

ZONING ORDINANCE
of the
Town of Vance, Alabama

Adopted April 1, 1997
As Amended through Ordinance No. 040197, dated June 4, 2007
As Amended through Ordinance No. 02062017, dated February 6, 2017
As Amended through Ordinance No. 040197, dated July 5, 2022

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LIST OF AMENDMENTS OR MODIFICATIONS
CODIFIED THROUGH ORDINANCE NO. 040197,
AMENDED JULY 5, 2022. All changes indicated by Section.
This compilation complete as of July 5, 2022.

<u>SECTION</u>	<u>TITLE</u>	<u>ACTION/AMENDMENT</u>
SECTION 4.4	R-3 Single Family Residential District	Modified
SECTION 7.2	Planned Unit Development (PUD) District	Modified
SECTION 8.2	Material Standards	Modified
SECTION 9.11	Lighting	New
SECTION 11.4	Minimum Required Off-Street Parking Spaces for Individual Uses	Modified Single Family
SECTION 11.6	Parking Lot Design and Landscaping	New
SECTION 16.1	Amendments (Industrial)	Modified

ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE II, CHAPTER 52, ARTICLE 4, CODE OF ALABAMA 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE TOWN OF VANCE, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND; AND TO PROVIDE METHODS OF ADMINISTRATION AND PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the public welfare requiring it, the Town Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare to enact such an Ordinance and,

WHEREAS, all requirements of the laws of the State of Alabama with the preparation of the Ordinance by the Planning Commission and the subsequent action of the Town Council has been made:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF VANCE, ALABAMA, does hereby ordain and enact into law the following Articles and Sections:

ARTICLE II

TITLE AND PURPOSES

SECTION 2.1 TITLE

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Vance, Alabama”.

SECTION 2.2 JURISDICTION

The Zoning Ordinance and the Zoning Map shall govern and regulate all land within the Town Limits of Vance, Alabama. If additional territory is annexed to the Town of Vance at a subsequent date, that land shall be zoned R-1 Single-Family Residential District until the current landowner of record submits an application for a change in zoning classification or rezoning is initiated by the Planning Commission or Town Council in accordance with the amendment procedures set forth in Article XVI of this Ordinance.

SECTION 2.3 PURPOSES

The zoning regulations and districts as set forth in this Ordinance are made for the purpose of guiding development to meet existing and future needs and to protect, promote and improve the public health, safety, convenience, order, prosperity, and general welfare of the residents of the Town of Vance. In furtherance of these aims this Ordinance is intended to serve the following purposes:

- A. To provide for the establishment of districts within the corporate limits of the Town of Vance, Alabama.
- B. To regulate within such districts the type, height, number of stories and size of buildings and other structures.
- C. To regulate within such districts the percentage of lots that may be occupied; the size of yards and other open spaces; the density of population; and the use of buildings, structures and land.
- D. To insure that these regulations have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view of promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, and conserving the value of land, buildings and structures.
- E. To lessen congestion in the streets and provide for off-street vehicle parking and off-street loading and unloading of vehicles.

- F. To provide for methods of administration of this Ordinance and penalties for the violation thereof.
- G. To provide for the establishment of a Board of Adjustment to assist in certain phases of the administration of this Ordinance.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 3.1 DIVISION INTO USE DISTRICTS

To achieve the purpose of this Ordinance, the Town of Vance is hereby divided into the following districts:

A-1	Agriculture District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
R-4	Multi-Family Residential District
MHS	Manufactured Home Residential District
B-1	Community Business District
B-2	General Business District
I-1	Light Industrial District
I-2	General Industrial District
MHP	Manufactured Home Park District
PUD	Planned Unit Development District

SECTION 3.2 ZONING MAP

The boundaries of the zoning districts are as shown on the map entitled “Zoning Map of Vance, Alabama”, adopted herewith, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance. The original zoning map, properly attested, shall remain on file in the office of the Town Clerk of the Town of Vance, Alabama and shall show thereon the date of adoption of said map.

SECTION 3.3 USE CATEGORIES

Within each type of zoning district there are two (2) general categories of uses enumerated as follows:

Permitted Uses: Uses listed as Permitted Uses are permitted by right subject to the conditions specified elsewhere in this Ordinance.

Conditional Uses: Uses listed as Conditional Uses may be permitted upon approval by the Planning Commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities; as not causing undue traffic congestion, or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located. The Planning Commission may impose such conditions and safeguards deemed desirable in granting the approval of a conditional use.

SECTION 3.4 INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the zoning districts are established as shown on the Zoning Map. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance.

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

3.4.1 Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets and alleys, lot lines, stream center lines, property lines, or corporate limit lines, such lines shall be considered to be such boundaries.

3.4.2 In subdivided 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.

3.4.3 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main track(s) of said railroad line.

3.4.4 Where physical or cultural features existing on the ground are at a variance with those shown on the Zoning Map, in case any uncertainty exists after the Zoning Administrator's interpretation of district boundaries, or in other circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

ARTICLE IV

USE PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS

This Article provides for the determination of uses compatible with the various residential districts established in Article III.

