



ZONING ORDINANCE
OF THE
CITY OF CENTREVILLE
ALABAMA

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ORDINANCE #2014-001

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ADOPTED May 20, 2014

EFFECTIVE June 1, 2014

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ZONING ORDINANCE
of the
CITY OF CENTREVILLE
ORDINANCE NUMBER 2014-001

Adopted May 20, 2014

AN ORDINANCE REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, AGRICULTURE, FORESTRY, CONSERVATION, AIRPORTS AND APPROACHES THERETO, WATER SUPPLY, SANITATION, PROTECTION AGAINST FLOODS, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN REGULATIONS, RESTRICTIONS AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR METHODS OF ADMINISTRATION, ENFORCEMENT, AND PENALTIES FOR VIOLATION; AND ESTABLISHING A BOARD OF ADJUSTMENT.

ARTICLE I
AUTHORITY AND ENACTMENT CLAUSE

Pursuant to the authority granted by Code of Alabama (1975) §11-52-1, the Council of the City of Centreville, Alabama, hereby repeals the Zoning Ordinance of the City of Centreville, Ala., Articles I thru VIII (June 2, 1981) and enacts this Zoning Ordinance of the City of Centreville, Articles I thru XXIII (May 20, 2014) as set out herein. This amended ordinance repeals and replaces the prior ordinance in its entirety in accordance with the authority granted under Code of Alabama (1975) §11-52-78, through the procedures set forth therein.

ARTICLE II
SHORT TITLE

This ordinance shall be known as the "2014 Zoning Ordinance" and the map herein referred to as the Zoning Map of the City of Centreville and further identified by the signature of the Mayor of Centreville and attested by the City Clerk. The map of the City of Centreville and all explanatory matter thereon are hereby adopted and made a part of this Zoning Ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the zoning ordinance date of adoption.

ARTICLE III
PURPOSE

The zoning regulations and districts as herein set forth are established in accordance with a comprehensive plan for the purpose of guiding development in accordance with existing and future needs of the City and its Citizens, and are created in order to protect property values, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the City of Centreville and the community, while balancing the needs of a progressive government and the interests of its Citizens. These regulations are designed to lessen congestion on the streets; to secure safety from fire, panic, and other dangers, to promote the public health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to protect scenic areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, of each areas character and its peculiar suitability for particular uses while, promoting desirable living conditions, maintaining stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, and conserving the value of land, buildings, and structures.

ARTICLE IV
APPLICATION OF REGULATIONS

§4.1 Interpretation

In interpreting and applying the provisions of this Ordinance, said provisions shall be dominant except where pre-empted, overridden, or in conflict with State or Federal law, statute, code, or regulation.

§4.2 Application

No building, structure, or land shall hereafter be used or occupied and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all Zoning Ordinance regulations herein wheresoever located within any district, except as may otherwise be provided or allowed herein.

ARTICLE V
ESTABLISHMENT OF DISTRICTS

§ 5.1 ZONING DISTRICTS

For the purpose of this Ordinance, the City of Centreville is hereby divided into the following zoning districts:

R1	Residential District
R2	Residential District
R3	Residential District
RR	Rural Residential District
B1	Business District
M1	Manufacturing District
FW	Floodway District
FF	Floodway Fringe District

§ 5.2 DISTRICT BOUNDARIES ESTABLISHED

The boundaries of each district are indicated upon the 2008 Zoning Map of the City of Centreville, Alabama or any amendment or revision thereto, which is hereto made a part of this Ordinance. Said map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. Said map shall be retained in the office of the City Clerk and shall be available for public viewing at any time during normal business hours.

§ 5.3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

- 5.3.1 Where such district boundaries are indicated as approximately following center lines of streets, alleys, lot lines, streams, creek center lines, property lines, or corporate limit lines, such lines shall be considered to be such boundaries.
- 5.3.2 In an undivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing on the Zoning Map.
- 5.3.3 Where physical or cultural features existing on the ground are in conflict with those shown on the Zoning Map, or in other circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.
- 5.3.4 Where a district boundary line divides a lot held in single or separate ownership at the effective date of this ordinance, the Board of Adjustment may permit, as a variance, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
- 5.3.5 The boundaries of the Flood Plain District shall be designated as the flood prone area delineated on the latest updated copy of the Federal Emergency Management Agency Map entitled, "Flood Insurance Rate Map, Community Panel Numbers 010084 0001-0002.

§ 5.4 ANNEXATION

Any area annexed into the City of Centreville shall be classified R1, unless the Annexation Ordinance specifies otherwise, or until further action, preferably within ninety (90) days, can be taken by the City Council or other appropriate body to permanently classify the new area according to the provisions of this Ordinance.

**ARTICLE VI
USES**

- §6.1 Only those uses specified in "Uses Permitted" or "Uses Permitted on Appeal" shall be allowed within a district. Uses specified in the former category shall be allowed upon the proper

application to the Zoning Administrator. "Uses Permitted on Appeal" are allowed as special exception, only after the filing of an appeal followed by the consideration of the Board of Adjustment and the receipt of final approval of the City Council. Approval for exceptions must be in written form bearing the signature of the Mayor or the Zoning Administrator.

- §6.2 Decisions made by the Board of Adjustment and approved by the City Council should be based on the needs of a progressive City, the recommendations of the City Planning Commission, or other committees designated by the Mayor for such purpose, and balanced with the goals of preservation of the general welfare of the district, its inhabitants, and the surrounding area.

ARTICLE VII NON-CONFORMING USES

- §7.1 The lawful use of land existing at the time of the adoption of this Zoning Ordinance, or of any amendment thereto, although such does not conform to the provisions hereof, may be continued; but if such non-conforming use is discontinued, any future use of said land must be in conformity with the restrictions and provisions of this Ordinance.
- §7.2 The lawful use of a building or structure, existing at the time of the adoption of this ordinance, or an amendment thereto, although such use does not conform to the provisions herein, may be continued and such use may be extended throughout the building, provided no structural alterations are made, other than those ordered by an authorized public officer to assure the safety of the buildings or structure, and provided further that such extension does not displace any residential uses in a Residential District established by this Ordinance.
- §7.3 A non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, provided no structural alterations are made, other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further that such extension does not displace any residence use in any Residential District established by this Ordinance.
- §7.4 Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- §7.5 Whenever a non-conforming use of a building or property, or portion thereof, has been discontinued for a period of more than ninety (90) days, such non-conforming use shall not thereafter be re-established and the future use of said building or property shall be required to be in conformity with the provisions of this Ordinance.
- §7.6 The owner of a property that is non-conforming to the requirements of this Ordinance who shall sell, convey, or otherwise transfer a property to another owner has an affirmative duty to inform the prospective purchaser of the requirements of this Ordinance and to disclose that the subject property is non-conforming in its present use. **No purchaser, or successor in interest, of a non-conforming use property shall be vested with or enjoy any implied or express right to continue a non-conforming use of a property within the area covered by this Ordinance.**
- §7.7 Upon the adoption of this Ordinance the Zoning Administrator shall notify existing property owners of any known non-conforming property uses and the provisions of this Ordinance within a reasonable time.

§7.8 The duty to determine and verify the current zoning classification for any property within the City of Centreville rests with the Owner of the property or any prospective purchaser thereof. **Further, the duty to determine whether the present use of any property is in compliance with the current Zoning Ordinance rests with the owner or prospective purchaser of a property.**

ARTICLE VIII
DISTRICT USE REGULATIONS

§8.1 USE REGULATIONS FOR RESIDENTIAL DISTRICTS

Where a residential district has restrictive covenants of record, formal Home Owner Associations, or Property Management Restrictions, the provisions of this Ordinance shall apply in addition to any other covenants, rules, or regulations.

§8.2 R1 RESIDENTIAL DISTRICT.

This district exists for protecting areas of low density single-family dwellings. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings and to such non-residential uses as generally support and harmonize with such low-density residential districts.

Within an R1 Residential District, a building or land shall be used only for the following purposes:

Uses Permitted (R1):

Single-Family dwellings

A temporary building or use in connection with residential or other construction is permitted for a period of not more than one (1) year; provided, such building or use shall be removed immediately after such construction is concluded or after such construction has been discontinued for any reason for a period of six (6) months, or more.

Churches, synagogues, and other places of worship including parish houses, rectories, and other facilities normally incidental to places of worship but excluding funeral homes, and provided that:

- (a.) such use is located along a major thoroughfare or major collector street;
- (b.) no building or structure shall be located less than seventy-five (75) feet from the front lot line and shall not be less than forty (40) feet from any other property line;
- (c.) the lot includes a planted buffer strip at least ten (10) feet wide along the side and rear property lines; and
- (d.) for each 75 seats or fraction thereof, the site shall contain at least one half (1/2) acre of land.

Public and quasi-public buildings, including schools and private or parochial, elementary and high schools having a curricula approximately the same as ordinarily given in public, elementary and high schools, provided that:

(e.) no building or structure shall be located less than one hundred (100) feet from any property line; and

(f.) the lot includes a planted buffer strip at least fifteen (15) feet wide along the side and rear property line.

Public parks and playgrounds, provided that:

(g.) no building or structure shall be located less than one hundred (100) feet from any property line; and

(h.) the lot includes a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines.

Customary accessory buildings or structures, including private garages provided such shall be located not less than sixty (60) feet from the front lot line and shall be located not less than ten (10) feet from any property line, and further provided that in the case of corner lots such buildings or structures shall be set back at least forty (40) feet from any side street right-of-way line. Not more than one (1) portable storage building on a lot of record shall be permitted in an R1 District and must be located to the rear of the principal residence.

Signs are permitted in an R1 District according to the regulations contained in Article XI of this Ordinance.

§8.3 Uses Permitted on Appeal (R1):

Professional offices with sufficient off street parking resources.

Home Occupations as defined in Article XII of this Ordinance.

Cemeteries, provided that:

(a.) all graves shall be set back not less than one hundred (100) feet from any property lines; and that all mausoleums, columbarium, crematories or cemetery chapels shall be set back not less than two hundred (200) feet from property lines;

(b.) entrances shall be provided on a major streets or roads with ingress and egress so designed to minimize traffic congestion.

(c.) a six (6) foot evergreen hedge shall be provided on all property lines abutting any residential districts;

(d.) an area of not less than forty (40) acres is occupied by the cemetery.

Cultural activities not carried on as a gainful business including clubs, community centers, libraries, and museums, provided that:

- (e.) such use is located on a major thoroughfare or major collector street;
- (f.) no building or structure shall be located less than seventy-five (75) feet from the front lot line and shall not be less than forty (40) feet from any other property line; and
- (g.) the lot includes a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

Gardening when conducted on a non-commercial basis, provided that no greenhouse heating plant shall be located within sixty (60) feet of any front lot line or within twenty five (25) feet of any other lot line.

Public and private colleges and universities including dormitories connected with such institutions but excluding trade and/or business schools and colleges, and schools and colleges operated as commercial enterprises, provided that:

- (h.) the main entrance shall be provided on a major thoroughfare with ingress and egress so designed as to minimize traffic congestion;
- (i.) no building or structure shall be located less than one hundred and fifty (150) feet from any property line; and
- (j.) the site includes a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines.

Recreation facilities, country clubs excluding residential accommodations, and any activities carried on as a bona fide business other than incidental concessions, provided that:

- (k.) such use is located along a major thoroughfare or major collector street;
- (l.) no buildings or structure shall be located less than one hundred fifty (150) feet from any property line;
- (m.) the site includes a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines; and
- (n.) if the development is to include a golf course, the site shall contain at least forty (40) acres.

Reservoirs, dams, public utility substations and pumping stations, police stations, fire stations, transmission lines and towers, and water tanks, provided that:

- (p.) the structures are placed not less than fifty (50) feet from any property line;
- (q.) there is no industrial activity;
- (r.) no vehicles or equipment stored on the premises; and
- (s.) the lot includes a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

§8.4 R2 RESIDENTIAL DISTRICT.

This district exists for the protection of areas of medium-density single-family dwellings but in which two family dwellings are occasionally found. Accordingly, the use of buildings and land within such areas is limited to single-family detached dwellings, medium-density two-family detached dwellings, and to such non-residential uses that generally support and harmonize with a medium-density residential areas.

Within an R2 Residential District, buildings and land shall be used only for the following purposes:

Uses Permitted (R2):

Any use permitted by right within a R1 Residential District.

Two-family dwellings (duplexes)

Manufactured or Mobile Homes, provided that only one structure is located on each lot and that all lot and yard restrictions applying to single family homes are met (Article IX).

Single family dwelling with one attached or detached apartment unit or one manufactured or mobile home unit provided that all lot and yard restrictions applying to duplex units and manufactured or mobile homes are met. **A manufactured or mobile home added to a residential site requires a minimum lot size of 4000 square feet for the mobile home in addition to the minimum lot size for the principal residence.**

§8.5 Uses Permitted on Appeal (R2):

Any use permitted on appeal in the R1 Residential District.

Bed and Breakfast facilities, provided that one (1) additional parking space for each two rooms subject to rental occupancy being available, and other such restrictions as the Zoning Board deems necessary.

