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ZONING REGULATIONS for the CITY OF VINCENT, ALABAMA

Adopted by

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ARTICLE 1. ZONING ORDINANCE OF THE CITY OF VINCENT, ALABAMA

Pursuant to the authority granted by Section 11-52-70 of the Code of Alabama, recompiled 1975. The zoning regulations and districts herein established have made with a plan designed to lessen congestion in the streets, to secure safety from fire, other dangers, to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of the population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The regulations have also been made with reasonable consideration among other things, to the character of each district of the town and to the peculiar suitability of each for particular uses and with a view to conserving the value of buildings and property toward encouraging appropriate uses of land throughout the town as defined in the comprehensive plan or parts thereof.

ARTICLE 2. ADMINISTRATION

Section 2.1 Enforcement

The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Zoning Official, Administrator, or other such official designated by the City Council.

Section 2.2 Conditional Uses

- 1) Purpose. It is the purpose of this section to establish a process that enables and facilitates review of those uses identified as conditional uses in these regulations in order to determine the appropriateness of a particular conditional use in a given location.
- 2) Authorization. The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the Planning Commission reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.
- 3) Procedures. The Administrator shall, upon determination that the application complies with all applicable submission requirements, receive the application and direct the City Clerk schedule it for public hearing by the Planning Commission.
- 4) Notice. The City Clerk shall, at least 15 days before the scheduled public hearing by the Planning Commission, post in four (4) conspicuous locations a legal advertisement of the proposed conditional use. The City Clerk shall also provide notice of such hearing by regular mail to the owners of property adjacent to the proposed conditional use as their names appear in the county tax records.
- 5) Such notices, publications and advertisements shall contain the name of the applicant; the location of the subject property; the proposed conditional use of the property requested; the date, time, and location of the Planning Commission public hearing and that all persons who desire shall have the opportunity to be heard in opposition or in favor of the proposed conditional use.

6) The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing to approve, approve with conditions or deny the proposed conditional use.

7) Required Application form. The application shall be made to the Planning Commission on a form to be provided by the Administrator. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

8) Plans and specifications. Each application shall be accompanied by an accurate site plan, drawn to scale, identifying: the current off-street parking available on the site; any new proposed parking layout; ingress to and egress from the site; area of the site; existing uses on the site, including the location and floor area of all buildings; and such other information as the Planning Commission may reasonably require. Any supplementary information, exhibits, plans or maps that are to accompany and constitute part of the application shall be submitted at the time of filing the application. Five (5) copies of all such documents shall be required for distributional purposes.

9) Application fee. The applicant shall be required to pay the current application fee as determined by the current adopted fee schedule. This fee shall be non-refundable irrespective of final disposition of the application.

10) Standards for approval. A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Vincent Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of the City of Vincent;

b) The proposed use shall be consistent with the community welfare and not detract the public's convenience at the specific location;

c) The use shall not unduly decrease the value of neighboring property; and,

d) The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact

on surrounding or adjacent uses or on community facilities or services.

11) Conditions and restrictions on approval. In approving a conditional use, the Planning Commission may impose restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing.

12) Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these regulations. Those conditional uses which the Planning Commission approves subject to conditions shall have specified by the Planning Commission the time allotted to satisfy such conditions.

Section 2.3 Site Plan Review and Approval

It is the purpose of this section to encourage a high standard of land development through careful review of the nature and composition of proposed development projects as well as to provide full consideration of the potential impacts of proposed developments upon surrounding uses and land. Furthermore, it is the purpose of the site plan review process to provide a mechanism to ensure that the individual components of the development process are carefully integrated in order that a project meets not only those minimum regulatory requirements and individual design standards, but also addresses in its totality the design guidelines set forth in this section.

1) Approval required. Site plan approval as hereinafter set forth is required prior to the issuance of any building permit for all land uses subject to these regulations where any of the following exists:

- a) A parcel of land proposed for a nonresidential use.
- b) A parcel of land proposed for multi-family residential, condominium, townhouse, or hotel/motel use.
- c) A parcel of land devoted to a nonresidential use or a parcel of land devoted to multi-family, condominium, townhouse, or hotel/motel units which use of land or building is proposed to be

expanded by twenty-five (25) per cent or more of lot area or building floor area.

d) A parcel of land, which is to be developed utilizing a "special district" zoning classification.

e) A parcel of land where, due to the unique characteristics of the land, surrounding use(s), proposed use, or other features of the development, that staff determines it to be in the interest of the public health, safety, or welfare that such project be subject to the site plan review process.

2) The City Council shall have the authority to waive the site plan approval requirement for public, county or city-sponsored projects as is determined appropriate based on the nature, location, size, and impact of such project(s).

3) Procedures. Developments subject to site plan review shall be processed in the following manner:

a) The Administrator shall, upon determination that an application complies with all applicable submission requirements, receive the application and schedule it for consideration and approval by the Planning Commission.

b) The Planning Commission shall review the site plan with specific regard to the design guidelines contained in this section. Staff shall evaluate and make a report to the Commission with respect to the satisfactory application of the design guidelines, both individually and in combination, to the subject plan. The Planning Commission shall approve, approve with conditions, or deny the site plan. In the alternative, the Planning Commission may, for the purpose of allowing the applicant an opportunity to address unresolved issues, continue consideration of the site plan. Any action to approve, conditionally or unconditionally, shall require a majority of the committee members present and shall be based upon a finding that the site plan comports with the design guidelines set forth herein. Any site plan, which does not receive a majority vote for approval, shall be denied and the reason(s) for such denial shall be noted. Under no circumstance shall any site plan be approved which is inconsistent with any term contained in these regulations unless a variance has been authorized in accordance with the provisions contained in Article 14 of this ordinance.

c) A minimum of four (4) copies, and any additional copies as may be supplied by the applicant, of a site plan approved or approved

conditionally shall be submitted to the staff within sixty (60) days of such action. Site plans approved contingent upon any changes to be made on the plan shall be so changed prior to certification. The Administrator shall verify that all such changes have been made and certify with his signature that the site plan complies with these regulations and the requirements of the development review committee. Staff shall retain and file one copy of the certified site plan to constitute a permanent record and forward one copy to the Building Official. A minimum of two copies of the certified site plan shall be reserved for the applicant, one of which shall accompany the application for building permit and one copy to be available for inspection at the job site.

4) Amendment of a certified plan. Any amendment, variation, or adjustment of a certified site plan shall require approval of a site plan amendment according to the following:

a) Major amendment. Submission to staff and action by the Planning Commission consistent with the process of approval of the original site plan.

b) Minor amendment. Submission to and action by staff. Staff shall determine based on the magnitude and type of change and its ramifications whether a proposed plan amendment is a major or minor amendment. Staff may, at their discretion, forward any application for site plan amendment to the Development Review Committee or to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions or denied.

5) Effect of site plan approval. Those site plans approved or approved conditionally shall remain valid if a building permit is obtained subject thereto, and the project completed in accordance with such permit, within the respective allotted time periods to be specified by the Planning Commission. Extensions to the time limits imposed as a condition of site plan approval may be granted only upon written request to staff with subsequent determination to be made by the Planning Commission based upon and consistent with the process for determining whether such request for extension of time is a major or minor amendment. Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the appropriate departments for approval and permitting. Nothing herein, however, shall preclude the building Administrator from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to the certification of a site plan, subject to such

conditions as may be established by the building Administrator relative to such pre-certification processing. In such instances, no building permit will be issued until the site plan has been certified and is on file with the building department. All building and construction permits issued for any project requiring site plan review shall be consistent with the certified site plan. The approval and certification of a site plan shall not under any circumstance be construed to waive or otherwise diminish the applicable requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

Integration of other review procedures. Any development involving the following related provisions of these regulations shall be coordinated as set forth below.

6) Special District development plans. Properties which are proposed to be assigned a special district zoning classification shall have available for review at the public hearing held in consideration of such zoning a copy of a preliminary site plan of the proposed development. Following approval by the Planning Commission, a final site plan taking into consideration matters of concern to the Planning Commission shall be prepared and submitted to staff for review in accordance with the above paragraphs.

7) Rezoning. Those developments requiring an action to rezone the property shall have the rezoning approved by the Planning Commission and City Council prior to consideration of a site plan. In approving a rezoning action, the Planning Commission may, in cases it deems advisable, also require that a preliminary site plan be submitted to it for review prior to consideration of a final site. Following review by the Planning Commission, a final site plan taking into consideration matters of concern to the Planning Commission shall be prepared and submitted.

8) Variances. Those developments requiring a variance from any applicable regulation shall have the variance acted upon by the Planning Commission prior to consideration of a site plan.

9) Conditional Uses. Those developments requiring conditional use approval shall have the conditional use approved by the Planning Commission and prior to consideration of a site plan.

10) Noncompliance. Failure to comply with a certified site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a building permit or, where a permit has been issued pursuant to a certified site plan, to render such building permit invalid. Any action, construction,

development, or use of property undertaken in violation of the provisions of this section shall constitute a violation of these zoning regulations.

11) Submission requirements. No request for site plan approval shall be considered complete until all of the following has been submitted to staff:

a) Application form. The application shall be submitted to staff on forms to be provided. The application shall be signed and, if not signed by the property owner, shall be accompanied by a notarized affidavit that the applicant is authorized to act in the owner's behalf.

b) Plans and specifications. Each application shall be accompanied by a site plan drawn to a minimum scale of one inch equals fifty (50) feet on an overall sheet size not to exceed twenty-four (24) by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be included showing the entire parcel with individual sheet numbers referenced thereon. The following information is required on or in an acceptable form so as to accompany the site plan:

Site plan name.

North arrow, scale, and date prepared.

Legal description.

Location map.

Zoning district assigned to the property, which is the subject of the site plan and adjacent properties.

Identification of watercourses, wetlands, tree masses, and specimen trees, including description and location of understory, ground cover vegetation and wildlife habitats, or other environmentally unique areas.

Gross and net site area expressed in square feet and acres.

Number of units proposed, if any.

Floor area devoted to each category of use.

Delineation in mapped form and computation of the area of the site devoted to building coverage and other impervious surfaces expressed in square feet and as a percentage of the overall site.

Number of parking spaces required (stated in relationship to the applicable formula) and proposed.

Location of all driveways, parking areas and curb cuts and the total paved vehicular use area (including but not limited to all paved parking spaces and driveways), expressed in square feet and as a percentage of the area of the overall site.

Location of all public and private easements and streets within and adjacent to the site.

The location, size, and height of all existing and proposed buildings and structures on the site.

Location of all refuse collection facilities, including screening and access thereto.

Provisions for both on-and off-site storm water drainage and detention related to the proposed development.

Existing and proposed utilities, including size and location of all water lines, fire hydrants, sewer lines, manholes, and lift stations.

Existing two-foot contours or key spot elevations on the site, and such off-site elevations as may be specifically required and not otherwise available, which may affect the drainage or retention on the site.

The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed outdoor furniture such as seating, lighting, and telephones.

The location of all earth or water retaining walls, earth berms, and public and private sidewalks.

Phase lines, if development is to be constructed in phases.

Dimensions of lot lines, streets, drives, building lines, building setbacks, building height, structural overhangs, and building separations.

Shadow cast information if the proposed building is higher than any immediately adjacent building or if the height of the building is greater than the distance of the building to any lot line.

11) Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

12) Design guidelines for site plan review. It is the purpose of these design guidelines to supplement the standard requirements of zoning classifications in a manner that recognizes the need to tailor the land planning process to the unique features of each site, while preserving the right of reasonable use of private property based upon the uses permitted under the zoning classifications assigned to the property. Before any site plan is approved (whether conditionally or unconditionally), it shall first be established that such plan is consistent with the design guidelines of this section. When it is determined that a site plan does not satisfactorily comply with one or more, in whole or in part, of any of the design criteria contained herein, the Planning Commission shall have the authority to deny the site plan. Design guidelines to be considered include the following:

a) Consistency and conformity with all applicable rules and regulations of the city, county and the state, including but not limited to the following:

City zoning and subdivision regulations;

City comprehensive plan and its constituent elements;

Other City ordinances, resolutions, policies and administrative directives;

Applicable provisions of Alabama Law.

b) Recognition of significant existing environmental and open space features of the site and property immediately adjacent thereto. The proposed development shall be determined to be reasonably compatible with the existing environmental features of the site, based on an evaluation of the following specific factors:

Topography, including elevation, slopes and cut and fill.

Soil and subsurface characteristics.

Surface and groundwater characteristics, including water quality and groundwater recharge.

Vegetation and plant life, including specimen trees, natural wetland, and native creek bank vegetation.

Wildlife habitat.

Historic and cultural significance.

Floodplain hazard.

Open space.

All of the above factors shall be determined consistent with the current development standards and design specifications of the county engineer and the environmental manager. It shall be the objective of this guideline to assure that a development project will not significantly degrade the existing environmental features of the site in a manner that is unnecessary to allow for the reasonable use of the property.

c) Traffic and parking. Site plans shall be so designed as to provide for adequate traffic flow and control on public streets, coordination with public transportation modes where applicable, convenient internal circulation and service access, and vehicular and pedestrian safety. A determination as to the adequacy of provisions for traffic and parking shall be based on an evaluation of the following factors:

Functional classification of street and highway system.

Existing and projected traffic volume, road carrying capacities, and levels of service.

Traffic signing, signalization and related control devices.

Number and distance between points of access and egress.

Sight distance and turning radii relative to curb cuts and internal traffic flow.

Off-street parking and loading space.

Pedestrian walkways.

Access for service and emergency equipment and personnel.

All of the above factors shall be determined consistent with the objectives of the transportation element of the general plan and with current development standards and design specifications of the county engineer. It shall be the objective of this guideline to ensure adequate provision for vehicular and pedestrian movement and safety within the site and as it relates to the adjoining public street and thoroughfare system.

d) Streets, drainage, and utilities. Site plans shall be so designed as to provide for streets, water supply, sewage disposal, refuse collection, and storm water detention. Those specific factors to be evaluated in determining that these measures have been adequately addressed include the following:

Water supply and sewage treatment capabilities.

Water mains, fire hydrants, and water meters.

Sewer mains and manholes.

Gas mains, where applicable.

Provisions for refuse disposal, including container location and access thereto.

Easements for all utility lines.

Location, capacity, and design of storm water detention facilities, both as to the site and the watershed or basin.

Responsibility for maintenance and appearance of storm water detention facilities.

Sufficiency of adjacent streets.

All of the above factors shall be determined consistent with the objectives of the utility element of the general plan and current development standards and design specifications of the county engineer. It shall be the objective of this guideline to assure that adequate service capacity is available and that utility, street, and drainage systems are appropriately designed for the proposed development site in relationship to the larger systems entering and leaving the site.

e) Neighborhood compatibility. Site plans shall be so designed as to assure that the overall design and function of the proposed project are compatible and harmonious with other properties in the immediate area. Compatibility shall be measured according to the following characteristics of the proposed and neighboring development:

Land use type or category.

Building location, dimension, and height.

Location and extent of parking, access drives and service areas.

Traffic generation, hours of operation, noise levels and outdoor lighting.

Alteration of light, air, and views.

Fence, wall, landscape, and open space treatment.

It shall be the objective of this guideline to encourage design treatment that reflects consideration of and between adjoining developments. It is not the purpose of this provision to preclude development based upon normal change or that inconvenience which might ordinarily be expected to result from the land development process; but, rather, it shall be the purpose of this provision to preclude any significant adverse impact that is measurable and can be documented, based upon the above factors.

ARTICLE 3. DEFINITIONS

Section 3.1 Generally

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" the word "Vincent" shall refer to the " City of Vincent" and the word "shall" is mandatory and not directory.

Section 3.2 Definitions

Abutting. Having a common border with, or being separated from such common border by an alley or easement.

Access. A means of vehicular approach or entry to or exit from property. A curb cut is a structural change in the curb to permit access.

Accessory structure or use: Any detached minor building or structure, or a portion of the main building or structure, the use of which is incidental to the main use of the premises. An accessory use is one, which is incidental to the main use of the premises, and may include an accessory dwelling.

Acre. A measure of land containing 43,560 square feet.

Addition. A structure added to the original structure at some time after the completion of or after a Certificate of Occupancy has been issued for the original structure.

Adjacent/adjoining. To be separated by common property lines, lot lines, or an alley.

Administrator. That person or his/her duly authorized representative, designated by the City Council to administer the Zoning Ordinance of the City of Vincent and who is charged with certain responsibilities and duties by this Ordinance.

Alley. A public thoroughfare that affords only a secondary means of access to abutting property.

Alteration. Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions, as well as any change to doors or windows or any enlargement to a building or structure, whether horizontal or vertical or the moving of a building or structure from one location to another.

Apartment building: See "Multiple dwelling".

Applicant. A person submitting an application for a permit, the development of property, a variance, a special exception use or the rezoning of the property.

Assisted Living Facility. A general term for a permanent building, portion of a building, or group of buildings (not including manufactured homes or trailers) used for adult congregate care in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator, including independent living facilities and residential care facilities. Assisted living facilities shall be classified as set forth in the Alabama Administrative Code (AAC) 420-5-4.03.

Basement. A useable space having at least one half of its height below grade. A space having more than one half of its height above grade s counted as a story for the purpose of height regulations.

Bank or Financial Service. A business engaged in providing banking or financial services to the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

Bed and Breakfast Inn. A private owner-occupied residence providing accommodations for a charge to the public with no more than six (6) guest rooms for rent. Breakfast may be provided to the guests only. Bed and Breakfast establishments are exempt from the Rules of Construction and Maintenance and Operation of Hotels and the Rules for Food Service Sanitation.

Bedroom. A room marketed, designed or otherwise intended to function primarily for sleeping.

Berm. A grass covered landscaped mound of earth, either man-made or natural, with a slope of one third or less on both sides of the mound which is used to screen certain activities.

Block. A tract or parcel of land entirely surrounded by public streets other than alleys.

Boardinghouse: A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or and meals, are provided for lodging three or more unrelated persons.

Buffer yard: A strip of land fifteen (15) feet in width that provides a visually impervious, vegetative barrier, uniformly dense at all heights from the ground and a minimum of six feet above the grade throughout the entire length of the planting strip.

Building Line or Building Setback Line. A line generally parallel to the street right of way line at a distance equal to the depth of the front yard required for the zone district in which the lot is located.

Business or Professional Office. A place where the administrative affairs of a business or profession is conducted, such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, and the like.

Building: Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building, height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between the eaves and ridge for gable, hip, and gambrel roofs.

Car Wash. A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

Child Day Care Center. Any child-care facility receiving more than 12 children for daytime care during all or part of a day.

Child Day Care Home. A child-care facility, which is a family home, in a residential zoning district and which receives not more than six children for care during the day.

Child Group Day Care Home. A child care facility which is a family home in an A-1 Zoning District and which receives at least seven but no more than 12 children for care during part of the day where there are at least two adults present and supervising the activities.

Club, private: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service, which is customarily carried on as a business.

Community Center. Buildings arranged for community gathering for social, cultural or community services purposes, including museums, galleries, community meeting rooms, community recreation centers, libraries, YMCAs, YWCAs, and similar uses.

Community Service Club. Buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

Convenience Store. A one story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), including not more than four motor vehicle fuel service islands.

Conditional Use. A use that, because of special requirements or characteristics, may be allowed in a particular zone district only after the review of the planning commission and the approval of the Town Council that may impose such conditions as necessary to ensure compatibility with other uses permitted in the same zoning category or the surrounding vicinity.

Condominium. A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

Continuing Care Retirement Community. A licensed housing development that is planned, designed, and operated to provide a full range of accommodations and services for elderly adults, including independent living, congregate residential housing, medical care, and other support services. These facilities are generally designed utilizing a campus concept, and may offer rental as well as ownership options. CCRCs may also accommodate adult day-care facilities within the community, provided sufficient land area for any additional structures and parking requirements is available.

Core. Areas designated by the *Town of Vincent Comprehensive Plan, Destination Vincent*, as *Downtown* to function as activity hubs of residential, commercial and office uses for the community.

Development. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which review and approval may be required pursuant to this or other City ordinances.

Distribution Warehouse. A place of business engaged in warehousing, wholesaling, or retail distribution services within a building.

District. A section or sections of the city for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling: Any building or portion of a building used for residential purposes.

Dwelling, multiple: A building designed for or occupied exclusively by three or more families (See *Apartment*).

Dwelling, single-family: A building designed for or occupied exclusively by one family.

Dwelling, two-family: A building designed for or occupied exclusively by two families.

Dwelling unit: One or more rooms located within a building and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking, and eating purposes.

Easement. Written authorization by a property owner of the use of a designated part of his property by another for a specified use.

Electronic Message Sign (EMS). Any sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Entertainment, Indoor. A commercial establishment providing spectator entertainment within an enclosed building, including, but not limited to movie theaters, playhouses, and similar indoor facilities.

Entertainment, Outdoor. A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including, but not limited to sports arenas and amusement parks.

Exterior Storage. Outdoor storage of fuel, raw material, products or equipment. In the case of lumberyards and similar activities, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Family: One or more persons occupying a dwelling and living as a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption, or marriage as distinguished from a group occupying a boardinghouse, rooming house, or hotel, as herein defined.

Farm Support Business. A commercial establishment engaged in the sale of farm support goods and services, including the following activities:
the sale of feed, grains, fertilizers, pesticides, and similar support goods;
the provision of warehousing and storage facilities for raw farm products; and
the provision of veterinary services for large animals.

Farm. A three (3) acre or larger property used for the production, keeping or maintenance, for sale or for lease, or the personal use or consumption of plants and animals useful to man, including, but not limited to the following farm activities:

forages and sod crops;

grains and seed crops;

dairy animals and products;

poultry, including egg production but excluding poultry processing;

livestock, such as beef cattle, sheep, goats, hoofed exotic or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;

nursery operations involving the raising of plants, shrubs and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;

forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting timber growth on the same premises but excluding lumber yards, mills and similar activities;

bees and apiary products;

fisheries, excluding fish and seafood processing;

fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables but excluding food processing.

Fence. An artificially constructed barrier of any material or combination of materials or vegetation which is planted or retained as a means to enclose or screen areas of land.

Floor area: The gross horizontal areas of all floors, including penthouses (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building. Basements and cellars shall not be included in the gross floor area.

Frontage, street: All the property on one side of a street between two streets which intersects such street (crossing or termination), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between a street which intersects such street and the dead end of the street.

Funeral Home. A commercial establishment engaged in funeral and undertaking services for human burial.

Garage apartment. A part of a private garage of a single family dwelling consisting of a room or rooms intended to be used by an individual or a single family. Garage apartments are only allowed to the rear of the main building.

Garage, private: An accessory building designed or used for the storage of motor-driven vehicles the occupants of the building to which it is accessory.

Garage, public: A building or portion thereof, other than a private, storage, or parking garage, servicing, repairing, hiring, selling, or storing of motor-driven or junked vehicles.

Garage, storage, or parking: A building or portion thereof designed or used exclusively for storage of within which motor fuels and oils may be sold, but no vehicles are equipped, repaired, hired, or sold.

Garden Center or Nursery. Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, seeds, fertilizers, ornaments, small gardening tools and equipment.

General Retail, Enclosed. Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supply stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, and similar retail businesses.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Group Care Home. A facility serving up to ten (10) individuals, who may or may not be related by blood or marriage, living together as a single housekeeping unit under the supervision of one or two resident managers, whose purpose is to serve socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, and which meet or exceed the requirements of Code of Alabama, 1975, §11-52-75.1, *Regulation as to housing of mentally retarded or mentally ill persons in multifamily zone*, as amended.

Height of Structure. The vertical distance measured from the lowest ground elevation at the exterior face of a structure to the highest point on such structure plus the vertical distance measured from the highest ground elevation at the exterior face of such structure to the highest point on such structure, divided by two (2).

Home Improvement Center. A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and/or wholesale.

Home occupation: Any occupation or activity which is clearly incidental to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising and no display or storage of materials or exterior identification of the home occupation or variation from the residential character of the premises and in connection with which no person outside the family is employed and no equipment other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops or doctors' or dentists' offices for the treatment of patients.

Hotel: A building in which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

Independent Living Facility. A licensed facility planned, designed, and managed to include multi-unit rental housing with self-contained apartment dwellings intended for elderly adults. Support facilities may include meals, laundry, housekeeping, transportation, social, recreational, or other services. The facility may or may not include resident Administrator and administration.

