to the corporate limits of the Town of Mooresville, such areas shall be considered to be in the R-1 District until otherwise classified.

ARTICLE IV

USE DISTRICTS

Section 4-1. R-1 Low Density Residential District

The purpose of an R-1 Low Density Residential District is (1) to provide for the protection of existing single-family residential areas; (2) to safeguard the heritage of the municipal corporation by preserving the area therein which reflects elements of its cultural, social, economic, political and architectural history; (3) to stabilize and improve property values.

4-1-1 Permitted Uses: The following uses are permitted in the District:

- Single-family dwellings, excluding mobile homes.
- Accessory uses and structures.

4-1-2 Special Exceptions: The following uses are permitted in the District only as special exceptions:

- Home occupations;
- Churches and similar places of worship (corner lots only);
- Cemeteries;
- Public buildings and structures serving the immediate residential area (corner lots only);
- Public and private parks.

4-1-3 Dimensional Requirements: The following yard, lot, and height requirements shall apply within the District:

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>	<u>Maximum Height</u>	
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Feet	Stories
10	35	12*	15,000**	35	2 ½

*Corner lots shall have sufficient extra width to permit the establishment of a building line at least fifteen (15) feet from the side street property line.

**Any dwelling which does not have public water service shall be located on a lot of a minimum of 20,000 square feet.

Section 4-2. AG Rural Residential and Agriculture District

An AG Rural Residential and Agricultural District is established to protect agricultural land from the encroachment of urban land uses, and to permit the development of a rural nature.

4-2-1 Permitted Uses: The following uses are permitted in the District:

- Any use permitted in the R-1 District;
- General farming including horticulture, dairying, livestock, and poultry raising and similar uses;
- Cemeteries;
- Public Building, structures, and uses;
- Public and private parks.

4-2-3 Dimensional Requirements:

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>	<u>Maximum Height</u>	
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Feet	Stories
40	40	15	20,000	35	2 ½

Section 4-3. B-1 Local Business District. The following uses are permitted in the District:

This district is established to provide for the most frequent daily retail business needs of town residents, and to provide for a limited range of retail business needs of tourists visiting the town. The overall appearance of the stores and retail businesses in this district must be in keeping with the historic character of the town.

4-3-1 Permitted Uses: The following uses are permitted in the District:

- Stores retailing antiques, plants and other lawn products, drugs, dry goods, flowers, foods and beverages, hardware, hobby and craft supplies, sporting goods, leather goods, notions, reading materials, and seed and feed.
- Banks.
- Eating and drinking establishments with the exception of drive-in facilities.
- General office purposes.

4-3-2 Special Exceptions: The following uses are permitted in the District only as Special Exceptions:

- Retail business uses that are deemed by the Zoning Board of Adjustment to be in keeping with the intent of this District.

4-3-3 Dimensional Requirements:

<u>Minimum Yard Size</u>			<u>Minimum Lot Size</u>	<u>Maximum Height</u>		<u>Off Street Loading</u>
Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area Square Feet	Feet	Stories	
15	30	20	None	35	2 ½	

*It is the intent of the ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.

ARTICLE V

GENERAL PROVISIONS

Section 5-1. Applications of Regulations

The regulations set forth in this Ordinance affect all land, every building, and every use of land and/or building and shall apply as follows:

5-1-1 Use

No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations of this Ordinance for the district in which it is located.

5-1-2 Height and Density

No building shall hereafter be erected or altered so as to exceed the density regulations of this Ordinance for the district in which it is located.

5-1-3 Lot Size

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side, or rear yards, lot area per dwelling unit or other requirements of this Ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

5-1-4 Yard Use Limitations

No part of a yard or other open space required with respect to any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building or use.

5-1-5 One Principal Building on a Lot

Every building hereafter erected, moved, or structurally altered shall be located on a lot, and in no case shall there be

more than one (1) principal building and its customary accessory buildings on the lot except in the case of a specially designed group of commercial buildings in a B-1 Zoning District.

5-1-6 Necessary Repairs Permitted

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared to be unsafe or unlawful.

5-1-7 Lot Frontage

All lots shall front on a public street.