Day nurseries and kindergartens meeting all requirements of appropriate State regulations and standards and holding appropriate license.

Group homes for special need populations.

Rooming and boarding houses.

Multi-Family Dwellings including apartments, townhouses and duplexes

General and special hospitals, outpatient clinics and public health centers; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged, handicapped, and orphanages, provided that:

(a.) Main entrances shall be designed providing ingress and egress onto major thoroughfares minimizing traffic congestion.

(b.) No buildings or structure shall be located less than one hundred fifty (150) feet from any property line; and

(c.) Sites shall include a planted buffer strip at least fifteen (15) feet wide along the side and rear property lines.

§8.6 R3 RESIDENTIAL DISTRICT

This district exists to provide minimum standards for the protection of higher density, multi-unit housing and their surroundings. .

Within an R3 District, buildings or land shall only be used for the following purposes:

Uses Permitted (R3):

Any use permitted by right within a R1 or R2 Residential District.

Multi-Family Dwellings including apartments, townhouses and duplexes

Home occupations as defined in Article XII of this Ordinance.

Rooming and boarding houses.

Group homes for special need populations.

Bed and Breakfast facilities, provided that one (1) additional parking space for each two rooms subject to rent being available, and other such restrictions as the Board deems necessary.

Day nurseries and kindergartens meeting all requirements of appropriate State regulations and standards and holding appropriate license.

Mobile Home Parks, provided that they meet all requirements set out in Article 8.13 of this Ordinance; and,

- a) The minimum area for any mobile home park shall be at least two (2) acres
- b) The maximum density is eight (8) home sites per acre
- c) Mobile home parks shall have minimum front side and rear yard setback at least fifty (50) feet.
- d) All home sites shall abut upon an all-weather surfaced driveway of at least eighteen (18) feet in width
- e) All home sites shall be adequately serviced by individual water and sewer meters.
- f) All home sites shall be at least four thousand (4,000) square feet in size.

§8.7 R3 - Uses Permitted on Appeal:

Any use permitted on appeal within a R1 or R2 Residential District.

§8.8 RR - RURAL RESIDENTIAL DISTRICT

This district exists providing areas of medium to high density development affording protection and amenities found in the lower density residential districts. The use of buildings and land is limited to such non-residential uses that generally support and harmonize residential development.

Within an RR District, buildings or land shall only be used for the following purposes:

Uses Permitted (RR):

Any use permitted by right within a R1, R2, or R3 Residential District.

Home Occupations as defined in Article XII.

Agricultural uses, including farming, grazing, and livestock or animal husbandry.

Mobile Home Parks, provided that they meet the requirements set out in Article 8.13; and,

- g) The minimum area for any mobile home park shall be at least two (2) acres
- h) The maximum density is eight (8) home sites per acre
- i) Mobile home parks shall have minimum front side and rear yard setback at least fifty (50) feet.
- j) All home sites shall abut upon an all-weather surfaced driveway of at least eighteen (18) feet in width
- k) All home sites shall be adequately serviced by individual water and sewer meters.
- l) All home sites shall be at least four thousand (4,000) square feet in size.

§8.9 RR - Uses Permitted on Appeal:

Any use permitted on appeal within a R1, R2, or R3 Residential District.

§ 8.10 USE REGULATIONS FOR BUSINESS AND MANUFACTURING DISTRICTS

Buildings and land within the Business and Industrial Zoning Districts shall only be used for uses listed in the Table of Permitted Uses for Businesses and Industrial Districts subject to all 2014 Zoning Ordinance requirements and conditions. Uses permitted by right in the districts are indicated by an X and uses permitted on appeal are indicated by an A in the appropriate columns of the Table of Permitted Uses which follows herein [see Appendix Two].

For Non-residential Districts

Following are the intended characteristics for each of the business and industrial districts:

§8.11 B1 GENERAL BUSINESS DISTRICTS

This district is established to provide for the protection and development of business districts while recognizing that most new businesses are oriented to the automobile. These districts provide for development of areas minimizing traffic and parking congestion.

Uses Permitted (B1)

Any use as permitted on the “Table of Permitted Uses for Non-Residential Districts” [Appendix II] indicated by being marked with an “X”.

Any use as permitted in districts classified as R1, R2 or R3.

Uses Permitted on Appeal B1).

Any use as permitted on appeal on the “Table of Permitted Uses for Non-Residential Districts” [Appendix II] indicated by being marked with an “A”.

§8.12 M1 MANUFACTURING DISTRICT

This district is established and intended for industrial uses not offensive to nearby commercial or residential uses, for business uses that generally support and integrate with industrial uses, for conserving industrial land supply, and for further avoiding establishing residence under strongly adverse conditions. .

Uses Permitted (M1)

Any use as permitted on the “Table of Permitted Uses for Non-Residential Districts” [Appendix II] indicated by being marked with an “X”.

Uses Permitted on Appeal (M1).

Any use as permitted on appeal on the Table of Permitted Uses for Non-Residential Districts [Appendix II] indicated by being marked with an “A”.

§8.13 MHP – MANUFACTURED HOUSING OR MOBILE HOME PARKS

Manufactured Housing or Mobile Home Parks **MUST** meet at least the following restrictions:

- a. The minimum area for any mobile home park shall be at least two (2) acres.
- b. The maximum density is eight home sites per acre.
- c. Minimum front, side, and rear yard setbacks shall be fifty (50) feet for the park as a whole.

- d. All home sites shall abut upon an all-weather surfaced driveway of at least eighteen (18) feet in width.
- e. All home sites shall be adequately serviced by individually metered water and sanitary sewer lines or a septic system approved by the County Health Department.
- f. All home sites shall be at least four thousand (4,000) square feet in size.
- g. Ingress/Egress road(s) not less than thirty (30) ft in width shall be paved and striped at the expense of the owner/developer.
- h. Each home site must be within two hundred (200) ft. of a fire hydrant.
- i. All mobile home parks must provide an adequate storm shelter with capacity to safely shelter not less than 4 persons for each mobile home site within the development.

§8.14 FLOOD PLAIN REGULATIONS

This district is established providing appropriate land use regulations for areas which have a one percent probability for flooding in any year defined by FEMA as the one hundred (100) year flood plain. This District is intended permitting only those uses, buildings, and structures which will not adversely affect the hydraulic characteristics of the floodway; preventing loss of life and heavy property damage at times of high water. Unlike other zoning districts established by this article, a Flood Plain District may overlap boundaries of separate districts, providing additional restrictions in overlapping areas.

In considering any petition to the Board of Adjustment for Uses Permitted by Special Permit the burden of proof shall be on the petitioner showing, via competent engineering data prepared by a registered engineer, licensed in the State of Alabama, that the danger from flood water has been eliminated for the proposed use.

§8.15 FLOODWAY

A Floodway District is established meeting the needs of the flood-prone areas of Centreville that can carry abnormal flows of water in time of flood; preventing encroachments into the district which will unduly increase flood heights and damage, and preventing the loss of life and excessive property damage in the area of greatest flood hazard. Within the Floodway District the following provisions shall apply:

8.15.1 USES Permitted:

The following uses are permitted subject to approval of the Board of Adjustment and to such conditions as the Board of Adjustment may specify protecting the public interest, and not conflicting with uses permitted in overlapping districts, such as open type uses for example loading and unloading areas, parking lots, used car lots, billboards, and gardens auxiliary to uses permitted in any adjoining district. Storage yards for equipment and material not subject to major flood damage, and which would not float away, provided such use is auxiliary to uses permitted in an adjoining district and materials do not include inflammables such as gasoline. Open-type public and private recreation facilities such as public parks, golf courses and driving ranges, drive-in

theaters, fishing lakes, and boat docks. Circus, carnival, and similar transient amusement enterprises. Agricultural uses, including farming, grazing, and livestock or animal husbandry. Utilities, road and railroad bridges, electric and other transmission lines, but not transformer stations. Any other uses customarily accessory or incidental to the above uses.

8.15.2 USES Prohibited:

The following uses are specifically prohibited in the Floodway District; Structures designed or utilized for human habitation; Structures which could float away and thus further restrict bridge openings, other sections of the streams; land fill debris; Storage of materials, such as logs, lumber, tanks, etc., and; Storage of toxic chemicals or inflammables such as gasoline.

8.15.3 SPECIAL PROVISIONS:

No permit shall be issued for building or structure construction or any use within the Floodway District until written approval, construction plans, and uses have been submitted and approved in writing by the Board of Adjustments. The Board of Adjustment may make its approval subject to such conditions necessary to carry out the purpose of this district. In its reviewing submitted plans, the Board of Adjustment shall be guided by the following standards, keeping in mind that the purpose of this district is preventing encroachment into floodways which will unduly increase flood heights, endanger life, and property. Any uses permitted shall not increase damage by flood waters. Any structures permitted shall be designed, constructed, and placed so as to offer the minimum obstruction to the flow of water. Where, in the opinion of the Board of Adjustment, there is need for topographical data, engineering studies or other information to determine the effects of flooding on a proposed structure or the effect of the structure on the flow of water, the Board of Adjustment may require the applicant to submit such information. The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the City of Centreville or the Board of Adjustment or by any officer or employee of either thereof, of the practicability or safety of any structure or proposed use and shall not create any liability upon or cause of action against such public body, officer, or employee for any damage that may result pursuant thereto.

§8.16 FLOODWAY FRINGE

8.16.1 USES PERMITTED:

The following uses shall be permitted within the Floodway Fringe District to the extent that they are not prohibited by any other ordinance and are otherwise allowed by this ordinance in the overlapping Districts, if any:

- a) Any open use permitted in the Floodway District
- b) Any other non-structural use provided it is elevated above the regulatory flood protection elevation and a determination is made by the city engineer or other designated city employee that the use will not unduly restrict the capacity of

the channels or floodway of tributaries to the main street, drainage ditches, or any other drainage facilities or streams.

- c) Structures constructed on fill provided the first floor or basement floor is above the regulatory flood protection elevation. The fill shall be at a point no lower than one (1) foot below the regulatory flood protection elevation for the particular area and shall extend to such an elevation at least fifteen (15) feet above the limits of any structure or building erected thereon.

8.16.2 SPECIAL PROVISIONS:

The following uses and structures are permitted only upon approval of the Board of Adjustment and subject to the following provisions:

- a) Structures, if adequately flood proofed or otherwise protected to a point above the regulatory flood protection elevation

§8.17 ENFORCEMENT

The enforcement of Sections 8.15 - 8.16 (Floodway and Floodway Fringe Regulations) will commence upon the receipt of the Flood Insurance Rate Map from the Federal Insurance Administrator, Department of Housing and Urban Development. Structural and use regulations can not be enforced until the Flood Insurance Rate Map delineates the Floodway and Floodway Fringe Districts and provides surface elevations for a one hundred (100) year flood.

ARTICLE IX
AREA AND DIMENSIONAL REQUIREMENTS

§9.1. Area, yard and height requirements for the various zoning districts shall be as specified in the following table. The area and dimensional requirements for each zoning district appear in the appropriate column, and correspond to the appropriate Sections of this ordinance. .

Zone	Maximum	Minimum	Minimum Lot	Minimum Lot	Minimum Yard Requirements				
	Building Height	Lot Minimum	Area Per Dwelling Unit	Width at Bldg. Line	Width At Front Lot Line	Front	Rear	Interior Side*	Street Side**
District	(Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Ft.)	(Ft.)	(Ft.)	(Ft.)	(Ft.)	(Ft.)
R1	35	15,000	15,000	100	70	30	20	10	25
R2	35	10,000	5000	75' unit 100" units	50	20	20	10	20
R3	35	7,000	2,000	50" + 10 ' For ea additional Unit up to 200'	45	20	20	5	15
RR	None	22,500	22,500	100	45	40	20	15	30
B1	45					20	15	5	15
M1						20	15	15	20
	= No Requirement								

§ 9.2. SPECIAL YARD REQUIREMENTS

A. Street side yards shall correspond to front yard ordinances on adjoining lots or be twenty-five (25) feet, whichever is greater.

B. Upon any side or rear lot line which abuts a residential district there shall be a densely planted buffer strip at least ten (10) feet in height along the rear and/or side line abutting residential properties. No buffer shall extend nearer to a street right-of-way line than the established adjoining residential property lot line.

C. For Business Districts, structures on a corner lot must be set back a minimum of forty (40) feet from any side street right-of-way, if parking is to be permitted between the principal building and the side street. There shall be no side yard requirement on such corner lots where parking facilities are not provided between non-residential structures and side streets.

§9.3 GENERAL EXCEPTIONS

9.3.1 LOTS OF RECORD. Where the owner of a non-conforming lot of record does not own or cannot reasonably acquire sufficient land enabling conformance with the requirements of this Ordinance relating to lot area, lot width, or both, such lot of record may be used by the owner as a building site provided that the other requirements of this Ordinance are met, except that:

a. Where two (2) abutting lots of record are held under one (1) ownership, and where one or both of these lots are non-conforming, they shall be considered as a single lot of record for the purpose of meeting the zoning Ordinance requirements where such lots are located.