Institution: The structure or land occupied by a group, cooperative, board, agency or organization created for purpose of on non-profit functions of a public or semi-public nature, including but not limited to hospitals, schools, churches, fraternal orders and orphanages, and also including residential accessory uses, such as rectories, parsonages, dormitories and dwellings for resident administrators, watchmen, custodians or caretakers.

Intermittent Light. Any flashing, traveling, animated, blinking, or fluctuating light, including arrangements that spell messages, simulate motion, or form various symbols or images.

Junk Yard. Any lot or parcel of land on which is kept, stored, bought, or sold articles commonly known as junk, including scrap paper, metal and wood, any automobile or truck body from which the motor has been removed, more than one motor vehicle which will not start or run by itself or which does not possess the equipment required by § 32-5-210 to § 32-5-253 and other relevant portions of the Code of Alabama 1975 or automobiles and parts thereof which are valuable only as junk, provided that the term *Junk Yard* shall not apply to any parcel of land used in conjunction with any duly licensed automobile dealer, gasoline service station or public garage.

Kennel: Any establishment, wherein ten (10) or more animals are confined and kept for boarding, breeding or training purposes for compensation, a period of time exceeding seven (7) days including humane societies and pounds but not pounds owned and operated by any political subdivision of the state.

Land Disturbance. Any land change which may result in soil erosion from water or wind, or movement of sediments, directly or indirectly, to the MS4 and/or community waters, including, but not limited to, construction activities, clearing, dredging, grading, excavating, transporting and filling of land.

Laundromat. A commercial facility where patron wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

Laundry Service. A commercial establishment providing laundering, dry cleaning or dyeing service (other than a laundry or dry cleaning pick up station defined as general retail), such as a laundry and dry cleaning plant, diaper or linen service.

Loading Space. A space having a minimum dimension of twelve by thirty-five feet and a vertical clearance of at least fourteen feet within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Loft Apartment. A dwelling located in the upper story of a building where the ground floor is devoted to commercial or institutional use.

Lot: Land occupied or intended for occupancy by a use including the yards and parking spaces required therein, and having its principal frontage upon a public or private street.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot, through: A lot other than a corner lot abutting two streets.

Lot of record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the probate judge of Shelby County, Alabama, or a parcel of land described by meets and bounds, the plat of description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot width: The width of the lot at the front building setback line.

Manufacturing. The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

Manufactured House: A structure transportable in one or more sections which, in the traveling mode, is eight feet or more in width and 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems contained therein. Such term shall include any structure meeting all the requirements and with respect to which the manufacturer voluntarily files a certification required by Secretary of the Department of Housing and Urban Development and complies with the standards established under the Manufactured Housing Construction and Safety Standards Act of 1974.

Medical Clinic. A facility providing medical, psychiatric, or surgical services for patients exclusively on an outpatient basis.

Mini-Storage. A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

Mobile home. A detached unit for commercial, residential, or industrial purposes designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied complete and ready for occupancy or use except for minor and incidental unpacking and assembly separations, foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Mobile Home Park. An area containing six or more mobile homes used as living facilities, or an area containing six or more spaces designed or intended for parking of mobile homes to be used as living facilities.

Modular Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufactured Housing Commission.

Motel. A building or group of buildings used for the temporary occupancy of transients and containing no facilities for cooking in the individual units.

Nonconforming Use. The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the use regulations of the district in which it is situated.

Nursing home. A for the aged or infirm in which three or more persons not of the immediate family are received, kept, provided with food and shelter, or care for compensation; but not including hospitals, clinics or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured.

Open Space (residential developments). Land area within a residential development that is held in common ownership for all the residents for recreation, protection of natural land features, amenities or buffers. Open space must be freely accessible to all residents of the development and is protected by the provisions of this Ordinance to ensure that it remains in such uses. Open space does not include land occupied by nonresidential buildings, common driveways or parking areas or street rights-of-way, nor does it include lots for single family or multi-family dwellings. Open space should be left in a natural state or landscaped, except in the case of recreational structures.

Open Space. Any land or area, the preservation of which in its present use would: a) conserve and enhance natural or scenic resources; or b) protect streams or water supply; or c) promote conservation of soils, wetlands, beaches, or tidal marshes; or d) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or e) enhance recreation opportunities.

Outdoor Recreation. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, golf courses, playgrounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial recreational or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Outdoor Venue. Any property used for outdoor entertainment open to the general public.

Parcel. A contiguous quantity of land in possession of or owned by or recorded as the property of the same claimant or person.

Parks. Publicly-owned and operated playgrounds, recreation facilities and open spaces. Recreation facilities with nighttime field lights shall be classified as *Recreation, Outdoor*.

Place of Worship. Buildings arranged for religious service purposes such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

Portable Building. A portable building is any building or vehicle comprised of one or more units designed, manufactured or converted for transportation on public streets or highways on wheels, arriving at the site substantially ready for occupancy, whether for residential, office, commercial or manufacturing use. Removal of packing, baffles, and other travel supports; assembly of units; and connection of or to utilities shall not be considered in determining whether a unit or units are substantially ready for occupancy. The towing hitch, wheels, axles, and other running gear may be removable for the placement of the portable building and may be reinstalled to permit its further movement. A mobile home or mobile office including any doublewide mobile home or office is a portable building.

Public Facility. Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations and similar uses.

Public Utility Facility. Facility that provides public utility services to the public at large including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable television transmission and distribution facilities.

Parking lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, rented, or sold.

Premises. A lot, together with all building and structures existing thereon.

Recreation, Indoor. A commercial establishment providing recreational or sports activities to participants within an enclosed building, including bowling alleys, billiard parlors, video game centers, fitness centers, ice and roller skating rinks, and other commercial indoor recreational and sports activities.

Recreation, Outdoor. A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, practice golf driving range, par three golf course or miniature golf course, commercial, recreational or amusement development for temporary or seasonable periods, golf courses, swimming pools, tennis courts, and other similar commercial outdoor recreational and sports activities.

Recreational Vehicle. A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers and motor homes.

Recreational Vehicle Park. A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. Specifically, they shall be located at least 400 feet beyond the outside right-of-way line; buffered by adequate berms, plantings or other natural buffers; limited to not more than 7 days of maximum continuous usage by recreational vehicles.

Residential Care Facility. A licensed facility that provides congregate private and/or shared room, Administrator-supervised meals, housekeeping, social services, and assistance with personal care and other services for not less than twenty-four hours in a week to a minimum of two ambulatory adults who are not related by blood or marriage to the owner and/or administrator. The facility may or may not include resident Administrator and administration.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and beverages in a ready to consume state for consumption: within the restaurant building, within a motor vehicle parked on the premises or off the premises as a carry-out order, and whose principal method of operation is for off-premises consumption.

Restaurant, Standard. An establishment whose principal business is the sale of food and beverages in a ready to consume state and whose principal method of operation includes one or more of the following characteristics: customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; a cafeteria type operation where food and beverages are generally consumed within the restaurant building. Such restaurants may have carry-out services.

Rooming house. A building other than a hotel where lodging for three or more persons not of the immediate family is provided for definite periods and for compensation and by prearrangement for definite periods.

School. Public or non-profit school or education related establishment.

Setback Line. A line parallel to the property line between which line and the property line no structure can be erected.

Service station. Any building, structure, or land used primarily for the dispensing, sale or offering for sale at retail any automobile fuels, oils or accessories but not including major repair work such as motor overhaul, body and fender or spray painting.

Shopping Center. A group of commercial establishments planned and developed in a unified design, with shared parking, landscaping and driveway facilities and under common management authority.

Special Exception. A use, occupancy or structure, specifically designated as a special exception in a particular zone district that would not be appropriate generally or without restriction throughout the district but which, if controlled as to the number, area, location or relation to the surrounding area would be appropriate within said district and would promote the public health, safety, morals and general welfare. Such uses or structures may be authorized in that specific zone district by resolution of the Zoning Board of Adjustment, provided they meet the requirements of the zone district therein.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there no floor above it, then the space between the floor and the ceiling next above it.

Story, half. A space under a sloping roof, which has the line of intersection of roof decking and wall face above the top floor level, and in which space not more than two thirds of the use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare, which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alterations. Any change in the supporting members of a building or structure, such as bearing or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of and modernizing shall not be considered as a structural alteration.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, backstops for tennis courts, fences, or radio towers.

Subdivision. Any division or redivision of land into two (2) or more lots or parcels with the intent to convey, either presently or in the future, one (1) or more such lots or parcels. All subdivisions are also developments.

Trailer. See Mobile Home.

Tiny Home. All so-called tiny homes and miniature living quarters, however configured, are subject to the Zoning Ordinance of the City of Vincent, its Subdivision Regulations, Building Code and mobile home permitting regulations.

Truck Repair Service. A place of business engaged in the repair and maintenance of trucks with more than two axles including the sale, installation

and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts or rebuilding of engines.

Use. The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

Use, Temporary. Any use established for a fixed period of time, without construction or alteration of a permanent structure with the intent to discontinue such use upon expiration of such time.

Vehicle Repair Service. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Venue. the place where something happens, especially an organized event such as a wedding, concert, conference, or sports event.

Wireless Telecommunications Facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers or similar structures supporting said equipment, equipment buildings, access roads, parking area, access roads and other accessory structures.

Yard. An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used. A required yard shall mean a yard the depth of which is specified in the "Area and Dimensional Regulations" pertaining to the in which such yard is required to be provided.

Yard, front. A yard extending across the front of a lot between the side lot lines. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of a lot between the side lot lines. On all lots, the rear yard shall be in the rear of the front yard.

Yard, side. A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

Zoning map. The map referred to in Article 5, of this ordinance.

ARTICLE 4. GENERAL REGULATIONS

Section 4.1 Generally

The general regulations contained in this Article shall apply in all districts except as specifically provided for in Articles 7 and 8.

Section 4.2 Use of Land

No land shall be used except for a use permitted in the district in which it is located, except growing of agricultural crops in the open will be permitted in any district.

Section 4.3 Use of Structures

No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or structure be used, except for a use permitted in the district in which such building is located.

Section 4.4 Height of Structures

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such structure is located except as may be otherwise provided in these regulations.

Section 4.5 Dimensional Regulations

No structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the dimensional regulations of the district in which such structure is located.

Section 4.6 Encroachment On or Reduction of Open Spaces, Etc.

The minimum yards, parking spaces, and open space, required by this ordinance for each structure existing at the time of passage of this ordinance, or for any structure hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per family requirements of this ordinance for the district in which such lot is located.

Section 4.7 Building To Be On Lots

Every building hereafter erected, converted, enlarged, reconstructed moved or structurally altered shall be located on a lot as herein defined.

No accessory structure shall be constructed or moved upon a lot until the construction of the main building has commenced.

No accessory building shall be used for dwelling purposed other than by domestic servants entirely employed on the premises.

Section 4.8 More than One Main Building on One Lot

More than one main building may be erected on one lot if the dimensional regulations for each structure or use are met.

The use of a mobile home as a temporary residence on a lot on which a permanent residence is being constructed is permitted given that once the permanent residence is completed the mobile home must be removed from the lot within thirty (30) days.

Section 4.9 Joint Use

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use except in the B-1 or Special districts.

Section 4.10 Building Material Storage

Building materials or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land located in an Agricultural, Residential, or Business Zone more than one month prior to the commencement of construction.

Section 4.11 Mobile Homes and Trailers

It is the intent of this ordinance to encourage the provision of affordable housing in a general residential environment by permitting the use of Manufactured Homes in all residential districts in which similar dwellings constructed on the site are permitted subject to the requirements and procedures set forth herein to assure similarity in exterior appearance between such residentially designed Manufactured Homes and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same district, zoning classification or general area.

Compatibility Standards for Manufactured Homes meeting the definition of Dwelling, Single-Family are as follows: Manufactured Homes qualifying as Dwelling, Single-Family shall be compared to built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the Manufactured Home is

substantially similar in size, siding material, roof material, foundation, and general aesthetic appearance to:

Site-built or other forms of housing which may be permitted in the same general area under this Ordinance, existing development or proposed development in the same zoning district or area. Items subject to compatibility comparison will include the following:

- a) Minimum width. The general shape and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to insure compatibility of site-built houses and manufactured housing. The minimum length to width ratio shall not be greater than 10:3.
- b) Roof pitch, roof overhang: Roofing materials. The general shape and of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. The minimum roof pitch shall be 3:12. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.
- c) Exterior finish. Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.
- d) Site orientation. Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other in the area.
- e) Garages, carports. Garages and/or carports for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations.
- f) Towing devices. All towing devices, wheels, axles, and hitches must be removed, if designed to be removed.
- g) Landing, stairs. At all exit doors, landings and stairs must be provided that meet the minimum Code standards in effect at the time the manufactured home is sited.
- h) Underpinning. The type of material and method used for underpinning be consistent with and to the underpinning for site-built houses in adjacent or nearby locations.

Mobile homes or trailers may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles.

The use of mobile or trailers for other business or industrial uses may be allowed temporarily by special permit issued by the Planning Commission. Said permit is to be for a period not exceeding one year.

Section 4.12 Parking or Storage of Major Recreational Vehicles

Major recreational vehicles including house boats, travel trailers, pick-up campers, motorized dwellings, tent trailers, and other like vehicles shall not be stored or parked on any required front yard on any lot in the R-2 residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than twenty-one (21) days when parked or stored on a residential lot, or in any location not approved for such use.

Section 4.13 Parking and Storage of Certain Vehicles

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

Section 4.14 Home Repair And Remodeling

All home remodeling, repair, and modification shall be permitted provided that the minimum yard requirements are met for the district involved. Remodeling, repair, or modification projects shall require a building permit.

Section 4.15 Keeping of Animals

The keeping of animals shall be permitted in any district provided that compliance with all applicable laws including State and County Health Regulations are maintained.

Section 4.16 Accessory Buildings

No accessory structure shall be constructed or moved upon a lot until the construction or the main building has actually commenced. A barn for the purpose of storing equipment, feed or animals may be considered a main building.

No accessory building shall be located in a required front yard setback in the E-1, "R" district or "B" district. Except as otherwise noted, no accessory building shall be used for dwelling purposes.

ARTICLE 5. ZONING DISTRICTS AND BOUNDARIES

Section 5.1 Establishment of Districts

In order to carry out the intent and purpose of this ordinance, Vincent is hereby divided into the following districts; the location, boundaries, and area of which are and shall be as shown and depicted upon the zone map (see Section 5.2):

| | |
|-----|-----------------------------|
| AG | Agricultural District |
| RR | Rural Residential |
| ES | Estate Residential District |
| R-1 | Residential District |
| R-2 | Multiple Dwelling |
| B-1 | Local Business District |
| B-2 | General Business District |
| M-1 | Light Industrial District |
| SD | Special District |

Section 5.2 Zone Map

The Map identified by the title "Zoning Map of the City of Vincent, Alabama," together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this ordinance and shall be known as the "zone map" throughout this ordinance.

Section 5.3 District Boundaries

The district lines on the zone map are intended to follow either natural boundaries, streets or alleys, or lot lines, and where the designated on said map are bounded approximately by such streets, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary lines shall be determined by use of the scale appearing on the zone map.

Section 5.4 Annexed Property

Any property hereafter annexed into the City shall be classified as RR, Rural Residential or as otherwise determined under Section 11-52-85 ("Rezoning contemporaneously with annexation" Alabama 2009), Code of Alabama 1975, or as such may be amended, and it shall have all powers granted therein.

Section 5.5 Unclassified Uses

This Ordinance recognizes the limitations of a finite list of use classifications as delineated in this Ordinance. The Administrator, therefore, is empowered to make interpretations so as to classify any questioned use within a use classification of most similar impact and characteristics. All interpretations shall be described in writing and signed by the Administrator and made a part of Appendix A. Appeals of such interpretations may be made to the Zoning Board of Adjustment per Article 14. In the event the City of Vincent receives an application requesting the permitting of a use that is not listed or that cannot appropriately fit in a district, the following procedure shall apply:

- a) If the Planning Commission finds that the proposed use is compatible and consistent with the intent of the existing use district, the unclassified use may be permitted.
- b) If the unclassified use would not be compatible with the intent of the existing use district, the Planning Commission shall make a determination of the most appropriate use district and require the applicant have the property rezoned.
- c) Following final action regarding the unclassified use per Paragraphs a and b above, the Planning Commission may initiate an amendment to this Ordinance to include the newly permitted use in that zone district.

Section 5.6 AG Agricultural District

1) Generally

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the AG Agricultural District.

2) Use Regulations.

a) Permitted Uses. Within “AG Agricultural” districts, only the following uses and structures designed for such uses shall be permitted:

Single-family dwelling including manufactured homes.

Nurseries or home gardens.

Greenhouses.

Church or other place of worship provided, that any building shall be located not less than twenty-five (25) feet from any side lot line.

Home occupations.

Accessory structures and uses.

Truck crops.

Grazing.

The growing of crops in the open.

Horticulture

The raising of animals but not including commercial feed lots.

Dairying.

Accessory structures and uses provided that no structure for the keeping of farm animals or poultry shall be located closer than 100 feet from any property line.

Kennels provided that open pens or runs are located not less than seventy-five (75) feet from any lot line.

Accessory dwellings for persons employed on the premises.

Fur bearing animals provided that no structure for keeping bearing animals shall be located closer than seventy-five (75) feet to any lot line.

b) Conditional Uses. Within "AG Agricultural" districts, the following uses may be allowed as conditional uses:

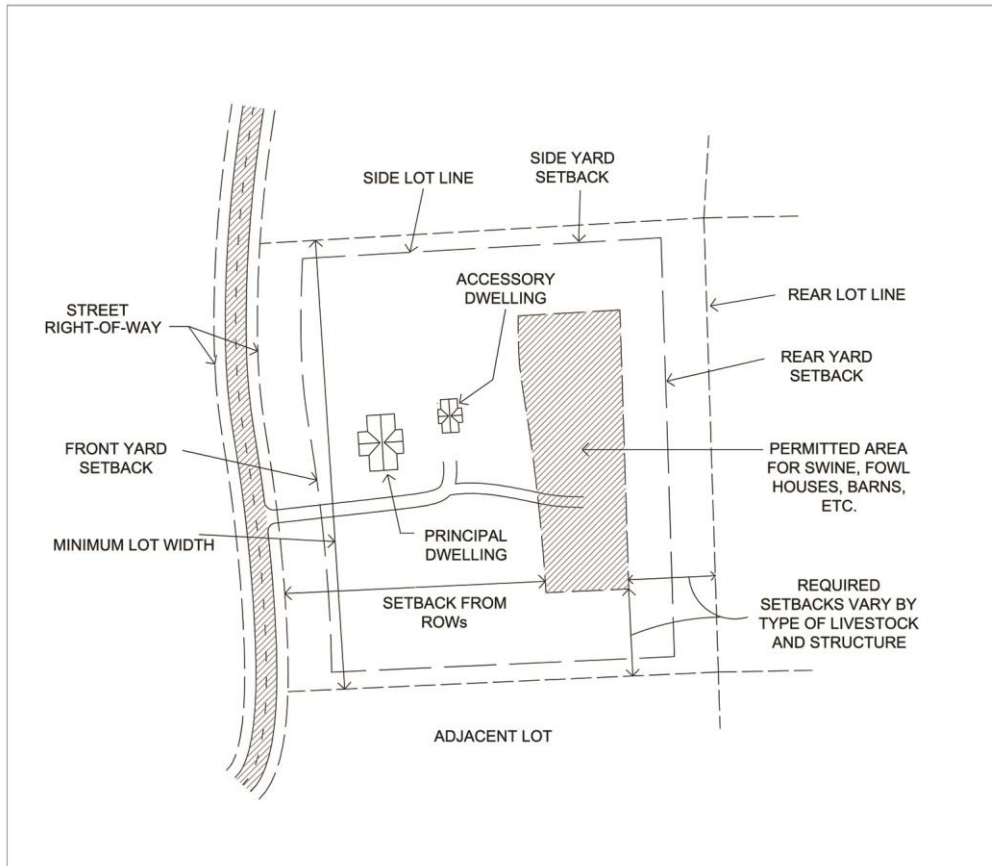
Transportation, communication and utility.

3) Area and Dimensional Regulations

Except as provided in Articles 8, 9 and 14 the area and dimensional regulations set forth in the following table shall be observed.

| Maximum Height of Structure | | Minimum Yards | | | | Minimum Lot Size |
|-----------------------------|------|---------------|---------|------------|---------|-----------------------------------|
| | | Yards | | Side Yards | | |
| Stories | Feet | Front | Rear | One Side | Total | 1 housing unit per ten (10) acres |
| 3 ½ | 50 | 50 feet | 50 feet | 20 feet | 50 feet | |

4) Typical Lot Development



Section 5.7 R-R Rural Residential District

1) Generally

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the R-R Rural Residential District.

2) Use Regulations.

a) Permitted uses. Within "R-R Rural Residential" districts, only the following uses and structures designed for such uses shall be permitted:

Single-family dwelling including manufactured homes.

Raising and Grazing of animals, but no commercial feed lots.

Noncommercial greenhouses or the cultivation of crops, but no wholesale to be conducted on premises.

Church or other place of worship provided, that any building shall be located not less than fifty (50) feet from any side lot line.

Home occupations.

Forestry.

Home gardens and the growing of crops.

Kennels provided that open pens or runs are located not less than seventy-five (75) feet from any lot line.

Accessory structures and uses, which are an ancillary function of the primary use of the subject property.

b) Conditional uses. Within "R-R Rural Residential" districts, the following uses may be allowed as conditional uses:

Outdoor recreation and venues

Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any

such building shall be located not less than fifty (50) feet from any side lot line.

Child Care Institution

Animal clinics

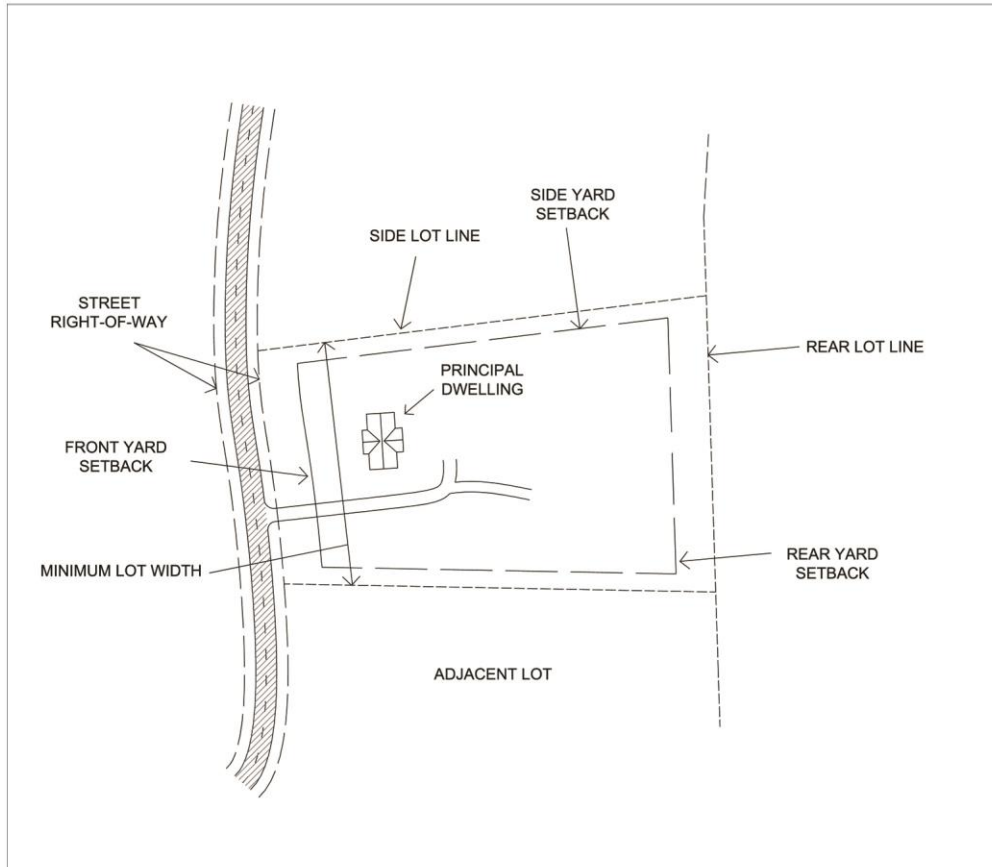
3) Area and Dimensional Regulations.