Section 5-2. Non-Conforming Uses

Any parcel of land, use of land, building or structure existing of the time of the enactment of this Ordinance, or any amendment thereto, that does not conform to the requirements of the district in which it is located may be continued and maintained subject to the following provisions:

5-2-1 Non-Conforming Vacant Lots

This category of non-conformance consists of vacant lots for which plats or descriptions have been recorded in the Office of the Probate Judge of Limestone County which, at the time of enactment of this Ordinance, fail to comply with the dimensional requirements for the districts in which they are located. Any such non-conforming lot may be used for any of the uses permitted by this Ordinance in this district in which it is located, provided as follows:

- Minimum requirements of the district for front yard, side yard, rear yard, and off-street parking shall be complied with except as provided in Article VI, Section 6-1.

5-2-2 Non-Conforming Occupied Lots

This category of non-conformance of lots occupied by buildings or structures at the time of the enactment of this Ordinance that fail to comply with minimum requirements for area, width, front yard, side yard, and rear yard for the districts in which they are located shall meet the requirements of Section 5-2-5 hereof.

5-2-3 Non-Conforming Open Uses of Land

This category of non-conformance consists of lots used for storage yards, used car lots, auto wrecking, junk yards, and similar open space uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it is located. A legally established non-conforming open use of land may be continued except as follows:

- a. When a non-conforming open use of land has been changed to a conforming use, it shall not thereafter revert to any non-conforming use.
- b. Non-conforming open uses of land shall not be changed to any but conforming uses.
- c. A non-conforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.

5-2-4 Non-Conforming Uses of Structures

This category of non-conformance consists of buildings or structures used at the time of enactment of this Ordinance for

purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

- a. An existing non-conforming use of a building or structure may not be changed to another non-conforming use.
- b. When a non-conforming use of a building or structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
- c. A non-conforming use of a building or structure shall not be extended or enlarged except into portions of the structure which, at the time the use became non-conforming were already erected and equipped for such non-conforming use.
- d. Non-conforming existing residential structures in the B-1 Business District may be enlarged, extended, or structurally altered provided no additional dwelling units result from such enlargement and the extension or alteration shall comply with the dimensional requirements for the district in which it is located.
- e. Maintenance and repairs necessary to keep a non-conforming structure in sound condition shall be permitted.
- f. When any non-conforming use of a building or a structure is abandoned for a continuous period in excess of one hundred and eighty (180) days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5-2-5 Reconstruction of Damaged Buildings of Structures

Any non-conforming structure which has been damaged by fire, wind, flood, or other causes may be repaired along the previous footprint of the structure and used as before if repairs are initiated in 24 months of the damages and completed within 4 years of such damage.

5-2-6 Uses Permitted with Conditional Use Permits

Any parcel of land, building, or structure established by the Ordinance may allow, with a Conditional Use Permit obtained from the Town Council for a time certain not to exceed twelve months, a use deemed appropriate by the Town Council for educational, cultural, agricultural, or retail purposes. Such permit will not be inconsistent with purposes set forth in Section 1-2 of this Ordinance and must be approved on majority vote of the Town Council. This Conditional Use Permit may be revoked at the discretion of the Town Council. The Town Council shall, from time to time, set an appropriate fee, if any, for such Conditional Use Permits, based upon the nature and duration of the permit(s).

Section 5-3 Interpretation of District Regulations

The district regulations shall be enforced and interpreted according to the following rules:

5-3-1 Permitted Uses

Uses not designated as permitted uses or subject to additional conditions shall be prohibited. Special Exceptions are permitted according to conditions imposed by the Zoning Board of Adjustment. Additional uses may be added to the Ordinance by amendment.

5-3-2 Minimum Regulations

Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted regulation or ordinance, the more restrictive or higher standard shall govern.

5-3-3 Land Covenants

Restrictions established by the private covenants running with the land are not affected by this Ordinance. Such restrictions are neither enforced nor enforceable by the Town of Mooresville.

Section 5-4. Special Exceptions Permissible on Appeal to the Zoning Board of Adjustment.

When a Special Exception approval is required by the terms of this Ordinance, request for such approval shall be transmitted to the Zoning Board of Adjustment for review prior to the public hearing to be held by the Board on the request.