9.3.2 FRONT YARDS REDUCED. The front yard requirements of this Ordinance shall not apply to any lot where the average developed front yard lot is located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district and fronting the same street as such lot, and is less than the minimum required front yard. In such cases the front yard on such lot may be less than the required front yard but not less than the average existing developed front yard lot; provided, however, the front yard on such lot shall not be less than one-half the required front yard. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required front yard specified for that zoning district.

9.3.3 HEIGHT LIMITATIONS. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials and similar structures, except as otherwise provided or restricted in the vicinity of airports.

ARTICLE X
REGULATIONS FOR OFF-STREET PARKING AND LOADING

§10.1 OFF-STREET PARKING

There shall be provided, permanent off-street parking and a loading space in the amount specified by this Article at the time of construction or at the time any principal building is enlarged or capacity increased by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one type of use or occupancy to another. Such parking space may be provided in a parking garage, a parking lot, or a driveway serving single and two-family residences. The provisions of this Article shall not apply to the Historical Central Business District. Parking and loading facilities provided in accordance with the terms of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

§10.2 PARKING LOTS TO BE IMPROVED.

Parking lots intended providing for the off-street parking space required by this Ordinance shall be improved and maintained with pavement materials of quality no lower than double bituminous surface treatments; provided, this requirement shall not apply to the parking space required for residential structures having less than four (4) dwelling units.

§10.3 JOINT USE OF PARKING LOTS.

Parking facilities for one use shall not be considered as providing the required parking facilities for any other use on the same or separate lots, except under circumstances wherein a combination of uses or other factors might require total parking facilities in excess of actual need if so determined and certified by the Building Inspector, and subsequently, approved by the Board of Adjustment.

§10.4 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

10.4.1 Each application for a building permit or certificate of occupancy shall include location, off-street parking space dimensions, and loading space information, if required, and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Article are met.

10.4.2 The certificate of occupancy for the use of any building, structure or land where off-street parking space is required shall be withheld by the Building Inspector until the provisions of this Article are fully met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

§10.5 FREE FLOW OF TRAFFIC AND PEDESTRIAN PROTECTION

10.5.1 Access, ingress, and egress for parking facilities shall be arranged for the free flow of vehicles at all times, preventing the blocking or endangering vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets. A vehicle standing area, if necessary, preventing the blocking of traffic shall be provided. No parking space shall be closer than eight (8) feet to a right-of-way.

10.5.2 No access, ingress, or egress driveway, except for single and two family houses, shall be arranged so that vehicles can enter or leave the area only by backing on or across any

sidewalk or to or from any street. Adequate sight distances shall be maintained for vehicles and pedestrians.

§10.6 REMOTE PARKING SPACE

10.6.1 All dwelling units, motels, tourist courts, tourist homes and trailer parks, shall have the required parking spaces provided on the lot which such dwelling type unit is located. For all other uses, if the off-street parking space required by this zoning ordinance cannot be reasonable provided on the same lot which the principal use is located, such space may be provided on any land within four hundred (400) feet walking distance to the main entrance of such principal use. Said land shall be used for no other purpose, so long as no other adequate provisions for parking spaces meeting the Ordinance requirements for the principal use.

10.6.2 In such cases, the applicant for a building permit for the principal use shall submit with this building permit application an instrument duly executed and acknowledged, which subjects said land to parking space use in connection with the principal use for which it is made available.

§10.7 DIMENSIONAL REQUIREMENTS

For purposes of this Ordinance, an off-street parking space shall be no less than nine (9) feet wide and twenty (20) feet in length. No two way entrance or aisle shall be less than twenty five (25) feet in width. In no event shall an entrance or aisle be less than twenty (20) feet.

§10.8 MINIMUM PARKING REQUIREMENTS

TYPE OF USE

REQUIRED OFF-STREET PARKING

Residential & Related Uses

Bed and Breakfast Facilities

One (1) parking space for each two (2) rooms subject to rental, in addition to the normal residential requirements.

Multi-family structures containing more than four (4) dwelling units

One and one half (1 1/2) parking spaces on the lot for each dwelling unit, except that, in the case of apartments for the elderly or efficiency apartments, the parking space requirements may be reduced, if approved by the Board of Adjustment.

Rooming or boarding house

One (1) parking space for each room subject to rental, plus one (1) additional parking space for each three (3) employees.

Tourist home, motel or motor court

One (1) parking space for each room subject to rental, plus one (1) additional parking space for each three (3) employees.

Hotels

One (1) parking space for each two (2) rooms, plus additional parking space as required for other uses within the hotel.

Doctor or Dentist's office in residence	Three (3) parking spaces per doctor in addition to residence requirements.
Professional office (other than doctor or dentist) or home occupation in owner's residence	Two (2) parking spaces per office or home occupation in addition to residence requirements.

Public and Semi-public Uses

Hospitals	One (1) parking space per bed intended for patients (except bassinets or beds in student nurses quarters), plus one (1) parking space for each two (2) employees on shift at peak employment times.
Auditoriums, stadiums, assembly halls, gymnasiums, theaters, community recreation centers, churches, museums, art galleries and public libraries	One (1) parking space per four (4) fixed seats and moveable seats in the largest assembly room or area, or one (1) parking space for each one hundred (100) SF of gross floor area, whichever is needed by the facility, plus one (1) parking space for each two (2) employees on shift at peak employment times.
Elementary school and junior high	One (1) parking space for each classroom and one school (1) parking space for each two (2) employees other than teachers.
Senior high school	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office.
Public or private club	One (1) parking space for each one hundred (100) square feet of gross floor space.
Public utility buildings	One (1) parking space for each five hundred (500) square feet of gross floor space, plus one (1) parking space for each two (2) employees.
Sanitariums, rest and convalescent homes, homes for the aged and similar institutions	One (1) parking space for each six (6) beds, plus one (1) parking space for each staff or visiting doctor, plus one (1) parking space for each four (4) employees.

Offices and Banks

Clinic or doctor's office	Three (3) parking spaces for each doctor, plus one (1) parking space for each four (4) employees.
Banks	One (1) parking space for each two hundred (200) square feet of gross floor plus one (1) space for each (2) employees..
Professional and business offices	One (1) parking space for each five hundred (500)

square feet of gross floor area.

Retail and Other Commercial

Retail stores, as follows: Stores selling clothing, variety merchandise, jewelry, sporting goods, records, pet shops and other establishments selling comparison or specialty shopping goods, and stores selling convenience goods such as food, drugs, , small hardware, etc.

One (1) parking space for each two hundred (200) square feet of gross floor area.

Retail stores as follows: Stores selling merchandise generally characterized by high bulk and high cost such as furniture, appliances, large hardware items, business machines, restaurant equipment, bicycles, guns, light fixtures, floor covering, radio, television, auto accessories, building materials, home furnishings.

One (1) parking space for each two hundred (200) square feet of gross floor area.

New and used car sales, manufactured home and truck trailer sales, outdoor commercial nurseries, roadside stands, farm implements
Convenience Stores (with or without gasoline)

Four (4) parking spaces for each sales person, plus one (1) parking space for each two employees At peak employment times.

One (1) parking space for every two hundred (200) square feet of gross floor area.

Other retail trade or services

One (1) parking space for every two hundred (200) square feet of gross floor area.

Restaurants, diners, and night clubs

One (1) parking space for each three (3) seating accommodations, plus one (1) space for each two employees on shift of greatest employment.

Funeral home

One (1) parking space for each four (4) seats in the chapel or parlor.

Indoor and outdoor commercial recreation

One (1) parking space for each one hundred fifty (150) square feet of gross floor, building, or ground area devoted to such use, or one (1) parking space for each four (4) seats available for patron use, whichever is needed.. Land not occupied by customers such as land in front of driving range drive tees will be excluded when calculating parking.

Wholesale and Industrial Uses

Wholesaling and industrial uses

One (1) parking space for each two hundred (200) square feet of sale area and one (1) parking space for each two (2) employees at peak employment times.

§10.4 OFF-STREET LOADING AND UNLOADING SPACE

Every building or structure used for business, trade, or industry hereafter erected, shall provide space as indicated herein for vehicle loading and unloading off the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. For the purposes of this section, a loading berth shall have minimum overhead clearance dimensions of 12' x 25'. In no case shall the use of loading and unloading space hinder free movement of vehicles and pedestrians over a street, sidewalk or alley.

Use Classification

Off-street Loading Requirements

Retail operations

One (1) loading berth for every twenty thousand (20,000) square feet of floor area.

Office buildings and hotels with a total usable floor area of one hundred thousand 100,000 square feet or more devoted to such purposes.

One (1) loading berth for every one hundred thousand (100,000) square feet of floor area.

Industrial and wholesale operations with a gross floor area of ten thousand 10,000 square feet or over as follows:

Square Feet of Gross Floor Area

Number of Loading Berths Required

10,000 - 40,000

1

40,000 - 100,000

2

100,000 - 160,000

3

160,000 - 240,000

4

240,000 - 320,000

5

320,000 - 400,000

6

One (1) loading berth for each ninety thousand (90,000) square feet above four hundred thousand (400,000) square feet.

ARTICLE XI
SIGN REGULATIONS

§11.1 PURPOSE

The purpose of these regulations is providing minimum control of signs, preventing signs from reaching such excessive size or numbers that obscure on another to the detriment of all concerned, securing certain fundamentals of design for the community, promoting the health, safety and general welfare by lessening pedestrian hazards and vehicular traffic while preserving property values, preventing unsightly and detrimental development which has a blighting influence upon residential, business, and industrial uses.

§11.2 GENERAL REGULATIONS

11.2.1 MEASUREMENT OF SIGN AREA.

The area of a sign shall be deemed to include the copy area devoted to conveying a message, excluding supporting structure, trim or framing device. Where signs employing appurtenances such as "pop ups" or "cutouts" that extend beyond the copy area, shall be measured separately, but included in the total sign area. The total sign area for a double-faced sign or "V"-type sign shall be measured separately, and included in the total sign area. The total sign area for a double-faced sign or "V"-type sign shall be measured on the largest sign face; however, information or advertising matter may be posted on both sides of such permitted sign.

11.2.2 MATERIAL AND DESIGN.

All signs using electrical wiring and connections shall require both electrical and building permits, and shall comply with all state and local laws governing electrical installations and materials. No such illumination shall reflect or give off direct light that is visible elsewhere other than directly onto the sign where illumination occurs.

11.2.3 BUILDING PERMIT REQUIRED.

No sign shall hereafter be erected, constructed, or attached to, suspended from, or supported on a building or structure; nor shall any existing sign be enlarged or relocated until a building permit for same has been issued by the City Clerk or Building Inspector. Exempt from this Section are professional signs, public signs, real estate signs (temporary), and construction signs (temporary).

11.2.4 SIGN PERMITS

Application for sign permits shall be submitted on forms located at the office of the City Clerk or Building Inspector. Each application shall be accompanied by plans showing the size, location and property identification.

§11.3 NON-CONFORMING SIGNS

No non-conforming sign erected, constructed before the adoption of this Ordinance, shall be enlarged, moved, replaced, or repaired at a cost in excess of fifty (50) percent of its original cost unless same shall be brought in compliance with the provisions of this Ordinance. All non-conforming signs and billboards shall be brought in compliance with the provisions of this Ordinance

as specified in this Ordinance. However, nothing contained in this Ordinance shall prevent normal maintenance, repainting or posting of these signs or structures.

§11.4 PROHIBITED SIGNS

11.4.1 SIGNS HAZARDOUS TO PUBLIC SAFETY.

No sign shall display flashing or intermittent lights resembling the flashing light customarily used by police, fire, or emergency vehicles. No sign shall be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "Stop" or "Danger".

11.4.2 SIGNS ON UTILITY POLES AND RIGHT-OF-WAY.

No permanent or temporary advertising sign or poster shall be located within any public right-of-way on any telegraph, on any telephone, or on any electric poles or on any tree along any street or road.

11.4.3 SIGNS OBSTRUCTING INGRESS AND EGRESS.

No sign that obstructs ingress and/or egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress and/or egress for any room or building as required by law shall be erected, constructed, or permitted.

11.4.4 SIGNS OBSTRUCTING CORNER VISIBILITY.

No sign shall violate the corner visibility restrictions of this Ordinance or create a public safety or traffic hazard.

§11.5 DISTRICT SIGN REGULATIONS

Signs shall be permitted in the following districts, but only in accordance with the following provisions:

11.5.1 RESIDENTIAL DISTRICTS (R1 & R2). Within all residential districts the following signs are permitted; provided that:

a. all signs, except public signs, shall be setback at least half ($\frac{1}{2}$) the distance from the street right-of-way line as required by front yard setbacks , and shall meet applicable side and rear yard requirements for the district in which it is located; and

b. no sign shall be located above the ground floor of any building or more than twenty (20) feet above the upper surface of the nearest curb or street center line, whichever is less.

Permitted Signs:

Non-illuminated signs for home occupations, if permitted, in accordance with the provisions of Article XII of this Ordinance.

Indirectly illuminated and non-illuminated signs indicating names of residents and home numbers, not to exceed one (1) square foot in area.

