

Ordinance 7000-04

VINCENT PLANNING COMMISSION

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**ZONING REGULATIONS
for the
TOWN OF VINCENT, ALABAMA**

Including revisions through:
- October 10, 2000 -

SHELBY COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

ZONING ORDINANCE of the TOWN 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 BEEN MADE IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND DESIGNED TO LESSEN CONGESTION IN THE STREETS, TO SECURE SAFETY FROM FIRE, PANIC AND 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 AD 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 AND TOWARD ENCOURAGING APPROPRIATE USES OF LAND THROUGHOUT THE TOWN AS DEFINED IN THE TOWN=S COMPREHENSIVE PLAN OR PARTS THEREOF.

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ARTICLE I. SHORT TITLE

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the Planning Commission of the Town of Vincent, Alabama as follows:

This Ordinance shall be known as the "Zoning Ordinance of the Town of Vincent, Alabama," and the map herein referred to, identified by the title "Zoning Map of the Town of Vincent, Alabama", shall be further identified by the signature of the Mayor of the Town of Vincent, and attested by the Town Clerk. The Zoning Map of the Town of Vincent (hereafter "Zoning Map") is hereby adopted and made a part of this ordinance. Such map shall be filed with the Town Clerk and show thereon the date of adoption of this ordinance.

Joe A. Thompson
The Honorable Joe A. Thompson, Mayor Town of Vincent

ATTEST: Mary Lee Reynolds
Town Clerk

ARTICLE II. PURPOSE AND METHOD

Section 1. Purpose

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the Town of Vincent in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development and growth of the Town of Vincent; to reduce hazards to life and property; to establish the location, size, and specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces and sanitary, safety and protective measures that shall be required for such buildings, dwellings, and structures; to avoid congestion on the public roads and streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and sufficient water supply and other public requirements; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of the Town of Vincent.

Section 2. Methods

For the purposes stated above, the Town of Vincent is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

ARTICLE III. DEFINITIONS

Section 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 AVincent@ shall refer to the ATown of Vincent@ and the word "shall" is mandatory and not directory.

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.

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

Apartment building. See "Multiple dwelling."

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

Bufferyard. 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. 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.

Child care facility. A facility established for the care of children as defined in ' 38-7-2 of the *Code of Alabama, 1975*. For the purposes of this ordinance, this definition includes the following:

(1) *Child care center.* This includes facilities licensed as day care centers and nighttime centers in accordance with ' 38-7-2 of the *Code of Alabama, 1975*. Day care centers and nighttime centers serve more than twelve children.

(2) *Child care institution.* This includes facilities licensed as group homes and child care institutions in accordance with ' 38-7-2 of the *Code of Alabama, 1975*. These facilities provide full time care.

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by one or more medical service providers.

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.

District. A section or sections of the Town of Vincent 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.

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.

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.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by 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, 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.

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

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

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 used 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/ Bed & Breakfast. 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. A hotel is open to the transient public in contradistinction to a boardinghouse, or a rooming house which are herein separately defined.

Institution. The structure or land occupied by a group, cooperative, board, agency or organization created for the purpose of carrying 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.

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 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.

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 National Manufactured Housing Construction and Safety Standards Act of 1974.

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 ten or more mobile homes used as living facilities, or an area containing ten 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 home 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.

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, hiking, golf courses, play grounds, 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.

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.

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.

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

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 be 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 not more than three feet above the top floor level, and in which space not more than two thirds of the floor area is finished off for 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 walls, columns, beams or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying 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, back stops for tennis courts, fences or radio towers.

Trailer. See Mobile Home.

Transportation, communication and utility. This group of activities includes those uses which provide

essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

- (1) Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue;
- (2) Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations;
- (3) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies;
- (4) Airports, airfields, and truck or bus terminals; and
- (5) Railroad stations, terminals, yards and service facilities.

Travel trailer. A trailer designed primarily for transport under its own power or by passenger vehicles and providing temporary living quarters.

Tourist home. A dwelling in which accommodations are provided or offered for one or more transient guests for compensation.

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 district 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 district map. The zone map.

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

ARTICLE IV. ZONING DISTRICTS AND BOUNDARIES

Section 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 2):

A-P	Agricultural Preserve
A-1	Agricultural District
R-1	Residential District
R-2	Multiple Dwelling District
B-1	Local Business District
B-2	General Business District
M-1	Light Industrial District

Section 2. Zone Map.

The Map or maps which are identified by the title "Zoning Map of the Town 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 3. District boundaries.

The district boundary lines on the zone map are intended to follow either natural boundaries, streets or alleys or lot lines, and where the districts 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 4. Annexed Property.

Unless otherwise initially classified, any property hereafter annexed to the town shall be classified A-1 Agricultural District.

Section 5. Unclassified Uses.