SECTION 4.1 A-1 AGRICULTURE DISTRICT

The A-1 Agriculture District is intended to provide for low density residential development while allowing the continuation of agricultural or farm uses. This district also serves to correlate growth with utility, service and transportation needs until more intensive urban development is warranted.

The A-1 district was intended exclusively for properties of record that existed prior to the adoption of this Ordinance. The intent is to accommodate, facilitate, and maintain those areas as rural, agricultural, and rural – residential. Development or subdivision of A-1 districts requires rezoning. Subdivision of properties is not generally zoned A-1; Special Exceptions or hardships may be presented to the Planning Commission for consideration, but may not receive favorable review.

4.1.1 PERMITTED USES WITH RESTRICTIONS

- A. Agriculture and General Farming Operations, including horticulture, plant nurseries, market gardening, field crops, livestock and poultry raising, and other similar uses.
- B. Single-Family Detached Dwelling
 - 1. Single family detached dwellings shall not exceed one (1) per five (5) acre density. Dwellings shall be owned by the property owner or provided for immediate family of property owner (see Article 17).
 - 2. Single family dwellings shall not be constructed or developed with intent for rental purposes.
- C. Manufactured Home
 - 1. Manufactured homes will be allowed in A-1, but are not to exceed one (1) per ten (10) acre density with no more than a total of three (3) manufactured homes on any tract while maintaining density requirements, regardless of the size of the tract. More than three (3) manufactured homes on any tract, regardless of the size of the tract, require Planning Commission review and possible rezoning.

2. Manufactured homes shall be used only for the following:
 - a. Single family dwelling of the property owner,
 - b. Single family dwelling of immediate family member, per Article 17, or
 - c. Single family dwelling for persons employed on the premises by the property owner to assist with agricultural operations.
3. Manufactured homes shall not be placed on the premises for rental purposes.

D. Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.

1. All livestock barns constructed after April 1, 2015 shall be at least 100 feet from all property lines and nearest thoroughfare (roadway) right of way; and 150 feet from any existing residence on any and all adjoining or adjacent properties.
2. All poultry or fowl houses constructed after April 1, 2015 shall be at least 150 feet from all property lines, 300 feet from nearest thoroughfare (roadway) right of way, and 300 feet from any existing residence on any and all adjoining or adjacent properties.
3. Swine shall not be housed, penned, fed, or watered within 150 feet of all property lines and 300 feet from any existing residence on any and all adjoining or adjacent properties, and 300 feet from any roadway right of way.

4.1.2 CONDITIONAL USES

- A. Two (2) Single-Family Detached Dwellings or Manufactured Homes or combination of each on one (1) lot with a minimum land area of ten (10) acres.
- B. More than two (2) Single-Family Detached Dwellings, Manufactured Homes or combination of each on one (1) lot provided:
 1. That only one (1) individual area of ten (10) acres is permitted to have two (2) such dwelling units located on it.
 2. That dwelling units in excess of two (2) shall be located on separate ten (10) acre areas of land that contain no other dwelling unit.
 3. That a distance of at least 300 feet shall be maintained between all dwelling units in excess of two (2) dwelling units.

4. Further, that the overall density of the entire tract of land on which all of the dwelling units are located shall not exceed an average of one (1) dwelling unit per five (5) acres regardless of the requirements set forth above in this Section.

The Planning Commission may, at its discretion, limit the number of dwelling units permitted as a conditional use under this provision as the intent is to allow reasonable use and development to meet the personal needs of property owners and to limit the promotion of development that is not in character with rural residential communities.

- C. Cemetery.
- D. Church.
- E. Fire Station.
- F. Golf Course.
- G. Home Occupation, subject to the provisions of Article XVII of this Ordinance.
- H. Public Park or Playground, including recreation or community centers.
- I. Schools – public, private or parochial for grades 1 – 12 having a curriculum approximately the same as ordinarily given in public schools and meeting all requirements of the education laws of the State of Alabama.
- J. Utility Substation – electrical, gas, water, sewage, telephone when essential for service; provided the premises are not used for vehicle or equipment storage. See Article 10.6 for Wireless Communication Towers.

A request for approval of any conditional use shall be accompanied by a site plan that shows the delineation of each area of land; provides the dimensions of each area of land; and indicates the location of each dwelling unit within the boundaries of each area of land. If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted in the Zoning Map.

SECTION 4.2 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The purpose and intent of the R-1 Single-Family Residential District is to provide for and protect areas of traditional single-family detached dwellings at low densities and free from incompatible land uses.

4.2.1 PERMITTED USES

- A. Single-Family Detached Dwelling.
- B. Home Garden.
- C. Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.