Except as provided in Articles 8, 9 and 14, the area and dimensional regulations set forth in the following table shall be observed.

| Maximum Height of Structure | | Minimum Yards | | | | Minimum Lot Size |
|-----------------------------|------|---------------|---------|------------|---------|------------------|
| | | Yards | | Side Yards | | |
| Stories | Feet | Front | Rear | One Side | Total | Three (3) Acres |
| 3 ½ | 50 | 40 feet | 40 feet | 20 feet | 50 feet | |

Maximum height does not apply to barns or silos provided that additional setbacks are provided in accordance with the requirements for specific uses set forth in Article XII; no structure for keeping of animals shall be closer than 75 feet from any lot line.

4) Typical Lot Development



Section 5.8 E-S Estate Residential District

1) Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the E-S Estate Residential District.

2) Use Regulations.

a) Permitted uses. Within "E-S Estate Residential" districts, only the following uses and structures designed for such uses shall be permitted:

Single-family dwelling including manufactured homes.

Church or other place of worship provided, that any building located not less than twenty-five (25) feet from any side lot line.

Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than twenty-five (25) feet from any side lot line.

Home occupations.

Accessory structures and uses provided that no structure for the keeping of farm animals or poultry shall be located closer than 100 feet from any property line.

Animal clinics.

b) Conditional Uses. Within "E-S Estate Residential" districts, the following uses may be allowed as conditional uses:

Outdoor recreation.

Communication and utility.

Child care institution.

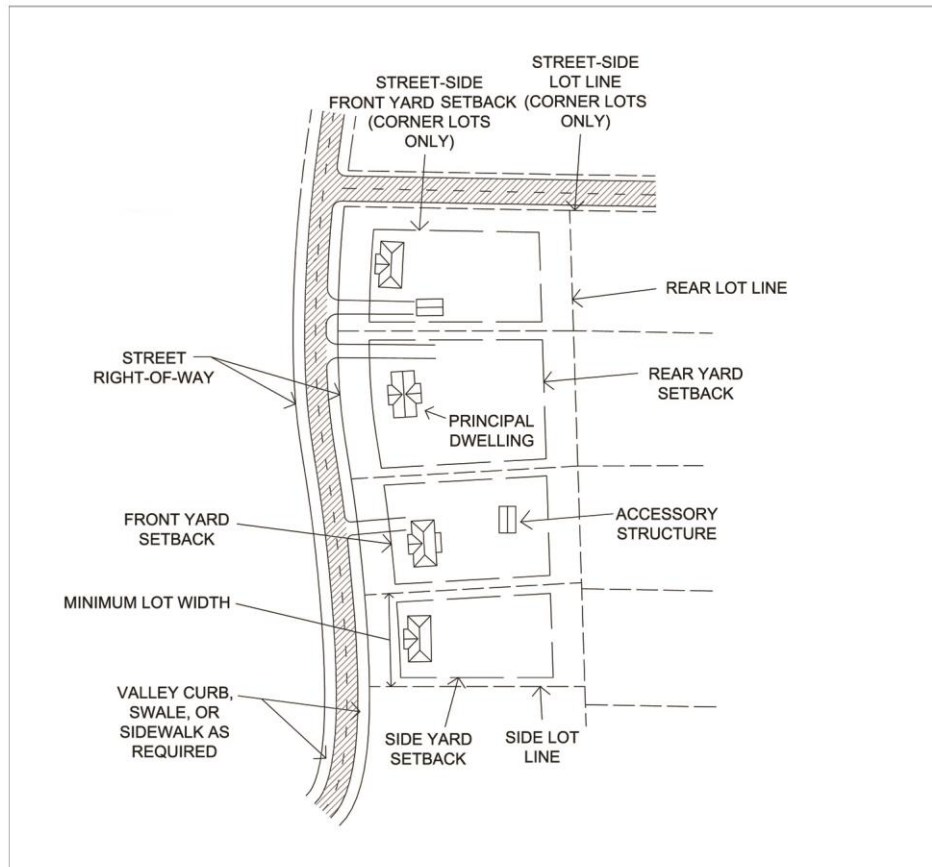
Libraries.

3) Area and Dimensional Regulations.

Except as provided in Articles 8, 9 and 14, the area and dimensional regulations set forth in the following table shall be observed.

| Maximum Height of Structure | | Minimum Yards | | | | Minimum Lot Size |
|-----------------------------|------|---------------|---------|------------|---------|------------------|
| | | Yards | | Side Yards | | |
| Stories | Feet | Front | Rear | One Side | Total | One (1) Acre |
| 2 ½ | 35 | 35 feet | 35 feet | 10 feet | 30 feet | |

4) Typical Lot Development



Section 5.9 R-1 Residential District

1) Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the R-1 Residential District.

2) Use Regulations.

a) Permitted uses. Within "R-1 Residential" districts, only the following uses and structures designed for such uses shall be permitted:

Single-family dwelling including manufactured homes, on lots of 20,000 sq. ft.

Nurseries or home gardens, provided, that no sales shall be made on the premises.

Noncommercial greenhouse.

Church or other place of worship provided, that any building shall be located not less than fifty (50) feet from any side lot line.

Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than fifty (50) feet from any side lot line.

Home occupations.

Accessory structures and uses.

b) Conditional uses. Within "R-1 Residential" districts, the following uses may be allowed as conditional uses:

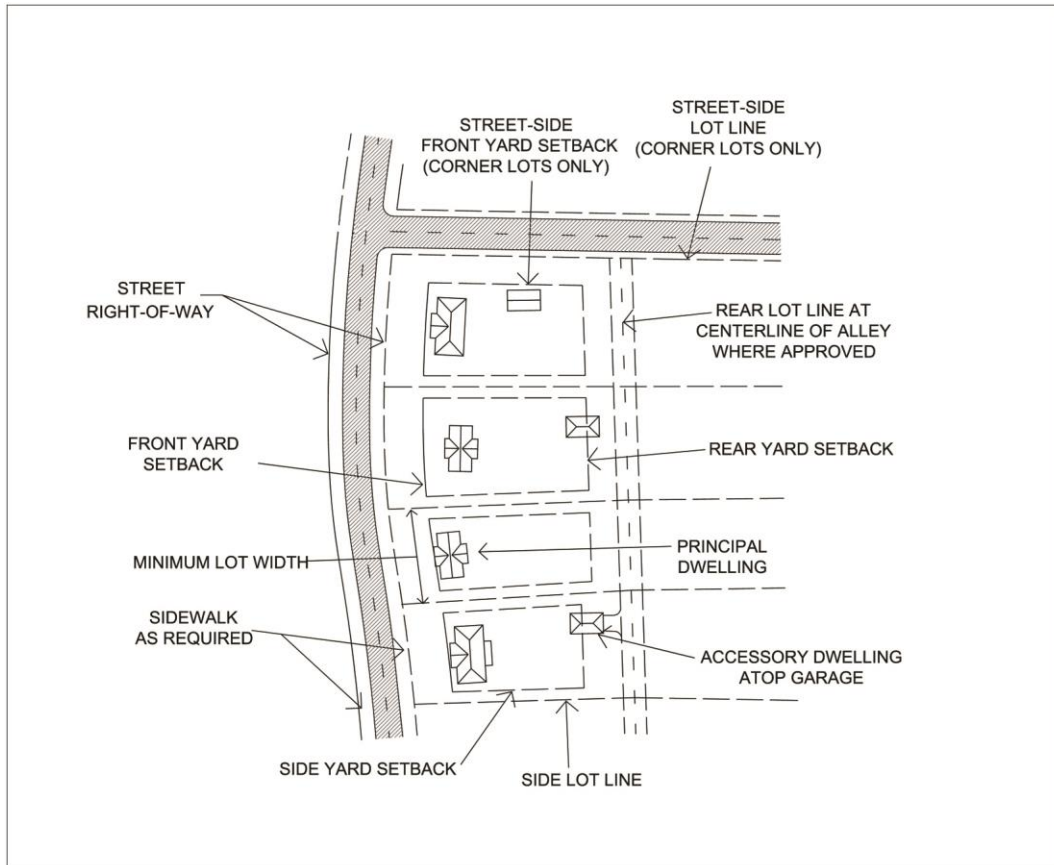
Outdoor recreation.

3) Area and Dimensional Regulations.

Except as provided in Articles 8, 9 and 14, the area and dimensional regulations set forth in the following table shall be observed.

| Maximum Height of Structure | | Minimum Yards | | | | Minimum Lot Size | Minimum Lot Width |
|-----------------------------|------|---------------|---------|------------|---------|--------------------|-------------------|
| | | Yards | | Side Yards | | | |
| Stories | Feet | Front | Rear | One Side | Total | 20,000 Square Feet | 90 feet |
| 2 ½ | 35 | 30 feet | 30 feet | 8 feet | 18 feet | | |

4) Typical Lot Development



Section 5.10 R-2 Multiple Dwelling District

1) Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the R-2 Multiple Dwelling District.

2) Use Regulations.

a) Permitted uses. Within "R-2 Multiple Dwelling" districts, only the following uses and structures designed for such uses shall be permitted:

Any use permitted in the R-1 Single Family District.

Two-family dwelling.

Multiple dwelling.

Rooming or boarding house.

b) Conditional Uses. Within "R-2 Multiple Dwelling" districts, the following uses may be allowed as conditional uses:

Outdoor recreation.

Child care centers.

Libraries.

Mobile Home Parks.

3) Area and Dimensional Regulations.

Except as provided in Articles 8, 9 and 14, the area and dimensional regulations set forth below shall be observed.

a) Attached and semi-attached. (Town houses and row houses)

Total site area including open space, yards, and commons but excluding streets and parking areas shall contain a minimum of 5,000 square feet per dwelling unit.

Minimum lot area per dwelling unit shall be 2,500 square feet.

Minimum lot width shall be twenty-five (25) feet.

No side yards are required for interior walls. Minimum exterior wall side yards shall be ten (10) feet on each side.

Minimum front and rear yards shall be fifteen (15) feet.

b) Detached (Garden or Patio Homes)

Total site area including open space, yards, and commons but excluding trees and parking areas shall contain a minimum of 6,000 square feet per dwelling unit.

Minimum lot width shall be thirty-five (35) feet.

Minimum front yard shall be fifteen (15) feet.

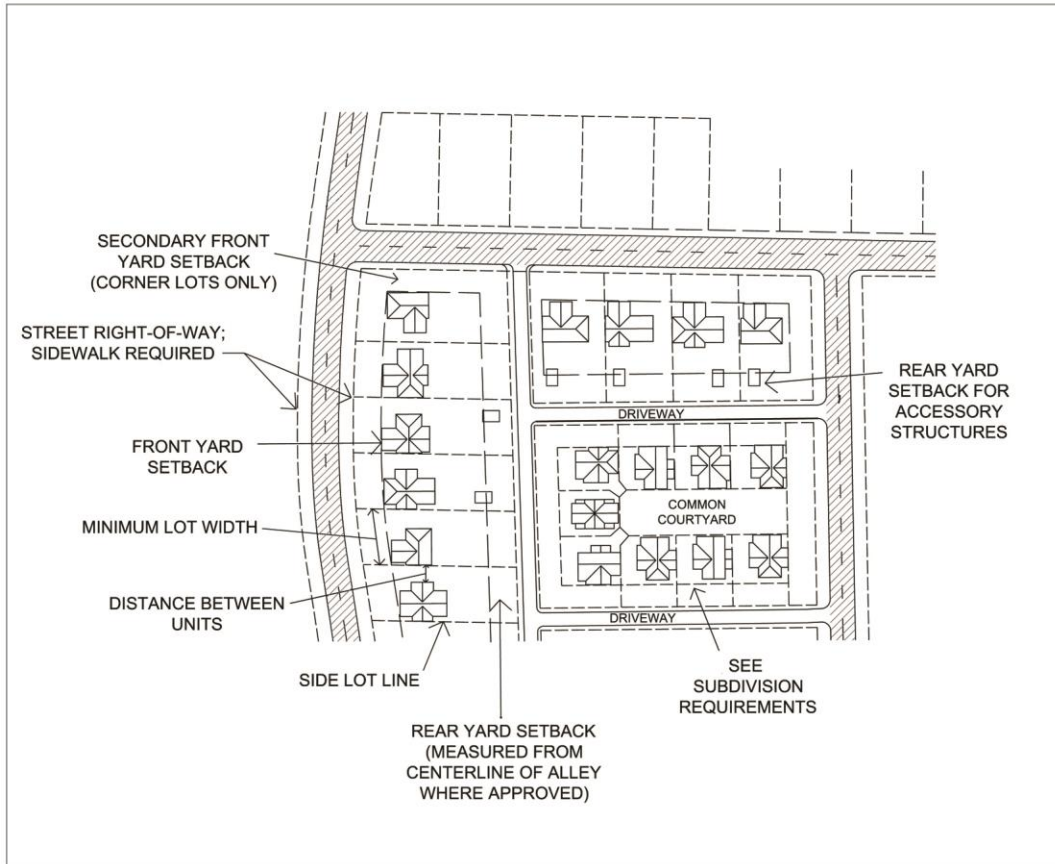
Minimum side yard shall be five (5) feet on one side, ten (10) feet total both sides.

Maximum height of a structure shall be two and one half (2 ½) stories or thirty-five (35) feet.

c) All other structures.

| Maximum Height of Structure | | Minimum Yards | | | | Minimum Lot Size | Minimum Lot Width |
|-----------------------------|------|---------------|---------|------------|---------|---|-------------------|
| | | Yards | | Side Yards | | | |
| Stories | Feet | Front | Rear | One Side | Total | | |
| 2 ½ | 35 | 30 feet | 30 feet | 8 feet | 18 feet | 10,000 sq.ft. for single family dwellings 6,000 sq.ft. for two family dwellings 3,000 sq.ft. for multiple dwellings | 90 feet |

4) Typical Lot Development



Section 5.11 B-1 Local Business District

1) Generally

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations in the B-1 Local Business District.

2) Use Regulations.

a) Permitted Uses. Within “B-1 Local Business” districts, only the following uses and structures designed for such uses shall be permitted:

A public, semi-public or private office.

Greenhouse having a retail outlet on the premises.

Bakery with sale of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.

Barber shop, beauty shop, massage or similar personal service shops.

Catering.

Dressmaking and tailoring; provided, that all work is done for individuals, at retail only, and on the premises.

Drugstore.

Medical or dental office or clinic and other professional or business office.

Parking lot and storage or parking garage.

Restaurant or coffee shop.

Retail store, limited in character and size to that which is of service to the immediate town only, except for any such use listed for the first time in the B-2 or M-1 districts.

Service stations, except, no pump shall be located within seventy-five (75) feet of a dwelling district, nor any portion of a structure within thirty (30) feet of a dwelling district.

Shoe repairing, repairing of household appliances and bicycles on an individual service call of a similar character limited in size and nature to those which serve the neighborhood.

Accessory structures and uses.

Amusement or recreation service, except dive-in theater or practice golf-driving range.

Business, dancing or music school.

Display room for merchandise to be sold at wholesale.

Hotel, motel, or motor court.

Bank or lending institution.

Medical or dental laboratory.

b) Supplemental Uses. The following uses provided all materials are stored and all work done on the premises is done within a building:

Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.

Painting decorators.

Radio or television repair shop..

Upholstering shop, not involving furniture manufacturing.

Any other general service or repair establishment of similar character.

Sales office, provided the merchandise shall not be stored on the premises.

Research or testing laboratories compatible with other permitted uses.

A clinic, convalescent home or hospital except one used for the treatment of animals.

Church or school.

Child care center.

Child care institution.

Auditorium, library and museum operated by non-profit organizations.

c) Conditional Uses. Within “B-1 Local Business” districts, the following uses may be allowed as conditional uses:

Outdoor recreation.

Transportation, communications and utility.

Single family residences excluding manufactured homes.

Two-family residences.

Multifamily residences.

3) Area and Dimensional Regulations

Except as provided in Articles 8, 9 and 14, the area and dimensional regulations set forth below shall be observed.

| Maximum Height of Structure | | Minimum Yards | | | Minimum Lot Size | Minimum Lot Width |
|-----------------------------|------|---------------|---|---|------------------|-------------------|
| Stories | Feet | Front | Rear | Side | | |
| 2 ½ | 35 | 10 feet | None except on the rear of a lot abutting a dwelling district, in which case there shall be a buffer yard | None except on the rear of a lot abutting a dwelling district, in which case there shall be a buffer yard | None | 22 feet |

Section 5.12 B-2 General Business District

1) Generally

The regulations set for in this article or set forth elsewhere in this ordinance, when referred to in this article are the regulations in the B-2 General Business District.

2) Use Regulations

a) Permitted Uses. Within “B-2 General Business” districts, only the following uses and structures designed for such uses shall be permitted:

Any use permitted in the B-1 Local Business District; provided however, that the limitations upon extent of service area shall not apply.

Automobiles or trailer display and sales room.

Public garage.

Frozen food locker.

Farm implement display and sales room.

Hospital or clinic for animals, but not including open kennels.

Retail store or shop.

Tavern or drive in restaurant.

Used car lot.

A shopping center or facility composed of any one or more of the permitted uses or any combination thereof.

Hardware or building materials sales.

Automotive, farm implement or trailer repair or servicing.

Carpentry, painting, plumbing, tinsmithing, and electrical shops; provided, that all work on the premises is done within a building, and all materials are stored in a building.

b) Conditional Uses. Within “B-2 General Business” districts, the following uses may be allowed as conditional uses:

Outdoor Recreation.

Transportation, communications and utility.

3) Area and Dimensional Regulations

Except as provided in Articles 8, 9 and 14, the area and dimensional regulations set forth below shall be observed.

| Maximum Height of Structure | | Minimum Yards | | | Minimum Lot Size | Minimum Lot Width |
|-----------------------------|------|---------------|---|---|------------------|-------------------|
| Stories | Feet | Front | Rear | Side | | |
| 2 ½ | 35 | None | None except on the rear of a lot abutting a dwelling district, in which case there shall be a buffer yard | None except on the rear of a lot abutting a dwelling district, in which case there shall be a buffer yard | None | None |

Section 5.13 M-1 Light Industrial District

1) Generally

The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article are the regulations in the M-1 Light Industrial District.

2) Use Regulations

a) Permitted Uses. Within “M-1 Light Industrial” districts, only the following uses and structures designed for such use shall be permitted:

Animal hospital or clinic including open kennels.

Contractor’s or construction dealer’s yard.

Grain and feed storage.

Heating fuel or building material storage or wholesaling; provided that the materials shall not be extracted or processed on the premises.

Lumber yard.

Warehouse.

Bottling plant or dairy.

Assembly of parts for production of finished equipment.

Manufacturing, fabricating, processing, or assembling uses which do not create any danger to health and safety in surrounding areas, and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, such as the following:

Boats (less than five tons)

Bolts, nuts, screws, washers, rivets, nails, brads, tacks, spikes, staples and similar items.

Clothing.

Food, not including animal or poultry slaughter or processing.

Pharmaceuticals.

Furniture and wood products.

Glass products, but not including glass manufacture.

Hand tool and hardware products.

Ice.

Musical instruments, games or toys.

Office machines.

Plastic and rubber products, not including the processing of raw materials.

Plating of silverware or utensils.

Signs.

Sporting goods.

Accessory buildings including a dwelling for a watchman or custodian employed on the premises.

Transportation, communications and utility.

3) Area and Dimensional Regulations

Except as provided in Articles 8, 9 and 14, the area and dimensional regulations set forth below shall be observed.

| Maximum Height of Structure | | Minimum Yards | | | Minimum Lot Size | Minimum Lot Width |
|-----------------------------|------|---------------|---|---|------------------|-------------------|
| Stories | Feet | Front | Rear | Side | | |
| 3 ½ | 45 | None | None except on the rear of a lot abutting a dwelling district, in which case there shall be a buffer yard | None except on the rear of a lot abutting a dwelling district, in which case there shall be a buffer yard | None | None |
| | | | | | | |

Section 5.14 SD Special District

1) Generally.

Special districts are hereby authorized for the purpose of providing optional methods of land development, which encourage imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The special districts authorized by this Section are also intended to provide means for the establishment of uses, which are generally considered incompatible with most other land usage.

2) Purpose.

The establishment of a Special District will be for the express purpose of improving the tract of land in accordance with the approved plan of development for the particular tract of land and for the use set forth in the development plan.

3) Repeal.

If, within one year from the effective date of the zone amendment, construction has not commenced, the Planning Commission may, by appropriate action, recommend a repeal the amendment establishing the Special District. Once construction is started, the improvements set forth in the plan of development must be completed within two years from date of issuance. Otherwise, the Planning Commission may repeal the amendment establishing the Special District. Extension of time may be granted as long as satisfactory progress is being made.

4) Special Considerations.

Any petition for the establishment of a Special District shall be submitted to the Planning Commission for its review and recommendation to the City Council. Recommendation of approval of the request shall be based on the Commission's consideration of the following:

a) That the value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.

b) That the proposed development is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and the general welfare.

c) That the final plan for the proposed development meets the requirements of this ordinance as well as the requirements of all other regulating bodies.

d) That an approved method of sewage disposal is available to the tract under consideration.

e) Unless specific variations are noted on the development plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the Special District.

f) In instances where a use is otherwise unclassified or may be located in area where certain uses within the permitted district would be compatible with neighboring properties but other uses would not the Special District may be utilized as an overlay district to restrict change of use on the property without proper review and consideration by the Planning Commission and City Council for the property owners surrounding the proposed Special Use District.

g) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population growth and character.

h) The Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The Planning Commission may impose conditions regarding layout, circulation, and other physical improvements.

5) Procedure.

a) The procedure to be followed in the creation of special districts shall conform to the regulations for any other zone change with the following exceptions.

b) The owner or owners of a tract of land comprised of ten acres or more in any acceptable zone district, may submit to the Planning Commission a plan for the development and use of such tract meeting the requirements set forth in this article and shall be accompanied by evidence concerning the number of persons expected to be employed, the effect of the proposed development on surrounding property, and other physical conditions, which plan

and supporting evidence shall include each of the following:

A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks, and the points of ingress and egress including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

A professional traffic analysis indicating that the proposed development will be so related to streets and arteries that the traffic generated can be accommodated without causing objectionable volumes of traffic on residential streets.

A copy of any deed restrictions intended to be recorded.

c) Before any action thereon, the proposed Special Use District plan, together with the required supplementary information, shall be referred to the Planning Commission for study. The Planning Commission for the protection of adjoining residential property may require reasonable additional requirements.

6) Site Development Plan.

In addition to other applicable regulations, the following rules shall be observed:

a) The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of proposed streets, parks, play-grounds, other open spaces, residential buildings, commercial buildings, sidewalks, and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this ordinance.

b) Where the planned residential development provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.

7) Uses.

The use of each building or premises shall be in accordance with the plan referred to in Subsection 4.13.2, which use shall be limited to:

Research or testing laboratory

Offices

Printing or engraving plant

Radio or television broadcasting station or studio

Manufacturing, fabricating, assembling, or processing of the following:

Small electrical or electronic equipment

Jewelry

Cosmetics

Medical, dental or drafting instruments

Musical instruments, games or toys

Optical equipment, clocks, watches, or similar precision instruments

Clay, leather, fabric, metal wood or glass products of a handcraft nature

Clothing

Fur goods, except tanning or dyeing

Sporting goods

Plastic products, not including processing of raw materials

Other uses similar to those listed in this article which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare

Accessory structures and uses

8) Area and dimensional regulations

The structures permitted in this section shall observe a maximum height of three stories or forty-five feet.

A twenty-five foot setback line from all property lines shall be required.

9) Plan Implementation District

The Plan Implementation District is designed to provide flexible development options with the goal of implementing the place-making and conservation concepts of the Vincent Comprehensive Plan. Following City's traditional community patterns, the Plan Implementation District will result in community energy concentrated in a central core, supported by a less intense focus area, with gradual transition to the rural landscape. This district applies to Conservation Subdivisions and Form Based Subdivisions implemented pursuant to Articles 4 and 5 of the Subdivision Regulations of the City of Vincent, Alabama.

10) Planned Community District

The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational, and cultural facilities, which are integrated with the total project by unified architectural and open space treatment. The following uses are permitted:

Single family attached and detached dwellings.

Two-family dwellings.

Multiple family dwelling including condominiums and town houses.

a) Commercial use requirements.

For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of adjacent properties is afforded by the plan.

b) Recreation use requirements.

Recreation uses may include a community center, golf course, swimming pool, or parks, playground or other recreational uses. The amount of land set aside for permanent open space shall be ten (10) percent of the gross development area.

c) Community use requirements.

Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim, and/or tennis area.