In the event the Town of Vincent receives an application for permitting of a use that is not listed or that cannot appropriately fit in a district listed above, the following procedure shall apply:

- (a) If compatible with the existing use district intent, the unclassified use may be permitted as a special exception by the Board of Adjustment pursuant to Article XV.
- (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, and special exception granted by the Board of Adjustment pursuant to Article XV before granting approval.
- (c) Following final action of the unclassified use per above paragraphs, the Planning Commission may initiate an amendment to this ordinance to list the newly permitted use in the most appropriate district(s).

ARTICLE V. GENERAL REGULATIONS

Section 1. Generally.

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

Section 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 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. 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 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 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 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.

Section 8. Accessory buildings.

- (a) No accessory structure shall be constructed or moved upon a lot until the construction of the main building has actually been commenced.
- (b) No accessory building shall be used for dwelling purposes other than by domestic servants entirely employed on the premises.

Section 9. 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 10. 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 district.

Section 11. 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 District more than one month prior to the commencement of construction.

Section 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 13. Parking and storage of certain vehicles.

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

Section 14. Mobile Homes and Trailers.

(a) 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.

(b) 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 site-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: (i) site-built or other forms of housing which may be permitted in the same general area under this Ordinance or (ii) existing development or (iii) proposed development in the same zoning district or area. Items subject to compatibility comparison will include the following:

- (1) 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.

- (2) Roof pitch, roof overhang; Roofing materials. The general shape and appearance 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.
 - (3) 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.
 - (4) Site orientation. Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.
 - (5) 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.
 - (6) Towing devices. All towing devices, wheels, axles, and hitches must be removed, if designed to be removed.
 - (7) 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.
 - (8) Underpinning. The type of material and method used for underpinning shall be consistent with and compatible to the underpinning for site-built houses in adjacent or nearby locations.
- (d) Mobile homes or trailers may be used for sales offices for outside sales or merchandise such as mobile homes, camping trailers, or automobiles.
- (e) The use of mobile homes 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 15. 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. Substantial remodeling, repair or modification projects shall require a building permit. Substantial remodeling, repair or modification projects are generally defined as those projects that require a professional electrician or plumber.

Section 16. 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.

ARTICLE VI. A-P AGRICULTURAL PRESERVE DISTRICT

Section 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 A-P Agricultural Preserve District.

Section 2. Use regulations.

(a) *Permitted uses.* Within "A-P Agricultural Preserve" districts, only the following uses and structures designed for such uses shall be permitted:

- (1) Single-family dwelling including manufactured homes.
- (2) Nurseries or home gardens.
- (3) Greenhouses.
- (4) 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.
- (5) Home occupations.
- (6) Accessory structures and uses.
- (7) Truck crops.
- (8) Grazing.
- (9) The growing of crops in the open.
- (10) Horticulture
- (11) The raising of animals but not including commercial feed lots.
- (12) Dairying.
- (13) 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.
- (14) Kennels provided that open pens or runs are located not less than seventy-five (75) feet from any lot line.
- (15) Accessory dwellings for persons employed on the premises.
- (16) Fur bearing animals provided that no structure for keeping fur bearing animals shall be located closer than seventy-five (75) feet to any lot line.

(b) *Conditional uses.* Within "A-1 Agricultural" districts, the following uses may be allowed as conditional

uses:

- (1) Transportation, communication and utility.

Section 3. Area and Dimensional Regulations.

Except as provided in Articles XII, XIV, and XV the area and dimensional regulations set forth in the following table shall be observed.

Minimum Setback		Minimum Side Setbacks		Maximum Density
Front	Rear	One Side	Total Both Sides	
40	40	20	50	1 housing unit per ten acres

ARTICLE VII. A-1 AGRICULTURAL DISTRICT

Section 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 A-1 Agricultural District.

Section 2. Use regulations.

(a) *Permitted uses.* Within "A-1 Agricultural" districts, only the following uses and structures designed for such uses shall be permitted:

- (1) Single-family dwelling including manufactured homes.
- (2) Nurseries or home gardens.
- (3) Greenhouses.
- (4) 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.
- (5) 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.
- (6) Home occupations.
- (7) Accessory structures and uses.
- (8) Truck crops.
- (9) Grazing.
- (10) The growing of crops in the open.
- (11) Horticulture
- (12) The raising of animals but not including commercial feed lots.
- (13) Dairying.
- (14) 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.
- (15) Animal clinics.
- (16) Kennels provided that open pens or runs are located not less than seventy-five (75) feet from any lot line.
- (17) Accessory dwellings for persons employed on the premises.
- (18) Fur bearing animals provided that no structure for keeping fur bearing animals shall be located

closer than seventy-five (75) feet to any lot line.