4.2.2 CONDITIONAL USES

- A. Church.
- B. Fire Station
- C. Golf Course.
- D. Home Occupation subject to the provisions of Article XVII of this Ordinance.
- E. Public Park or Playground including recreation or community centers.
- F. School: public, private or parochial for grades one (1) to twelve (12) having a curriculum approximately the same as ordinarily given in public schools and meeting all requirements of the education laws of the State of Alabama.
- G. Utility Substation: electrical, gas, water, sewage, telephone, when essential for service, provided the premises are not used for vehicle or equipment storage.
- H. All new annexed property within the Town of Vance shall be zoned R-1. Property owners may request rezoning after annexation.

SECTION 4.3 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

The purpose and intent of the R-2 Single-Family Residential District is to provide for and protect areas of traditional single-family detached dwellings at moderate densities and free from incompatible land uses.

4.3.1 PERMITTED USES

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

4.3.2 CONDITIONAL USES

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

SECTION 4.4 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

The purpose and intent of the R-3 Single-Family Residential District is to provide areas for single-family detached dwelling units at medium densities and free from incompatible land uses. All units or dwellings limited to maximum of 3 bedrooms for lot area 9,500 sf to 10,500 sf. Larger R3 lots greater than 10,500 sf may have 4 bedrooms; 4 bedrooms maximum in R3 District.

4.4.1 PERMITTED USES

- A. Any permitted use in the R-2 Single-Family Residential District.

4.4.2 CONDITIONAL USES

- B. Any use permitted conditionally in the R-2 Single-Family District.

SECTION 4.5 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

The purpose and intent of the R-4 Multi-Family Residential District is to provide areas for attached multi-family dwelling units, free from incompatible land uses.

4.5.1 PERMITTED USES

- A. Attached Dwelling.
- B. Church.
- C. Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.

4.5.2 CONDITIONAL USES

- A. Any use permitted conditionally in the R-3 Single-Family Residential District.

SECTION 4.6 MHS MANUFACTURED HOME DISTRICT

The purpose and intent of the MHS Manufactured Home District is to provide for the development of manufactured homes in a typical subdivision environment, free from incompatible land uses.

4.6.1 PERMITTED USES

- A. Manufactured Home as defined in Article VII, Section 7.1.1, Paragraph A of this Ordinance, provided:
 - 1. Such home shall be installed on a permanent foundation constructed of brick or block and shall meet current Building Code requirements of the Town of Vance.
 - 2. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of single-family detached housing.
 - 3. A manufactured home shall not be temporarily or permanently parked, stored or occupied on any public street or alley, nor on any lot or parcel within the Town of Vance, except when in complete conformity to zoning and other applicable ordinances and regulations.
- B. Single-Family Detached Dwelling.
- C. Home Garden.
- D. Accessory Uses and Structures that are customarily incidental to any permitted use, subject to the requirements of all pertinent sections of this Ordinance.

4.6.2 CONDITIONAL USES

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

SECTION 4.7 USE, STORAGE OR PARKING OF RECREATIONAL VEHICLES, TRAILERS AND CONSTRUCTION EQUIPMENT

4.7.1 PROHIBITED USE

- A. No recreational vehicle, storage trailer, or any other wheel and frame portable structure shall be used as a permanent dwelling or for living, sleeping or housekeeping in any

Residential Zoning Districts, except as provided by Section 7.1.1 Manufactured Home or Section 10.4 Modular Homes.

4.7.2 PARKING OR TEMPORARY USE

- A. Recreational vehicles may be parked and used for housing temporarily on residential premises for a period not to exceed seven (7) days to accommodate out-of-town visitors or relatives.
- B. Parking or storage of recreational vehicles, boats, boat trailers, utility trailers, storage trailers, buggies, ATVs, and construction equipment (except when equipment is necessary for work at a residence with a current posted building permit) is allowed only in a side or rear yard, in a carport or enclosed building within all Residential Districts. This provision does not apply to A-1 District.

ARTICLE V

USE PROVISIONS FOR BUSINESS DISTRICTS

SECTION 5.1 B-1 COMMUNITY BUSINESS DISTRICT

The purpose and intent of the B-1 Community Business District is to provide areas for community-wide and regional retail shopping establishments and services, which by their nature, are usually located with convenient access to major traffic arteries. Regulations are designed to establish an appropriate environment for the successful conduct of business for shoppers and to protect concentrations of retail trades and services from incompatible uses. It provides locations for a restricted range of retail businesses and services, offices and other compatible uses, where an attractive appearance of buildings and premises is important.

5.1.1 PERMITTED USES

- A. General retail and business establishments rendering personal or professional services or repairing and servicing of small equipment or items; generally including:
 - 1. Air Conditioning Sales and Service.
 - 2. Air or Ground Courier Drop-Off Station.
 - 3. Antique Store, not including repairing and refinishing.
 - 4. Appliances, radio and television sales, computers, and service stores.
 - 5. Automobile Parts Store conducted wholly within an enclosed building.
 - 6. Automobile Repair and Maintenance Shop of a minor nature provided:
 - A. Major auto repair shall not be permitted in connection with such uses. Minor auto repair and maintenance shall include the installation of tires, brakes, tune-ups, and other minor accessory parts as shall be incidental to the normal upkeep of an automobile, but shall not include engine or body dismantling or repair.
 - B. All minor auto repair, maintenance, service, storage of materials or similar activities connected with such use shall be carried on entirely within an enclosed building.
 - 7. Bank, including drive-in bank; Financing Offices; Loan Offices.
 - 8. Bicycle Sales, Service and Repair.
 - 9. Billiard or Pool Hall.