Non-illuminated signs indicating the name and purpose of a non-residential building or apartment and the name of its management not to exceed three (3) square feet in area.

Temporary non-illuminated signs of persons or firms connected with work on buildings under actual construction or alteration, located at least ten (10) feet inside any lot line and not to exceed twenty (20) square feet in area.

Temporary non-illuminated signs advertising for sale or for rent the lot or building on which they are placed, located not closer than twenty (20) feet to any street right-of-way line unless attached to a building and not exceeding four (4) square feet in area. Individual real-estate firms or other selling agent shall not erect more than one such sign on any single residential property.

Public signs solely for the control of traffic and parking.

Subdivision identification signs not exceeding twelve (12) square feet in area shall require special exception subject to review by the City Planning Commission and approved by the Board of Adjustment.

11.5.2 B1 BUSINESS DISTRICT.

Within a BUSINESS District the following signs are permitted:

Any sign permitted and subject to all restrictions of this Ordinance. (If a business is located on a State Highway the State regulations will control setback and visibility requirements).

Business and/or identification signs, provided that:

- a. all signs shall set at least twenty (20) feet from the City street right-of-way line, and shall meet all B1 Business District side and rear yard requirements

Advertising signs, provided that:

- a. such signs shall not exceed three hundred (300) square feet in area; and
- b. such signs meet all B1 Business District setback requirements.

Roof signs shall not be permitted.

11.5.3 M1 MANUFACTURING DISTRICTS.

Within the M1 Manufacturing Districts, the following signs are permitted:

Any sign permitted and subject to all restrictions of this Ordinance. (If a business is located on a State Highway the State regulations will control setback and visibility requirements).

Business and/or identification sign, provided that:

- a. all signs shall set at least twenty (20) feet from the street right-of-way line.

Advertising signs except that such signs shall not exceed seven hundred and fifty (750) square feet in area, and such signs shall meet all set-back requirements for the District in which they are located.

§11.6 SIGNS PERMITTED AS SPECIAL EXCEPTION

The following signs are permitted, as a special exception in any zoning districts, subject to review by the Planning Commission and approval by the Board of Adjustment.

Identification signs on water towers, storage tanks or smoke stacks.

Temporary signs involved in political campaigns or events of religious, charitable, civic, fraternal, and similar individuals or organizations:

Temporary signs placed by organizations are permitted not more than sixty (60) days prior to a special event and must be removed not less than thirty (30) days after a publicized event. The organization placing such signs is solely responsible for removing the signs.

Temporary signs placed during political campaigns may not be placed within the City more than sixty (60) days prior to a Primary election and must be removed within thirty (30) days after an election unless the candidate will appear on a general election ballot in November. A candidate whose name appears on a general election ballot must remove all signs not less than thirty (30) days after a general election. In the case of political candidates the candidate is personally responsible for the removal of campaign signs.

Non-conforming signs as to size and location.

THE PENALTIES FOR VIOLATIONS OF THIS SECTION ARE SET OUT IN ARTICLE 16.6 OF THIS ORDINANCE.

ARTICLE X II
HOME OCCUPATIONS

The following regulations shall apply to the conduct of a home occupation in any zoning district:

- §12.1 The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the dwelling or adversely affect the uses permitted in the district which it is a part of.
- §12.2 Dwellings used for this purpose shall be limited to twenty-five percent (25%) of one floor of the principal building.
- §12.3 Home occupations shall be confined entirely to the principal building. No accessory building or outside storage shall be used in connection with home occupations.
- §12.4 Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment other than members of the resident family. In no case shall more than two (2) persons engage in the home occupation.
- §12.5 No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with home occupations.
- §12.6 Chemical, mechanical, or electrical equipment that create odor, light emission, or noise detectable outside of the dwelling shall be prohibited.
- §12.7 No display of products shall be visible from the street and only articles made on the premises shall be sold; except non-durable articles (consumable products) that are incidental to a service however services provided incidental to the principal use in the home occupation, may be sold on the premises.
- §12.8 Instruction in music, dancing and similar subject shall be limited to two students at a time.
- §12.9 Vehicles having passenger vehicle characteristics shall only be permitted in connection with the conduct of customary home occupations.
- §12.10 home occupation activities shall be limited to the hours between 7:00 a.m. and 9:00 p.m.
- §12.11 One professional or announcement sign may be used identifying the customary home occupation. Such sign shall not exceed an area greater than two (2) square feet and must be mounted flat onto the main wall of the principal building. No such sign may be illuminated.
- §12.12 Customary Home Occupations **shall not include**, among others, the following:
- 12.12.1 Uses which do not meet the provisions listed above.
- 12.12.2 Any motorized vehicle repair, body repair or fender repair and any motorized vehicle painting performed for the public.
- 12.12.3 Barber shops, beauty parlors, health spas, body tanning, health clubs, or nail salons.
- 12.12.4 Food handling processing or packing, including wild game processing.

12.12.5 Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.

12.12.6 Restaurants.

12.12.7 Uses which entail the harboring, housing, training, raising or treatment of animals as a principle use.

12.12.8 Tattoo parlors.

§12.13 A business license issued by the City of Centreville shall be required prior to the establishment of a home occupation. Such permit shall be renewed each year.

ARTICLE XIV
ESTABLISHMENT AND REGULATION OF AIRPORT HAZARD AREA

The purpose of establishing the airport hazard area shall be promoting and protecting the public utility and safety of the airport; encouraging the type of development having maximum compatibility with aircraft operations; and promoting harmonious arrangement and development of land uses surrounding the airport.

§14.1 For purposes of this Ordinance, the airport hazard area has been designated as the area shown or described on the "Airport Zoning Map of the City of Centreville, Alabama." This map and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

§14.2 The district regulations contained in this Ordinance shall apply to all areas within the Corporate Limits with the exception of the height regulations of said districts that may conflict with height regulations in the airport hazard area. In such case, the height regulations of the airport hazard area shall govern. The regulation of areas outside the Corporate Limits and within the airport hazard area shall be subject only to the height limitations set forth below herein.

§14.3 Within the airport hazard area shown on the "Airport Zoning Map of the City of Centreville, Alabama," no structure, building or tree shall exceed the height limitations imposed by a thirty-four to one (34:1) glide approach as defined by the Federal Aviation Administration Airport Approach Regulations. In addition, within 10,000 feet of a runway threshold no structure may conflict with the restrictions imposed by the glide approach 34:1 ratio or the cone shaped protected area shown on the Airport Zoning Map. More than 10,000 feet from a runway threshold no structure may extend above ground level (AGL) more than 150 feet or more than the limits imposed by FAA regulations, airport approach design, and the limits established by the Federal Aviation Administration.

§14.4 Within the airport hazard area, the Zoning Board of Adjustment of the City of Centreville shall act as the "Administrative Agency" provided for in Sections § 4-6-(1) - (15), Code of Alabama, 1975 and shall have all responsibilities and powers conferred by said sections.

14.5 The City of Centreville may, by separate Ordinance, adopt and enforce additional regulations for the control of obstructions and height limitations for structures within the airport hazard area identified herein.

SEE CITY OF CENTREVILLE ORDINANCE #2014-002 FOR ADDITIONAL REGULATION AND DETAIL.

ARTICLE XV
GENERAL REGULATIONS

§15.1 ONE MAIN BUILDING ON LOT

Every building hereafter erected, constructed, or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building and its accessory buildings on a lot except as provided in § 12 of this Ordinance.

§15.2 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

The minimum zoning requirements for all yards and open spaces for all buildings and structures hereafter erected, constructed, moved, or structurally altered shall not encroach upon or be considered as meeting the yard or open space zoning requirements of any other building.

§15.3 REDUCTION OF LOT AND YARD AREAS

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size below the minimum zoning requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee, or other visible obstruction between the heights of two and one-half (2 1/2) feet and ten (10) feet above street level shall be permitted within twenty (20) feet of the intersection, right of way between two streets, railroad crossings, and any street or railroad right of way.

Accessory structures within twenty five (25) feet of the rear lot line on a corner lot shall be set back the minimum front yard depth as required on a side street. The requirements of this Sub-section shall not prohibit any necessary retaining wall.

§15.4 STREET ACCESS

No building shall be erected, or constructed on a lot which does not abut a public street.

§15.5 FUTURE STREET LINES

On any lot which, at the time of adoption of this Ordinance or at the time of re-zoning is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan". The minimum required yard, lot area, lot width and maximum building area shall be measured by considering the future street lines as the lot line of such lot.

§15.6 GROUP HOUSING PROJECT

In case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground at least four (4) acres not subdivided into the customary streets and not to be so subdivided or where existing or contemplated street and lot layout make it impracticable to apply

the requirements of this Ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be done by the Board of Adjustment with the advice of the Planning Commission, in a manner that will be in harmony with the character of occupancy, a density of land use no higher and a standard of open space at least as high as required by this Ordinance in the district in which the proposed project is to be located, and will provide layout design and public utilities in harmony with the general requirements and minimum standards of design of the Subdivision Regulations of the City of Centreville, Alabama.

In no case shall the Zoning Board of Adjustment authorize a use or a building height or building area prohibited in the district in which the housing project is to be located.

§15.7 BUSINESS PARKING

Any business operating in a B1 District is prohibited from parking any motorized vehicle , storage units, including trailers or metal containers, on the front or side of the business, or within the general view of the public, for more than twenty-four (24) hours. Where special, temporary, or extenuating circumstances exist the Zoning Administrator may issue a special permit extending the 24 hour limitation for a temporary purpose.

§15.8 ANIMALS

The keeping, housing, or raising of livestock generally referred to as barnyard animals, including but not limited to horses, mules, cows, pigs, chickens, peacocks, llamas, sheep, goats, etc., within an R1 or R2 district is prohibited. This provision does not apply to domesticated house pets.

The keeping, housing, or raising of exotic pets regarded as dangerous or animals that pose a threat to human life within the City of Centreville is prohibited. Such animals include but are not limited to: any poisonous snake, reptile or viper, boa constrictors, pythons, alligators, crocodiles, giant lizards, or any other reptiles weighing more than twenty (20) pounds. If there be any uncertainty whether an animal should be included within the meaning of this section, as a dangerous animal or threat, the finding of the Judge of the Municipal Court shall be a final decision.

Licensed veterinary clinics may be temporarily excepted provided that said clinic has adequate and secure storage facilities for such animals while in treatment.

§15.9 PARKING & STORAGE OF CERTAIN VEHICLES.

Automotive vehicles or trailers of any kind **without current license plates** shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. In a B1 business district unlicensed or disabled vehicles must be stored inside a building or behind a privacy fence. In a residential or B1 business district disabled vehicles, including vehicles with wheels or tires removed, may not be parked on any public street, nor remain parked within the public view, for more than Forty-eight (48) hours.

§15.10 SIDEWALKS & STORE FRONTS IN BUSINESS DISTRICTS

In a B1 business district merchandise for sale may not be stored overnight on the sidewalks, pedestrian walkways or the general store front or within the public view. Exceptions include: Vending machines, ice lockers, merchandise dispensed from a vending machine or ice locker, and hazardous or flammable materials, such as Propane Containers, when stored in a locked cabinet designed for that purpose.

§15.11 ADDITIONAL RESTRICTIONS

Additional restrictions on uses within a B1 and M1 business district may be contained in Appendix II for certain classes of businesses. Please refer to Appendix II for additional information.

§15.12 NUISANCE

Nuisances shall be prohibited in R1, R2, R3, RR, B1, M1, MHP, FW, & FF Districts.

- a) Every person who causes, creates, or maintains a public nuisance within any district shall be in violation of this Ordinance. The causing, creating, maintaining, within any district as set forth herein by this section, of a public or common nuisance as the term “public nuisance” or “common nuisance” is defined or understood according to the common law is hereby prohibited.
- b) Any person who creates or who, being the owner or agent in control, permits any nuisance or the existence of anything which is, or which is likely to be, prejudicial to the health or comfort, or offensive to the sense of ordinary citizens on or about any building, structure, lot, or land, in any district as set forth herein by this section, shall be prohibited and may be subject to the provisions of Article 16.6 of this Ordinance.
- c) Any person who creates or causes any nuisance or anything which is, or which is likely to be prejudicial to the health comfort or offensive to the senses of ordinary citizens upon any lot, street, or other public way, or place, within any district as set forth herein by this section, shall be prohibited and may be subject to the provisions of Article 16.6 of this Ordinance.
- d) The outdoor burning of leaves, tree limbs, yard debris, or other common combustible materials may be deemed a public nuisance when such burning intrudes upon the peaceful and quiet enjoyment of adjoining properties, or creates offensive odors, or provokes respiratory problems or disorders of any citizen.

§15.13 SALE OF MOTOR VEHICLES ON PRIVATE PROPERTY

- a) Except for the owner of a private motor vehicle offering not more than one (1) vehicle for sale on his/her own property, no person shall offer, allow, or arrange to be offered for sale a motor vehicle, whether attended or not, upon any private property within any R1, R2, R3, FW or FF district.
- b) This section shall not prohibit a person from operating a vehicle on a public right-of-way or legally parking a vehicle in a public parking space, bearing *FOR SALE* sign for a period of time reasonably necessary for said person to accomplish a purpose unrelated to the display or offering for sale of the vehicle.