11) Other Planned Uses

For uses not covered elsewhere in this ordinance and which are generally of a nature so as to be incompatible with most permitted uses. The location shall be recommended by the Planning Commission and approved by the City Council. In addition, a complete development plan and any other information pertinent to the development or use shall be included at the discretion of the Planning Commission. Such uses may include but are not limited to the following:

Airport or landing field

Mausoleum

Commercial, recreational or amusement development for temporary or seasonable periods.

Sanitary landfill operation.

Practice golf driving range, par three golf course or miniature golf course.

Private club. Due to the rural and residential nature of the city, private clubs shall be considered on a case by case basis in locations approved by the Planning Commission.

12) Special Mining and and Resource Extraction and Reclamation District.

a) Generally. A Special Mining and Resource Extraction and Reclamation District may be established for the following uses:

Any use permitted in the A-1 Agricultural District except residential.

Mining, quarrying, extracting, or other removal by open pit, strip, shaft, slope, drift, or any other method of removal of all mineral or other earth products of every kind, as herein below restricted.

Timbering, logging, saw milling, extraction of timber products; and processing, distilling, manufacturing and treating of all such products. Reforestation shall require no permit.

The right to erect, maintain, alter, enlarge, use and operate structures, building, machinery, housing, roads, railroads, transmission lines, right-of-way, and all other facilities of every kind accessory or appropriate to the conduct of such above permitted uses.

The right to dump soil, tailings and other waste and to use so much of said district as may be required for such purposes, and such other rights as may be incidental or accessory to such permitted uses, provided such spoil, tailings and other waste is disposed of in a manner that pollution of streams or lakes are controlled in conformance of the Environmental Protection Agency, the Alabama Department of Environmental Management.

b) The owner or owners of property in any acceptable zone district, may submit to the Planning Commission a plan for the development and use of such tract meeting the requirements set forth in this Section and shall be accompanied by evidence concerning the number of persons expected to be employed, the effect of the proposed development on surrounding property, and other physical conditions. Said plan and supporting evidence shall include each of the following:

A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks, and the points of ingress and egress including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.

A professional traffic analysis indicating that the proposed development will be so related to streets and arteries that the traffic generated can be accommodated without causing objectionable volumes of traffic on residential streets.

A copy of any deed restrictions intended to be recorded.

c) Before any action thereon, the proposed Special Mining and Resource Extraction and Reclamation District plan, together with the required supplementary information, shall be referred to the Planning Commission for study. Reasonable additional requirements may be required by the Planning Commission for the protection of adjoining residential property.

The Planning Commission shall review such application and submit a recommendation to the City Council for consideration of the approval of the proposed Special Mining and Resource Extraction and Reclamation District.

ARTICLE 6. LANDSCAPE AND BUFFER REQUIREMENTS

Section 6.1 Purpose and Intent

The purpose of this Article is to protect and promote the health, safety, and welfare of Vincent residents by mitigating the adverse affects caused by new development on adjacent uses and the environment. Pursuant to this intent, these requirements intend to:

Conserve and protect sensitive environmental resources, natural and rural open spaces.

Preserve the existing tree canopy and prohibit unnecessary clear cutting.

Improve erosion and sediment control practices through the proper use of appropriate plant materials.

Promote complementary landscape techniques to supplement Best Management Practices (BMPs) and stormwater management requirements.

Improve the physical relationship between incompatible uses and activities by requiring adequate screening and buffering.

Insulate public rights-of-way and adjoining residential properties from noise, glare, and visual distractions.

Provide safe vehicle and pedestrian circulation.

Preserve and enhance the aesthetic character of the community.

Section 6.2 Applicability

These requirements shall apply to all new development or existing development, expanded by twenty five (25) percent, within the City limits of Vincent.

1) Buffers

Buffers shall be incorporated between differing land use conditions and along the perimeter of residential developments of at least ten (10) acres.

2) Single Family Developments

The provisions of this Article shall apply to the parking areas of community facilities (such as community swimming pools and clubhouses, etc.) within

single-family residential developments. Single-family dwellings are specifically exempt from these provisions.

3) Off Street Parking

a) Surface parking

These landscape regulations are applicable to all off-street parking construction according to the following table:

| Type Of Development | Number of Spaces | Applicability |
|---------------------|------------------------|--------------------|
| New | Less Than 10 | None |
| | More Than 9 | Full |
| Expansion | Less than 25% Increase | Only Expanded Area |
| | More than 24% Increase | Full |

b) Parking Decks

Excluding interior planting requirements, all other landscape requirements shall apply.

c) Downtown or Neighborhood Core Location

Building Foundations

The public entry of any building located in a core should be landscaped with potted plant materials, street furniture, or other beautification technique to meet the intent of this ordinance.

Alleyways

Those spaces located between core buildings used as vehicular pathways shall be exempt from these provisions.

Section 6.3 Administration and Enforcement

Upon submission of a complete application for site development plan approval, staff shall review the proposed landscape plan for compliance with the standards contained in this Article and determine whether the proposal is approved, approved conditionally, or rejected. Staff shall duly note reasons for conditional approval or rejection and communicate these reasons to the applicant as part of the standard review procedures. Approval of a landscape plan will be required prior to issuance of any building permit.

The requirements for the submission of a landscape plan shall be determined according to the criteria established in Section 6.5 of this Article.

As part of a Conditional Use Approval, more restrictive landscaping requirements may be required by the Planning Commission.

Where these regulations conflict with any other regulations approved by the Planning Commission, the more restrictive requirements shall apply.

Section 6.4 Modifications

The Planning Commission may modify the strict application of this Article when:

- 1) The required plantings or planting area would conflict with utilities, easements, overhead power lines, or as otherwise recommended by staff.
- 2) A proposed roadway improvement not being constructed by the developer will encroach the landscaping area
- 3) Topographical conditions warrant special consideration of the site design.
- 4) The applicant proposes a better alternative that demonstrates compliance with the intent and purpose of these requirements.

When such modifications are warranted, the Planning Commission may require alternative buffering, landscaping, or locations, to ensure compliance with the intent of these regulations.

Section 6.5 Landscape Plan Submittal Requirements

No application for site development plan approval will be accepted without inclusion of a landscape plan that meets the minimum submittal requirements and has been prepared by a state of Alabama registered Landscape Architect, Certified Land Planner, or horticultural professional licensed by the State of Alabama in Landscape design.

- 1) Format and Materials.

The landscape plan and details shall be drawn to the same standard scale as the site development plan. Landscape plans shall be included in all site development plan submittals. Additionally, a buffer plan will be required for all site development plans that are twenty (20) or more acres.

2) General Information.

Landscape plans submitted for review and approval shall include the following:

- a) A title block, showing the title of the development, the name and address of the owner/developer, the name and address of the person or firm preparing the plan, registered seal or stamp of the person preparing the plan, the date of preparation, the scale, the north point, and the date of all revisions.
- b) A location map, showing the relative location of the site to the nearest existing public street intersection.
- c) The boundaries of the subject property, the location and description of all adjoining properties and the location and names of all adjoining streets and easements.
- d) Site Data Table that includes, but is not limited to the zoning, gross lot area, number of proposed units, gross area of specific use, floor area ratio, gross density, impervious surface ratio, total gross building area and amount of landscaped area.
- e) The number of required and proposed parking spaces.
- f) Location and dimensions of all points of vehicle access, proposed building footprints, location and names of all utility lines, easements or rights-of-way on or adjacent to the site.
- g) All details needed to communicate appearance, methods of construction and installation of landscape material.
- h) A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name and cultivar, if any, quantity of materials, size of materials at planting, plant spacing, and existing trees approved for use.
- i) An irrigation plan for all landscape areas.

Section 6.6 General Requirements

Site Protection and General Planting Requirements:

- 1) Topsoil

Topsoil moved during the course of construction shall be preserved and stockpiled for reuse on the site. All landscape areas shall be covered with an approved groundcover, grass or mulch, unless approved groundcover is already established. Where mulched landscaping is used, the area must be kept free of weeds.

2) Existing Trees

Preservation of existing healthy trees located within required landscape areas, may count toward fulfillment of the perimeter or buffer requirements. In order for an existing tree to count, it shall be a minimum two (2) inch caliper hardwood or shade type tree and is subject to the same maintenance and replacement requirements as the newly planted trees. Construction details shall be shown on the landscape plans. During construction, trees or groups of trees that are being preserved must have a tree protection barrier consisting of a chain link fence or orange construction fence constructed at the drip line of the tree or group of trees, given the specific site considerations. Each tree that is credited toward the required number of trees shall reduce the number of required parking spaces by one (1) space but no more than ten (10) percent of the total parking requirements. Use of trees that modify the parking requirements must be noted on the development plan.

3) Slope Planting

All cut and fill slopes shall be vegetated with trees, shrubs and ground cover to prevent erosion.

4) Stormwater Facilities

Landscaping. Open basins shall be provided with a minimum five (5) foot landscaped zone around the periphery of the ponds which have a surface area up to one half acre as measured at the top bank. A minimum ten (10) foot landscaped zone as measured outward from the top of the bank shall be provided for ponds larger than one half acre. A typical stormwater facility landscaping plan is located in the Appendix.

Vegetation. Vegetation for the stabilization of side slopes shall be a hearty ground cover, for example: Pensacola Bahiagrass, Reed Canary Grass, Alabama Department of Transportation (ALDOT) seasonal seed mixtures, or similar varieties.

Access. A stable access and maintenance shoulder with a minimum width of ten (10) feet measured from the top of bank shall be provided sufficient to allow the periodic removal of sediment from the system. This access shall be coordinated with the landscaping zone around the basin. The

landscaping zone shall not be incorporated in the access/maintenance way.

Section 6.5 Landscape Requirements

All site development plans for new development or existing development expanded by twenty-five (25) percent or more within the City limits of Vincent shall include frontage, parking perimeter and interior, buffer, and foundation landscaping.

Types of Landscaping

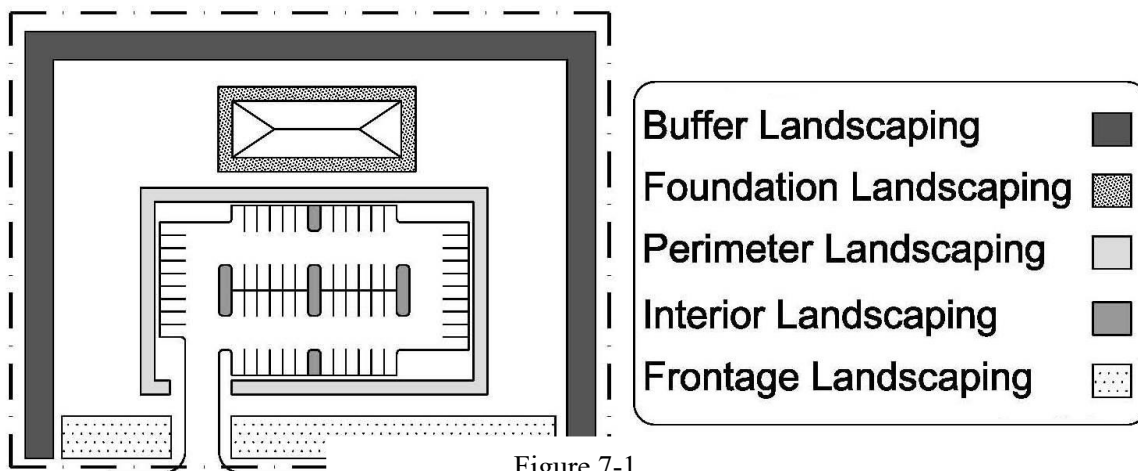


Figure 7-1

1) Frontage Landscaping Requirements.

Frontage landscaping shall include a planted strip, exclusive of access driveways, with a minimum ten (10) foot depth measured from the edge of right-of-way along all adjacent public rights-of-way unless otherwise required. Landscaping shall include a minimum of one (1) large tree or three (3) small trees and ten (10) shrubs per forty (40) linear feet of frontage strip; shrubs are optional in areas where a berm of at least four (4) feet in height is used. Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

Frontage landscaping depth shall be determined according to the following table.

| Frontage Depth | |
|-----------------|----------------------------|
| Frontage Length | Frontage Landscaping Depth |
| <150 Ft | 10 Ft |
| 150 to 250 Ft | 20 Ft |
| >250 Ft | 30 Ft |
| | |

Landscaping within the sight triangle shall be designed to provide unobstructed visibility at a level two (2) feet above the road, measured from the street grade at the center of the closest traffic lane. Ornamental trees are permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the sight triangle. Large trees shall not be planted within the sight triangle. Landscaping requirements may be modified as necessary to prevent obstruction of required sight distance.

2) Perimeter Landscaping Requirements

Perimeter landscaping shall include a continuous planted strip along all sides of the parking area, exclusive of access driveways, with a minimum depth of ten (10) feet, measured from the back of curb. Existing trees within fifteen (15) feet of the parking area may be applied toward perimeter planting requirements. However, existing plant material within the public rights-of-way or on adjoining property shall not count toward the required perimeter landscaping areas.

One (1) large tree with a minimum two (2) inch caliper and a minimum of ten (10) feet high shall be planted for every forty (40) linear feet in the planted strip, however, planting of trees on center is not required. At least two (2) species of trees shall be incorporated within perimeter landscaping. In the event that overhead utilities prevent the use of large trees, small trees shall be planted for each thirty (30) feet of linear frontage. Planted strips are to be sodded, seeded, or mulched to cover all bare ground after landscape materials have been installed.

Ten (10) shrubs, with a minimum eighteen (18) inch height at installation, shall be provided for every thirty (30) linear feet in the planted strip along all sides of the parking area. Where applicable, these shrubs should be grouped and spaced to resemble more natural landscaping and encourage species maturity. These shrubs should also work in conjunction with the required number of large trees.

3) Interior Landscaping Requirements

Parking interiors require planted islands. There shall be one (1) planted island for every twelve (12) contiguous parking spaces. The planted area of the island must be at least nine (9) feet in width, measured from back of curb to back of curb and the full length of the parking space. The minimum width of any channeling or canoe type island shall be six (6) feet. Interior planted islands shall contain at least one (1) tree and eight (8) shrubs per one hundred and fifty (150) square feet of planted island and shall be sodded, or mulched.

Uniformly distributed islands are required to visually minimize large expanses of parking areas, regulate traffic flow, protect pedestrians and permit access by emergency vehicles. Islands shall be placed at the ends of rows of parking spaces and between the circulation drives and parking rows to channel traffic safely around the parking areas and to define parking rows.

Trees shall be planted within islands so that the majority of each parking space is within sixty (60) feet of a tree. Trees within the perimeter landscape area may be used to satisfy this requirement.

4) Foundation Landscaping Requirements

Foundation landscaping shall include a planted bed at a minimum depth of five (5) feet along all sides of the primary structure, excluding loading areas. The bed shall contain a minimum of one (1) small tree (including ornamental or small evergreen), and ten (10) shrubs for every twenty-five (25) linear feet of building. Shrubs, with a minimum height of eighteen (18) inches and a maximum spacing of four (4) feet, shall be planted within a bed of mulch or ground cover other than turf grass and be protected from damage by vehicles and maintenance equipment. Shrubs shall be well distributed though not necessarily evenly spaced.

Section 6.8 Buffers

1) Buffer Locations

Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, unless it is determined by the Manager of Development Services to be more effective in another location (i.e. top of slope). Buffers shall not be located on any portion of an existing or dedicated public or private street or right-of-way, but may include easements.

2) Buffer Requirements

| | | | Existing Uses | | | | |
|---------------|-----------------------------------|------------|----------------------------------|------------------------------|------------|---------------|-------------|
| | | | Single Family Residential Vacant | Townhouse Multifamily Condos | Low Impact | Medium Impact | High Impact |
| Proposed Uses | Typical Zoning | | | R-2 | B-1 | B-2 | M-1 |
| | Single Family Residential, Vacant | - | A | A | B | C | D |
| | Townhouse, Multifamily, Condos | R-2 | A | - | B | C | D |
| | Low Impact | B-1 | B | B | - | A | C |
| | Medium Impact | B-2 | C | C | A | - | B |
| | High Impact | M-1 M-2 | D | D | C | B | - |

| Types | Minimum Buffer Width | Number of Plant Units Required per 100 Linear Feet of Property Line | | |
|-------|----------------------|---|-------------|------------------|
| | | | | |
| | | Large Trees | Small Trees | Screening Shrubs |
| A | 10 Feet | 3 | 2 | 20 |
| B | 15 Feet | 4 | 3 | 30 |
| C | 20 Feet | 6 | 4 | 40 |
| D | 30 Feet | 8 | 6 | 60 |

See Buffer Type Examples in Appendix

Buffers are required to mitigate the adverse affects caused by new development on adjacent uses and the environment.

When natural vegetation exists on a site, underbrush may be cleared and appropriate plantings added.

An appropriately dense buffer shall provide a visual barrier throughout the entire length of the buffer as required in buffer table.

When natural or man-made topography enhances the effectiveness of the buffer (as determined by the Planning Commission) the depth may be reduced up to thirty (30) percent.

Privacy walls or fences in the buffer shall be visually impervious. Chain link fences shall not be used as a privacy fence.

Any disturbance of the approved buffer shall require full restoration.

Buffers are not permitted within utility easements. When a buffer is required in the same location as a recorded easement, the required buffer width shall be amended as follows:

| Required Buffer Width | Reduction in Width of Buffer from Edge of Easement | Minimum Buffer Width |
|-----------------------|--|----------------------|
| 20 Ft | 5 Ft | 15 Ft |
| 30 Ft | 10 Ft | 20 Ft |

Plant unit counts remain as originally calculated.

Section 6.9 Maintenance

All buffers, landscaped areas and plant materials shall be maintained as herein provided and shall not be intentionally or willfully disturbed by any person, firm or corporation except for routine maintenance so that the purpose and effect of the buffer is not diminished. The following minimum maintenance activities are required:

- 1) All required buffers and landscaped areas in nonresidential developments shall be irrigated with an automatic irrigation system; except for those buffers, which are approved as natural buffers, and those required for interior landscaping within an existing parking area being landscaped to meet the requirements of this Article or if otherwise prohibited by the water provider.

- 2) If a landscaped area contains primarily species native to the immediate region, or plants acceptable for xeric landscaping, the Planning Commission, as applicable, may waive the requirement for installation of an irrigation system. Consideration of a waiver of the irrigation requirements shall be supported by appropriate documentation provided by the applicant.
- 3) Plant materials shall be replaced in a buffer destroyed by any cause.
- 4) Any newly planted large tree removed or otherwise destroyed by the willful act of the property owner, tenant or contractor, shall be replaced by a tree of the same or larger caliper, or combination thereof. Any existing large tree that is preserved for credit toward landscaping requirements that is removed or otherwise destroyed by the willful act of the property owner, tenant or contractor, shall be replaced by new trees totaling the caliper of inches of the tree that has been removed or destroyed.
- 5) Fences, walls, berms and other structures that deteriorate or are damaged by any cause shall be repaired and/or replaced.
- 6) Buffers that are altered by erosion, construction, or other causes shall be restored.

Section 6.10 Bonds

- 1) A performance bond shall be posted in an amount no less than one hundred and twenty five (125) percent of the value of the materials and cost of installation of the landscaping to be installed. The performance bond shall be posted as a condition of site plan approval and prior to release of a building permit. Said bonding instrument shall be held for one (1) year or as necessary to complete the project.
- 2) These procedures shall further provide that after initial installation, the performance bond shall be retained as surety for maintenance and replacement in an amount of no less than one hundred and twenty five (125) percent of the full value of all original materials and cost of installation for a period of one year from the date of initial inspection following the completion of installation. The performance bond shall be recognized as a maintenance bond upon inspection and written acceptance by the City after completion of all required improvements.
- 3) During the course of the one-year bonding period, two (2) inspections will be conducted. The first inspection will be conducted upon completion of the installation of all landscape materials. If the first inspection determines that the landscape installation is incomplete or inconsistent with the approved landscape plan, then the new installation date will be

modified to the date of completion. The second inspection will be approximately one year from the date of the completed installation. If reinstallation of materials is required, a new bonding instrument shall be posted or the existing approved bond extended for the reinstalled plant materials for a period of one (1) year.

4) Following release of the performance bond by the Vincent, the Town shall have no further duty or responsibility for enforcement. The owners of private property in the vicinity of the development and whose property was or is affected by the presence or absence of the required landscaping shall have standing, to the extent allowed by law, to enforce the requirements of this Article by action in a court having jurisdiction thereof.

5) Failure to comply with the requirements of this Article shall be deemed a violation of these regulations. Violators will be given written notice of the violation and permitted fifteen (15) days to correct the violation before further action is taken.

Section 6.11 Plant Selection

1) Minimum Plant Size. Unless otherwise specifically indicated elsewhere in this Section, all plant materials shall meet the following minimum size standards:

| | | Minimum Plant Size | | | | |
|---------------------|--------------|--------------------|------------------|------------------|---------------------|--------------------|
| | | Single Stem | Multi-Stem Clump | Evergreen | Shrub | Ground Cover |
| Plant Material Type | Large Tree | 2-2.5 inch caliper | 5 feet in height | 5 feet in height | - | - |
| | Small Tree | 6 feet in height | 4 feet in height | 6 feet in height | - | - |
| | Shrub | - | - | - | 18 inches in height | - |
| Plant Material Type | Ground Cover | - | - | - | - | 6 inches in height |

2) Vincent Plant Selection List. The Plant Selection List is subject to revision and is contained herein by reference only. The list is not meant to be all inclusive. It is the responsibility of the Landscape Architect to select species that are appropriate to the location in which they will be planted. Please see appendix for plant selection list.

Section 6.12 Definitions

Berm. A man made raised bank of earth used to provide



privacy, separation of uses, and/or barriers to visual pollution.

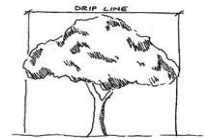
Best Management Practices Any planting, maintenance or sound ecological practices, standards or requirements that alter horticultural or arboricultural methods that reduce garden waste, recycle natural materials, conserve water, eliminate chemical discharge, capture stormwater, tap sediments improve pest management and assist plant growth through mulching, soil building, nutrient enhancement and systematic growth improvement methods.

Buffers. The use of landscaping, retained native vegetation or landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street or an abutting property in such a manner that vehicular use areas, parking lots, parked cars, detention ponds and conflicting activity areas will be partially or completely screened.

Cultivar. Propagated not from seed, but rather vegetative (e.g., via stem cuttings). When the full scientific name for a particular plant cultivar is given, the part of the name that indicates the cultivar itself follows the genus name and the species name and is set off by single quotation marks. By referring to cultivars in this way, we're able to be more specific about a plant than if we restricted ourselves to noting its genus and species.

Clear Cutting. The removal of all vegetation upon a tract of land at one time.

Caliper. Diameter of tree trunk measured at six (6) inches above ground for tree up to four (4) inches in diameter and twelve (12) inches above ground for larger trees.



Drip Line. An Area within which most of the roots of a tree are contained in a perimeter circle constructed using the trunk as the center and the outer most reach of the branches as the periphery. perimeter circle constructed using the trunk as the center

Frontage Landscaping. The use of landscaping along the length of the property line of any one parcel adjacent to a street.

Interior Landscaping. The use of landscaping inside parking areas including planted islands and canoe type islands.

Landscaping. Refers to any activity using living elements, such as flora or fauna; or what is commonly referred to as Gardening, the art and craft of growing plants with a goal of creating a beautiful environment within the landscape; and, natural elements such as landforms, terrain shape and elevation, or bodies of water; and, human elements such as structures, buildings, fences or other material objects; and, abstract elements such as the weather and lighting conditions that modifies the visible features of an area of land.

Foundation Landscaping. The use of landscaping within the prescribed area of ground of a defined depth adjacent to a building wall.

Large Trees. Heights range from forty (40) to one hundred fifty (150) feet within a reasonable time under average cultural conditions.

Parking Decks. A structure which is designed specifically for automobile parking that consists of a number of floors or levels.

Parking Islands. The landscape space primarily located between parking spaces that are used to break up continuous parking spaces and provide a space for trees and shrubs.



Perimeter Landscaping. The use of landscaping along the outer limits of the parking area excluding access points.

Planting Schedule. A table that explains the quantity, species, sizes, and special comments relating to plants that will be included within a specific landscape plan.

Screening. Landscaping used to reduce the visual impact of a development from its surroundings.

Shrubbery. Evergreen or deciduous plants which are typically grown to three (3) feet in height.