10. Convenience Food Market.
11. Drug Store.
12. Dry Cleaning/Laundry (pick up service only).
13. Electric Supply Store conducted wholly within an enclosed structure with no outside storage.
14. Furniture and Home Furnishing Store, including Office Furniture and Equipment.
15. Game Room.
16. General Retail Shops, Department Stores or Variety Shops.
17. Grocery Store.
18. Jewelry Store and Repair.
19. Laundry, Self-Service.
20. Liquor, Wine or Beer Sales; not to be consumed on the premises and meeting local and State requirements.
21. Lounge, Tavern, Bar; provided such use is incidental to the operation of a motel, hotel or restaurant.
22. Motel or Hotel.
23. Music or Dancing School, Athletic Instruction when contained within a building.
24. Music and Musical Instruments Store.
25. Newsstand.
26. Orthopedic Braces, Artificial Limbs, Orthopedic Equipment and Supplies (retail sales).
27. Pawn or Loan Shop.
28. Personal Care (barber or beauty shops, nails, tanning, etc.)
29. Pet Shop; including grooming, provided that all animals are housed within the principal building so that no sound is perceptible beyond the premises.
30. Photographic Studio, Supplies and/or Processing.

31. Print, Duplicating Shop, not more than 1,500 square feet.
 32. Radio and Television Broadcasting Station.
 33. Reducing, Exercise, Martial Arts, Gymnastics or other Body Fitness type salon.
 34. 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.
 35. Restaurant or Cafeteria.
 36. Shopping Center limited to the uses permitted in this district.
 37. Surgical or Dental Supplies (retail).
 38. Taxi Stand and Dispatching Station.
- B. Auditorium.
- C. Assembly Halls including union halls, conference halls, civic halls, fraternal clubs, lodges and activities of a similar nature.
- D. Automobile Parking Lot or Parking Garage.
- E. Bowling Alley.
- F. Bus Station.
- G. Business School or College.
- H. Church and Related Accessory Buildings.
- I. Fire Station.
- J. Gymnasium (commercial).
- K. Library.
- L. Lodge, fraternal and social organizations, headquarters for scout and other youth organizations.

- M. Medical or Dental Office or Clinic; including Emergency and Family Health Care Clinic.
- N. Museum.
- O. Office, Professional Business, Administrative, Executive and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sale of commodities on the premises.
- P. Office incidental to a permitted use.
- Q. Police Station or Substation, including Highway Patrol.
- R. Post Office.
- S. Theater (indoor).
- T. Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.

5.1.2 CONDITIONAL USES

- A. Day Care Nurseries, Play School or Kindergarten meeting all requirements of appropriate State regulations and standards, provided that all activities are carried on in an enclosed building or fenced yard.
- B. Landscape Garden Sales.
- C. Lounge, Tavern, Bar.
- D. Park (public).
- E. Temporary Uses, including the sale of Christmas trees, seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year.
- F. Utility Substation; electrical, gas, water, sewage, telephone.

SECTION 5.2 B-2 GENERAL BUSINESS DISTRICT

The intent of the B-2 General Business District is to provide locations for a broad range of commercial activities. Generally, this district is less restrictive than the B-1 Community Business District regarding the kinds of business uses permitted and the regulations imposed on the permitted uses. Uses permitted serve a regional as well as a local market. This district provides suitable locations for business or commercial activities with storage requirements, activities which may not require the maintenance of attractive premises and which require large volume of traffic or heavy truck traffic.

5.2.1 PERMITTED USES

- A. Any use permitted in the B-1 Community Business District.
- B. Animal Clinic or Veterinary Service.
- C. Antique Store; including repair and refinishing.
- D. Archery Range completely within a permanently enclosed building.
- E. Automobile and Truck Repair and Maintenance (all repairs).
- F. Automobile Sales and Lease or Rental, including trucks.
- G. Automobile Service Station.
- H. Automobile Wash Service, provided:
 - 1. That a paved area shall be located on the same lot for the storage of vehicles awaiting service.
 - 2. That all runoff shall be discharged directly into a public sewer or approved on-site disposal system.
- I. Bait Shop and Fishing Tackle Supply (retail only).
- J. Electric Repair Shop (large motors, etc.)
- K. Exterminator Service Office.
- L. Furniture Repair; including Upholstering and Refinishing.
- M. Golf Course, miniature; provided that lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

- N. Greenhouse.
- O. Marina Sales.
- P. Manufactured Home or Prefabricated Home Sales.
- Q. Medical or Dental Laboratory.
- R. Mini-Warehouse Storage Facility.
- S. Monument Sales Establishment with incidental processing to order, but excluding the shaping of stones and similar processing.
- T. Motorcycle Sales, Service and Repair.
- U. Skating Rink.
- V. Supply and Equipment Sales.
- W. Taxidermy Shop.
- X. Accessory uses and structures that are customarily incidental to any permitted use, subject to the requirements of all pertinent sections of this Ordinance.