§15.14 PARKING OF TRAILERS, CONSTRUCTION EQUIPMENT, AND RECREATIONAL EQUIPMENT.

- a) Commercial or Recreational vehicles, motor homes, buses, construction equipment, boats, boat trailers, utility trailers, other types of trailers, buggies, wagons, tractors, and cases, or cases of boxes used for transportation of recreational or construction equipment, whether occupied by such equipment or not, may be parked or stored in a R1, R2, R3 district only in a side or rear yard or in a carport or enclosed storage building.

- (b) Such equipment may be parked anywhere on residential premises for a period of not more than forty-eight (48) hours.

ARTICLE XVI
ADMINISTRATION, ENFORCEMENT AND PENALTIES

§16.1 ZONING ENFORCEMENT OFFICER

- a) The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator, designated by the Mayor under Section § 11-52-83, Code of Alabama, 1975. The Mayor may elect to appoint, employ, or contract for the services of a Zoning Administrator.
- b) The Zoning Administrator shall give information to the public, upon request, as to the provisions of this Ordinance and shall interpret the intent of the Ordinance in the course of enforcement. The Mayor or Zoning Administrator shall approve all applications for building, constructing, or altering any building, structure, or use prior to the issuance of a building permit for compliance with the provisions of this Ordinance.
- c) The Zoning Administrator shall receive and investigate reports or complaints involving violations of the Zoning Ordinance. He shall report any violation of this Ordinance to the Mayor.
- d) The Zoning Administrator shall have the right of entry upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for inspecting buildings, structures, or premises necessary to enforce this Ordinance.
- e) The Zoning Administrator or a Centreville Police Officer shall have the authority to issue a citation to a property owner for the violation of any provision of this Ordinance and to issue to a property Owner a Summons to Appear before the Municipal Court for a Zoning Violation.

§16.2 BUILDING PERMIT REQUIRED

It shall be unlawful to commence excavating, constructing, storing building materials, erecting temporary field offices, moving, altering, repairing of any structure or building, including necessary structures (except repairs, not changing the character of the structure and not exceeding \$500.00 in cost, for example painting or wallpapering), until the City Clerk, City License Inspector, or Building Inspector has issued a building permit. No permit shall be issued unless it appears that the plans, specifications and the intended use of such structure conforms in all respects with the provisions of this Ordinance. **It is the responsibility of the property owner to comply with all provisions of this Ordinance and the issuance of a building permit does not waive or exempt any provision of this Ordinance.** Application for a building permit shall be made to the City Clerk, License Inspector, or Building Inspector on forms provided for that purpose; and,

- (a) No permit shall be issued until the fees prescribed have been paid; nor shall any amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.
- (b) If any person commences any work on a building or structure before obtaining the necessary permit from the city, a stop work order may be issued and such person shall be subject to the penalty prescribed herein.

(c) A building, electrical, plumbing, mechanical, gas and/or temporary power or temporary gas permit shall be required for all federal, state, city and county structures and public boards of education, such permit shall be issued on proper application but without the payment of the applicable permit fee. It is provided, however, that such permit fees will be required for the construction, alteration or repair of any such governmental building or structure if it is not intended or utilized for the actual use and occupancy of the governmental entity. All other permit fees shall be paid at the time that the building permit is issued.

(d) When a building permit is issued, the contractor will be furnished with a permit sign showing the permit number. This sign, showing the permit number, will be displayed at the site of the work for which the permit was issued at such point thereon that it is easily visible from the street.

(e) Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system prior to obtaining the necessary permits and paying the fees as required, shall be subject to a late fee of one hundred (100) per cent of the usual permit fee in addition to the required permit fees.

(f) No permit shall be issued for a building or structure in an historic district without prior written notification to and written approval from the city historic preservation commission.

§16.3 FEES

The City Council may establish appropriate building permit, zoning variance, rezoning, application, or appeal fees. The fee schedule is attached hereto as Appendix III and may be amended from time to time by the City Council.

§16.4 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT

It shall be unlawful for the City Clerk, License Inspector, or Building Inspector to approve any plans or issue any building permit for excavation or construction until a detailed inspection conforming to this Ordinance has been approved. To this end, the City shall require every building permit application for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing in sufficient detail enabling the City to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformity with this Ordinance, including the following:

- (a) The actual shape, proportion, and dimensions of the lot.
- (b) The shape, size, and location of all buildings or other structures to be erected, altered or moved. The shape, size, and location of all existing buildings or other structures.
- (c) The existing and intended use of all such buildings or structures.
- (d) The setback, side lines, and such other information of any buildings on adjoining lots concerning the lot or adjoining lots as may be essential for determining conformity with the provisions of this Ordinance.
- (e) The location of any easements, power service, gas line, water lines, sanitary sewers or storm sewers on the property.
- (f) Compliance with the provisions and requirements of Article XIX.

If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance. **It is the responsibility of the property owner to comply with all provisions of this Ordinance and the issuance of a building permit does not waive or exempt any provision of this Ordinance.**

§16.5 CERTIFICATE OF OCCUPANCY REQUIRED

No buildings, structure, or land or part thereof hereafter erected, moved or altered shall be used until the Building Inspector has completed a final inspection stating that such buildings, structure, or land or part thereof is found to be in conformity with the provisions of this Ordinance.

Within five (5) working days after the owner or his agent has notified the Building Inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Final Inspection if the building or premises or part thereof is found in conformity with the provisions of this Ordinance, and to stating any refusal and cause in writing. A Certificate of Occupancy may be issued by the City Clerk when approved by the Mayor.

§16.6 PENALTIES

Any person violating any provision of this Ordinance may be Summoned to Municipal Court by the Zoning Administrator or the Centreville Police Department. For a violation of this Ordinance the offender may be fined upon conviction not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus the cost of court, as imposed by the Municipal Judge, for each offense OR the Municipal Judge may fashion a remedy appropriate for the offense. **Each day such violation continues shall constitute a separate and continuing offense.**

§16.7 REMEDIES

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building, structure, or land used in violation of this Ordinance, the Building Inspector, any other appropriate authority, any party aggrieved who would be specially damaged by such violation, in addition to other available legal remedies, may institute injunction, mandamus, or other appropriate action or proceeding preventing such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correcting or abating such violations or preventing occupancy of such building, structure, or land.

ARTICLE XVII
ZONING BOARD OF ADJUSTMENT

§17.1 ESTABLISHMENT OF ZONING BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established. The Board shall consist of not less than three (3) nor more than five (5) members, each to be appointed for a term of four (4) years by the Mayor and approved by the City Council. Terms shall run concurrent with the term of the Mayor. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Any member of

the ZBA may be removed for cause by the appointing authority upon the filing of any written charges and after a public hearing.

§17.2 POWERS AND DUTIES OF THE ZONING BOARD OF ADJUSTMENT

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

- a. **Administrative review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.
- b. **Special exceptions.** To hear and make recommendation for special exceptions to the terms of the Ordinance and to transmit said recommendation to the City Council for a final vote upon application for a special exception.
- c. **Variances.** Upon appeal in specific cases such variance from the terms of the Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. In exercising the above mentioned powers, such Board may, in conformance with the provisions of this article, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to effect any variation in such Ordinance. The final vote and final authority for the approval of a variance authorized by the Zoning Board of Adjustment lies with the City Council of the City of Centreville.

§17.3 PROCEEDINGS OF THE ZONING BOARD OF ADJUSTMENT

The Board of Adjustment shall take up all applications for Variances, Special Exceptions, and Appeals from actions of a Zoning Administrator or other City Department or Official, or the City Building Inspector.

At the request of the Mayor the Board of Adjustment may take up applications for reclassification of zoned property and may make recommendations to the Mayor & City Council. The sole authority to re-classify or re-zone property, or to make changes in the Official Zoning Map is vested in the City Council.

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

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

§17.4 APPEALS TO BOARD OF ADJUSTMENT

- 17.4.1 An appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer.
- 17.4.2 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 of Adjustment a notice of appeal specifying the grounds thereof.
- 17.4.3 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 of Adjustment 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. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.
- 17.4.4 The board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

§17.5 APPEALS FROM ACTION OF THE BOARD OF ADJUSTMENT OR CITY COUNCIL

Any party aggrieved by any final judgment or decision of the Board of Adjustment AND/OR the City Council may, within fifteen (15) days thereafter take an appeal to the Circuit Court of Bibb County, Alabama, or court of like jurisdiction, by filing with the Court an original complaint, and serving a filed copy upon the City of Centreville, specifying the judgment or decision from which appeal is taken. In case of such appeal, the board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo*.

§17.6 FEES

Application for review or appeal by the Board of Adjustment shall be accompanied by a fee payment of **\$150.00**. Said fee payment is required for applications for zoning, re-zoning, variances, special exceptions, and or appeal review.

§17.7 REQUIREMENT FOR PUBLIC HEARING

No action shall be taken upon an application for reclassification of zoned property until a public hearing is conducted.

Notice of a public hearing shall be published for two (2) consecutive weeks in the Centreville Press, or other public place, with the last publication appearing at least one week (7) days prior to a scheduled meeting. Meetings shall be held at the City Hall and shall not be held in conjunction with a meeting of the City Council.

A final vote on an application for reclassification of zoned property shall be not be held before five (5) days have elapsed after a public hearing is held.

SPECIAL EXCEPTIONS

- 17.7.1 The Board of Adjustment may authorize a special exception to the Zoning Ordinance in specific cases.
- 17.7.2 A special exception shall not be granted unless and until:
- a) a written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.
 - b) The City Council approves a special exception upon receipt of a recommendation from the Zoning Board of Adjustment.

§17.8 VARIANCES

- 17.8.1 The Board of Adjustment may authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, as a result of a special condition, a literal enforcement of the provision of this ordinance would result in unnecessary hardship.
- 17.8.2 In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and forbidden under the provisions of this Ordinance.
- 17.8.3 Under no circumstance shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- 17.8.4 A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until, a written application for a variance is submitted demonstrating:
- a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c) That the special conditions and circumstances do not result from the actions of the applicant;
 - d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to their lands, structures, or buildings in the same district.

e) The variance is approved by the City Council.

§17.9 WHEN EFFECTIVE

No variance or special exception shall be effective until a Notice of Variance/Special Exception is issued by the Clerk of the City of Centreville, signed by the Zoning Administrator or the Mayor, and recorded in the public records of the Office of the Probate Court of Bibb County, Alabama. **Said variance shall become effective upon the date and time of said recording.**

ARTICLE XVIII
AMENDMENTS

§18.1 Amendments

The Code of Alabama (1975) Section 11-52-78, provides statutory authority to alter, amend, supplement, or otherwise modify any zoning ordinance. The provisions of this Ordinance, including the Zoning Map, may from time to time be amended, supplemented, changed, modified, or repealed in accordance with the following procedure adopted by the City of Centreville:

§18.2 PROCEDURE TO AMEND ZONING MAP, ZONING ORDINANCE, OR REGULATIONS

18.2.1 The regulations, the number, the area, and the boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the municipal governing body, but no amendment shall become effective unless it is first submitted to the Centreville Planning Commission for its recommendation and approval.

18.2.2 The Centreville Planning Commission, upon its own initiative, may hold public hearings, public notice of which shall be given for the consideration of any proposed amendment to the provisions of this Ordinance or to the zoning Map of the City of Centreville and submit its recommendations to the Centreville City Council for final approval thereof.

18.2.3 The provisions of the Code of Alabama (1975) § 11-52-78, as the same may be amended, shall apply to all changes and amendments.

ARTICLE XIX
SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

§19.1 The provisions of this section shall apply to the document requirements to accompany requests for building permits, applications for zoning, re-zoning, variances, special exceptions, or appeals. No application, request, or appeal shall be considered by the Zoning Administrator or the Zoning Board of Adjustment until the provisions of this section are complied with.

§19.2 *Permits.* A separate stormwater permit from the City of Centreville is not required under this article due to the existing ADEM NPDES stormwater permit program. However, the City expressly reserves the right to protect the public property, ensure the health, safety, and welfare of local citizens, and to promote compliance with state and federal requirements and guidelines from run-off or discharge from construction sites.

§19.3 Alabama Department of Environmental Management (*ADEM*) *notice of registration*. Each construction plan submitted to the city for approval shall include a copy of the proposed ADEM notice of registration specific to the site in question, where applicable. The responsibility to determine if an ADEM permit is required for a particular construction plan is the responsibility of the owner and/or contractor. The issuance of a building permit by the City of Centreville does not constitute a waiver of the owner's responsibility to comply with CWA or ADEM regulations.

§19.4 *Design requirements*. Construction plans submitted for approval shall be designed to reduce the discharge of pollutants to the public environment to the "maximum extent practicable", to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, the AWPCA and the ADEM NPDES Stormwater permit program. Grading, erosion control, sediment control, waterway crossings and any other necessary best management practices shall meet the design criteria set forth in the most recent edition of the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, or the most recent revision, addendum, or replacement publication setting out current guidelines.