Site Data Table. A table that states zoning, gross area lot, the number of proposed units, gross area of specific use, floor area ratio, gross density, impervious surface ratio, total gross building area and amount of landscaped area.

Site Development Plan. A plan, prepared to scale by an appropriately certified or registered land surveyor, architect, or engineer, showing accurately and with complete dimensioning required elements.

Staff. The staff of Vincent, or as otherwise indicated (See also *Administrator*).

Terraces. Raised level with a vertical or sloping front or sides faced with masonry, turf, or the like, esp. one of a series of levels rising one above another.

Tree Canopy. The vegetative upper part of the tree that provides shade.

Small Trees. Heights range from ten (10) to forty (40) feet within a reasonable time under average cultural conditions.

Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

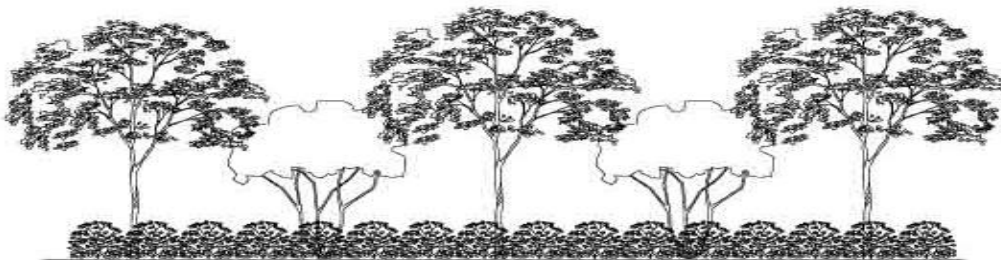
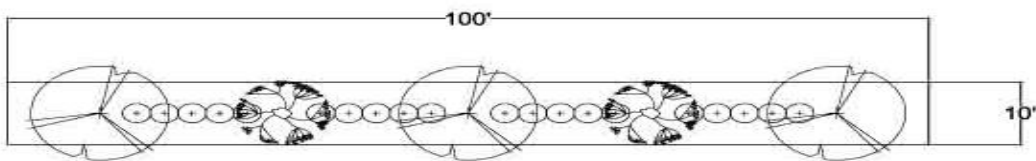


Sight Triangle

Woodland. An area of natural vegetation or planted material, at least 50 feet in depth, covering one (1) acre or more and consisting substantially of large trees.

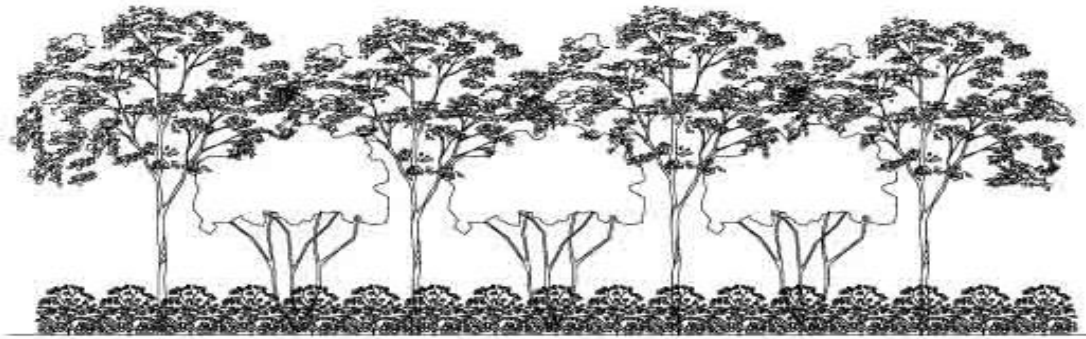
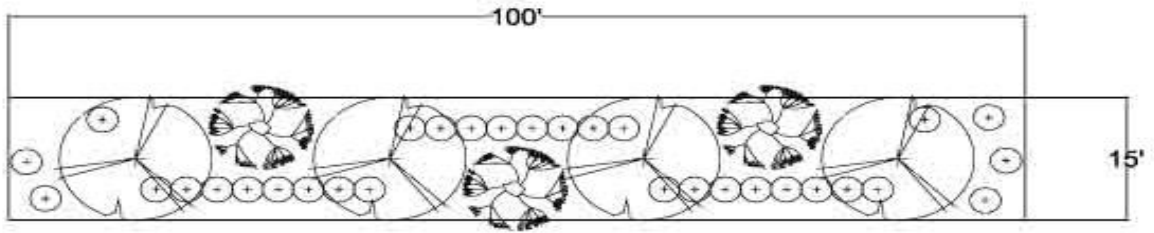
Section 6.13 Sample Buffer Diagrams




1) Buffer A



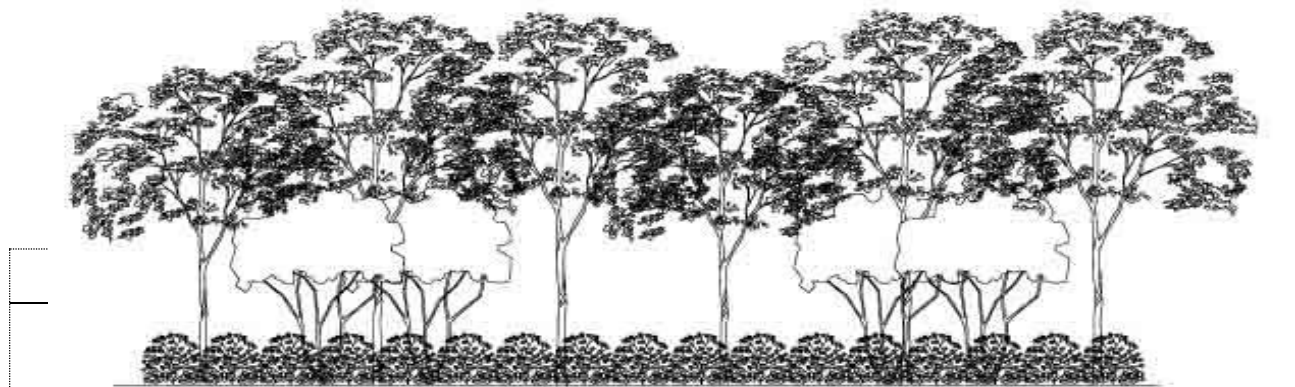
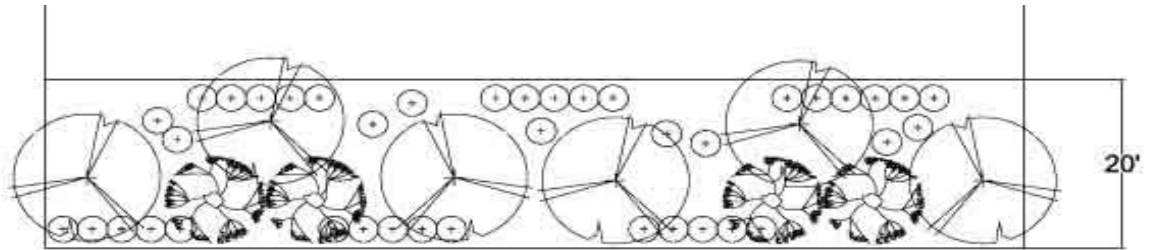
| Plant Schedule | | |
|-----------------|-------------------|-------------------------------|
| | Plant Type Symbol | # Required 100 linear feet |
| Large Trees | | 3 |
| Small Trees | | 2 |
| Screening Shrub | | 20 |




2) Buffer B



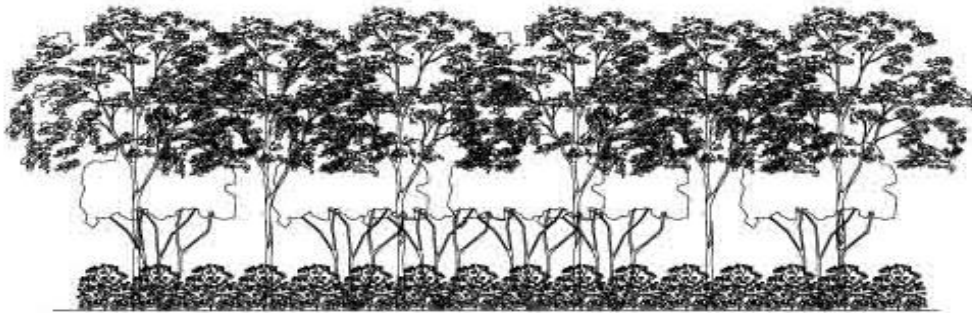
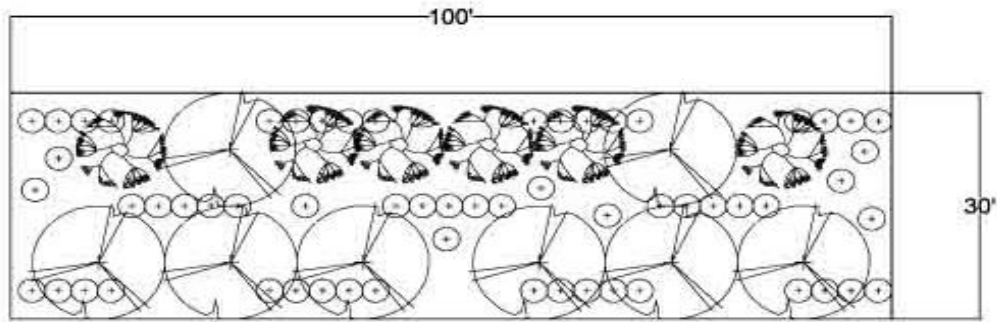
| | Plant Type Symbol | # Required 100 linear feet |
|-----------------|---|-------------------------------|
| Large Trees |  | 4 |
| Small Trees |  | 3 |
| Screening Shrub |  | 30 |




3) Buffer C



| | | |
|-----------------|---|----|
| Large Trees |  | 6 |
| Small Trees |  | 4 |
| Screening Shrub |  | 40 |

4) Buffer D



| | | |
|-----------------|---|----|
| Large Trees |  | 8 |
| Small Trees |  | 6 |
| Screening Shrub |  | 60 |

Section 6.14 Plant Selections

1) Large Trees

| Large Trees - Deciduous (Trees from 40'–150' in height) | |
|--|------------------|
| Acer rubrum | Red Maple |
| Fraxinus americana | White Ash |
| **Ginkgo biloba | Ginkgo |
| Liriodendron tulipifera | Tulip Poplar |
| **Platanus occidentalis | Sycamore |
| Quercus alba | White Oak |
| Quercus falcate | Southern Red Oak |
| **Quercus nigra | Water Oak |
| Quercus nuttallii | Nuttall Oak |
| Quercus palustris | Pin Oak |
| Quercus phellos | Willow Oak |
| Quercus shumardii | Shumard Oak |
| *Pistacia chinensis | Chinese Pistache |
| Taxodium distichum | Bald Cypress |
| Ulmus parvifolia | Chinese Elm |
| *May be used under overhead power lines. | |
| **May be used in natural setting only. Do not use in direct proximity to roads or sidewalks. | |

2) Small Trees

| Small Trees - Deciduous (Trees from 10'-40' in height) | |
|--|-------------------|
| Acer buergeranum | Trident Maple |
| Acer ginnala | Amur Maple |
| Acer palmatum | Japanese Maple |
| *Amelanchier arborea | Serviceberry |
| *Betula nigra | River Birch |
| *Cercis canadensis | Redbud |
| *Cornus florida | Flowering Dogwood |
| *Cornus kousa | Kousa Dogwood |
| *Lagerstoemia indica | Crape-Myrtle |
| *Magnolia x soulangiana | Saucer Magnolia |
| *Prunus serrulata | Japanese Cherry |
| *Prunus subhirtella pendula | Weeping Cherry |
| *Prunus yedoensis | Yoshino Cherry |
| Sassafras albidum | Common Sassafras |
| *Ornamental trees may be used in foundation and frontage landscaping and a within required buffers. Ornamental trees may not be used in parking perimeter or interior landscaping. | |

3) Large Evergreens

| | |
|----------------------|--------------------|
| Magnolia Grandiflora | Southern Magnolia |
| Pinus caibaea | Slash Pine |
| Pinus strobus | Eastern White Pine |
| Pinus taeda | Loblolly Pine |
| Pinus Virginiana | Virginia Pine |
| Quercus laurifolia | Laurel Oak |
| Quercus virginiana | Live Oak |

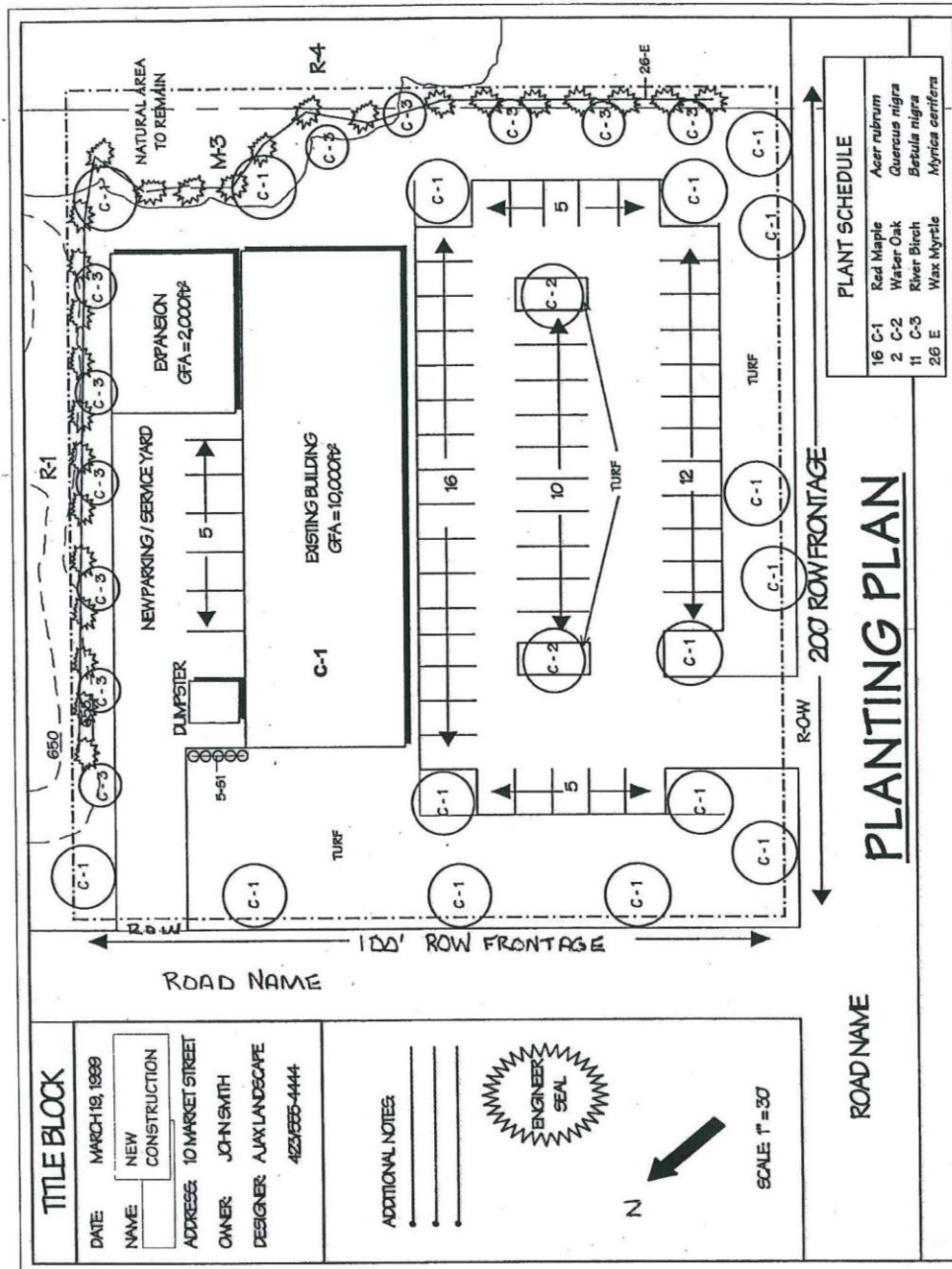
| | |
|----------------------------------|---------------------|
| *Cryptomeria japonica | Cryptomeria |
| Ilex opaca | American Holly |
| Ilex latifolia | Lusterleaf Holly |
| Ilex cornuta 'Nellie R. Stevens' | Nellie R. Stevens |
| Juniperus virginiana | Eastern Red Cedar |
| Pinus echinata | Shortleaf Pine |
| Pinus thunbergiana | Japanese Black Pine |

*Do not use in planted islands or other parking interior landscaping.

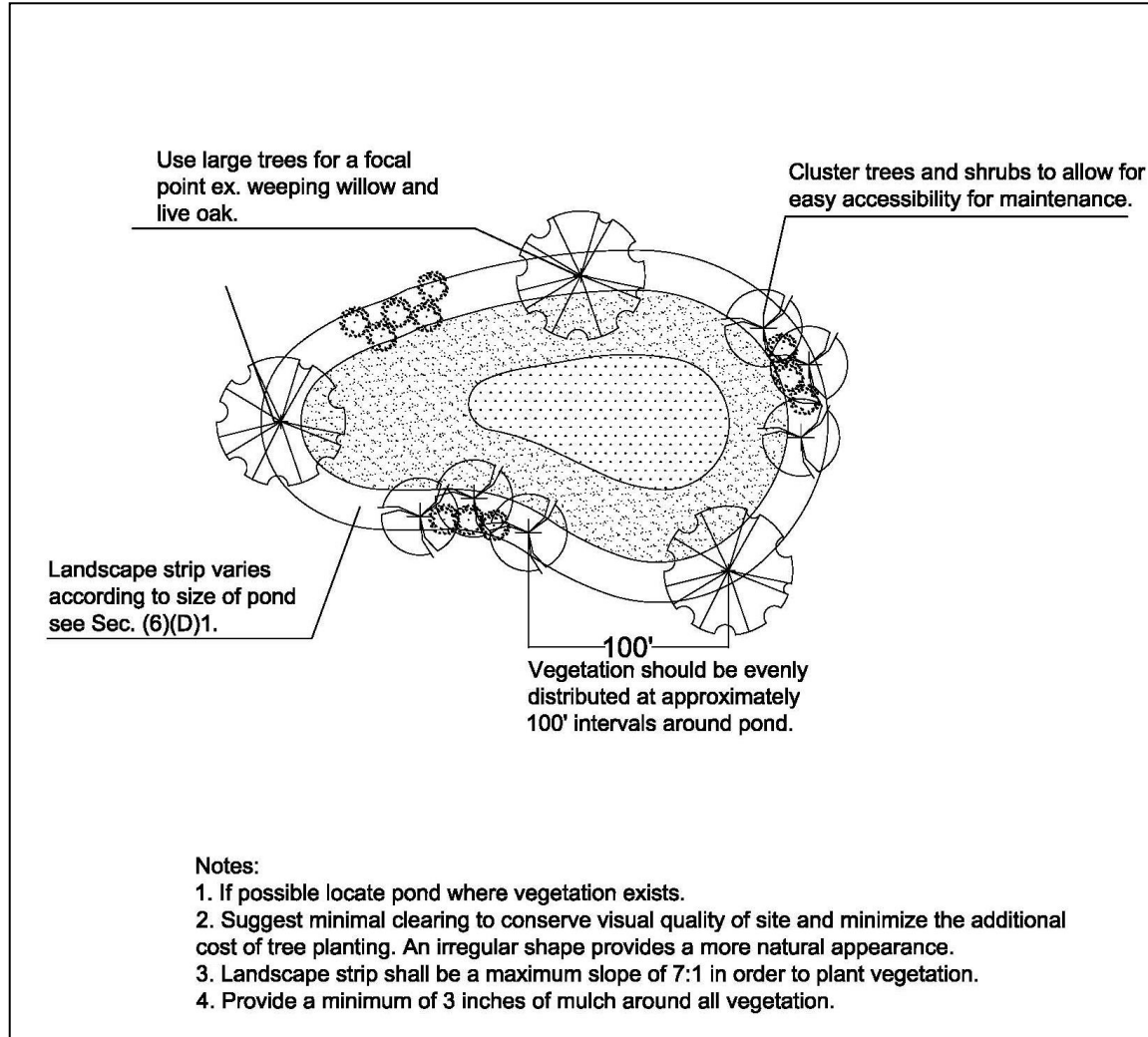
4) Screening Shrubs

| | |
|----------------------------------|----------------------|
| Eleagnus pungens | Fragrant Olive |
| Ilex cornuta 'Nellie R. Stevens' | Nellie R. Stevens |
| Allex cornuta 'Burfordii' | Burford Holly |
| Prunus laurocerasus | English Laurel |
| Viburnum rhytidophyllum | Leatherleaf Viburnum |
| Ilex aquifolium | English Holly |
| Myrica cerifera | Wax Myrtle |
| Prunus caroliniana | Cherry Laurel |

Section 6.15 Planting Plan



Section 6.16 Stormwater Plan



ARTICLE 7. SIGN REGULATIONS

Section 7.1 Purpose

The purpose of this Article is to establish regulations for the erection and maintenance of signs. It is determined that, while signs are a proper commercial use of private property in certain areas of the Town and within certain Zones, such signs should be reasonably regulated to protect the public safety and general welfare, and to safeguard and promote the aesthetic quality of the Town of Vincent by establishment of standards for the quantity and design of signage.

Section 7.2 Applicability

The regulations contained herein shall govern all signs, both presently existing and hereafter erected or displayed; however, said regulations shall not waive or repeal additional requirements of other applicable ordinance. Furthermore, for the purposes of this Article, all signs shall be considered “uses” in their own right and, as such, shall hereafter be subject to the provisions set forth in Article 8: Nonconforming Uses.

Section 7.3 Definitions

Banner. A sign of lightweight fabric or vinyl, or similar material temporarily mounted to a building, structure, or fence at one or more edges. National, state, and municipal flags and the official flag of any institution shall not be considered banners.

Holiday Decorations. Decorative elements of a temporary nature intended for the acknowledgment of a holiday or holiday season, exclusive of decorations containing business, product, sales, or service advertising content. Holiday decorations shall not be considered signs.

Electronic Message System (EMS). Any sign that is capable of displaying words, symbols, figures or images that can be

electronically or mechanically changed by remote or automatic means.

Intermittent Light. Any flashing, traveling, animated, blinking, or fluctuating light, including arrangements that spell messages, simulate motion, or form various symbols or images.

Lighting, External. Light reflected from a separate outside source aimed toward it, including silhouettes on a background or reflected light.

Lighting, Internal. Light directed outward from a lighting source within a sign, including neon signs.

Public Notice. An official announcement, required by federal, state, or local law, of a public proceeding.

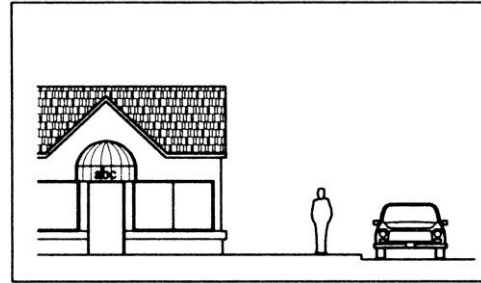
Seasonal Sales and Promotions. Extended sales activities, which may include special pricing, advertising, events, signage, and other promotions, occurring during a season for no longer

than six (6) months, including agricultural and garden products, outdoor furnishings, Christmas trees, pumpkins and other products and services associated with a recurring season.

Sign. Any name, identification, description, display, illustration, or structure, which is affixed directly or indirectly upon a building, structure, or the ground, which is intended to communicate with the public or directs attention to an object, product, place, activity, service, person, institution, organization, or business; specifically excepting all public signs designed, constructed and placed in accord with the most recent edition of the Alabama Manual on Uniform Traffic Control Devices.

Sign, Auxiliary. Any sign attached to a building, canopy, appurtenance, or other structure indicating general information, such as trading stamps, credit cards, official notices, or services required by law, or giving directions to offices, restrooms, exits, and like facilities. Auxiliary signs shall not include advertising content and are typically permanent though content may change.

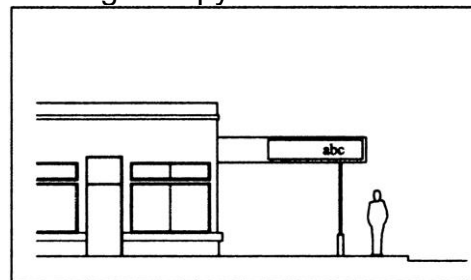
Sign, Awning. A sign directly painted or otherwise directly affixed to an awning.