5.2.2 CONDITIONAL USES

- A. Any Conditional Use in the B-1 Community Business District.
- B. Baseball Batting Range.
- C. Cemetery.
- D. Day Care Nurseries, Play School or Kindergarten meeting all requirements of appropriate State regulations and standards, provided that all activities are carried on in an enclosed building or fenced yard.
- E. Farmer's Market
- F. Golf Driving Range provided that lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

- G. Pistol or Rifle Range located wholly within an enclosed building.
- H. Recreational Vehicle Park subject to the provisions of Article X, Section 10.5 of this Ordinance.

ARTICLE VI

USE PROVISIONS FOR INDUSTRIAL DISTRICTS

SECTION 6.1 I-1 LIGHT INDUSTRIAL DISTRICT

The purpose of the I-1 Light Industrial District is to provide suitable locations for warehousing and light industrial activities which are clean, quiet, and free from hazardous or objectionable emissions. This district is generally limited to industrial parks and industries desiring attractive surroundings.

6.1.1 PERMITTED USES

The following uses are permitted provided that the storage of equipment, materials and supplies are screened by a solid or a chain link fence, or visual barrier plantings that are adequate to obstruct the view at the side or rear of the parcel on which storage occurs. Visual barrier must be a minimum of eight (8) feet in height.

- A. Armory.
- B. Automobile or Truck Sales, Repair or Maintenance.
- C. Bait Stores or Sales.
- D. Building Materials Supply.
- E. Butane and other liquidated petroleum gas products sales.
- F. Contractor establishments which have outside equipment or material storage, including: air conditioning, building, electrical, exterminator service, heating, painting and decorating, plumbing, roofing, sign, sheet metal and welding.
- G. Farm and Garden Equipment and Supplies.
- H. Farmer's Market.
- I. Greenhouse (commercial).
- J. Heating and Plumbing Equipment, Supplies and Service.
- K. Industrial Park (limited to the uses permitted in the I-1 Light Industrial District).

- L. Industrial Research or Educational Facilities such as:
 - 1. Laboratory. Medical or Dental.
 - 2. Laboratory, Scientific or Testing.
 - 3. Vocational or Trade School.
- M. Machine Shop.
- N. Machinery Equipment, Sales and Service.
- O. Manufacturing, repair, assembly or processing establishments of a light industrial nature which do not emit any smoke, noise, odor, dust, vibrations or fumes beyond the walls of buildings in which they are housed.
- P. Mini-Warehouse Storage Facility.
- Q. Office.
- R. Public Service Uses, Police or Fire Station.
- S. Radio and Television Broadcasting Station.
- T. Retail and Service Uses that are compatible with and provide convenience items and services to industrial areas including:
 - 1. Bank
 - 2. Convenience Food Market.
 - 3. Motel or Hotel.
 - 4. Restaurant, Cafeteria.
 - 5. Service Station.
- U. Storage Yard.
- V. Tire Recapping.
- W. Trade or Vocational School.
- X. Transportation Terminals including truck, taxi, freight and railroad station.
- Y. Utility Facilities and Uses including:
 - 1. Utility Company Storage or Maintenance Facility.
 - 2. Utility Substation; Electrical, Gas, Water, Sewage and Telephone.

Z. Warehouse or Distribution uses such as:

1. Beverage Distribution.
2. Fruit and Produce (wholesale).
3. Hardware.
4. Linen Supply.
5. Magazine or Newspaper Distribution.
6. Paper Supplies.
7. Other Product Warehousing.

AA. Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.

6.1.2 CONDITIONAL USES

- A. Airport.
- B. Baseball Batting Range.
- C. Cemetery.
- D. Church.
- E. Golf Course.

6.2 I-2 GENERAL INDUSTRIAL DISTRICT

The following uses are permitted without the storage restrictions required in the I-1 Light Industrial District:

- A. Any use permitted in the I-1 Light Industrial District.
- B. Any industrial or manufacturing use plus operations incidental to such uses, which involves manufacturing, processing, assembly, transportation, or storage operations aimed at the subsequent storage, reprocessing, reshipment or sale of products, heavy materials or equipment except for the manufacturing or industrial uses listed in Section 6.2.2 as Conditional Uses, including:
 1. Bakery.
 2. Bottling Plant.
 3. Cabinet or Wood Products Manufacturer.
 4. Candy Products Manufacturer.
 5. Canvas Products Manufacturer.
 6. Clothing or Textile Manufacturer.