(b) *Conditional uses.* Within "A-1 Agricultural" districts, the following uses may be allowed as conditional uses:

- (1) Outdoor recreation.
- (2) Transportation, communication and utility.
- (3) Child care institution.
- (4) Libraries.

Section 3. Area and Dimensional Regulations.

Except as provided in Articles XII, XIV, and XV the area and dimensional regulations set forth in the following table shall be observed.

Minimum m Setback		Minimum Side Setbacks	Minimum lot area per family
Front	Rear	One Side	T o t a l B o t h Sides
40	40	20	50
			1 acre

ARTICLE VIII. R-1 RESIDENTIAL DISTRICT

Section 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.

Section 2. Use regulations.

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

- (1) Single-family dwelling including manufactured homes, on lots of 20,000 sq. ft..
- (2) Nurseries or home gardens, provided, that no sales shall be made on the premises.
- (3) Noncommercial greenhouse.
- (4) Church or other place of worship provided, that any building shall be located not less than fifty (50) feet from any side lot line.
- (5) 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.
- (6) Home occupations.
- (7) Accessory structures and uses.

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

- (1) Outdoor recreation.

Section 3. Area and dimensional regulations.

Except as provided in Articles XII, XIV, and XV, the area and dimensional regulations set forth in the following table shall be observed.

Minimum Yards				Minimum Lot Size	Maximum Building Height	Minimum Lot Width
Front	Rear	One Side	Total Both Sides			
30	30	8	18	20,000 sf	35 feet	9

ARTICLE IX. R-2 MULTIPLE DWELLING DISTRICT

Section 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.

Section 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:

- (1) Any use permitted in the R-1 Single Family District.
- (2) Two-family dwelling.
- (3) Multiple Dwelling.
- (4) Rooming or boarding house.

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

- (1) Outdoor recreation.
- (2) Child care centers.
- (3) Libraries.
- (4) Mobile Home Parks.

Section 3. Area and dimensional regulations.

Except as provided in Articles XII, XIV, and XV, the area and dimensional regulations set forth below shall be observed.

Front	Minimum Yards			Minimum Lot Size Per Family	Maximum Building Height	Minimum Lot Width
	Rear	One Side	Total Both Sides			
30	30	8	18	10,000 sf for single family dwellings 6,000 sq.ft. for two family dwellings 3,000 sq.ft. for multiple dwellings	35 feet	90

ARTICLE X. B-1 LOCAL BUSINESS DISTRICT

Section 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.

Section 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:

- (1) A public, semi-public or private office.
- (2) Greenhouse having a retail outlet on the premises.
- (3) Bakery with sale of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.
- (4) Barber shop, beauty shop, massage or similar personal service shops.
- (5) Catering shop.
- (6) Dressmaking and tailoring; provided, that all work is done for individuals, at retail only, and on the premises.
- (7) Drugstore.
- (8) Medical or dental office or clinic and other professional or business office.
- (9) Parking lot and storage or parking garage.
- (10) Restaurant or coffee shop.
- (11) 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.
- (12) Service station; 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.
- (13) Shoe repairing, repairing of household appliances and bicycles on an individual service call basis, and other uses of a similar character limited in size and nature to those which serve the immediately surrounding neighborhood.
- (14) Accessory structures and uses.
- (15) Amusement or recreation service, except drive-in theater or practice golf-driving range.
- (16) Business, dancing or music school.
- (17) Display room for merchandise to be sold at wholesale.

-
- (18) Hotel, motel, or motor court.
 - (19) Bank or lending institution.
 - (20) Medical or dental laboratory.
 - (21) The following uses provided all materials are stored and all work done on the premises is done within a building:
 - (a) Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.
 - (b) Painting decorators.
 - (c) Radio or television repair shop.
 - (d) Dressmaking, millinery or tailoring establishment.,
 - (e) Upholstering shop, not involving furniture manufacturing.
 - (f) Any other general service or repair establishment of similar character.
 - (22) Sales office; provided the merchandise shall not be stored on the premises.
 - (23) Research or testing laboratories compatible with other permitted uses.
 - (24) A clinic, convalescent home or hospital except one used for the treatment of animals.
 - (25) Church or school.
 - (26) Child care center.
 - (27) Child care institution.
 - (28) Auditorium, library and museum operated by non-profit organizations.
 - (29) Private club or lodge, excepting one, the chief activity of which is a service customarily carried on as a business.

(b) *Conditional uses.* Within "B-1 Local Business" districts, the following uses may be allowed as conditional uses:

- (1) Outdoor recreation.
- (2) Transportation, communication and utility.
- (3) Single family residences excluding manufactured homes.
- (4) Two-family residences.
- (5) Multifamily residences.

Section 3. Area and dimensional regulations.

Except as provided in Article XII, XIV, and XV, the area and dimensional regulations set forth below shall be observed.