If the Board of Adjustment shall find, after a public hearing, that in the circumstances of the particular request, the use for which the Special Exception approval is sought will not adversely affect the health or safety of persons residing or working in the immediate area of the proposed Exception, and will not be detrimental to the public welfare or injurious to property or public improvements in the area, it shall issue a Special Exception approval. In granting such approval, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, assure that the use will be consistent with the purposes of this Ordinance.

ARTICLE VI

EXCEPTIONS AND MODIFICATION

Compliance with the requirements of this Ordinance is mandatory except that under the specific conditions enumerated in the following Sections, the requirements may be waived or modified as so stated.

Section 6-1. Existing Lots

Where the owner of a lot at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may, nonetheless, be used as a building site, provided that said lot meets all yard requirements for the district or, if yard requirements are not met, the same are not reduced below the minimum specified any more than twenty percent (20%). Adjoining lots of the same owner shall

be considered as one lot. Any reduction of a yard dimension of more than twenty percent (20%) may be approved by the Board of Adjustment as a Special Exception.

Section 6-2. Minimum Required Front Yard for Dwellings

The minimum required front yard requirements of this Ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such lot may be less than the required front yard but not less than the average of the front yards of the aforementioned existing buildings.

Section 6-3. Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, chimneys, conveyors, flag poles, television and radio antennae, and similar structures except as otherwise restricted in the vicinity of airports.

ARTICLE VII

SIGNS

Section 7-1. Signs

Regulations with respect to signs shall apply as follows:

7-1-1. Definitions

The following definitions shall apply:

Accessory Sign - A sign related to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located, provided that an accessory sign may display a non-commercial message.

Attached Sign - A sign attached to a building.

Establishment - A structure or portion thereof occupied and utilized and operated as a single residence, business, or commercial enterprise.

Ground Sign - Any sign permanently affixed to the ground and supported by a foundation or by one or more columns, poles, uprights, or braces permanently imbedded in the ground which is not a direct part of a building, whether illuminated or not.

Non-Accessory Sign - A sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

Real Estate Sign - A temporary sign advertising the sale or rental of a property in a single or separate ownership or operated as a separate business or establishment.

Sign - A display board or screen made of any material on which are characters, letters, or illustrations applied thereto in any manner, except a manufacturer's product identifying label or tag on merchandise held for sale is not a sign.

Sign Size - The extreme physical dimensions of a sign, excluding lattice work or fencing, incidental to its decoration. Where individual characters are used, whether individually mounted or fastened or jointly mounted or fastened to convey a message, the total dimensions from the beginning of the first character to the end of the last character in the longest

line and the top of the uppermost character and the bottom of the lowermost character shall be considered in the calculation of the overall sign size.

Temporary Political Sign - Any attached or ground sign advertising a political party, issue, or candidate when the same is related to or concerning a pending election to be held within the town or county.

Temporary Sign - Any display, informational sign, of a non-permanent nature and is intended to convey information about a specific, timed event rather than an ongoing occurrence. A temporary sign shall not be displayed for more than two months during any six-month period. In no event shall any temporary sign be permitted in violation of any provisions of the Zoning Ordinance.

7-1-2. Permitted Signs by Districts and Size

All signs defined in Section 7-1-1 are permitted in all districts herein. The size of said signs shall not exceed 8 square feet on each side.

ARTICLE VIII

ENFORCEMENT

Section 8-1. Enforcement Officer

The provisions of this Ordinance shall be administered and enforced by the Mayor, acting as Building Inspector, or by some other person appointed by the Mayor and approved by the Council. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

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If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall take any action authorized by this Ordinance to insure compliance, including issuance of a citation to appear in a court of competent jurisdiction with respect thereto, or he may make affidavit under oath before a duly authorized officer of the court seeking a summons or citation to said court directing the alleged violator to appear and answer a charge specified therein.

Section 8-2. Building Permits Required

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including temporary field offices, or to commence the moving, alteration, or major repair of any structure, including accessory structures, until the Building Inspector has issued for such work a building permit, which said permit shall include a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a building permit shall be made to the Building Inspector on forms provided for that purpose.