7. Concrete Plant.
8. Dairy Products processing, bottling and distribution.
9. Dyeing Plant.
10. Electrical Equipment Assembly.
11. Food Processing in wholesale quantity.
12. Laundry or Dry Cleaning Plant.
13. Newspaper Publishing.
14. Novelty and Souvenir Manufacture.
15. Optical and Scientific Instrument Manufacturer.
16. Pharmaceutical Manufacturing.
17. Printing, bookbinding, photostating, lithography and publishing.
18. Surgical or Dental Supplies Manufacturer.

C. Animal Shelter.

D. Accessory Uses and Structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Ordinance.

6.2.2 CONDITIONAL USES

A. Any conditional use in the I-1 Light Industrial District.

B. Cemetery.

C. Fairground.

D. Golf Course.

E. Junk or Salvage Yard enclosed by a solid fence or wall, not less than eight (8) feet in height which provides visual screening on all sides of the property.

F. Pistol, Rifle or Archery Range.

G. Religious Meeting, temporary for a period not to exceed fourteen (14) days and tents shall be allowed after approval by the Fire Chief.

H. Sewage Disposal/Treatment Plant; the design and operation of which meets all Town, County and State laws and approvals.

I. Transmission Tower (see Section 10.6).

J. The following uses are permitted conditionally, provided that the proposed use or uses are not in conflict with any Ordinance of the Town of Vance regarding nuisances; and provided further, that no Building Permit or Certificate of Occupancy shall be issued until and unless the location of such use shall have been approved by the Town Council after study and report by the Planning Commission:

1. Extractive Operation and/or Processing of Rock, Gravel, Sand, Dirt, Soil and Natural Mineral Deposits.
2. Glue or Gelatin Manufacture.
3. Offal or Dead Animal Reduction or Dumping.
4. Oil and Gas Exploration and Production Activities.
5. Stockyard or Slaughter of Animals.

6.3 PROHIBITED USES

The following are prohibited within the Town of Vance:

- A. Landfills, Municipal or C/D.
- B. Explosives Manufacture or Storage.
- C. Acid Manufacturing.

SECTION VII

USE PROVISIONS FOR SPECIAL ZONING DISTRICTS

SECTION 7.1 MHP MANUFACTURED HOME PARK DISTRICT

The purpose and intent of the MHP Manufactured Home Park District is to provide appropriate locations for the establishment of manufactured home parks within which space may be leased or rented. An application for Manufactured Home Park District zoning shall require a site plan as specified in Section 7.1.4. Any space or lots to be sold shall require a different zoning district classification that permits manufactured homes and shall meet all requirements of the Subdivision Regulations of the Town of Vance.

7.1.1 DEFINITIONS

- A. **Manufactured Home.** A structure built and/or fabricated at an off-site manufacturing facility for installation at the building site, which is transportable in one or more sections, designed to be used as a dwelling when connected to the required utilities and bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 540105445), which first became effective on June 15, 1976.
- B. **Manufactured Home Space.** Land with a manufactured home park that has been designated for the placement of one single or multi-sectional manufactured home for the exclusive use of its occupants.
- C. **Manufactured Home Park.** A parcel of land that has been developed in accordance with the provisions of Section 7.1 of this Ordinance and divided into spaces for the placement of manufactured homes for residences.
- D. **Manufactured Home Stand.** The part of an individual manufactured home space that has been reserved for the placement of the manufactured home, appurtenant structures or additions.
- E. **Recreational Vehicle.** A vehicular unit mounted on wheels and designed to provide temporary living quarters for recreational, camping or travel use and of such size and weight as to not require special highway movement permits when drawn by a motorized vehicle.
- F. **Seal.** A device, label or insignia issued by the U. S. Department of Housing and Urban Development, to be displayed on the exterior of the manufactured home to evidence compliance with applicable codes.

7.1.2 PERMITTED USES

Within a MHP Manufactured Home Park district no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

- A. Manufactured Home Park.
- B. Manufactured Home Park Office.
- C. Recreation Buildings and Playground.
- D. Service facilities for the exclusive use of the manufactured home park residents, including self-service laundry.
- E. Structures and uses required for the operation of a public utility or the operation or maintenance of the manufactured home park.
- F. One identification sign not exceeding twelve (12) square feet containing thereon only the name and address of the manufactured home park. Said sign may be lighted by indirect light only.
- G. One accessory storage building per manufactured home space is permitted. However, said storage building shall be located on the rear of the space; be set back at least three (3) feet from the boundary lines of the space; not exceed one hundred twenty (120) square feet in size; and shall be used only by the occupants of the manufactured home.

7.1.3 GENERAL

- A. In manufactured home parks, recreational vehicles shall not be occupied as living quarters and manufactured home sales lots shall not be permitted, but manufactured homes may be sold on the manufactured home parks spaces they occupy while in residential use.
- B. Prior to the placement of a manufactured home in a manufactured home park, a permit shall be obtained from the Zoning Administrator, subject to compliance with all provisions of this Ordinance.
- C. Manufactured home units that do not bear a seal as defined in Section 7.1.1, Paragraphs A and F, shall not be permitted within a manufactured home park within the Town of Vance.