Maximum Height of Structures		Minimum Yards			Maximum square feet per business
Minimum Lot Width		Front	Rear	Side	
Stories	Feet				
22	35	20	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a bufferyard	None, except on the side of a lot abutting a dwelling district, in which case there shall be a bufferyard	none
none					

ARTICLE XI. B-2 GENERAL BUSINESS DISTRICT

Section 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-2 General Business District.

Section 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:

- (1) Any use permitted in the B-1 Local Business District; provided however, that the limitations upon extent of service area shall not apply.
- (2) Automobiles or trailer display and sales room.
- (3) Public garage.
- (4) Frozen food locker.
- (5) Farm implement display and sales room.
- (6) Hospital or clinic for animals, but not including open kennels.
- (7) Retail store or shop.
- (8) Tavern or drive-in restaurant.
- (9) Used car lot.
- (10) A shopping center or facility composed of any one or more of the permitted uses or any combination thereof.
- (11) Hardware, or building materials sales.
- (12) Automotive, farm implement or trailer repair or servicing.
- (13) 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:

- (1) Outdoor recreation.
- (2) Transportation, communication and utility.

Section 3. Area and dimensional regulations.

Except as provided in Articles XII, XIV, and XV, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structures	Minimum Yards		Minimum Lot Area	Minimum Lot Width
	Front	Rear / Side		
35 feet	none	None, except where abutting a dwelling district, in which case there shall be a bufferyard	No Minimum	No Minimum

ARTICLE XII. M-1 LIGHT INDUSTRIAL DISTRICT

Section 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.

Section 2. Use Regulations.

(a) *Permitted uses.* Within "M-1 Light Industrial" districts, only the following uses and structures designed for such uses shall be permitted:

- (1) Animal hospital or clinic including open kennels.
- (2) Contractor's or construction dealer=s yard.
- (3) Grain and feed storage.
- (4) Heating fuel or building material storage or wholesaling; provided, that the materials shall not be extracted or processed on the premises.
- (5) Lumber yard.
- (6) Warehouse.
- (7) Bottling plant or dairy.
- (8) Assembly of parts for production of finished equipment.
- (9) Manufacturing, fabricating, processing, or assembling uses 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, such as the following:
 - (a) Boats (less than five ton.)
 - (b) Bolts, nuts, screws, washers, rivets, nails, brads, tacks, spikes, staples and similar items.
 - (c) Clothing.
 - (d) Food, not including animal or poultry slaughter or processing.
 - (e) Pharmaceuticals.
 - (f) Furniture and wood products.
 - (g) Glass products, but not including glass manufacture.
 - (h) Hand tool and hardware products.
 - (i) Ice.
 - (j) Musical instruments, games or toys.

- (k) Office machines.
 - (l) Plastic and rubber products, not including processing of raw materials.
 - (m) Plating of silverware or utensils.
 - (n) Signs.
 - (o) Sporting goods.
 - (p) Other similar uses.
- (10) Accessory buildings including a dwelling for a watchman or custodian employed on the premises.
- (11) Transportation, communication and utility.

Section 3. Area and dimensional regulations.

Maximum Height of Structures	Minimum Yards		Minimum Lot Area	Minimum Lot Width
	Front	Rear / Side		
45 feet	None	None, except where abutting a dwelling district, in which case there shall be a bufferyard	No Minimum	No Minimum

ARTICLE XIII. SUPPLEMENTARY REGULATIONS AND MODIFICATIONS.

Section 1. Regulations supplemental.

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

Section 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 construction work.

(2) Utility structures, including, but not limited to, 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 include 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 3. Height modifications.

(1) Chimneys, cooling 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 on number 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 height of sixty (60) feet, provided side yards are increased by one foot for each foot of additional building height above the height limitation for the district in which the building is located.

Section 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 the requirements for the district in which it is located.

Section 5. General Yard modifications.

(1) Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar use except as provided herein.

- (2) Sills, beltcourses or ornamental features may project not more than six (6) inches into any yard.
- (3) 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 which do not extend more than five (5) feet above grade may project into a required yard, provided such projections be not closer than two (2) feet to any lot line.
- (5) More than one multiple dwelling, institutional, commercial or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations. For multiple dwellings the open space between buildings shall be thirty (30) feet when one or both are two-story buildings, and forty (40) feet when one or both are three or more story buildings.
- (6) Where an open space is more than fifty percent surrounded by residential or institutional buildings, the minimum width of the 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.
- (7) In a residential district, a private swimming pool shall be enclosed by a fence of not less than four (4) feet in height. No mechanical appurtenance or pool shall be within ten (10) feet of any lot line.
- (8) The minimum dimension of a yard upon which any entrance or exit of a multiple dwelling faces shall be twenty (20) feet.
- (9) Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of not less than six (6) feet.