§19.5 Residential Site Plans must be accompanied by the following:

(a) Map or Survey by a registered land surveyor containing the following:

1. Names and addresses of owner.
2. Names and addresses of owners of record of all adjoining parcels of land as they appear on the current tax records.
3. Locations of all proposed structures for the site including distances from property boundary lines.
4. Location and dimensions of existing sanitary sewer lines and, to the extent known at this stage, of proposed sanitary sewer lines
5. Location of public right of way and all existing utility easements
6. Number of Section, Township, and Range, with approximate ties to all identifiable section corners within or close to the site.

§19.6 Commercial Site Plans must be accompanied by the following:

(b) Site plan prepared by a professional engineer or architect.

(c) Storm water run-off and control plan prepared by a professional engineer.

(d) Survey by a registered land surveyor containing the following:

1. Names and addresses of owners and designer of the plat who shall be a land surveyor registered to practice in the State of Alabama.
2. Names and addresses of owners of record of all adjoining parcels of land as they appear on the current tax records.
3. Locations and widths of rights-of-way of proposed and existing streets, alleys, and easements.

4. Location and dimensions of existing sanitary sewer lines and, to the extent known at this stage, of proposed sanitary sewer lines
5. Location of public right of way and all existing utility easements
6. Number of Section, Township, and Range, with approximate ties to all identifiable section corners within or close to the site.

§19.7 Subdivisions

§19.7.1 PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

Each Preliminary Plat presented to the Zoning Administrator for approval shall contain the following information:

1. Date, north arrow, graphic scale, subdivision name, total acreage to be subdivided and total acreage under the control of the developer. The scale shall not be less than one hundred feet to the inch (1" = 100'), or, in the case of a metric plat, not less than one to one thousand (1:1,000 or 1 cm = 10m). No subdivision may bear a name identical to, or unacceptable similar to, the name of an existing subdivision.

2. Contours shall be shown at intervals of not more than five (5) feet. In areas where existing slope is less than three percent (3%) on one acre or more, the contour interval shall be two (2) feet or less.

3. Names and addresses of owners and designer of the plat who shall be a land surveyor registered to practice in the State of Alabama.

4. Names and addresses of owners of record of all adjoining parcels of land as they appear on the current tax records.

5. Locations and widths of rights-of-way of proposed and existing streets, alleys, and easements.

Proposed locations of "stop," "yield," and other traffic control signs. If the proposed subdivision abuts an existing street, the location of any intersecting streets on the other side of such abutting street shall be depicted. In the event that a proposed subdivision is not directly served by a publicly maintained street or road with two or more trafficable lanes, the subdivision designer shall include a statement showing the Deed Book and Page Number of deeds granting rights-of-way for that portion of rural roads located between the proposed subdivision and the nearest publicly-maintained street or road with two or more trafficable lanes.

6. The names, locations, widths, and other dimensions of existing or proposed parks, playgrounds, open spaces or other public property.

7. The locations of existing and proposed property lines, and existing buildings, water courses, railroads, bridges, culverts, and drainpipes on the land to be subdivided and for an area at least fifty (50) feet in width around the perimeter thereof.

8. Location and dimensions of existing sanitary sewer lines and, to the extent known at this stage, of proposed sanitary sewer lines. In the event the subdivision will be served by

septic tanks or a developer-installed sewage lift station, the Preliminary Plat should so state.

9. Proposed lot lines, lot numbers, and approximate dimensions.

10. Number of Section, Township, and Range, with approximate ties to all identifiable section corners within or close to the proposed subdivision.

11. Vicinity map showing the general location of the subdivision in relation to existing and proposed major streets, schools, parks, and other subdivisions.

12. Existing zoning classification of proposed subdivision or commercial development, if any.

13. Street cross-section, showing proposed construction and statements concerning type of material to be used in construction.

14. Locations of proposed sidewalks, if any.

15. Building and parking lot outlines.

16. If any portion of the land included in, or immediately adjacent to, the proposed subdivision is located within the Floodway or the 100-Year Flood boundary of a stream or river, as depicted on the Flood Boundary and Floodway Map, or is located in a "Special Flood Hazard Area", as depicted on a Flood Hazard Boundary Map, then such Floodway, Boundary, or Flood Hazard Area shall be indicated on the Preliminary Plat as accurately as possible. Guidelines for subdivision design in such areas are on file in the Centreville City Hall.

§19.7.2 PLANS AND PROFILES

Construction drawings of proposed improvements shall include plans and profiles of proposed streets, sanitary sewers, and drainage structures, and shall be prepared by a registered Professional Engineer. Street design and/or access to public streets shall conform to the requirements of the City of Centreville and such other specifications as may be promulgated by the City Engineer. The plans and profiles of sanitary sewers shall include sufficient data to insure that the sewers have been designed properly. The plans and profiles of drainage features shall contain sufficient data, including calculations of pipe diameters and runoff velocity in open gutters, to permit the City Engineer to verify the design.

§19.7.3 FINAL PLAT

The Final Plat shall be an original drawing on mylar or other high quality reproducible material and shall be tied to an accepted corner based on the U. S. Government Survey. This Plat shall also show the following:

1. Title, graphic scale, north arrow, name and registration number of the subdivision designer, and the date, together with the quarter section(s) in which the subdivision is located.

2. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of lots, with accurate dimensions, bearings, or deflection angles, radii, arcs, and central angles of all curves.

3. Right-of-way width of each street or other right-of-way.

4. The locations and dimensions of all easements, together with the following statement:

NOTE: ALL EASEMENTS SHOWN ON THIS PLAT ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, AND STORM DITCHES, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PRIVATE UTILITY, INCLUDING PRIVATE SANITARY SEWER LINES, THAT RUN ALONG THE EASEMENT SHALL BE INSTALLED WITHIN THE EASEMENT, BUT MAY BE PERMITTED TO CROSS PERPENDICULAR TO THE EASEMENT. NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DESIGNATED EASEMENT. FENCES OR SHRUBBERY PLACED WITHIN AN EASEMENT ARE SUBJECT TO REMOVAL WITHOUT COMPENSATION AT THE CONVENIENCE OF THE CITY OR COUNTY.

5. Number to identify each lot or building site.

6. The purpose for which sites, other than residential lots, are dedicated or reserved.

7. Minimum building setback lines on all lots shall meet those for the zone in which constructed.

8. Reference to recorded subdivision plats of adjoining platted land, by plat book and page number.

9. Space for the approval of the City Engineer, the Secretary of the Planning Commission, and the authorized representative of the Health Department. If the subdivision is located outside the Corporate Limits of the City of Centreville and involves the dedication of any rights-of-way or improvements to the public, then space shall be provided for approval of the County Engineer.

10. Certificates and acknowledgments for the designer and owner, as required in the Code of Alabama (1975) §35-2-51. The designer shall further execute the following certification:

'I hereby certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in Alabama.'

11. If the plat depicts a PUD with private streets, a provision for the dedication of any or all of the private streets to the public in the event that the governing body of the City determines in the future that the same is required for adequate public access to adjacent or other property or required for public health, safety, and welfare. All such private streets shall be so identified on the plat drawing.

12. Final Plats shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or, in the case of a metric plat, not less than one to one thousand (1:1,000 or 1 cm = 10 m), provided that, after the plat has received final approval by the Planning Commission, the developer may file a reduced copy for the record.

13. Final Plats shall document the location of the subdivision according to the West Zone of the Alabama Coordinate System as described in Section § 35-2-1, Code of Alabama (1975).

a. This requirement shall apply only to those new subdivisions containing ten or more lots. All phases of one development shall be added together for purposes of determining the applicability of this section. Each phase of a subdivision containing ten (10) or more lots shall be subject to the placement of monuments as indicated below.

b. Implementation of this section requires that at least two monuments be erected in the subdivision, referenced to the subdivision itself, at least three hundred (300) feet apart. Easements or other means shall be provided for permanent sight distance between the monuments, and public access to the monuments.

c. The monuments erected under this section shall be permanent concrete monuments or other monuments accepted by the City Engineer, set below the ground in an approved protective box, and identified by a minimum of three (3) permanent reference points.

d. The City Engineer shall keep a book listing all such monuments erected under this section. The location and coordinates of monuments shall be shown on the final plat and prior to recordation of the final plat there must be recorded in the book a location or site map of each such monument, the coordinates of each, and sufficient field and office records to establish the probable accuracy of the information supplied. Control for monuments established under this section shall meet National Geodetic Survey third-order requirements: one part in ten thousand (10,000) and an angular closure of not greater than eight (8) seconds per turn.

§19.8: STREET EXCAVATION PERMITS

Definitions.

For the purpose of this article, the following terms and words shall have the following meaning:

Contractor: A person, firm or corporation duly licensed and bonded by the City of Centreville either self-employed or otherwise employed to perform, excavate, or repair a street cut.

Crushed stone: Clean, screened by size, crushed limestone.

Crusher run: Blended crushed stone ranging in size from one-eighth inch (1/8") to one inch (1") and containing fines and stone dust.

Permittee: A person or contractor holding a permit issued pursuant to this Ordinance.

Person: The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include as executor, administrator, trustee, receiver or other representative appointed according to law.

Right-of-way (ROW): The general term denoting public ownership or interest in land usually in a strip which has been acquired for, or devoted to, the use of a street or an alley in the City.

Roadway: That portion of right-of-way improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway or street includes two or more separate

roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Sidewalk: That portion of a street between the curb lines or the lateral lines of the roadway and the adjacent property lines; improved for use by pedestrians.

Street cut: Any excavation occurring within the public right-of-way.

Regulations for street excavation.

(a) *Permit required.* It shall be unlawful for any person to perform any type of street cut within a right-of-way or to cause said work to be performed on any right-of-way within the corporate limits without first applying for and receiving a permit for such work. The City may require a contractor to post a bond, in an amount within the discretion of the Mayor or appointed administrator, to secure compliance with the provisions of this Ordinance prior to issuing a permit.

(b) *Application for street cut permit.* The application for a permit may be obtained in the office of the City Clerk. The application should contain justification as to the need for the street cut, location, date and time of excavation, completion date, and any other information deemed as necessary by City Clerk.

(c) *Indemnification.* As a condition for the issuance of the permit, the applicant shall agree to indemnify and hold harmless the city, its employees, its agents from any liability to person or property resulting from any act or omission of permittee in performing the work, and for one year after completion of said work.

(d) *Warranty.* Permittee shall warrant and guarantee the material and workmanship for one (1) year after the date of completion of the excavation.

(e) *Pavement failure.* If, during the one (1) year warranty the pavement, or other areas effective by the street excavation fails or subsides, the permittee is responsible for repairing the defect immediately pursuant to the regulations herein. Failure on the part of the permittee to perform such repairs or to reimburse the city for any cost it should incur may result in the denial of future street excavation permits.

(f) *Collapse of right-of-way.* In the event the right-of-way collapses or fails and the Mayor or designated public official determines that it is in the best interest of the public health, safety and welfare, the City of Centreville may take whatever measures are reasonably necessary to make the right-of-way reasonably safe for public travel. The permittee agrees to pay for all costs for said work performed by the City of Centreville to correct the right-of-way failure.

General requirements and regulations concerning street excavation.

(a) Permittee shall return the right-of-way to its original condition or better in all areas affected by said street cut.

(b) *Street specifications:*

(1) Crushed stone screened to a maximum size of one (1) inch diameter or crusher run (blended crushed stone) shall be the only material allowed for back fill purposes in the roadway portion of the right-of-way or under sidewalks, curbs, curb and gutter, or any

associated structure. Crushed stone back fill shall extend a minimum of twelve (12) inches beyond the edge of the roadway or other structures.

(2) All excavations within the roadway portion of a right-of-way shall be saw cut or cut with a pavement breaker attached to a jackhammer. Roadways with a concrete running surface must be saw cut to a depth that will assure a straight, smooth joint when repaired. Permittee shall where applicable enlarge the excavation to an adjacent expansion joint or enlarge the excavation to remove prior cracks or damaged areas that may prevent the satisfactory repair of the roadway.

(3) Prior to the placement of concrete or asphalt, the excavation must be cut square with a support shoulder provided.

(4) Roadways having a concrete surface must be repaired with a ready-mix (3000 psi) Class A concrete.

(5) Roadways having an asphalt surface must be repaired with Alabama Highway Department specification 416A hot mix asphalt or current equivalent. Asphalt surfaces may also be repaired using Alabama Highway Department specification 411A slag cold mix asphalt.

(6) Roadways having asphalt over concrete shall be repaired with the appropriate corresponding depth of concrete and asphalt.

(7) Asphalt patches must be compacted using a mechanical vibrator tamp or steel wheel roller designed for the purpose of compacting asphalt. Asphalt patches shall be a minimum of four (4) inches thick or match the existing thickness of overlaying asphalt.

(c) *Sidewalk specifications:*

(1) Any sidewalk or curb and gutter affected by a street excavation shall be saw cut to a depth that will assure a straight, smooth joint when repaired. Permittee shall where applicable remove existing sidewalks and/or curb and gutter to an adjacent expansion joint or enlarge the excavation to remove prior cracks or damaged areas that may prevent the satisfactory repair of the sidewalk or curb and gutter. When completed, expansion joints shall be consistent with joints in the adjacent sidewalks.