Section 8-3. Approval of Plans and Issuance of Building Permit

It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether or not the proposed excavation, construction, use of land, moving, or alteration is in conformance with this Ordinance:

- (1) The actual shape, proportion, and dimensions of the lot to be built upon.

- (2) The shape, size, and locations of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.
- (3) The existing and intended use of all such buildings or other structures.
- (4) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether or not the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance, unless otherwise authorized by the Board of Adjustment.

Section 8-4. Certificate of Occupancy Required

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used or occupied until the Building Inspector shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

Within three (3) days after the owner or his agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building and premises are found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state the refusal in writing with the cause.

Section 8-5. Penalties

Any person, firm, or corporation violating or failing to comply with any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than five hundred dollars (\$500) and costs of court for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE IX

ZONING BOARD OF ADJUSTMENT

Section 9-1. Establishment of a Zoning Board of Adjustment.

A Zoning Board of Adjustment is hereby established. Said Board shall consist of five (5) members, each to be appointed by the Town Council for a term of three (3) years except that in the first instance, one member shall be appointed for a term of three years, two for a term of two years, and two for a term of one year. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the Town Council upon written charges and after a public hearing. Members of the Board shall hold no other Municipal office, except that no more than one (1) member may also be a member of the Town Council or Zoning Commission.

Section 9-2. Meeting, Procedure, and Records

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 9-3. Appeals, Hearings, and Notices

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by an official of the Town of Mooresville, affected by the ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Town Council a written notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from shall be transmitted to the Board of Adjustment.

An appeal stays all proceedings in furtherance of the action appealed from, unless the enforcement officer certifies to the Board of Adjustment after the notices of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril of life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustments or by a court of record on application, on notice to the enforcement officer on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereto to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appeal in person, or by agent, or by attorney.

Section 9-4. Powers and Duties of the Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the following powers and duties:

9-4-1 Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector in the same enforcement of this Ordinance.

9-4-2 Variances

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed and substantial justice done.

9-4-3 Special Exceptions; Conditions Governing Request Procedures

To hear and decide only such Special Exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether a Special Exception should be granted; 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. A Special Exception shall not be granted by the Board of Adjustment unless and until:

- a. A request for a Special Exception is submitted indicating the Section of this Ordinance under which the Special Exception is requested.

- b. Notice shall be given at least two (2) weeks in advance of public hearings.
- c. The public hearings shall be held. Any party may appear in person, or by agent, or attorney.
- d. The Board of Adjustment shall make a finding that it is empowered under the Section of this Ordinance described in the request to grant a Special Exception, and that the granting of the Special Exception will not adversely affect the public interest.
- e. Before any Special Exception is approved, the Board shall make a finding that the granting of such exception is permitted by this Ordinance.

Section 9-5. Decisions of the Zoning Board of Adjustment.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decisions, or determination as ought to be made, and to that end shall have all the powers of the enforcement officer.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decisions or determination of the Mooresville Town Council, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

Section 9-6. Appeal from the Decision of the Zoning Board of Adjustment.

Any party aggrieved by any final judgment or decision of the Board of Zoning Adjustment may, within fifteen (15) days thereafter, appeal

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therefrom to the circuit court or court of like jurisdiction, filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court to be tried de novo.

ADOPTED this 23 day of August, 2005.

Jerri McLain
Jerri McLain, Mayor

ATTEST:

Jennifer Goodrich
Jennifer Goodrich, Town Clerk



ORDINANCE NO: 2012-01

Be it ordained by the Town Council of the Town of Mooresville, in the State of Alabama, as follows:

SECTION 1: That the Zoning Ordinance 2005-01 be amended to include as follows:

Any parcel of land, building, or structure established by this Ordinance may allow, with a Conditional Use Permit obtained from the Town Council for a time certain not to exceed twelve months, a use deemed appropriate by the Town Council for educational, cultural, agricultural, or retail purposes. Such permit will not be inconsistent with purposes set forth in Section 1-2 of this Ordinance and must be approved on majority vote of the Town Council. This Conditional Use Permit may be revoked at the discretion of the Town Council. The Town Council shall, from time to time, set an appropriate fee, if any, for such Conditional Use Permits, based upon the nature and duration of the permit(s).