Section 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 streets 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 more 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 two closest front 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 an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- (3) Through lots shall provide the required 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 7. Rear Yard Modifications.

The rear yards heretofore 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 feet.
- (3) Accessory buildings and structures may be built 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 than three (3) feet to any side or rear lot line, 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. 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 (6.5) feet, except as required for a retaining wall.
- (3) In any residence district, no fence, structure or planting which obstructs visibility shall be maintained within twenty-five (25) feet of any street intersections.

ARTICLE XIV. MOBILE HOME PARKS

Section 1. Mobile Home Park Standards

The following property development standards shall apply for all mobile home parks hereinafter established or altered.

- (a) No parcel of land containing less than six acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be used for a mobile home park.
- (b) The mobile home park shall be constructed so as to provide adequate light and air and to avoid undue congestion; provided, however, there shall be not less than one half an acre of area for each space provided on the site. This space ratio shall include access roads, automobile parking, accessory building space, and recreation area.
- (c) The mobile home park shall be located on a well drained site, shall be so located that its drainage will not endanger any water supply, and shall be in conformity with all applicable health and sanitation regulations in force by the County Health Officer.
- (d) Yards.
 - (1) Each mobile home park shall have a front yard of not less than twenty-five (25) feet extending for the full width of the parcel devoted to said use.
 - (2) Each mobile home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than fifteen (15) feet.
 - (3) Where a side or rear yard abuts a streets, the yard shall not be less than twenty-five (25) feet and all yards shall be landscaped and maintained.
 - (4) No building or structure erected or stationed in the park shall have a height greater than 12 stories or twenty (20) feet.
 - (5) Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of twelve (12) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.
 - (6) Each mobile home space shall be of sufficient size that, in addition to the trailer, the following areas shall be provided:
 - (a) Each mobile home space shall be at least thirty (30) feet wide and seventy (70) feet deep, and such space shall be clearly defined by permanent markers.
 - (b) There shall be a front yard setback of at least ten (10) feet from all access roads within the mobile home park.
 - (c) Mobile homes shall be so harbored on each space that there shall be at least twenty (20) feet clearance between mobile homes or any attachments thereto; provided however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall be not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.

(d) There shall be at least two off-street parking space's for each trailer space which shall be on the same site or located in grouped parking bays specifically designed for such purpose close to the site served.

(e) Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet; and may provide a metal storage locker or locker fabricated of some suitable material such as concrete blocks or brick, but shall not contain wood siding. Storage lockers shall be located in locker compounds established in the rear of the mobile home spaces. Such lockers shall be located at least ten (10) feet from trailer coaches.

(f) A docking pad containing a minimum of four (4) inches of compacted gravel, or other suitable pavement material, shall be provided for each trailer space.

Section 2. General provisions.

(a) There shall be established and maintained within each park an automobile parking area for the use of guests. The number of parking spaces within the area shall be equal to one (1) for every four (4) trailer sites.

(b) Access roads within a mobile home park shall be paved to a width of not less than twenty-three (23) feet. Where access roads are paved to a width of thirty (30) feet or more, the required off-street guest parking spaces shall be waived.

(c) Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Health Department.

(d) An accessible, adequate, safe, and potable supply of water approved by the Health Officer shall be provided in each mobile home park.

(e) Refuse storage, collection and disposal shall be in conformity with the laws and regulations prescribed by the Health Department.

(f) There shall be provided a park and recreation area having a minimum of one hundred and fifty (150) square feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than thirty (30) feet.

(g) Only factory prefabricated portable attachments or awnings may be attached to or become a part of any mobile home. No permanent addition of any kind shall be built onto, nor become a part of any trailer coach. However, skirting of coaches is permissible.

(h) Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park.

Section 3. Application for permits.

An application to the Planning Commission for permission to establish a mobile home park shall be as regulated hereunder in this section of the ordinance.

(a) The following information shall be submitted to the Planning Commission.

(1) The location and legal description of the proposed mobile home park.

- (2) Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
- (3) The proposed use of buildings shown on the site.
- (4) The location and size of all mobile home spaces.
- (5) The location of all points of entry and exit for vehicles and internal circulation pattern.
- (6) The location of all landscaping to be provided.
- (7) The location of all lighting to be provided.
- (8) The location of walls and fences and the indication of their height and materials of construction.
- (9) The location of all off-street parking facilities.
- (10) Such other architectural and engineering data as may be required to permit the Health Officer and Planning Commission to determine if the provisions of this Ordinance are being complied with.
- (11) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be, for a period of not more than one (1) year.

Section 4. General regulations.