(2) Permittee may tunnel under a sidewalk, curb or curb and gutter provided that it is possible to adequately place crushed stone under such structures. In the event of settling or breakage during excavation or warranty period, the affected structure must be removed to the nearest appropriate expansion joint or joints. Sidewalks, curb or curb and gutter must be saw cut when removed. Concrete used for repair must be Alabama State Highway Department specifications, Class A 3000 psi ready-mix.

(d) *General specifications:*

(1) Permittee shall repair all disturbed area within the public right-of-way in addition to the roadway such as road shoulders, ditch banks or slopes. These areas shall be returned to its original or better condition and shall include temporary or permanent erosion control measures as needed and such areas shall be included in the one-year warranty period.

(2) Permittee during performance of work over, upon or under the streets, shall provide, place and maintain work zone traffic control devices in compliance with the provisions of the latest edition of the Alabama Manual on Uniform Traffic Control Devices or as the director of the department of transportation or his designated representative may direct. Traffic control plans for all work to be performed over, upon, or under any public street within the corporate limits shall, prior to work commencing be submitted to the director of transportation.

(3) Permittee shall remove from work area all spoil material before work is completed. Roadway, sidewalk or curb and gutter shall be clean of mud, loose material or debris.

Violation—Penalties.

(a) Any owner, contractor or other person who shall perform any type of excavation within the right-of-way or cause said work to be performed in the right-of-way except in conformity with the provision of this article shall be guilty of a misdemeanor punishable pursuant to Section 16 of this Ordinance and/or may forfeit his performance bond.

(b) If it is determined that a street cut has been made in violation of this Ordinance no permit will be issued to the person who committed the violation unless said person remits to the city a reinstatement fee of two hundred fifty dollars (\$250.00).

Appeal.

Whenever the City denies a permit required herein for excavation of the public right-of-way, the person denied the permit or the permittee may appeal the decision of City administrator to the city council. Notice of the appeal shall be in writing and filed with the City Clerk within thirty days after the decision is rendered by city administrator. The city clerk shall set the matter for public hearing before the city council.

ARTICLE XX
LEGAL STATUS PROVISIONS

§20.1 RE-ENACTMENT AND REPEAL OF EXISTING ZONING ORDINANCE

This Zoning Ordinance of the City of Centreville, Articles. I – XXIII (June xx, 2014) amends and replaces the provisions of the Centreville, Ala., Zoning Ordinance, Articles. I – VIII (June 2,1981). It is the intention of the City of Centreville to repeal the original ordinance (1981) and to enact the Zoning Ordinance of the City of Centreville, Articles. I – XXIII (June xx, 2014) as set out herein and continue to enforce such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced.

All provisions of the Centreville, Ala., Zoning Ordinance, Articles I – VIII (June 2, 1981) which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are not pending in any of the Courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution not pending, and/or which may heretofore have been instituted or prosecuted.

§20.2 EFFECT UPON OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building structure or part thereof for which a building permit had been granted by the Building Inspector before the time of passage of this Ordinance; provided, however, that where construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this Ordinance or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction of use shall be in conformance with this Ordinance.

§20.3 VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City council of the city of Centreville hereby declares that they would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

§20.4 INTERPRETATION AND PURPOSE

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted promoting the public health, safety, morale, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances is mandatory. This Ordinance shall not lessen the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

§20.5 SEVERABILITY

The sections, articles, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, article or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, articles and sections of this Ordinance.

§20.6 EFFECTIVE DATE

This Ordinance shall be effective and in full force from and after the date of its passage as set forth in the books and records of the City Clerk of the City of Centreville. Prior to adopting a Resolution enacting this Ordinance the City of Centreville shall comply with all Notice to the Public Requirements and may not enact this Ordinance until the passage of not less than thirty (30) days after a public hearing as required by Title 11 of the Code of Alabama (1975 as amended).

**ARTICLE XXI
RESERVED FOR FUTURE USE**

**ARTICLE XXII
RESERVED FOR FUTURE USE**

**ARTICLE XXIII
RESERVED FOR FUTURE USE**

APPENDIX I DEFINITIONS

For the purposes of this Ordinance, certain words and terms as herein described; shall apply to all parts of this Ordinance. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for"; and the word "structure" shall include the word "building"; the word "lot" shall include the words "plot" and "tract" and the word "shall" is mandatory.

1. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.
2. Basement: An underground or partly underground story. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between its ceiling and the average level of the adjoining ground is more than five (5) feet.
3. Boarding House: A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons.
4. Bed and Breakfast: A home in which rooms are provided overnight and breakfasts are served the following morning, both for compensation.
5. Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.
6. Building, Accessory: A subordinate building, the use of which is incidental to that of the principal building on the same lot.
7. Building, Principal: A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.
8. Drive-in Restaurant: A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.
9. Drive-in Theater: A theater so arranged and conducted that the customer or patron may view the performance while being seated in a motor vehicle.
10. Dwelling: A building containing one or more dwelling units, but in the case of a building having two or more portions divided by one or more party walls forming a complete separation, each such portion shall be considered to be a separate dwelling.
11. Dwelling, Single Family: A dwelling having only one dwelling unit from the ground to roof and having independent outside access.
12. Dwelling, Two Family: A detached building designed exclusively for occupancy by two families living independently of each other under one roof.

13. Dwelling, Multi-family: A building or portion thereof designed for occupancy by three or more families living independently of each other under one roof.
14. Dwelling Unit: Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.
15. Family: One (1) or more individuals occupying a dwelling unit and living as a single housekeeping unit.
16. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls including (a) basement space where more than one half the basement height is above the finished lot grade averaged along the exterior walls of the building; (b) elevators and stairwells at each floor; (c) attic space, whether or not a floor has been laid, over which there is structural headroom of seven feet or more; and (d) enclosed porches, interior balconies and mezzanines and penthouses, and excluding (a) floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building, and (b) floor space permanently devoted to a parking space or parking spaces.
17. Frontage: All the property abutting on one side of a street between two intersecting streets measured along the street line.
18. Garage, Private: A building or space used as an accessory to or a part of a main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way connected.
19. Group Home: A house where several individuals, unrelated, all clients of agencies such as mental health, alcohol, abuse, drugs, etc. that are treating those individuals and teaching them to function in the community.
20. Lot: A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided in this ordinance, or as are intended to be used with such piece, parcel or plot of land.
21. Lot, Corner: A lot with frontage on two or more streets at their intersections.
22. Lot, Depth: The mean horizontal distance between the front and rear lot lines.
23. Lot of Record: A lot which is part of a subdivision, a plat or which had been recorded by Centreville County at the time of the adoption of this Ordinance; or a lot described by metes and bounds, the description of which had been recorded by Centreville County at the time of the adoption of this Ordinance.
24. Manufactured Home: A transportable structure, which exceed either eight (8) body feet in width or thirty two (32) body feet in length, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. This structure is also known as a "Mobile Home" and as a "House Trailer" and all have the same meaning in this Ordinance.
25. Manufactured Home Parks: Any premises where manufactured homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for manufactured homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as part of such manufacture home park.
26. Mini-storage: Buildings divided into small compartments, each accessible from the outside of the building with each compartment usually being rented to different persons for the use of temporary storage of personal property.

27. Non-conforming structure: A building or structure lawfully constructed prior to the passage of this chapter or an amendment thereto, which does not conform to the dimensional requirements or other requirements except use, for the zone in which it is located.

28. Non-conforming Use: A lawful use of land, building or structure existing at the time of the passage of this Ordinance, or an amendment thereto, which does not conform to the use regulations for the zoning district in which it is located.

29. Professional Offices: An office used for a licensed business professional such as land surveyor, architect, accountant, attorney, insurance or title agents. Does not apply to the medical or dental profession.

30. Signs: Any structure, part thereof, or device or inscription attached thereto or painted or representation thereon, which is located upon any land, on any building, or on the outside or inside of a window, and which displays or includes any numeral, letter, word, model banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of an announcement, advertisement, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.

This definition shall not include the flag, emblem, insignia, poster or other display of any nation or political subdivision including traffic or similar regulatory devices, or legal notices, warnings at railroad crossings, signs or tablets which are primarily memorials, or emblems of religious institutions that are attached to buildings.

a. Advertising Sign: A sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

b. Business Sign: A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which such sign is located, or to which it is affixed.

c. Ground Sign: A free-standing sign resting upon the ground or attached to it by means of two or more poles or standards.

d. Identification Sign: A sign used to identify only: the name of the individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

e. Illuminated Sign, Directly: A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

f. Illuminated Sign, Indirectly: A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

g. Non-illuminated Sign: A sign which is not illuminated, either directly or indirectly.

31. 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 such floor and the ceiling next above it.

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

33. Structure: Anything constructed or erected, including a building, which has permanent location on the ground or anything attached to something having a permanent location on the ground.

34. Structural Alteration: The word "Alteration" shall include any of the following:

- a. any addition to the height or depth of a building or structure;
- b. Any change in the location of any of the exterior walls of a building or structure;
- c. Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty per cent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

35. Use: Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

36. Use, Accessory: a use located on the same lot with a principal use, and clearly incidental or subordinate to and customarily in connection with the principal use.

37. Use, Principal: The main use on a lot.

38. Yard: An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

39. Yard, Front: An open, unoccupied space on the same lot with a principal building extending the full width of the lot and situated between the street and the front line of the building projected to the side lines of the lot.

40. Yard, Rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
X=PERMITTED USE		
A=PERMITTED ON APPEAL ONLY		
Airport	X	X
Ambulance Service	X	X
Amusement Park, Amusement Arcade	A	X
Antennas, Radio, Microwave, or Cell Towers	A	X
Apparel and Clothing Store	X	X
Appliance Repair - with all storage of goods, materials, and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Appliance Repair - with no limit to outside storage	A	X
Art Galleries	X	X
Artistic Programs or Events	X	X
Assembly Hall, Coliseums and Stadiums - owned by non-profit organizations or by governments	A	X
Auto Racing		A
Automobile Parts (Sales of New Parts)	X	X
Automobile Parts (Salvage and used parts)	-	X
Automobile and Truck Sales - with inventory, rental with inventory and repair when carried on entirely within the principal building and incidental to the principal use	X	X
Automobile & Truck Repair – all customer vehicles must be parked indoors or stored at rear of building. Work must be performed inside garage or at rear of bldg.	A	X
Automobile & Truck Repair – without restrictions	-	X
Automobile Wash	A	X
Bakery (goods baked and sold on premises)	X	X
Bakery, Wholesale	X	X
Bank	X	X
Barber Shops	X	X
Beauty and Barber Shop Supplies	X	X
Beauty Shops, Cosmetologists, Nail Technicians	X	X
Billiard or Pool Hall	A	X
Boat Building, Repair, Service and Storage	-	X
Boat Sales - with inventory, rental with inventory and repair when carried on entirely within the principal building and incidental to the principal use	X	X
Bottling Works and Dairy Products	-	X
Bowling Alley	X	X
Broker, Investments, Loans	X	X
Building Contractors with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	A	X
Building Materials Companies with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Building Supplies and Materials, Glass Sales and installation with storage yard for lumber, bricks, cement blocks or other materials	A	X
Building Supplies and Materials, Glass Sales and installation with no outside storage of lumber, brick, cement blocks or other materials	X	X
Bus Passenger Station	X	X
Candy Products and Manufacture	X	X
Caterer	X	X
Cell Phone Towers, Microwave, Radio/TV Antennas	A	X

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
X=PERMITTED USE A=PERMITTED ON APPEAL ONLY		
Cemeteries, Mausoleums	A	X
Charitable and Philanthropic Organizations	X	X
Churches and other places of Worship including Sunday School buildings, parish houses, rectories and other residences of clergy	X	X
Cleaners (all including pick-up station) or self-service laundromat, all performing services entirely for retail trade on the premises	X	X
Cleaning of Building Exteriors, disinfecting or exterminating establishments with all materials and equipment completely enclosed within the principal building	X	X
Clothing and Apparel Store	X	X
Clothing Manufacturer	A	X
Cold Storage Facility	A	X
College (Business College only)	X	X
Colleges and Universities, private and public	X	X
Clubs - Membership (not operated for profit)	X	X
Community Centers	X	X
Contractors, Building , Electrical and Plumbing with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Contractors with outside storage of equipment, materials, and goods	A	X
Convenience Store – with or without gasoline sales	X	X
Cosmetic Store including sale of goods and services customarily incidental thereto	X	X
Credit Bureaus	X	X
Dairy Products, Processing, bottling and distribution, cream manufacturing, all on a wholesale basis	A	X
Dance Hall, Club	A	X
Dancing or Music Schools	X	X
Delicatessen, Grocery, Supermarket or other store carrying a variety of food and related goods	X	X
Dental and Medical Officer and Clinics (excluding veterinarians)	X	X
Dental Supplies	X	X
Department Stores (including sale of specific items elsewhere in this table, if customarily sold in such a store) with no limitation on floor space	X	X
Department Store (including sale of specific items elsewhere in this table, if customarily sold in such a store)	X	X
Diaper Service	A	X
Dressmaker	A	X
Drive-in Eating and Drinking Establishment and establishment catering to "take-out trade	X	X
Drive-In Theater	X	X
Driving School	X	X
Drug Store, or Cosmetic Store, including sale of goods and services customarily incidental thereto	X	X
Dry Cleaning, Laundering, Dyeing	X	X
Dry-Cleaning or Laundry for retail only	X	X
Education Facilities and Industrial Research	X	X
Electrical Contractors with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Electrical Equipment Assembly	A	X