SECTION 2: This Ordinance Amendment shall be posted at four locations in the Town of Mooresville, and become effective five days from this passage.

READ, PASSED, AND ADOPTED BY THE TOWN COUNCIL OF MOORESVILLE
this 24 day of July, 2012.



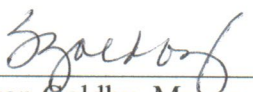
Jane Barran, Councilperson yea



Mike Sprader, Councilperson yea



Lewis Price, Councilperson yea



Susan Goldby, Mayor yea



ORDINANCE NO. 2017-2

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF MOORESVILLE

WHEREAS, the Town Council of Mooresville, Alabama desires to amend its zoning ordinance, which was previously adopted as Ordinance 2005-01, amended as 2012-01 (the "Zoning Ordinance");

WHEREAS, through such amendment, the Town Council desires to clarify the permitted and special exception uses in a B-1 Local Business District, in a manner that is entirely consistent with the Town's application of the same; and

WHEREAS, the Town Council wishes to clarify the conditional use provisions of the Zoning Ordinance, in a manner that is entirely consistent with the Town's application of the same.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOORESVILLE, ALABAMA, AS FOLLOWS:

Section 1. Section 4-3-1 of the Zoning Ordinance is amended to read as follows:

4-3-1 Permitted Uses: The following uses are permitted in the District:

- Retail sales from a store of antiques, plants and other lawn products, drugs, dry goods, flowers, foods and beverages, hardware, hobby and craft supplies, sporting goods, leather goods, notions, books and other reading materials, and/or seed and feed.
- Banks engaging in lending and other banking activities.
- The preparation, sale, and consumption of meals (food and drink) at an eating and drinking establishment (*i.e.*, a place of business where people pay to eat meals that are cooked, prepared and served on the premises), but excluding drive-through or drive-in facilities.

- General office activities in connection with carrying on professional services (such as legal, accounting or real estate), administrative services, and clerical services.

- All Permitted Uses in a R-1 Low Density Residential District.

Section 2. Section 4-3-2 of the Zoning Ordinance is amended to read as follows:

4-3-2 Special Exceptions: The following uses are permitted in the District only as Special Exceptions:

- The retail sales of goods that are not listed in § 4-3-1, that are approved by the Zoning Board of Adjustment to be in keeping with the intent of this District.

Section 3. Section 5-2-6 of the Zoning Ordinance is amended to read as follows:

5-2-6 Uses Permitted with Conditional Use Permits

A conditional use is a use that would not be appropriate in the applicable district, but which, if controlled as to frequency, duration, area, location, traffic, noise, light, buffering, screening or in relation to the neighborhood, would be consistent with the purposes set forth in § 1-2 of this Ordinance, and would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. A Conditional Use Permit may only be permitted with respect to educational, charitable, cultural, agricultural, or retail goods sales events, that are limited in number and duration. A conditional use may be permitted in a given district only upon the issuance of a Conditional Use Permit by a majority vote of the town council, and only in accordance with any conditions specified by the town council. A Conditional Use Permit shall not be

issued for a period of longer than twelve (12) months. A Conditional Use Permit may be revoked at any time at the discretion of the Town Council. The Town Council shall, from time to time, set an appropriate fee, if any, for such Conditional Use Permits, based upon the nature and duration of the permit(s).

Section 4. That the Zoning Ordinance and the amendments set forth in this Ordinance are *in pari materia* and therefore must be read and construed with reference to each other.


Section 5. That the definitions set forth in the Zoning Ordinance shall have the same meanings and applications in this Ordinance.

Section 6. That the recitals are due to be, and hereby are, incorporated as part of the legislation approved herein.

Section 7. That this Ordinance shall become effective upon its adoption and publication as provided by law.


Section 8. That if any word, clause, phrase, sentence, paragraph, or provision of this Ordinance shall be invalidated by a court of competent jurisdiction, such invalidity shall not affect any other word, clause, phrase, sentence, paragraph, or provision hereof.

APPROVED this 20th day of June, 2017.



Nikki Sprader, Acting Mayor
Town of Mooresville, Alabama

ATTEST:



Vasni Torrijos, Town Clerk
Town of Mooresville, Alabama