- (a) *Additions or alterations.* Any additions or alterations to existing mobile home parks or parks hereinafter established shall be in conformity with the provisions of this Ordinance.
- (b) *Conformance.* Every mobile home park in existence upon the effective date of this Ordinance may be maintained and operated for an indefinite period without being subject to the provisions of this Ordinance; provided, however, that such parks comply with all applicable health regulations and specifications. All mobile home parks created or established after the effective date of this Ordinance shall conform to the specifications and requirements as set forth herein.
- (c) *Supervision.* The owner or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Ordinance to which the license or permittee is subject.
- (d) *Maintenance of register.* Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period required by the Planning Commission. Such register shall contain (1) the names and addresses of all mobile home occupants stopping in the park, (2) the make, model, and license number of each motor vehicle and mobile home, (3) the state, territory, or county issuing the licenses and (4) the dates of arrival and departure of each mobile home.
- (e) *Revocation of permit.* The Planning Commission and Health Department may revoke any permit to maintain and operate a park if the permittee fails to comply with the regulations of this ordinance. The

permit may be reissued if the circumstances leading to revocation have been remedied and the park is being maintained in full compliance with the law.

ARTICLE XV. NONCONFORMING USES

Section 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 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 3. Enlargement, etc., 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 and applicable law or ordinance specifying minimum standards of health or safety.

Section 4. Enlargements, etc., of nonconforming use.

No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use which conforms to the use regulations of the district in which such use is located.

Section 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 6. Restoration of damaged buildings.

Any nonconforming building 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 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 XVI. ZONING BOARD OF ADJUSTMENT

Section 1. Establishment and Membership.

(a) A Zoning Board of Adjustment is hereby established (hereafter referred to as the Board). The Board shall consist of five members, each to be appointed for a term of three years by the Town Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a public hearing. All members of the Board shall be citizens and residents of the Town of Vincent.

Section 2. Meetings, Procedure and Records.

Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. Such chairman, or in the absence of the chairman the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 3. Interpretation of Boundaries.

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the power to hear and decide upon the interpretation of the boundaries of districts established and shown on the map in accord with criteria specified in Article V Section 3.

Section 4. Appeals.

The Board, in appropriate cases and subject to appropriate conditions and safeguards shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the administrators of this ordinance. Such an appeal may be taken to the Board by any person aggrieved or by any officer, department, Board or bureau of the town affected by any decision of any town officer under this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board all 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 officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him, that by any reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, 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 on notice to the officer from whom the appeal is taken and on due cause shown.

Section 5. Variances

The Board, in appropriate cases and subject to appropriate conditions and safeguards, shall have the power to authorize upon appeal 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. Such special conditions shall be limited to exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of enactment of this ordinance, or exceptional topographic conditions or other extraordinary and exceptional situation or

condition of such piece of property as would result in peculiar, extraordinary and practical difficulties. No variance shall be authorized unless the Board finds all of the following 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 the relief or a variance is sought did not result from any action of 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 Town of Vincent.

Section 6. Special Exemptions.

When any modification authorized pursuant to this section will not tend to impair the health, safety, convenience or comfort of the public, including that portion of the public occupying the property immediately contiguous to the parcel of land which the modification concerns, to be determined by the Board upon the adduction of competent evidence, including a view of the premises and its surroundings at the discretion of the Board, the Board may modify the strict application of the provisions of this ordinance and cause permit to be issued upon such reasonable conditions as it may prescribe for the location, construction, extension, structural alteration, and operation of any of the following:

- (a) Building on lots of record as defined in Article XII, Supplementary Regulations and Modifications, Section 4.
- (b) Resumption, extension, reconstruction, or change of a non-conforming use as specified in Article XIV, Nonconforming Uses.
- (c) Erection, extension, and use of a structure, or use of premises not otherwise authorized or permitted by this ordinance for a public service corporation for utility purposes which shall be deemed reasonably necessary for the public convenience or welfare.
- (d) Unclassified uses as outlined in Article IV, Zoning Districts and Boundaries, Section 5.

Section 7. Hearings.

The Board shall fix a reasonable time for hearing of each appeal or other request for interpretation or exception, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 8. Appeals from Action of the Board of Adjustment.

Any party aggrieved by any final judgement or decision of the Board may, within fifteen (15) days thereafter appeal therefrom to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgement 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 is taken and the cause in such court shall be tried *de novo*.

ARTICLE XVII. ADMINISTRATION

Section 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 Planning Commission.

Section 2. Zoning Certificates.

A Zoning Certificate shall be required for the construction of any building or for the alteration of any building where such alteration will cause an increase in the land coverage of such building provided however, that a certificate shall not be required for accessory buildings or barns.

Any applicant for a zoning certificate shall submit to a responsible municipal official a sketch showing the location of the proposed construction or alteration, the property lot lines and all applicable dimensions so that the zoning official may determine that the construction or alteration conforms to the dimensional and use regulations of the district in which it is located. There shall be a charge of \$5.00 for the zoning certificate.

Section 3. Conditional Uses.