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
Express Office	X	X
Exterminating Establishment with all material and equipment completely enclosed within the principal building	X	X
Fair, Carnival, Rodeo, Etc.	A	X
Farm Equipment sale and rental with inventory, and equipment repair	A	X
Farm Machinery Repair	A	X
Farmer's Market – fruit & vegetables, no livestock	A	X
Feed and Grain Sales and Storage	A	X
Florist	X	X
Food or Drink Sales for immediate consumption within the principal building and excluding all types of drive-in establishments serving food or drink outside of a building or catering to the "take-out" Trade	X	X
Food processing in wholesale quantities except meat, fish, poultry, vinegar and yeast	A	X
Food Specialty Store, including but not limited to the following lines: meat (excluding slaughtering and eviscerating), fish, eggs, poultry, (excluding slaughtering), fruit, vegetables, candy, nuts, coffee, tea, confection, dairy products, health foods, bakery (retail)	X	X
Foundries producing iron and steel products	-	X
Funeral Parlors, Mortuaries	A	X
Furniture and Appliance Repairer, home improvement company, upholster, general contractor or workman, building materials company, sign making company with all storage of goods, materials and equipment and processing and manufacturing kept within a completely enclosed building or buildings	X	X
Furniture Manufacturing	A	X
Garden Shop	X	X
Gas - Natural and Propane Bulk Storing	A	X
Gasoline - bulk terminal plants for wholesale storage	-	X
General Contractor or Workman with all storage goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Gift Shop	X	X
Golf Courses, miniature golf, and driving ranges	X	X
Government Buildings used exclusively by the Federal, State, County or City for purposes except for garages, repair or storage yards, warehouses and buildings used for industrial type operations, or operations requiring heavy and frequent movement of trucks	A	X
Greenhouse and Nursery, Commercial	A	X
Grocery, Delicatessen, Supermarket or other store carrying a variety of food and related goods	X	X
Gymnasium or Skating Rink	X	X
Handicrafts - Manufacture and sale of handicrafts at retail or wholesale which are manufactured predominantly by hand and involve the application of artistic skills	X	X
Hardware Store	X	X
Hatcheries	-	X
Health Centers, Massage and Steam Baths	X	X
Heliports	-	X

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
X=PERMITTED USE A=PERMITTED ON APPEAL ONLY		
Hobby Shop	X	X
Home Improvement company with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Hospital Supplies	X	X
Hospitals (excluding animal hospitals)	X	X
Household Appliance Store	X	X
Ice Manufacture	A	X
Incinerators	-	X
Industrial and Electrical equipment Repairs	-	X
Industrial Equipment Machinery Repair, Service	-	X
Industrial - light operations or light mechanical, not offensive, obnoxious or detrimental to neighbor uses by reason of dust, smoke, vibration, noise, odor or effluents	A	X
Insurance Company or Agency	X	X
Interior Decorator	X	X
Jewelry Store	X	X
Junk or Salvage Yards - providing all conditions set forth below are met:	-	X
1. No material is stored which fails to meet the conditions set forth in the definition of a "Junk Yard" in Section 10 of this Ordinance.		
2. No material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water or other causes.		
3. All paper, rags, cloth and other fibers and activities involving the same other than loading or unloading shall be fully within enclosed buildings.		
4. In order to lessen the adverse effect on adjoining property, reduce windblown trash, prevent hazards to children and create a more healthful environment, suitable screening such as screen planting or fencing will be required as a condition set in approving a junk yard.		
Kennel, Commercial, or other establishment where the care, breeding or sale of animals is the principal purpose of the enterprise, with no animals to be located within 500 feet of any residentially zoned property or 100 feet from any property line.	A	X
Kindergartens and Day Nurseries meeting all requirements of appropriate state and local regulations and standards.	X	X
Laboratories serving professional requirements for dentist, doctors, etc.	X	X
Laboratory supplies	X	X
Laundry or Dry-Cleaning for retail only	X	X
Laundering Plant, Dry-Cleaning, or Dyeing, Diaper Service	A	X
Laundromat - Self-service, performing services entirely for retail trade.	X	X
Leather Goods Manufacture	A	X
Letters, duplicating and mailing	X	X
Libraries	X	X
Lodges, fraternal and social organizations, union halls, headquarters for Scout and other youth	X	X

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
organizations.		
Machine shops	A	X
Machine Tool Manufacturing	-	X
Magazine or Newspaper Distribution	X	X
Manufactured Home Sales	X	X
Manufacturing uses not otherwise named herein upon the approval of the Board of Adjustment provided that no use shall be permitted in this section which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this zoning district, or of the community by reason of the emission of dust, gas, smoke, noise, fumes, odors, vibration, glare, or otherwise.	A	X
Meat Processing and Packing	-	X
Mechanical (light) or light industrial operations not offensive, obnoxious, or detrimental to neighboring uses by reason of dust, smoke, vibrations, noise, odor or effluents.	A	X
Medical and Dental Offices and Clinics excluding veterinarians	X	X
Mini-storage	X	X
Motels, Hotels, Tourist homes	X	X
Motor vehicle repairs excluding full body paint spraying, body and fender work except replacement, carried on within structures with storage of vehicles or parts permitted only behind the principal building. Such storage of vehicles or their parts will be incidental to the principal business and MAY not constitute a junk yard as defined in this Ordinance.	A	X
Motor Vehicle repairs including full body paint spraying and all body and fender work carried on within a structure with storage of wrecked vehicles or parts permitted only behind the principal building. Such storage of vehicles or their parts will be incidental to the principal business and will not constitute a junk yard as defined in this Ordinance.	A	X
Motorcycle Sales, rental and repair when repair is carried on within the principal building	X	X
Moving, storage and warehousing establishments	A	X
Museums, Art Galleries	X	X
Music or Dancing School	X	X
Newspaper or Magazine Distribution	X	X
Newspaper publishing	X	X
Nurseries (day) and Kindergartens meeting all requirements of appropriate state and local regulations and standards	X	X
Nursery and Greenhouse, commercial	A	X
Office - professional, business, administrative executive and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sales of commodities on the premises	X	X
Office equipment and supplies, restaurant supplies, dental, hospital, beauty and barber supply store, laboratory supply and incidental service associated with the sale thereof.	X	X
Offices - any which is incidental to use otherwise	X	X

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
permitted in the district or which functions itself as all or part of a use otherwise permitted within the district.		
Optical and scientific instrument manufacture	A	X
Orthopedic braces, artificial limbs, etc. (sale)	X	X
Parking lot, on-site or off-site or parking structure for employees, customers, or visitors for any business or industrial use, or commercial or public parking lot or parking structure.	X	X
Parks, public or private	X	X
Patrol system or burglar alarm watching service	X	X
Payday Lenders	X	X
Pawn Shop	X	X
Penal and Correctional Institutions	-	X
Personal service establishments providing but limited to barber and beauty shops, shoe repair agencies, photographers, reducing salons, tailors, dressmakers.	X	X
Philanthropic Organizations	X	X
Pharmaceutical Manufacture	A	X
Photographers	X	X
Plastics Manufacturing	A	X
Playgrounds	X	X
Plumbing contractors with all storage of goods, and equipment and all processing and manufacturing kept within a completely enclosed building or buildings.	X	X
Plumbing Shops	A	X
Plumbing supplies and equipment with INSIDE storage of materials	X	X
Plumbing supplies and equipment without outside storage of materials	A	X
Pottery and porcelain manufacture	A	X
Pottery, porcelain and vitreous china manufacturing	A	X
Pre-fabricated home sales	X	X
Printing, blueprinting, engraving or other reproduction services with no limit as to floor area	X	X
Radio, telephone, microwave, and television transmitting towers and stations	A	X
Railroad passenger stations	-	X
Reducing salons	X	X
Repair shop for repairs or adjustments to bicycles, small appliances, watches, locks, musical instruments, guns and similar items conducted wholly within a building with no outside storage of materials or equipment	X	X
Rescue Service	X	X
Research (industrial) and education facilities	X	X
Restaurant or drive-in food or drink sales for immediate consumption within principal building and all types of drive-in establishments serving food or drink outside of a building or catering to "take-out" trade	X	X
Restaurant supplies (sales)	X	X
Retail stores selling or renting goods predominantly at retail on the premises, including but not limited to the following:	X	X
1. Hardware, paint, wallpaper, fabrics, upholstery supplies, curtains, linens, knitting supplies, china, glass, and pottery		

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
X=PERMITTED USE A=PERMITTED ON APPEAL ONLY		
2. Furniture, floor covering, appliances		
3. Farm and garden supplies, including nursery stock, feed and grain		
4. Antiques and second-hand goods, excluding materials held only for discard or repossessing		
Roofing and tinsmithing	A	X
Service stations (gasoline) but not including body work, major repair, dismantling for the recovery of parts, or storage of vehicles or parts of vehicles for more than five days.	X	X
Service stations (gasoline) complying with the following conditions:	X	X
1. Is contained in a structure limited in size to two single car service bays, plus restrooms and office and/or supply storage space		
2. Is limited in function to dispensing gasoline, oil, grease, anti-freeze, tires, batteries, seat belts, fan belts, water hose, and other similar accessories directly to motor vehicles		
3. Does not rent or sell motor vehicles, trailers or general replacement parts; does not overhaul, tune up or repair motors or bodies; does not provide brake relining service, wheel alignment, upholstery work, auto glass work, painting, welding, tire recapping or auto dismantling		
4. Parks no vehicles, being serviced or stored for customers on streets, alleys, public sidewalks or public park strips		
5. Stores no vehicle or parts of vehicles outside the main building for a period exceeding two days		
6. Is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonable disturbed, either by day or night by the movement of vehicles and lighting facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties or interfere with traffic		
7. Has at least on-street frontage with a minimum width of 100 feet		
Sheet metal products (light) such as ventilating ducts and eaves	X	X
Shoe repair shop	X	X
Sign Making company - with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Sign manufacturer	A	X
Skating rink	X	X
Social and fraternal organizations, lodges, union halls, headquarters for scouts and other youth organizations	X	X
Specialty stores selling or renting goods predominantly at retail on the premises, including but not limited to the following lines: tobacco, news, books, stationery, gifts, novelties, cards, flowers, jewelry, luggage, optical goods, sporting goods, bicycles, pets, hobbies, toys, coins, stamps, photo supplies, art supplies, works of art, music, musical instruments,	X	X

APPENDIX II
PERMITTED USES / USES ON APPEAL
BUSINESS / INDUSTRIAL

USE	B-1	M-1
X=PERMITTED USE A=PERMITTED ON APPEAL ONLY		
hobby goods, sewing machines, radio and TV sales and service.		
Stadiums, coliseums, assembly halls owned by non-profit organizations or by state, municipal or county government	X	X
Storage of commercial vehicles	A	X
Storage (outside) of heavy materials and equipment	A	X
Storage, moving, warehousing establishment	A	X
Supermarket, grocery, delicatessen or other store carrying a variety of food and related goods.	X	X
Tailors	X	X
Tattoo Parlors	X	A
Taxi dispatching station	X	X
Taxi terminal	X	X
Telegraph or messenger service	X	X
Television, Radio, Cell, Digital Communication Towers	A	X
Theater excluding drive-in	x	x
Thrift Stores – provided all merchandise is stored indoors, no merchandise left outside or on sidewalks after closing	x	x
Thrift Stores – with outside storage	A	x
Textile manufacturer	-	X
Tile, brick and terra cotta manufacturing	-	X
Tinsmith and roofing	A	X
Tire recapping and retreading	A	X
Tobacco products manufacture and storage	X	X
Tourist homes, hotels and motels	X	X
Trade and vocational schools	X	X
Travel agencies	X	X
Truck or rail freight yard or terminal	-	X
Uniform sales or renting	X	X
Upholsterer with all storage of goods, materials, and equipment and all processing and manufacturing kept within a completely enclosed building or buildings	X	X
Utility company offices including exchanges	X	X
Utility (public) distribution lines, transformer stations transmission lines and towers, water tanks and towers, and telephone exchanges but not service or storage yards	A	X
Utility (public) storage yards	A	X
Variety store (including sale of specific items elsewhere in this table, if customarily sold in such a store), having a total floor area of not more than 40,000 square feet	X	X
Variety store (including sale of specific items elsewhere in this table, if customarily sold in such a store) with no limitation of floor space	X	X
Veterinarians – limited to small animal practice with no outside kennels	X	X
Veterinarians – with large animal practice, outside kennels, barns, or livestock pens	A	X
Warehousing or moving and storage establishments	A	X
Welding and fabrication shops	-	X