Awning Sign

Sign, Building. A sign painted upon or attached or affixed to a building, including awning, canopy, projecting, and wall signs.

Sign, Canopy. A sign directly painted or otherwise directly affixed upon a building canopy.



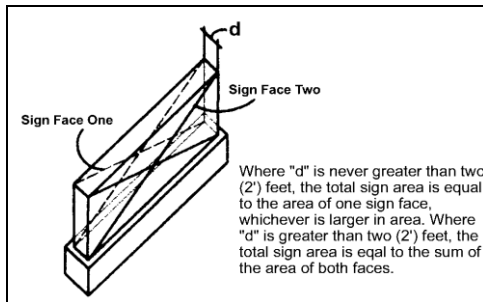
Canopy Sign

Sign, Construction. A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.



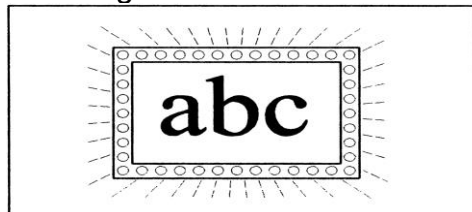
Construction Sign

Sign, Double-faced. A sign, both sides of which are visible and used as signs. The sign area of a double-faced sign, where the two sign faces are never greater than twenty-four (24") inches apart, shall be computed as the area of one sign face, whichever is greater. When the two sign faces are greater than 24" apart, the sign area shall be computed as the sum of both faces.



Double-Faced Sign

Sign, Flashing. A sign with an intermittent, repetitive, or flashing light source.

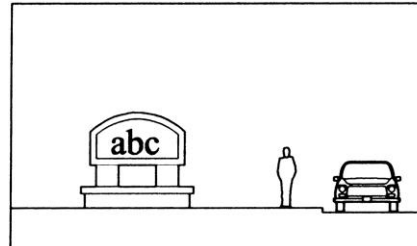


Flashing Sign

Sign, Freestanding. Any sign that is attached to or part of an upright support that stands removed from any building. Every face of a freestanding sign shall be considered as a separate sign for purposes of computing allowable area, except as otherwise provided for double-faced signs.

Sign, Ground. A freestanding sign in which the sign copy area

is attached directly to the base of the sign or otherwise located close to the ground. This is also commonly referred to as a "monument sign".

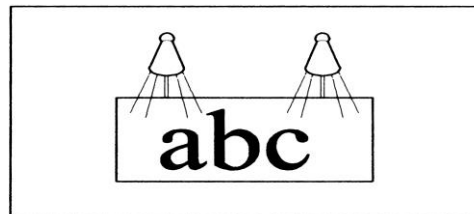


Ground Sign

Sign, Holiday. Signs and displays of a temporary nature acknowledging and promoting a holiday or holiday season and which include business, product, sales, or service advertising content.

Sign, Identification Sign. See Sign, Nameplate.

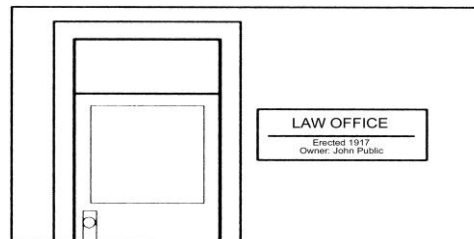
Sign, Illuminated. Any sign lit by an internal or external device.



Illuminated Sign

Sign, Monument. See Sign, Ground.

Sign, Nameplate. A wall sign indicating the name and/or address of a business.

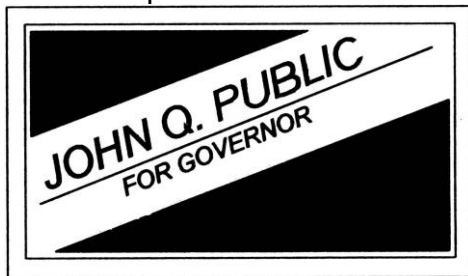


Nameplate Sign

Sign, Off-Premise. Any sign advertising a business, person, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.

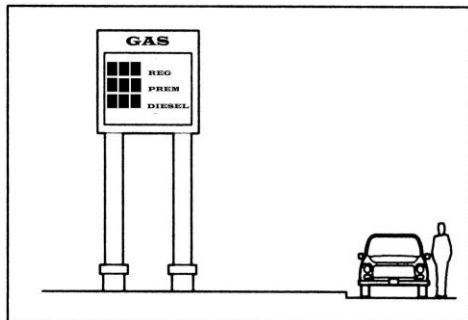
Sign, On-Premise. Any sign advertising a business, person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.

Sign, Political. A sign identifying or urging support for an election issue, political party, or candidate for public office.



Political Sign

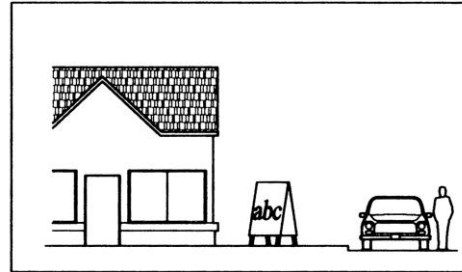
Sign, Pole. A freestanding sign mounted above one or more vertical structural members.



Pole Sign

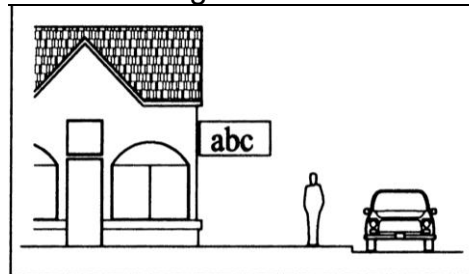
Sign, Portable. A sign, which is carried, wheeled, or moved about without having to detach the sign from a secure anchoring device, which is set in the ground or to a

building, which is set on an approved foundation; or, a sign, which is not secured in a manner approved by the Building Official. This includes, but is not limited to, "A frame" signs and sandwich Board signs.



Portable Sign

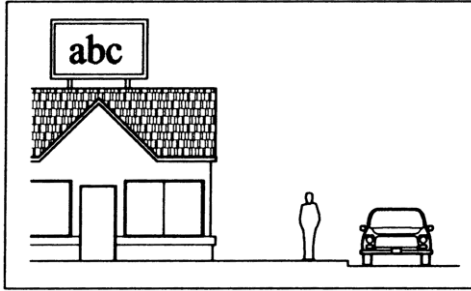
Sign, Projecting. A sign attached or affixed to the exterior wall of a building extending more than 12 inches from the face of the building wall or above the top of the building wall.



Projecting Sign

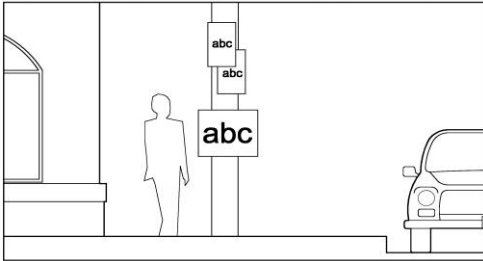
Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a

building with a mansard roof.



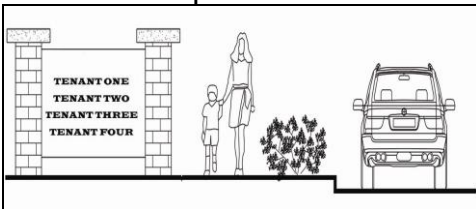
Roof Sign

Sign, Snipe. A sign attached to utility poles, trees, or the public right-of-way, and other signs or structures or objects not specifically designed to accommodate signs.



Snipe Sign

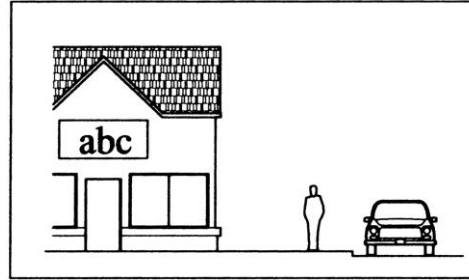
Sign, Multitenant. A ground sign containing the name of a multi-tenant business center and typically containing the names of the tenants within the development.



Multitenant Sign

Sign, Wall. A sign painted upon the exterior wall of a building, or affixed to the exterior wall of a

building but not extending more than 12 inches from the face of the building wall or above the top of the building wall.



Wall Sign

Sign, Window. Any advertising content, including business identification information, attached to, affixed to, or painted or otherwise imprinted on a window, whether applied to the interior or exterior surface of the glass. This shall also include signage attached to, affixed to, or painted or imprinted on glass doors.

Sign Area. The entire area of a sign within a single contiguous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Permitted copy area for double face signs shall be applied to the area of each of the two sign faces.

Staff. Personnel under the direction of the Vincent Town Council assigned to review and make recommendations regarding development applications for the town.

Section 7.4 Compliance

Both the owners or other person responsible for a sign and the owners of property on which a sign is located shall be responsible for assuring compliance with this Article. Any failure or refusal to comply with these provisions shall constitute a violation of this Ordinance and shall be subject to the penalties provided in Article 11 of this Ordinance.

Section 7.5 Permitting Procedures

1) Applicability.

No person shall erect a sign without first obtaining a sign permit therefore, except for the following actions, which shall not require a permit:

Changing the copy, announcement, or message on a sign.

Cleaning, painting, electrical or comparable maintenance, or repair of a sign that does not alter any regulated feature of such sign.

Erecting a sign for which a permit is not required.

2) Procedure.

All sign permits shall be procured in accordance with the following procedure:

a) A written application shall be submitted to the staff for review. The application will be accepted only upon determination that all requisite documentation and fees accompany the application form. The application shall include such supplementary information as may be specifically requested by the Administrator to determine compliance with these regulations.

b) Staff shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations. Following review and determination as to conformance with these regulations, staff shall, in a reasonably expeditious manner, either approve or deny the application for the sign permit. In case of denial, staff shall specify the section or sections of these regulations with which the proposed sign is not in conformance.

3) Submission Requirements.

No request for a sign permit shall be considered complete until all of the following has been submitted to staff.

a) Application Form. The application shall be submitted to the department in duplicate on forms made available by the City of Vincent and the forms shall be accompanied by: Statement of Authorization. Any application form, which is signed by an individual other than the property owner, shall be accompanied by a notarized statement of authorization consenting to the sign placement or, if the property or building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and evidence of the executed lease.

b) Plans and Specifications. Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following:

Lot frontage on all street rights-of-way.

Facade area of any wall on which a sign is proposed to be placed.

Dimensions And Elevations (Including text) of the sign.

Dimensions of the sign's support structures.

Maximum and minimum height of sign, as measured from finished grade.

Location of the sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property.

For illuminated signs, the type, placement, intensity and hours of illumination.

Construction and electrical specifications, for enabling determination that the sign meets all applicable structural and electrical requirements of the building code.

Value of the proposed sign.

Number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

c) Application Fee.

The applicant shall be required to pay an application fee according to the current schedule of fees established by the Town Council for the particular category of application. This fee shall be nonrefundable irrespective of the final decision of the application.

4) Permit Expiration.

Sign permit shall be valid for a maximum of one hundred eighty (180) days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication, including any associated fees.

5) Number of Signs.

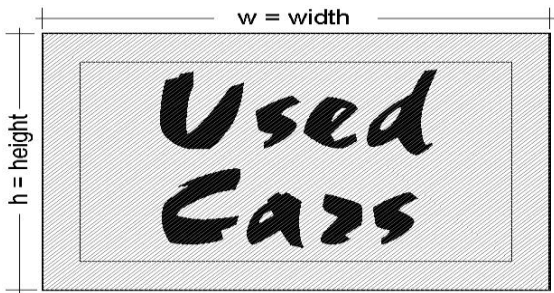
In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

6) Calculating Sign Area.

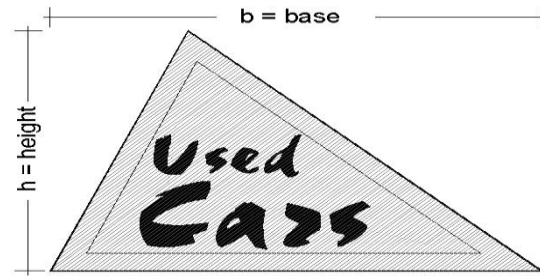
Individual Signs. The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will include the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is clearly incidental to the display itself.

Multifaced Signs. The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than

twenty-four (24) inches apart, the sign face area shall be computed by the measurement of one of the faces.

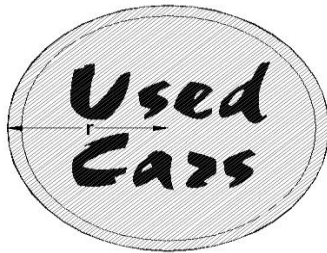


Calculating Area of a Rectangular Sign = $h \times w$



Calculating Area of a Triangular Sign = $1/2 (h \times b)$

$\pi = 3.14159$
EXAMPLE
 r (radius) = 4 feet
 Area = $3.14159 \times 4 \text{ ft}^2$
 Area = 50.265 sq ft

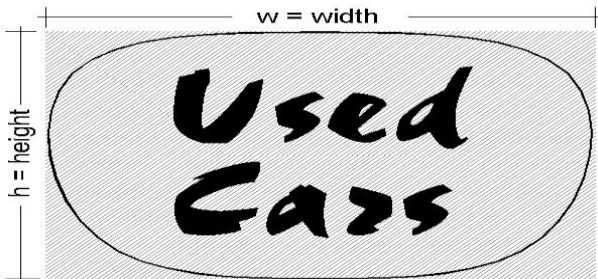


Calculating Area of a Circular Sign = $\pi \times \text{radius}^2$

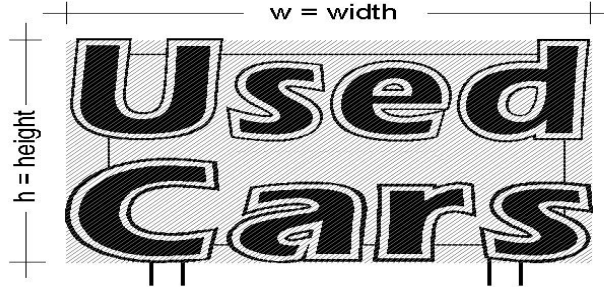
$\pi = 3.14159$
EXAMPLE
 A = 3 ft B = 4 ft
 Area = $3.14159 \times A \times B$
 Area = 37.699 sq ft



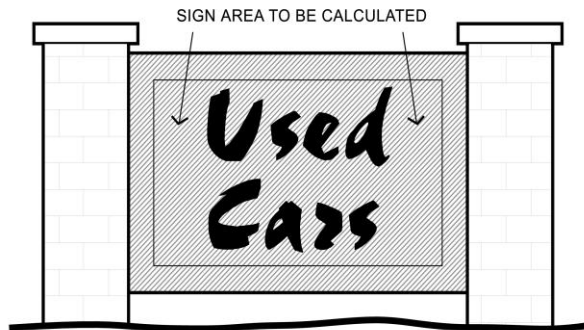
Calculating Area of an Elliptical Sign = $\pi \times A \times B$



Calculating Area of an Irregular Sign = $h \times w$



Calculating Area of a Sign where Copy Exceeds Sign Area = (height of copy) x (width of copy)



Area calculation of Freestanding Sign shall include the background and frame on which copy is provided but shall not include columns or supports.

Section 7.6 Area and Dimensional Requirements

Unless otherwise specified in this Article, the following dimensional requirements shall apply:

1) Building/Wall Signs.

Every building sign shall be limited such that no portion of said sign is elevated higher than the top of the building or wall face to which it is attached or affixed, nor shall it extend more than one foot horizontally from the wall surface.

2) Projecting Signs.

Every projecting sign shall extend outward from the building to which it is affixed no more than thirty (30) inches, shall not exceed a total of six and one-quarter (6.25 sf) square feet in area, and shall be limited in elevation such that the top edge of the sign is no higher than the top of the building or structure to which it is attached.

3) Freestanding Signs.

The minimum front setback shall be three feet from the Front Lot Line, five feet from a sidewalk, or ten feet from the edge of pavement, whichever is greater. Signs shall be setback 25 feet from the centerline of an undedicated road. These setbacks shall not apply to identification signs mounted on mailboxes, nor for temporary signs.

The side and rear setbacks shall be the minimum applicable yard setback as is required for the Zone in which the sign is located. In no case shall any sign be erected closer than fifteen (15) feet to a boundary line of a Residential Zone.

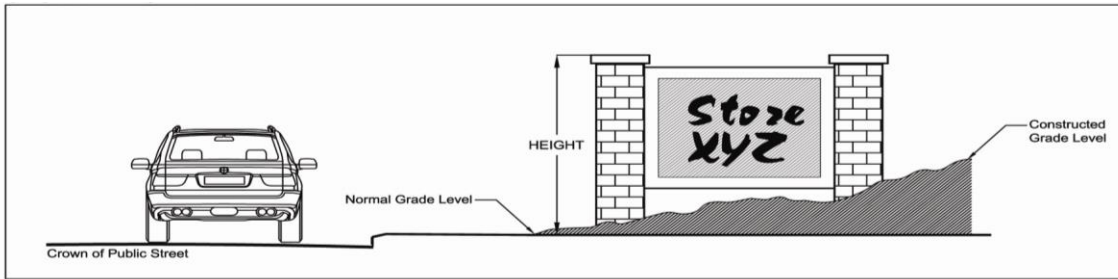
No sign shall be located in such a manner that motorist visibility is obscured at driveways or access points to any business or to intersections of thoroughfares and alleys.

No freestanding sign shall be located closer than 100 feet from another freestanding sign on the same side of the same block. No portable sign shall be permitted closer than 60 feet to any other sign whose face or any portion thereof is situated at the same elevation as any portion of the portable sign in question.

The maximum area of any sign and maximum height of any freestanding sign shall be according to the provisions of each district or zoning classification.

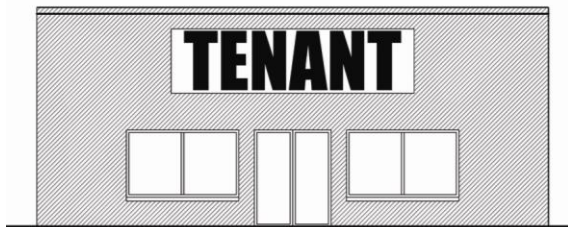
4) Sign Height.

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be determined by the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the primary entrance to the principal structure on the parcel, whichever is lower.



5) Distance between Signs. The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

6) Signable Area. Signable area is defined as a continuous portion of the front building facade unbroken by doors or windows, parallel to a public street that is specifically designed to accommodate a sign, and which shall not extend above the window sill of the story above unless the establishment to which it pertains is located above the first floor.



Section 7.7 General Regulations Applying to All Signs

The following regulations apply to all permitted signs throughout the City of Vincent: All signs shall display the address of the property for which they are

located, this is not a substitute for regulations required by police or fire for emergency purposes. Address must be reflective.

1) No sign shall be erected or maintained which would imitate, resemble, obscure, or otherwise physically interfere or be confused with any official traffic sign, signal, or device, nor obstruct, mislead, confuse or otherwise physically interfere with pedestrian or vehicular traffic flow.

2) Signs shall not be erected or maintained which are structurally unsafe or in substantial disrepair.

3) It shall be unlawful to use a vehicle or trailer as a sign for the purposes of circumventing conformity with these regulations.

4) Unless otherwise specified herein, any references to freestanding signs may be understood to include single signs with two faces oriented in opposite directions. When the distance between the two faces is never greater than two feet, such sign shall be counted as one sign and the area of only one face shall be counted for the purpose of calculating signage area. Where such sign faces are greater than two feet apart, each face shall be counted as a separate sign and the area of each face shall be counted for the purpose of calculating signage area.

5) Sign Materials

Building materials for permanent freestanding and building signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely affect adjacent uses. The various parts of signs shall be compatible in design quality. Signs shall not be in the shape of a sponsor name or motif (such as soda bottles, hamburgers, boot, and so forth).

a) The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation:

Brick.

Natural stone, including panels. The use of natural materials is favored; however, the use of imitation stone is appropriate.

Stained split-face block.

Wood.

Exterior insulation and finish systems (EIFS) (such as “DryVit”), or similar material, in combination with brick, split-face block, or stone.

Metal panels, when used in combination with brick, split-face block, or stone.

Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

b) The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

Exposed metal poles. For pole-mounted signs, poles shall be enclosed by a masonry veneer.

Smooth-face concrete blocks, whether painted or unpainted.

Metal panels, when used without brick, split-face block, or stone.

Plastic, or other synthetic materials, when used without brick, split face block, or stone.

6) Maintenance.

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City, and shall present a neat and clean appearance.

The area around any freestanding sign shall be kept clear of trash and litter and shall present a neat and orderly appearance.

All signs shall be maintained at the level of appearance originally held at the time of erection and in accordance with the requirements of this Article.

Exposed backs of signs must be painted a single, neutral color to present an attractive, finished appearance.

It shall be the responsibility of the business owner of an on-premises sign to maintain and insure compliance with the provisions of this Article; abandoned signs shall be the responsibility of the property owner.

Section 7.8 Exempt Signs

The following signs are exempt from the requirement that a permit be obtained and shall not be counted toward any restriction regarding the number or area of signs permitted on a parcel provided they conform to the standards enumerated in this section and provided they are not placed or constructed so as to create a hazard of any kind:

- 1) Signs that are not designed or located to be seen from any street or adjoining property.
- 2) Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations.
- 3) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the town, the State of Alabama, or the United States.
- 4) Signs established by, or by order of, any government agency.
- 5) Legal notices and official instruments.
- 6) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the City Council for a prescribed period.
- 7) Flags, insignia or signs (not to exceed a total of 200 square inches in area) of a governmental, religious, charitable, or fraternal organization except when displayed in connection with a commercial promotion.
- 8) Holiday lights and decorations.
- 9) Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
- 10) Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- 11) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed

to vending machines, newspaper racks, telephone booths, and gasoline pumps.

12) Window signs that identify or advertise activities, services, goods, or products available within a building, but which collectively cover no more than 30% of the window surface.

13) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.

14) Public warning signs to indicate the dangers of trespassing, swimming, animals or other hazards.

15) Works of art that do not constitute advertising.

Section 7.9 Prohibited Signs

The following signs shall hereafter be considered expressly prohibited throughout the City of Vincent:

1) Lights and signs that resemble any traffic control device, official traffic control signs, or emergency vehicle lights or markings.

2) Signs that produce noise or sounds capable of being heard, including non-distinguishable sounds.

3) Signs which emit odor, visible smoke, vapor or particles.

4) Signs attached to or painted onto a vehicle for which the vehicle's primary purpose is advertising, except as otherwise permitted in this ordinance.

5) Signs painted or drawn upon rocks, trees, or other natural features.

6) Signs or attention getting devices that contain a beacon of any type and/or contain a spotlight providing direct illumination to the public.

7) Signs that project more than thirty inches from any building or similar structure on which they are mounted.

8) Any sign with a sign face greater than 32 square feet.

9) Signs that are in violation of the building code or electrical code adopted by the City of Vincent.

10) Any sign that, in the opinion of the staff, does, or will constitute a safety hazard.

11) Portable signs, including those, which are held by others.

12) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles or as allowed herein.

13) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for "time and temperature" signs and as otherwise provided herein.

14) Strings of light bulbs used on commercially developed parcels for commercial purposes.

15) Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.

16) Signs that incorporate projected images emit any sound that is intended to attract attention, or involve the use of live animals.

17) Signs that emit audible sound, odor, or visible matter such as smoke or steam.

18) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City of Vincent.

19) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.

20) Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets.

21) Non-governmental signs that use the words "stop," "look," "danger" or any similar word, phrase or symbol.

22) Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.

23) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

24) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.

25) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

26) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing.

27) Signs erected on public property or on private property located on public property (such as private utility poles, i.e. snipe signs) other than signs erected by a public authority for public purposes or as otherwise permitted by these regulations.

28) Signs erected over or across any public street except as may otherwise be expressly authorized by these regulations and except governmental signs erected by or on the order of a public officer.

29) Roof signs placed above the roofline of a building or on or against a roof slope of less than forty-five (45) degrees.

30) Vehicle signs with a total sign area in excess of ten (10) square feet when the vehicle is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right-of-way; is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising shall not be considered a vehicle used in the conduct of the business.

31) Snipe signs.

Section 7.10 Regulations for Specific Sign Types

The following regulations apply to specific sign types throughout the City of Vincent.

1) Temporary Signs.

a) Temporary Signs in Residential Zones.