(a) *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.

(b) *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.

(c) *Procedures.*

(1) The City Clerk shall, upon determination that the application complies with all applicable submission requirements, receive the application and schedule it for public hearing by the Planning Commission.

(2) The City Clerk shall, two weeks before the scheduled public hearing by the Planning Commission, 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.

(3) The Planning Commission shall consider the application and render a decision at the conclusion of the public hearing unless it is determined that action must be deferred to allow for additional input and review.

(d) *Submission requirements.* No request for conditional use approval shall be considered complete until all of the following have been submitted to the City Clerk:

(1) *Application form.* The application shall be submitted to the City Clerk on forms to be provided by the City Clerk. 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.

(2) *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 which are to accompany and constitute part of the application shall be submitted to the City Clerk at the time of filing the application. Three (3) copies of all such documents shall be required for distributional purposes.

(3) *Application fee.* The applicant shall be required to pay an application fee of fifty dollars (\$50). This fee shall be non-refundable irrespective of the final disposition of the application.

(e) *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:

(1) 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 Vincent;

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

(3) The proposed use shall not unduly decrease the value of neighboring property; and,

(4) 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.

(f) *Conditions and restrictions on approval.* In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefitted 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. 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.

ARTICLE XVIII. INTERPRETATION OF ORDINANCE

Section 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 agreements, 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 XIX. AMENDMENTS AND CHANGES

Section 1. Requirements for change

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.

Section 2. Petition for or initiation of change

A proposed change of the zone district boundaries or of the regulations may be initiated by the Planning Commission, or by petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

Section 3. Action on petition

- (a) Any proposed amendment, supplement, modification, or repeal shall be submitted to the Planning Commission for its consideration.
- (b) The Planning Commission, within sixty days of the date of the application, may proceed to hold a public hearing in relation thereto, giving notice as required by law.
- (c) The proposed change may be deemed by the applicant to have been denied if the Planning Commission takes no final action upon the same within ninety days after the filing of the application. The proceeding sentence shall not remove the Planning Commission of jurisdiction to take final action on such proposed change prior to any litigation instituted against the Planning Commission by the applicant.

Section 4. Fees

Before any action shall be taken as provided in this article, the applicant petitioning for a change shall deposit with the Planning Commission fifty dollars (\$50.00) plus five dollars (\$5.00) per acre, to cover this procedure. Under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. No action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve months, provided that by unanimous resolution of the Planning Commission that such action may be initiated at any time.

ARTICLE XX. VIOLATION AND PENALTY

Section 1. Penalty

In addition to all other means provided by law for the enforcement of the provisions of this ordinance, any person violating any of the 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 XXI. VALIDITY

Section 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 court 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 to be invalid.

TOWN OF VINCENT-CLERKS CERTIFICATE OF PUBLICATION

I hereby certify that the above and foregoing Ordinance was published by me by posting copies thereof on the 22 day of November, 19 2000, in three public places within the limits of the Town of Vincent, to wit, the Mayor's office, the Post Office and the Town of Vincent Water Department, in said Town, and that said copies remained so posted for a period of five days.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the Town of Vincent, Alabama this day 28 of November 19 2000.

Mary Lou Reynolds
Town Clerk

SEAL

AN ORDINANCE BANNING TOBACCO VENDING MACHINES IN THE CITY OF VINCENT, ALABAMA.

BE IT ORDAINED by the City Council of the City of Vincent as follows:

Section 1. PURPOSE.

WHEREAS, the United States Surgeon General has long warned smokers that smoking tobacco, or any other weed or plant is hazardous to their health; and

WHEREAS, The National Center for Disease Control has concluded that more than 400,000 United States citizens die each year from tobacco-caused or related diseases and tobacco related illness cost businesses and individuals in the United States billions of dollars per year; and

WHEREAS, local news reports say that over 50 million Americans smoke and at least twenty-five percent (25%) of Alabama's population smokes; and

WHEREAS, the National Institute on Drug Abuse has found that nicotine in tobacco products is a powerful addictive drug and identifies nicotine addiction as the most widespread example of drug dependence in the United States; and

WHEREAS, ninety percent (90%) of adults who now smoke started smoking between the ages of nine and eighteen years; and

WHEREAS, three million children smoke daily in the United States, and over seventy-five percent (75%) buy their own cigarettes. Children currently have ready access to cigarettes and other tobacco products as a result of the availability of cigarette vending machines. Scientific studies have shown that minors are successful in buying tobacco products from cigarette vending machines in areas such as bars or cocktail lounges, where minors are not legally permitted to be present, are also readily utilized by minors to obtain tobacco products; and

WHEREAS, The United States Surgeon General has consistently favored elimination of cigarette vending machines for public health reasons; and

WHEREAS, the American Cancer Society, American Lung Association, American Heart Association, American Medical Association, and Alabama Medical Association, representing the overwhelming view of this recognized professional medical associations, support the elimination of cigarette vending machines for public health reasons; and

WHEREAS, no other dangerous product or drug, cancer-causing product or drug, or addictive product or drug is sold through vending machines. No other product or drug which minors are prohibited from purchasing is sold through vending machines.