7.1.4 SITE STANDARDS

The following site standards shall apply for all manufactured home parks hereinafter established or altered:

- A. Land Area Requirement. The minimum area for any manufactured home park shall be ten (10) acres.
- B. Site Dimensions and Setbacks. The following standards for each manufactured home space shall apply for all manufactured home parks hereinafter established or altered.
1. Each individual manufactured home space shall have a minimum area of five thousand (5,000) square feet with a width of not less than fifty (50) feet.
 2. Manufactured homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between manufactured homes or any attachments thereto or any building within the park.
 3. The minimum front, side and rear yard setback for each manufactured home space within the manufactured home park shall be as follows:

<u>Front</u>	<u>Rear</u>	<u>Side</u>
15 feet	10 feet	10 feet
- C. Peripheral Buffer Area. A buffer area twenty-five feet wide shall be located along all manufactured home park property lines not bordering a public street. The buffer area shall be landscaped and maintained. No building or structure of any kind shall be erected or maintained in the required buffer area.
- D. Minimum Frontage. All manufactured home parks shall have a minimum frontage of fifty (50) feet on a public street. The yard setback for all parts of the manufactured home park that abuts a public street shall be thirty-five (35) feet.
- E. Internal Roadways. All interior manufactured home spaces shall abut upon a roadway having a paved surface not less than twenty-three (23) feet in width. Such roadways shall be hard surfaced and shall meet the design standards and construction specification requirements of the Vance Subdivision Regulations for residential streets.
- F. Future Rights-of-Way. The applicant/developer of a manufactured home park should be aware that any future development or subdividing of the parcel on which the manufactured home park is located will require rights-of-way widths as provided for by the Vance Subdivision Regulations. Therefore, future access through the manufactured home park could require redevelopment that might eliminate spaces or otherwise decrease the functional use of the site.
- G. Height. The height of any manufactured home, building or structure shall not be greater than thirty-five (35) feet.
- H. Required Stand. Each manufactured home space shall contain a cement or asphalt stand upon which the manufactured home will be situated.

- I. Common Recreation Area. Not less than ten percent (10%) of the gross land area of the manufactured home park shall be devoted to common recreational areas and facilities. Such open space shall be separate and aside from the open space required and provided on each manufactured home space or by public road setback requirements. Said open space shall be grassed and/or landscaped or otherwise designed and made available for recreational use. Such areas shall be consolidated into usable areas with minimum dimensions of not less than thirty (30) feet.
- J. Deck or Patio Requirements. Each manufactured home space shall be provided with a deck or paved patio of at least three hundred (300) square feet. The minimum horizontal distance of the deck or paved patio shall be not less than twelve (12) feet. Patios shall be surfaced with concrete, asphalt or other approved hard surface. Required parking areas may not be considered to meet the requirements for a deck or patio.
- K. Off-Street Parking. There shall be two (2) paved off-street parking spaces for each manufactured home space; two (2) spaces for the park office; and additional parking spaces equal to fifty (50) percent of the number of manufactured home spaces to provide for guest parking shall be located within the manufactured home park site. Where roadways are paved to a width of thirty (30) feet or more, the required off-street guest parking shall be waived. All off-street parking shall have direct access to an interior street within the manufactured home park and there shall be no driveway access to an exterior street.
- L. Water, Sanitary Sewer and Drainage Requirements. The entire area of the manufactured home park shall be adequately served by water, sanitary sewer and drainage facilities meeting all requirements of the Town of Vance and the Tuscaloosa or Bibb County Health Departments.
- M. Storm Shelter Requirements. The manufactured home park development shall provide a storm shelter or shelters. Such shelter facilities shall provide a minimum of fifteen (15) square feet of unobstructed floor space per manufactured home lot or unit. Shelters may be either below ground or above ground. Minimum designs shall be for a 250 MPH wind loading and impacts. The maximum distance to the entrance of the shelter(s) from any manufactured home space shall be one thousand (1,000) feet. If the manufactured home park zoning is approved, the developer or owner shall, at the time of submission for a building permit, submit storm shelter drawing and certifications by an architect or engineer licensed in the State of Alabama that such proposed facilities meet the minimum design standards of FEMA and are ADA compliant. Shelter shall be maintained by the developer or owner. A written Maintenance Plan and SOP shall be submitted with the Shelter Plans (drawings).
- N. Storage Underneath Manufactured Home. There shall be no storage of any kind underneath any manufactured home.

- O. Fencing. Fences, if provided, on individual manufactured home sites shall be uniform in height and shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to provide firefighting personnel access to all sides of each manufactured home.
- P. Electrical Facilities. All electrical lines leading to each manufactured home space shall be provided with three (3) wire balanced 115-230 volts supply. When separate meters are installed, each meter shall be located on a standard post on the lot line of each manufactured home space. Wiring shall comply with applicable local and State electrical codes.
- Q. Skirting. The installation of skirting shall be required for all manufactured homes in the manufactured home park. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, stone, metal, vinyl or other materials manufactured for the purpose of skirting.