Temporary signs are expressly allowed in all residential zoning districts, subject to the following standards:

There shall not be more than one sign per issue, cause, event, or candidate.

The total area of all temporary noncommercial signs located on one residential lot at one time shall not exceed 140 square feet; individual signs shall not exceed 32 square feet.

Such signs shall be placed only on private property.

Such signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.

Separate illumination of such signs in residential districts is not permitted.

All temporary signs that relate to an election or other specific event (i.e. yard sale) shall be removed within five (5) days after the event to which they pertain. The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.

Real estate signs shall contain no commercial message except information advertising the property on which it is located for sale, rent, or lease, and information identifying the agency or other person offering the property and shall not exceed four (4) square feet in area or five (5) feet in height. Additional directional signs may be located off premise in order to direct traffic to such property as offered for sale from Friday to Sunday of each week that a property remains for sale or on days that a property is actively exhibiting an "open house" not including the leasing

office; and shall be removed during the remaining days of the week. All real estate signs must be removed within five (5) days from the completion of sale.

One building construction sign is permitted per street frontage located on a property where construction is in progress as part of an approved site plan or valid building permit. Such sign may include the names of the persons, firms performing services or supplying labor, or supplying material to the premise. Such sign shall not exceed 24 square feet in area and shall be removed upon the completion or sale of 85% of the lot sales or project completion.

b) Temporary Signs in Nonresidential Zones.

In addition to all other signs allowed, temporary signs bearing noncommercial messages are expressly allowed in all nonresidential zoning districts, subject to the following standards:

There shall not be more than one sign per issue, candidate, organization, cause, or event.

The total area of all such signs located on one lot at one time shall not exceed 140 square feet, except that at any time that there is no temporary commercial sign on the property offering the property for sale, rent or lease, an additional 4 square feet of sign area is allowed for noncommercial signs.

Such signs shall be placed only on private property.

Such signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.

Any noncommercial sign larger in size than four (4) square feet requires a sign permit.

Separate illumination of such signs is not allowed, except as specified in this sub-section. Where a noncommercial sign is erected in place of another permitted sign or political copy is placed on an existing, lawful sign in a non-residential district, the illumination standards otherwise applying to the sign shall apply to the political sign or political copy.

All temporary signs that relate to an election or other specific event shall be removed within five (5) days after the election

to which they pertain. The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.

One temporary, non-illuminated sign, advertising the sale, or lease of commercial land or structures is permitted for each property. One additional sign may be permitted if the property has a minimum one hundred feet of street frontage on two (2) or more streets. Said sign(s) shall not exceed 24 square feet, nor ten (10) feet in height.

One building construction sign is permitted per street frontage located on a property where construction is in progress as part of an approved site plan or valid building permit. Such sign may include the names of the persons, firms performing services or supplying labor, or supplying material to the premise. Such sign shall not exceed 24 square feet in area and shall be removed upon the completion or sale of 85% of the lot sales or project completion.

c) Temporary Banner Signs.

Each retail business is permitted one temporary banner, which shall not exceed 32 square feet of copy area, and shall be attached to the building wall; for one continuous 7-day period, not to exceed two such periods in any calendar year. The banner shall be completely secured to a building or a sturdy frame on at least two opposite sides or at all four corners to prevent loose portions of the banner from moving in the wind to the extent that it would become a prohibited "animated sign." Such sign may bear any noncommercial message or a message related to goods, products, or services offered on the premises.

d) Temporary Trailer Mounted Signs.

Each retail business is permitted one temporary trailer mounted sign, which shall not exceed 32 square feet of copy area, for one continuous 15-day period. The sign must be placed on the business property and shall not block pedestrian or vehicle traffic. The temporary trailer mounted sign shall be completely secured to prevent loose portions of the sign from moving in the wind to the extent that it would become a prohibited "animated sign." Such

sign may bear any commercial message or a message related to goods, products, or services offered on the premises.

e) Temporary Holiday and Cultural Decorations.

In addition to all other signs, in any zoning district, holiday or cultural decorations may be displayed for a period of not more than forty-five (45) consecutive days nor more than sixty (60) days in any one (1) year. Holiday or cultural decorations shall not contain a commercial message.

2) Signs Permitted in Specified Zones

Any type of sign not listed herein as being permitted in a particular Zone shall be considered prohibited in that Zone. The general regulations of this article shall apply to all signs permitted below, whether or not specific references are cited, unless otherwise indicated. The following table indicates the two basic permitted signs for each zone. Deviations from the permitted signs may be considered.

Table 1

| District/Use | Free standing Ground Sign* | | | Building Sign | |
|--------------|---|----------------|-----------|---------------------------------|---|
| | Number | Size | Height | Number | Size |
| Rural | One Identification Sign per Lot | 12 Square Feet | Five feet | None | Six Square Feet |
| Residential | Single Family: One per Development Entrance | 32 Square Feet | Five feet | One Identification per building | Six Square Feet |
| | Multifamily: One per Complex Entrance | 32 Square Feet | Five feet | | |
| Business | Single Structure: One per street frontage | 30 Square Feet | Five feet | One per street frontage | Six Square Feet per 25 linear feet of building or unit façade |
| | Multitenant: One sign per building | | | | |
| Industrial | Single Structure: One per street frontage | 30 Square Feet | Five feet | One per street frontage | Six Square Feet per 25 linear feet of building or unit façade |
| | Multitenant: One sign per building | | | | |

*A free standing sign may be permitted in lieu of a ground sign in Business and industrial districts not to exceed a maximum of 20 feet.

a) Rural Districts.

The following signs shall be permitted on any one lot in an AG or RR District and shall comply with the following area and dimensional regulations:

Product advertising signs provided the total combined area of such signs shall not exceed twelve (12) square feet for any premises.

Identification sign providing the name of the farm, or business where applicable, only.

b) Residential Districts.

The following types of signs are permitted in the Residential Zone Districts of the City, subject to specified requirements, unless otherwise provided for elsewhere in the Ordinance:

For detached or attached single family districts: nameplates, not to exceed two (2) square feet in area shall be permitted for each dwelling unit. Such nameplates shall indicate nothing more than the name and address of the premises, occupants thereof, announcements, etc. If lighted, such nameplates may be lighted with indirect illumination only.

Temporary ground signs, non-illuminated, advertising yard sales, garage sales, or the sale of personal property. Such signs shall not exceed four (4) square feet in area and shall not be located any closer than ten (10) feet from the pavement edge or the edge of the street or thoroughfare to which said sign is directed and must be removed within four (4) days of the completion of sale.

Subdivision signs (externally illuminated), which may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for neighborhood or subdivision identification. Such signs shall be limited to one (1) each at the principal entrance to the subdivision and located along the main traffic thoroughfare leading to the development. Such sign shall not exceed forty-two (42) square feet in area and shall be located not closer than fifteen (15) feet from the pavement edge of the street or road to which it is directed.

For multifamily and group dwellings: Identification signs, not to exceed nine (9) square feet in area. Such signs shall indicate nothing more than the name and address of the premises, and name of the management. Such signs shall be attached flush with the principal building and may be indirectly illuminated.

c) Business Districts.

The following signs shall be permitted on any one lot in this zone and shall comply with the following regulations. Each retail or service business may have one wall and one freestanding sign that adhere to the following requirements:

One (1) wall-mounted, business or professional nameplate sign denoting only the address, street, number, and/or business per occupant per building.

One (1) building wall sign or one (1) projecting sign and one freestanding ground sign per street frontage.

Each retail or service business may also have one awning or canopy sign on the front building facade, if the tenant space or establishment fronts the street.

The copy area of each building wall sign for retail and service businesses shall not exceed sixty (60) percent of the signable area of the front building wall of the Tenant space or establishment. The copy area of each building wall sign for offices, institutions, and similar uses shall not exceed forty (40) percent of the signable area of the front building wall of the tenant space or establishment.

The copy area of a canopy sign shall not exceed twenty (20) percent of the canopy area.

Projecting signs shall clear sidewalks by at least eight (8) feet. They shall project not more than four (4) feet from the building wall or one-third of the sidewalk width, whichever is less. They shall be pinned away from the wall at least six (6) inches and shall project from the wall at an angle of ninety (90) degrees. Angular projection at the corner of a building is prohibited. Projecting signs shall not extend vertically above the window sill of the second story. Every projecting sign shall not exceed a total of six and one-quarter (6.25 sf) square feet in area, and shall be limited in elevation such that the top edge of the sign is no higher than the top of the building or structure to which it is attached.

Freestanding Pole Signs. Each freestanding retail structure or shopping center is permitted one (1) freestanding pole

sign per lot face on a public thoroughfare in lieu of a ground sign.

Maximum Sign Area: 32 Sq Ft.

Maximum Sign Height: 20 feet

d) Industrial Districts.

The following signs shall be permitted on any one lot in this zone and shall comply with the following regulations. Each business may have:

One wall-mounted, business or professional nameplate sign denoting only the address, street, number, and/or business per occupant per building.

One (1) building wall sign or one (1) projecting sign and one freestanding ground sign per street frontage.

The copy area of each building wall sign for offices, institutions, and similar uses shall not exceed forty (40) percent of the signable area of the front building wall of the tenant space or establishment.

One freestanding, on-premise pole sign per lot in lieu of a ground sign.

Maximum Sign Area: 32 Sq Ft

Maximum Sign Height: 20 feet

Auxiliary signs, each not exceeding two (2) square feet in area.

A minimum lot area of one (1) acre per sign shall be required.

An EMS sign shall be allowed in conformance with regulations herein.

3) Electronic Message Signs.

Each on premise, free standing sign that conforms to the requirements of this Article 7, may include one (1) electronic message sign ("EMS"), except that each premises shall be limited to a maximum of one (1) EMS per facing street, subject the following restrictions and conditions.

- a) The sign face area of the EMS shall be included as part of permitted sign face area of the free standing signs, and shall not be addition to the permitted sign face area. The sign face area of the EMS shall not exceed 50 percent of the total allowable sign face area.
- b) The EMS shall only display a static message and/or graphic.
- c) Except as provided herein, an EMS shall not include visually distracting techniques such as flashing, travelling, moving, rotating, fluctuating, strobing, fading, dissolving, scintillating, blinking, flickering, racing, animating, simulation motion, or varying in color or intensity. The minimum display time for the static message and/or graphic shall be six (6) seconds. The transition time between messages and graphics shall not exceed one (1) second.
- d) An EMS may be comprised of more than one electronic element. Such signs shall be considered to be one (1) EMS provided that the elements are combined to form one display panel that complies with the permitted EMS sign face area.
- e) All EMS signs shall have automatic dimming controls, either by photocell or via software settings, in order to bring the EMS lighting level at night into compliance with the illumination standards set forth in subsection (f) below.
- f) EMS signs shall not exceed a maximum luminance level at 8,000 Nits in daytime and 1,700 Nits at nighttime regardless of the method of illumination measured twenty-five (25) feet from the base of the EMS. EMS signs must comply with this maximum luminance level at least one-half hour before sunset. EMS signs must comply with this maximum luminance level throughout the night, if the sign is energized, until sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions. As used in this Ordinance, one (1) Nit equals one (1) candela per square meter (lcd/m). The manufacturer or installer of any EMS must certify in writing that the owner of the EMS will be unable to adjust the luminance and that the proposed EMS will not exceed the luminance set forth in this subsection.
- g) No EMS shall display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance or cause a driver to mistake the sign for a warning

or danger signal, or to distract a driver from traffic control devices.

h) All EMS signs shall contain a default mechanism that will cause the EMS sign to immediately turn off or immediately revert to a black screen if the EMS malfunctions.

i) The conversion of any existing permitted sign to an EMS sign or the installation of an EMS sign on or within an existing permitted sign shall require the approval of a new sign permit pursuant to the provisions of this Ordinance.

j) Exposed neon or fiber-optic tubing on EMS signs is prohibited.

k) EMS signs shall not be permitted within 150 Ft. of any residential district, as measured by the nearest property line within the adjacent residential district to the base of the proposed sign. Any EMS located within 250 ft. of residential district shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on the nearest residentially zoned property.

l) Only one EMS shall be permitted per property, regardless of the number of buildings, frontages or establishments on the property.

4) Variances. Any request for variance from the standards set forth in this article shall be processed according to the procedures and criteria for variances as set forth in "Article 14. Zoning Board of Adjustments of these regulations.

5) Inspections. Staff shall, as determined necessary, inspect the property to ascertain that the sign is in accord with all provisions of these regulations and the building regulations, respectively, and in accord with all terms upon which the sign permit may have been conditioned.

6) Nonconforming Signs.

A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of The City of Vincent on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations.

All nonconforming signs shall be removed or altered to be conforming within five (5) years of the effective date of these regulations, unless an earlier removal is required by paragraph (c) below or by Illegal Signs."

Subject to the limitations imposed by item 2 above and 4 below, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

Structurally changed to another nonconforming sign, but its pictorial content may be changed.

Structurally altered to prolong the life of the sign, except to meet safety requirements.

Expanded or altered in any manner that increases the degree of nonconformity.

Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Administrator.

Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

Any nonconforming sign, which is located on land adjoining an interstate or federal-aid primary highway for which just compensation is required for removal by the Federal Highway Beautification Act or the Highway Beautification Act-Outdoor Advertising of the State of Alabama, shall be exempted from the removal terms of paragraph (b) above. This shall not, however, preclude the Town from seeking to remove any such sign through an eminent domain proceeding, nor achieving sign conformance by other lawful means.

7.11 Abandoned Signs

Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to

be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame). Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

7.12 Illegal Signs

The following signs shall be considered to be illegal and a violation of the terms of this article:

A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein.

A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection.

An abandoned sign.

Upon determination by staff that a certain sign is illegal, the Administrator shall act to remedy the violation, which may include:

The issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action.

The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the City shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance and shall be subject to the remedies and penalties provided by such ordinance and by state law.

7.13 Violations and Penalties

1) Citation for Violations.

The Building Inspector or any Police Officer of the City shall serve upon the contractor responsible for the sign permit or owner of the sign which is in violation of this article, a citation to appear in the Municipal Court of the City of Vincent at a time and date specified thereon to answer the charge of such violation(s) of this article. Provided however, that prior to 12:00 noon on the date this matter is to be set before the Municipal Court, such person, firm or corporation charged in such citation, if he has not previously settled or been convicted of three or more such violations within twelve months of the date of such citation, may dispose of the citation by settlement in the following manner: Pay the Clerk of the Municipal Court a fine for the offenses charged in the amount of \$100 plus any and all charges otherwise payable to the City pursuant to the terms and conditions of the article. If the offense charged is the third such offense by the owner or person charged within twelve months from the date of such citations, settlement cannot be voluntarily made to the Clerk of the Municipal Court as referred to above. If the settlement of the charges set out in the citation is not made prior to 12:00 noon of the date the case is set for trial in Municipal Court and if the party charged fails to appear and answer such charge in the Municipal Court at the time or place set out in such citation or if the citation has not otherwise been disposed of by such court, a warrant shall be issued charging such party with the violation set out in the citation, which warrant shall be obtained, served and tried as provided by law for the arrest and trial of the offenses involving violations of the ordinances of the City. If a person receiving a citation as herein provided has within the prescribing twelve months from the date of such citation settled or been convicted of three or more such violations, he shall not be permitted to settle the instant alleged offense, but shall be required to stand trial in the Municipal Court.

2) Penalty for Violation.

Once the warrant has been issued and tried before the Municipal Court, a person found guilty of such violations shall be guilty of a misdemeanor and shall be punished as provided for in applicable ordinances of the City of Vincent, which shall include the payment of any fines levied by the Court plus any court costs as therein provided and issued by the Court. Each day such offense continues shall constitute a separate offense.

3) Issuance of Citation. All citations shall be signed by the designated enforcement officer finding such violations and shall be sent by certified mail to the contractor responsible for the permit or to the owner of sign for which the violation is found. A warning of violation may be issued to the

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contractor or sign owner in writing, personal appearance, or telephone by the enforcement officer finding such violations. The warning shall give an opportunity for correction of any violations within 30 or less days before a citation is sent, as provided in (1) above.

ARTICLE 8. SUPPLEMENTARY REGULATIONS AND MODIFICATIONS

Section 8.1 Regulations supplemental

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this Ordinance.

Section 8.2 Use modifications

- 1) Temporary structures for use incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary building shall be removed upon completion or abandonment of the work.
- 2) Utility structures including, but not limited poles, wires, cross arms, transformers attached to poles, guy wires, insulators. Conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids, may be constructed, erected. Repaired, maintained, or replaced within any district in Vincent. This is not to be construed to the erection or construction of buildings or electric substations.
- 3) Railroad facilities including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains, may be constructed, repaired, maintained or replaced in any district.

Section 8.3 Height modifications

- 1) Chimneys, towers, elevator bulkheads, head houses, fire towers, gas tanks, steeples, penthouses, stacks, tanks, water towers, ornamental towers and spires, or necessary mechanical appurtenances, where permitted may be erected to any height not in conflict with existing or hereafter adopted ordinance of Vincent except that where permitted in connection with residential uses such structures shall be limited to a height of twenty (20) feet above the maximum height of structures permitted in that district.
- 2) The limitation of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which located.
- 3) Public, semi-public or public service buildings, including but not limited to hospitals, schools and churches, when permitted in a district with height

limitations of less than sixty (60) feet, may be erected to a maximum of sixty (60) feet, provided side yards are increased by one foot for each foot of additional limitation for the district in which the building is located.

Section 8.4 Area modifications for lots of record

Where a lot of record at the time of the effective date of this ordinance had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Planning Commission to requirements for the district in which it is located.

Section 8.5 General yard modifications

1) Every part yard shall be open to the sky unobstructed by any structure or part thereof, and unoccupied or use except as provided herein. Where an open space is more than fifty percent surrounded by residential or institutional buildings, the minimum width open space shall be at least twenty (20) feet for one story building, thirty (30) feet for two story buildings and forty (40) feet for three or more story buildings.

2) In a residential district, a fence of not less than four (4) feet in height shall enclose a private swimming pool. No appurtenance or pool shall be within ten (10) feet of any lot line.

3) Wherever yards provided between commercial or industrial structures, they shall have a minimum width of not less than six (6) feet. Sills, belt courses or ornamental features may project not more than six (6) inches into any yard. Cornices or eaves may project not more than eighteen (18) inches into any required yard.

4) Terraces. Uncovered porches, underground fallout shelters, or ornamental features that do not extend more than five (5) feet above grade may project into a required yard, provided such projections are not closer than two (2) feet to any lot line.

5) More than one multiple dwelling, institutional, commercial, or building may be located upon a lot or tract, but such building shall not encroach upon the front, side and rear yards required by the regulations. For multiple dwellings the open space between buildings shall be thirty (30) feet when one and forty (40) feet when one or both are three or more story buildings.

Section 8.6 Front yard modifications

The required front yards heretofore established shall be modified in the following cases:

- 1) Where forty percent or more of the frontage on the same side of a street between two intersecting is presently developed or may hereafter be developed with buildings that have (with a variation of five feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- 2) Where forty percent or of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - a) Where a building is to be erected on a parcel of land that is within one hundred feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the corners of the adjacent buildings, or
 - b) Where a building is to be erected on a parcel of land that is within one hundred feet of building on one side only, such building may be erected as close to the street as the existing building.
- 3) Through lots shall provide the front yard on both streets.
- 4) Corner lots shall provide a front yard on each street side. However, the buildable width of a lot of record need not be reduced to less than twenty-eight feet; provided that the side yards shall in no case be reduced to less than that otherwise required for the zone district. No accessory building shall project into the front yard on either street.
- 5) Service stations pumps and pump islands may be located within a required front yard but in no case shall the pump centerline be closer than fifteen (15) feet to any street line.

Section 8.7 Rear Yard

The rear yards established shall be modified in the following cases:

- 1) Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.

2) An unenclosed balcony, porch steps or fire escape may project into a rear yard for a distance not exceeding ten (10) feet.

3) Accessory buildings and structures may be in a rear yard, but such accessory buildings and structures shall not occupy more than thirty (30) percent of the required rear yard and shall not be nearer three (3) feet to any side or rear lot except that when a garage is entered from an alley it shall not be located closer than seven (7) feet to the alley line.

Section 8.8 Walls and Fences

Walls or fences may be located within the yards except as provided herein:

1) No wall or fence in a front yard shall exceed a height of four (4) feet, except as required for a retaining wall.

2) No wall or fence in a rear or side yard shall exceed a height of six and one-half (6 ½) feet, except as required for a retaining wall.

3) In any residential district, no fence, structure, or planting, which obstructs visibility, shall be maintained within twenty-five (25) feet of any street intersections.

Section 8.9 Wireless Telecommunications Facilities

The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are to: (1) achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities; (3) ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and (4) discourage the proliferation of towers throughout the areas of Vincent that are subject to the Zoning Ordinance of the Town of Vincent.

1) Definitions

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices/auxiliary structures are located. The outline of an accessory structure compound shall be accurately defined on a site plan.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Antenna. An electromagnetic device, which conducts radio, signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically, this includes “whips”, “cornucopia horns”, “panels”, and parabolic “dishes”.

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four “legs” (self-support/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *Tower*)

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Concealment Techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. Example: A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.

Private telecommunications operation. The use of a telecommunications facility to provide communications services internal to the facility owner or to its affiliates, provided that there is no fee charged for or lease of the communication services and provided further that such communication services are only accessory to the principal use of the owner's property on which they are located.

Temporary telecommunications tower. Mobile wireless telecommunications towers mounted upon trailers, operated temporarily. Also known as "cellular on wheels" (COWs).

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like (see also antenna support structure).

2) Procedures

a) Permit Requirements.

All wireless telecommunications facilities are subject to the standards contained in this section and will be required to receive a use permit from the Administrator prior to being granted a building permit. The following facilities are exempt from these standards and from any requirement to obtain a permit subject to this section:

Amateur radio and receive-only antenna owned and operated by a federally licensed radio station operator or used exclusively for receive-only antennas.

Telecommunications facilities for private communication operation less than or equal to seventy five (75) feet in height or mounted on a structure that is accessory to the principal use of the owner's property on which it is located.

Temporary telecommunications towers shall be allowed for a period not to exceed one year with approval from the Planning Commission. Requests for temporary use permits for self-supporting towers shall be accepted only for sites that are already approved for a permanent tower structure. An application for a temporary tower may be made simultaneously with an application for a permanent tower. All portions of the temporary self-supporting towers and its support structures, including guy wires, shall fall within the property or compound boundaries that are approved

specifically for wireless telecommunications facility use. A temporary tower shall not exceed the height of a permanent tower approved for a particular site. These regulations shall not apply to portable mobile emergency or test tower facilities.

3) Standards for Approval

A permit for a wireless telecommunications facility may be approved by staff only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met.

4) Location and Facility Height.

| WIRELESS TELECOMMUNICATIONS FACILITIES | ZONING DISTRICTS | | | |
|--|------------------|---------------|-------------|-------------|
| | A-P, R-R | E-S, R-1, R-2 | B-1, B-2 | M-1 |
| Alternative support structures | Permitted | Permitted | Permitted | Permitted |
| Co-location antennas | Permitted | Permitted | Permitted | Permitted |
| Use of concealment techniques (antenna support structures of any height) | Permitted | Conditional | Permitted | Permitted |
| Antenna support structures up to 60' in height | Permitted | Conditional | Permitted | Permitted |
| Antenna support structures 61' to 200' in height | Conditional | Conditional | Permitted | Permitted |
| Antenna support structures 201' to 260' in height | Conditional | Prohibited | Conditional | Conditional |
| Antenna support structures 261' in height or more | Prohibited | Prohibited | Prohibited | Conditional |

Towers and/or antennas utilizing alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.

“ Whips”, “panels”, cornucopia horns, and parabolic “dishes” placed on alternative support structures shall not exceed 100 square feet in size.

5) Area and Dimensional Regulations

Minimum Lot Size.

Lot size must conform to the minimum lot size required for the underlying zoning district. The minimum lot size for any new freestanding wireless telecommunications facility shall be large enough to allow for the antenna support structure and ground-mounted accessory structures of the applicant and the ground-mounted accessory structures at least one additional co-locating service provider. If only a portion of a parcel is being leased for a wireless telecommunications facility, the lease parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

6) Setbacks.

Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum yard requirements.

Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

| TOWER SETBACKS | |
|---|--|
| When the property on which the tower is located is zoned... | The setback from all property lines is... |
| A-P, R-R | 50' (for towers of any height)... (Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.) |
| E-S, R-1, R-2, | A distance equaling the height of the tower |
| B-1, B-2 | 50' (for towers of any height)... (Additional setback applies if tower is adjacent to a residentially-zoned property - see (c) below.) |

| | |
|-----|---|
| M-1 | 30' (for towers of any height)... (Additional setback applies if tower is adjacent to a residentially-zoned property) |
|-----|---|

Towers must be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on the subject property or adjacent property.

7) Co-location.

No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.

Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.

Antenna support structures less than or equal to 200 feet in height shall have the ability to accommodate at least one additional antenna, unless they would cause the height of the antenna support structure to be increased. Antenna support structures greater than 200 feet in height shall have the ability to accommodate at least two additional antennas.

Co-location is not required if the use concealment techniques is prohibitive to co-location efforts.

The City of Vincent may request of the owner/operator of wireless telecommunications facility permission to place weather warning equipment, such as horns and sirens, on a tower of a wireless telecommunications facility, which request may be refused by the owner/operator should such warning equipment interfere with the operation of the wireless telecommunications facility.

8) Aesthetics.

The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process. The design of the tower shall be of a type that has the least visual impact on the surrounding area.

Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA

standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

No signage, symbols, or advertisements may be attached to the pole, tower, or antenna.

Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are other types of concealment techniques (see *Concealment Techniques*).

9) Accessory Structures.

The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as shall be practical.

10) Nonvegetative Screening.

Nonvegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties, or the neighborhood in which it is located. In or adjacent to developed properties, nonvegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of 8 feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers.

All nonvegetative screening shall be properly maintained by the property owner or lessor.

In isolated non-residential areas, alternative nonvegetative screening methods may be accepted, such as the use of earth-toned, vinyl-coated steel security fencing.

In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural, or rural locations or developed heavy industrial areas, the nonvegetative screening requirement may be reduced or waived.

Wireless telecommunications facilities utilizing underground vaults rather than equipment buildings may be exempted from any buffer requirements.

11) Landscaping (see landscape regulations, Article 6).

12) Lighting.

Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.

Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than 20 feet in height. This lighting shall be focused only on the compound itself, and shall be directed away from any adjacent property.

13) Environmental Impact.

All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

14) Safety.

The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC on August 1, 1996, as amended.

Section 8.10 Manufactured Homes

1) Purpose

The purpose of these regulations is to provide supplemental standards and procedures specifically relevant to the development of manufactured

home communities. The standards contained in this section rectify the design standards contained elsewhere in the Subdivision Regulations to make them more compatible with the particular needs of manufactured home communities.

2) Definitions

Manufactured home. A structure, originally designed to be transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems contained therein.

Manufactured home lot/site. A parcel of land for the placement of a single manufactured home unit and for the exclusive use of its occupants.

Manufactured home community. A contiguous parcel of land under single or same ownership which has been planned, improved and used for the placement of six (6) or more manufactured homes for residential occupancy. The placement of manufactured homes on the property shall be by leasehold only, and no individual lots may be sold within the community without proper subdivision approval.

Manufactured home stand. That part of an individual lot/site which has been reserved or designed for the placement of one manufactured home unit.

Mobile home. See *Manufactured home.*

Manufactured home community street. A street which affords principle means of access to manufactured home lots/sites or auxiliary buildings from any adjacent public street.

Skirting. A durable material used to enclose the space from the bottom of the manufactured home to grade.

3) Procedures

a) Community Plan.

A manufactured home community plan shall be developed and drawn to a scale of one (1) inch to one hundred (100) feet and shall include the following:

The name of the rental community, the names and addresses of the owners and the names and addresses of the designer, engineer and/or surveyor.

The date, scale and approximate north arrow.

The boundaries of the rental community.

The site plan of the community showing streets, street centerlines, direction and radius, driveways, open area, parking spaces, service buildings, water courses, easements, manufactured home spaces and other items as may be required by the Administrator to assure compliance with the standards contained in these regulations.

Names of adjoining property owners.

The identification of all gas, water and sewage lines that will service the community. Street lights and solid waste shall also be included.

Surface water drainage plans.

Topographic survey.

Street profiles.

Typical road section.

Certification (seal) of registered surveyor and/or professional engineer.

b) Review and Approval.

Before a permit is issued for construction of a manufactured home community, the community plan must be submitted to staff to be reviewed and approved according to the procedures contained in Article II of the Subdivision Regulations of the City of Vincent except that recording of the community plan at the office of the Probate Judge of Shelby County shall not be required.

Should the community streets not be completed within two years of approval of the community plan, staff shall notify the Department of Building Inspections Services that no further building or electrical permits for manufactured home units shall be released within the manufactured home community until such time as improvements are completed.

c) Standards

Required Setbacks, Lot Area and Storage Buildings:

Along public streets. There shall be a 50 foot minimum building setback from the property line along all exterior park boundaries which abut a public street.

Along rear and side property lines. All community exterior boundaries not adjacent to a public street shall be provided with a 15 foot minimum building setback.

Along community streets. There shall be a minimum distance of 10 feet between the manufactured home and any abutting community streets.

Minimum lot/site size. Manufactured home lots/sites served by community or public water and sewer systems shall have a minimum lot width and area of Fifty (50) feet minimum width and 5,000 square feet minimum area. Lots/sites not served by community or public water and sewer systems may have a larger minimum area requirement as otherwise provided in these regulations or as established by the Shelby County Health Department.

Community frontage and area requirements. A manufactured home community shall front on a paved public street/road and shall have a minimum frontage of 50 feet and a minimum area of one acre.

Paving, soil and ground cover requirements. Exposed ground surfaces in all parts of every manufactured home community shall be paved, covered with crushed stone, or other solid material, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.

Lot/site drainage requirements. The ground surface in all parts of every manufactured home community shall be graded and equipped to drain all surface or storm water in a safe, efficient manner.

Separation between manufactured homes. Manufactured homes shall be separated from each other and from other buildings and structures by at least 20 feet. Porches and decks without tops or roof coverings may be excluded from

this requirement, but such shall be suitably sized and constructed to allow proper emergency access if such are used as a main entrance.

Separation between manufactured homes and off-site buildings. The location of any manufactured home within a manufactured home community must be at least thirty (30) feet from any permanent residential building located outside the community unless separated there from by a natural or artificial barrier.

Maximum height. No building or structure erected or stationed in a manufactured home community shall have a height greater than 2 1/2 stories or thirty five (35) feet.

Recreation area. There shall be provided a park and recreation area having a minimum of one hundred fifty (150) square feet for each manufactured home space. Areas shall be consolidated into usable recreation areas.

Manufactured Home Community Street System and Car Parking. The entrance and exit street or streets shall be designed to provide safe and convenient access between the public street and the community interior street system.

Community street system. Community street systems shall meet the following standards:

Community streets shall be platted with a space, not less than 30 feet wide, to accommodate streets, drainage structures and utilities, etc.

Community streets that serve more than 200 vehicles per day shall be paved with plant mix asphalt or a more durable material to a width of not less than 22 feet. Community streets that serve no more than 200 vehicles per day for residential access only shall be paved to a width of not less than 18 feet and may be paved with double bituminous surface treatment. Vehicles per day shall be as determined in the most current publication of the Institute of Traffic Engineers concerning traffic generation.

Each manufactured home site shall be accessible from abutting streets for all essential and emergency uses by vehicular equipment, including equipment

used by public protective agencies (fire, police, and ambulance services).

The street layout shall be designed to provide for the continuous flow of traffic, with cul-de-sacs (minimum radius of 50 feet) being permissible. Streets shall be designed with a horizontal and vertical alignment which meets at least a twenty (20) mile-per-hour design speed.

Traffic control signs (stop, yield, and speed) shall be placed and maintained in good condition throughout the community where necessary.

Each street shall have a permanent sign installed with a designated name identifying each street.

Paving of community streets shall be completed within two years of approval of the final plat. Streets and parking areas shall be maintained by the owner, operator, and/or manager of the manufactured home community at all times.

Parking. Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests.

A minimum of 200 square feet of parking is required for each lot/site for one (1) automobiles.

Driveways shall have a minimum width of 10 feet.

All off-street parking areas or spaces shall have direct access to a community street. No direct driveway access shall be permitted from manufactured home lots to any exterior street.

Manufactured Home Standards and Required Improvement.

Tie-Downs. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home based on the requirements of the manufacturer or the installation standards of the Alabama Manufactured Housing Commission.

Foundations. Foundations shall be installed in accordance with the standards set forth in the manufacturer's set-up

requirements, or the installation standards of the Alabama Manufactured Housing Commission.

Skirting. Installation of skirting on all manufactured homes shall be required. Installation shall be in accordance with the manufacturers installation instructions. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting.

Water Supply, Sewage and Refuse Disposal, and Electrical Equipment

Water Supply. An adequate and safe supply of potable water shall be provided for the manufactured home community. The source of the water supply shall either be through a public water system with the community connecting to the water lines, or when such a system is not available, the manufactured home community must be serviced by a supply approved by the Alabama Department of Environmental Management or the Alabama Department of Public Health.

Sewage disposal. An adequate and safe sewage disposal system shall be provided in the manufactured home community. Collection systems, sewage treatment facilities or individual septic tank systems or other on-site systems shall be approved by the Alabama Department of Public Health or the Alabama Department of Environmental Management.

Refuse disposal. The storage, collection, and disposal of refuse in the manufactured home community shall be so conducted as to prevent health hazards, rodent harborage, or insect breeding areas and shall comply with all local, state and federal laws, rules and regulations.

Electrical equipment and installation. Lot/sites and communities shall have all equipment and installations designed, constructed and maintained in compliance with the requirements of the Department of Building Inspection Services and all other local, state and federal laws, rules and regulations.

4) Storm water drainage.

No manufactured home community or part thereof shall shed storm water runoff water, either as surface runoff or an outfall from storm sewerage structures, onto any adjoining land unless such runoff is contained within

an existing drainage easement, ditch, structure or right-of-way. And provided further, that such existing drainage easement, ditch, structure or right-of-way provides outfall to an established drainage channel, as approved by the County Engineer. General Regulations.

5) Nonconformities.

The lawful use of land as a manufactured home community existing at the time of the adoption of these regulations, although such use does not conform to the provisions herein, may be continued and shall not be subject to the requirements of these regulations, but if the manufactured home community is discontinued for a period of one year, it shall not then be reestablished except in conformity with these regulations. Any expansion or addition to an existing nonconforming manufactured home community shall be in conformity with these regulations.

6) Supervision. The owner or a duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home community, its facilities and equipment in a clean, orderly and sanitary condition.

7) Violation and penalties. Any person, firm, corporation or any agent, servant, employee, officer or contractor for any person, firm or corporation who shall violate any provision, requirement, term or condition of these regulations shall be subject to the remedies contained in Subdivision Regulations of the City of Vincent or Chapter 11-24, Code of Alabama. 1975.

8) Conflicting resolutions. When the provisions of these regulations are in conflict with or inconsistent with other applicable regulations of Shelby County, then these regulations shall prevail.

9) Variances. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations due to unusual topographic, health, public safety, or other conditions beyond the control of the applicant, it may vary the regulations so that substantial justice may be done and the public interest secured, provided, however, that such variation will not have the effect of nullifying the intent or purpose of these regulations. Any variance thus authorized is required to be entered in writing in the minutes of the City of Vincent Planning Commission and the reason which justified the departure to be set forth.

10) Amendments. Any chapter, section, sub-section, or provision of these regulations proposed for amending shall be published and a public hearing held as provided by law.

11) Validity. Should any section, clause or provisions of these regulations be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of these regulations as a whole or any part thereof, other than the part so declared to be invalid, it being expressly declared that these regulations would have and is adopted without such invalid part or parts.

ARTICLE 9. NONCONFORMING USES

Section 9.1 When Continuance of Use Permitted, Change in Use

The lawful use of a structure or the lawful use of land existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same general classification or to a conforming use.

Section 9.2 Structures or Premises Vacant for One Year

In the event that a structure or premises occupied by a nonconforming use becomes and remains vacant for a continuous period of one year or more, the use of the same shall thereafter conform to the use regulations of the district in which such structure or premises is located.

Section 9.3 Enlargement or Modification of Structure or Premises

No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use which conforms to the use regulations of the district in which such structure or premises is located; provided, however, that a structure or premises may be physically enlarged, extended, reconstructed or structurally altered to the extent necessary for compliance with any existing applicable law or ordinance specifying minimum standards of health or safety.

Section 9.4 Enlargement or Modification of Nonconforming Use

No nonconforming use shall be enlarged, extended, or expanded unless such use is changed to a use that conforms to the use regulations of the district in which such use is located.

Section 9.5 Structures Conforming to District Regulations but not other Regulations.

A structure or building conforming to the use regulations of the district in which it is located but not conforming to any other provisions of this ordinance, may be enlarged, extended or expanded; provided; that such enlargement, extension or expansion conforms to the provisions of this ordinance.

Section 9.6 Restoration of Buildings

Any nonconforming or structure damaged or destroyed by any cause may be rebuilt or reconstructed to its original state of nonconformity provided that such reconstruction shall be commenced within one year after the damage occurs.

Section 9.7 Reestablishment of Nonconforming Use

Any nonconforming use discontinued because of damage or destruction of a building or premises may be reestablished at its original level of nonconformity provided that the use is resumed within one year of its discontinuance.

ARTICLE 10. INTERPRETATION OF ORDINANCE

Section 10.1 Minimum Requirements

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals and the general welfare. Where this ordinance imposes greater restrictions upon the use of a building or land or upon the open spaces, yard area or lot area, than are imposed or required by other ordinances, rules, regulations, or permits, or by easement, covenants or the provisions of this ordinance shall govern. Where other ordinances, rules, regulations or permits, or any easements, covenants or agreements impose greater restrictions upon the use of a building or upon the height, bulk or size of a building or structure, or require larger open spaces, yard area or lot area than are required under the regulations of this ordinance, such provisions shall govern.

ARTICLE 11. AMENDMENTS AND CHANGES

The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the City Council of the City of Vincent, but no amendment shall be considered unless it is first submitted to the Vincent Planning Commission for its review and recommendation. The City Council or the Planning Commission may, on their own initiative, propose changes and hold public hearings (public notice of which shall be given as prescribed by law) for the consideration of any proposed amendments to the provisions of this Ordinance or to the Official Zoning Map of the City of Vincent.

Section 11.1 Authority to Amend

Whenever the public necessity, convenience, general welfare, or good zoning practice warrants such action, the Planning Commission may amend, supplement, modify, or repeal the regulations or zoning district boundaries herein established.

Other authorized petitioners include the City Council, property owner or agent of such property owner.

Section 11.2 Petition for Amendment

A petition for the amendment of this Ordinance or a change in the zone district boundaries, when initiated by the property owner or by the authorized agent of such owner, shall be made on a form made available from the City Clerk. To ensure an adequate and comprehensive review a completed application shall be filed with the Administrator at least thirty (30) days prior to the Planning Commission hearing.

1)The Administrator shall, upon determination that an application complies with all applicable submission requirements as contained herein, receive the application and schedule it for consideration and review by the Planning Commission.

2) At least fifteen (15) days prior to the scheduled Planning Commission public hearing for a change in zone district boundaries, the Chairman of the Planning Commission shall give written notice of the proposal to the applicant and to all property owners adjoining the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those property owners at their addresses submitted by the applicant at the time application was made. Any error in the addresses of such notices shall not invalidate the giving of such notice, provided that not more than five percent (5%) of the total number of notices contain any such error.

3) Additionally, the Chairman of the Planning Commission shall cause the proposed amendment to be published in a newspaper of general circulation published within the City. If, however, there is no newspaper of general circulation published within the City, the Planning Commission must cause the notice of the proposed conditional use to be posted in four (4) conspicuous locations within the City.

4) All notices, publications, and advertisements shall contain the following:

- a) Name of the applicant.
- b) The location of the subject property.
- c) The proposed use of the property requested to be rezoned.
- d) The time, date and location of the Planning Commission public hearing.

5) At least fifteen (15) days prior to the scheduled Planning Commission public hearing for a text change, the Chairman of the Planning Commission shall give written notice of the proposed text change and the time, date and location of the Planning Commission public hearing by publication in a newspaper of general circulation published within the City. If, however, there is no newspaper of general circulation published within the City, the Planning Commission must cause the notice of the proposed text change to be posted in four (4) conspicuous locations within the City.

6) The Planning Commission shall consider a proposed amendment subject to the Comprehensive Plan, the proposed Long Range Land Use Plan, the conditions present in the neighborhood of the proposed amendment and any changes in the character of the neighborhood, and the long term effects of the proposed amendments on the surrounding properties and the community as a whole. The Planning Commission shall recommend, with conditions or not, the proposed amendment to the City Council by resolution.

7) At least fifteen (15) days prior to the public hearing of the amendment before the City Council, the City Clerk shall cause the proposed amendment to be published once a week for two (2) consecutive weeks (once in its entirety and once in a synopsis form referring to the date and name of the newspaper in which the proposed amendment was first published) in advance of its consideration in a newspaper of general circulation published within the City. If, however, there is no newspaper of general circulation published within the City, the City Clerk must cause the proposed amendment to be posted in four (4) conspicuous locations within the City.

8) Said notices, publications, and advertisements shall contain the following:

- a) Name of the applicant.
- b) The location of the subject property.
- c) The proposed use of the property requested to be rezoned.
- d) The time, date and location of the City Council public hearing.
- e) Such notice shall further state that, at such public hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed amendment.

9) The City Clerk shall also give written notice to the applicant and to all property owners adjoining the subject property. Such notice shall be deemed given when deposited in the United States Mail, first class postage prepaid, addressed to those property owners at their addresses as submitted by the applicant at the time application for the amendment was made. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five percent (5%) of the total number of notices contain any such error.

10) At the time and place scheduled for the public hearing of the proposed amendment, the City Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission and hear any arguments in opposition to and/or support of the proposed amendment by the general public.

11) After such hearing, the City Council may adopt the ordinance as recommended by the Planning Commission or may impose conditions and restrictions upon the proposed amendment as may be necessary to comply with the standards set forth above or to reduce or minimize any potentially injurious effect of such amendment upon other property in the neighborhood and to carry out the general purpose and intent of these regulations.

12) If the City Council makes substantial changes to the ordinance as advertised, the City Council should hold another Public Hearing after giving notice as described herein.

13) After the Ordinance to amend the Zoning Map of the City of Vincent is adopted by the City Council, it must again be published in the same

manner as all municipal Ordinances, subject to the provisions of Section 11-45-8 of the Code of Alabama.

Section 11.3 Submittal Requirements

A petition for a change in zone district boundaries shall contain, but not be limited to the following:

- a) The name, signature and address of the property owner and agent of the property owner, if any.
- b) The address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to the rezoning request.
- c) The present and proposed zoning and land use of the property under consideration.
- d) The reason for the rezoning request.
- e) The availability of required utilities and methods of storm water drainage and traffic control.
- f) A vicinity map, drawn to scale, showing the size and location of the subject property.
- g) A site plan, drawn to scale, showing all dimensions, the property boundaries, public rights-of-way, and the proposed use and development layout.
- h) The names and addresses of all of the adjacent property owners as well as those property owners within two hundred feet of the subject property, as shown on the most recent records of the Shelby County Tax Assessor's Office.
- i) Application for a text change shall provide the current text and the proposed changes thereto, as well as written arguments in support thereof.

Section 11.4 Fees

Before any action shall be taken as provided in this Article, the applicant petitioning for a change shall deposit a fee according to the current fee schedule established by the City Council of the City of Vincent including the cost of actual certified mail and legal advertisement as required by law. Under no condition

shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law.

Section 11.5 Limitation on Rezoning Requests

No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months, provided that by unanimous resolution of the Planning Commission that such action may be initiated at any time.

ARTICLE 12. VIOLATION AND PENALTY

Section 12.1 Penalty

In addition to other means provided by law for the enforcement of the provisions of this Ordinance, any person violating any of provisions thereof shall, upon conviction, be fined not more than one hundred dollars (\$100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

ARTICLE 13. VALIDITY

Section 13.1 Severability of Ordinance

If any section or provision of this Ordinance, including any part of the Zoning Map which is a part of this ordinance, is declared by a of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared invalid.

ARTICLE 14. ZONING BOARD OF ADJUSTMENT

Section 14.1 Establishment and Membership

The Zoning Board of Adjustment is hereby established. The word "Board", when used in this Ordinance, shall be construed to mean the Zoning Board of Adjustment. The Board created in accordance with and as authorized by Section 11-52-80, Code of Alabama, 1975, as amended, shall consist of five regular members and two supernumerary members appointed by the City Council and representing as equally as possible the several districts, wards, or other areas of the municipality, to be determined by the council, and one regular member appointed by the mayor.

All members of the Zoning Board of Adjustment of the City of Vincent shall be citizens and residents of the City of Vincent. Any member who ceases to be a citizen and resident of the City of Vincent shall vacate said position on the Zoning Board of Adjustment immediately.

Section 14.2 Meetings, Procedure and Records

Meetings of the Board shall be held at such times as the Board may determine, or upon call of the Chairman. 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 other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 14.3 Powers and Duties

The Board in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers:

- 1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrator in the enforcement or application of this Ordinance.
- 2) To authorize in specific cases a variance from the terms of this Ordinance such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, but where the spirit of the Ordinance shall be observed and substantial justice done. No variance shall be authorized Unless the Board finds all of the following conditions exist:

- a) That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
- b) That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
- c) That the condition from which relief for a variance is sought did not result from action by the applicant.
- d) That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Vincent.

Section 14.4 Appeals

An appeal from the decision of the Administrator of the City of Vincent may be taken to the Board by any person aggrieved, or by any officer, department, board or agency of the City of Vincent affected by such decision.

- 1) Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Administrator and with the Board a notice of appeal specifying the grounds thereof.
- 2) The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. Proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Administrator and on due cause shown.
- 3) The Board shall fix a reasonable time for the hearing of an appeal taken within the time specified by its rules, give public notice thereof, as well as due notice to the property owner, and/or applicant, and all adjacent property owners, and decide the same within a reasonable time. Upon the hearing of such appeal, any party may appear in person, or by agent or attorney.

Section 14.5 Submittal Requirements

Application to the Zoning Board of Adjustment for an appeal, a variance or a special exception shall include the following:

- 1) A completed Zoning Board of Adjustment application signed by the property owner, or a certified form authorizing the applicant to act on the owner's behalf.
- 2) Legal description of the subject property (survey preferred).
- 3) Three copies of a site plan (or survey) of the subject property, showing the subject area and the proposed encroachment or other conditions.
- 4) One to two page document identifying the hardship or practical difficulty that supports the requested variance or special exception, or a written explanation describing the grounds of an appeal.
- 5) Application Fee, according to the current schedule of fees established by the City Council, and the cost of advertisement and notification. Said fees shall be nonrefundable irrespective of the final disposition of the application.
- 6) Only completed applications and the payment of all fees will be accepted.

Section 14.6 Public Notice Required

At least seven (7) days prior to the scheduled Zoning Board of Adjustment public hearing, the Chairman of the Board shall give written notice of the appeal, variance or special exception request to the property owner and to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail, first class, postage prepaid, addressed to such property owners at the addresses as submitted with the appeal or variance application by the applicant, as well as publication in a newspaper of general circulation published within the city. If, however, there is no newspaper of general circulation published within the city, the City Council must cause the notice of the proposed conditional use to be posted in four (4) conspicuous locations within the City. Any error in the address of such notices shall not invalidate the giving of notice, provided that no more than five percent (5%) of the total number of notices given contain any such error. Such notice shall state the following:

- 1) The name of the applicant.

- 2) The location of the property.
- 3) The nature of the appeal, variance or special exception and applicable zoning provisions.
- 4) The time, date and location of the Zoning Board of Adjustment public hearing at which said application is to be heard and considered.

Section 14.7 Appeals from Action of the Board of Adjustment

Any party aggrieved any final judgment or decision of the Board may, within fifteen (15) days thereafter appeal to the circuit court of Shelby County, Alabama, or court of like jurisdiction, by filing with the Board a written of specifying the judgment or decision from which the appeal is taken. In the case of such appeal, the Board shall cause a transcript of the proceedings in the cause to be certified to the court which the appeal taken and the cause in such court shall be tried de novo.

Section 14.8 Fees

Before any action shall be taken as provided in this Article, the applicant shall deposit a fee according to the current fee schedule established by the City Council of the City of Vincent including the cost of actual certified mail and legal advertisement as required by law. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law.