NOW, THEREFORE, the compelling purpose and intent of this ordinance is to better serve public health, safety and welfare; to significantly reduce the ability of minors to illegally obtain tobacco products by banning tobacco and tobacco accessory vending machines, and to generally promote the health and welfare of all people in the community against health hazards and harmful effects of using addictive tobacco products.

Section 2. DEFINITIONS.

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" means the City of Vincent, Alabama.
- (2) "Employee" means any person who is employed by an employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.
- (3) "Employer" means any person which employs one (1) or more persons.
- (4) "Minor" means an individual who is less than 19 years of age.
- (5) "Owner" shall mean and include the lessee, sublessee, assignee, part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, managing agent, officers of the corporation or other person having the right of ownership or possession or the right to sell, rent or lease any real property.
- (6) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (7) "Tobacco Accessories" means any cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco products.
- (8) "Tobacco Products" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, smoking tobacco and smokeless tobacco.
- (9) "Tobacco vending machines" includes any machine or device designated for or used for the vending of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins, paper bills, trade checks, slugs, or credit cards.

Section 3. ENFORCEMENT.

The provisions of this ordinance are enforceable by any duty authorized municipal code enforcement officer, [revenue examiner] police officer or as otherwise allowed by law.

Section 4. SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS FROM VENDING MACHINES PROHIBITED.

(a) No person shall locate, install, keep, maintain or use, or permit the location, installation, keeping, maintenance or use on his, her or its premises of any tobacco vending machine used or intended to be used for the purpose of selling or disposing of any tobacco products or tobacco accessories therefrom.

(b) Any tobacco vending machine in use on the effective date of this ordinance shall be removed before December 31, 2000 (end of the business license year).

Section 5. VIOLATIVE TOBACCO VENDING MACHINES

Any tobacco vending machine not removed from the premises or converted to a permissible use within the time limit set forth by Section 4(b) shall be deemed to be a public nuisance, and may be abated by the City in a civil action or other appropriate legal proceedings

Section 6. VIOLATION: PENALTY.

Any person, firm or corporation violating and provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as stated below. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

First Offense.....	\$250.00
Second Offense.....	\$500.00
Third Offense.....	\$500.00

In addition to the fines set out above, for the third and any subsequent violations of this ordinance, the City Council shall conduct a public hearing wherein the violating party shall be examined as to the fitness of the violator continuing to do business within the City of Vincent. At the conclusion of said public hearing, the City Council may revoke the business license of the violator to conduct business in the City.

Repeated violations may be the basis for a review of and revocation of presently outstanding business licensed issued by the City.

Section 7. MISCELLANEOUS.

(a) *Construction with Other Laws.* Nothing in this ordinance excuses noncompliance with any state, federal or local law or any rule or regulation which prohibits tobacco vending machines.

(b) *Validity or Constitutionality.* If any portion of this ordinance shall be held unconstitutional, invalid, or unenforceable, such holdings shall not affect the remaining portions nor render the remaining portions invalid, and to that end the provisions hereof are declared to be severable.

Section 8. ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 9. EFFECTIVE DATE.

That this ordinance shall become effective at 12:01 a.m. on December 31, 2000, or its otherwise becoming a law.

ADOPTED this the 6th day of November, 2000.

Joe A. Thompson
President of the Council

APPROVED:

Joe A. Thompson
Mayor

ATTEST:

Mary Lee Reynold
City Clerk

Posted 11-7-00
M&R

TOWN OF VINCENT-CLERKS CERTIFICATE OF PUBLICATION

I hereby certify that the above and foregoing Ordinance was published by me by posting copies thereof on the 7 day of November, 19 2000, in three public places within the limits of the Town of Vincent, to wit, the Mayor's office, the Post Office and the Town of Vincent Water Department, in said Town, and that said copies remained so posted for a period of five days.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the Town of Vincent, Alabama this day 14 of November 19 2000.

Mary Lee Bryant
Town Clerk

SEAL



TOWN OF VINCENT-CLERKS CERTIFICATE OF PUBLICATION

I hereby certify that the above and foregoing Ordinance was published by me by posting copies thereof on the 26 day of October, 1900, in three public places within the limits of the Town of Vincent, to wit, the Mayor's office, the Post Office and the Town of Vincent Water Department, in said Town, and that said copies remained so posted for a period of five days.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the Town of Vincent, Alabama this day 2 of November 1900.

Mary Lu Reynolds
Town Clerk

SEAL