7.1.5 MANUFACTURED HOME PARK SITE PLAN APPROVAL

An application for MHP Manufactured Home Park zoning shall be accompanied by a site plan which, if approved, shall become a requirement of the zoning district. No building permit shall be issued for the construction of any part of the manufactured home park unless the proposed development is in accord with the approved site plan.

- A. The site plan shall be drawn to a suitable scale not smaller than one inch equals 200 feet and shall show the following information:
 - 1. Scale, north arrow, location, total site acreage and acres to be developed, proposed title of the park and legal description of the proposed manufactured home park.
 - 2. The proposed use of all buildings or structures.
 - 3. Number, location, and dimensions of all manufactured home spaces along with a typical layout of a manufactured home space showing landscaping, location and type of stand, patio, walkways, parking area, curb and gutter location and other improvements.
 - 4. The location and dimensions of roads, parking facilities and walkways.
 - 5. The location of all points of entry and exit for vehicles.
 - 6. Location and width of right-of-ways and easements.
 - 7. The location of buffer areas and landscaping.
 - 8. Location and dimensions of recreational areas.
 - 9. Other significant information required by Section 7.1 of this Ordinance, and any other information which would assist in the Planning Commission's review of the request for MHP zoning.

7.1.6 PERFORMANCE BOND

A performance bond shall be required by the Town of Vance to guarantee that the manufactured home park development shall be erected and constructed and the land developed in accordance with the Zoning Ordinance and the provisions of the site development plan and proposals of the developer, as finally recommended by the Planning Commission and approved by the Town Council. The Town of Vance shall be an obligee named in said bond. Said bond shall be in an amount fixed by the Town Council, with such surety, or sureties, as may be approved by the Town Council, provided that any corporate surety must be qualified to do business in the State of Alabama, and provided further that said bond shall be in an amount equal to not less than ten percent (10%) of, nor more than 115 percent (115%) of the proposed development cost, as specified in the application for the building permit issued for the said development.

7.2 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

The purpose of planned unit development (PUD) regulations is to permit the flexible development of land development projects that are comprehensively planned as an entity with a functional site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features. Such flexibility must be part of an approved plan for a planned unit development to which conditions may be attached to safeguard the public health, safety, morals and general welfare. These planned unit development regulations are designed to encourage the best possible site plans and building arrangements under a unified plan of development. The intent is not to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning and to assure a more desirable environment. PUD will not be accepted if it appears to request only to add density (small lots).

7.2.1 DEFINITIONS

- A. Applicant. The owner(s) of land proposed for a planned development or a designated representative of the owner(s).
- B. Common Area. An area within a development designated and intended for the use and enjoyment of all residents or occupants of a development and under common ownership and control.
- C. Developer. The owner of land proposed to be subdivided or a designated representative.
- D. Planned Unit Development. A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development stages according to an officially approved final plan which does not necessarily correspond to the use regulations and areas and dimensional requirements of other articles of this Ordinance.

7.2.2 USES PERMITTED

- A. Uses. A PUD District may include any mixture of compatible uses permitted by right or conditionally by this Ordinance subject to any conditions that may be imposed by the Planning Commission and Town Council during the required Development Plan review process.
- B. Signs. Signs shall be permitted based on development criteria submitted with the PUD application. If the application does not contain sufficient information on which to base sign approval, then the most stringent sign provisions of this Ordinance shall apply.

7.2.3 GENERAL REGULATIONS AND GUIDELINES

- A. Contiguous Land Area. The minimum required land area for a PUD shall be twenty five (25) contiguous acres.
- B. Dimensional Requirements. The area and dimensional requirements of Article VIII of this Ordinance should serve as a guide in plan formulation; however, area and dimensional requirements may be waived or lessened to permit the clustering or concentration of uses in planned locations that take advantage of natural features or innovative development schemes. In reviewing the Development Plan required by Section 7.2.4 of this Ordinance, the Planning Commission may recommend to waive the dimensional requirements of the various zoning districts or to impose more restrictive regulations and/or conditions for consideration and approval of the Vance Town Council. Density shall be regulated in terms of dwelling units per acre, maximum building coverage and maximum gross floor area, the projects relationship to surrounding development, planned patterns for future development, environmental conditions and capacities of existing streets, utilities and community facilities.
- C. Property Development Standards. Property development standards shall be determined by the Town Council after receiving recommendations from the Planning Commission as in other zoning amendments. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features. The development shall not adversely affect developed or undeveloped neighboring properties. Water, sewerage, street and other facilities shall be adequate for the proposed development or there shall be a definite proposal for undertaking the improvements needed to provide such facilities. Depending upon the intensity of the development proposed and proposed uses, the Planning Commission may require greater building setbacks for any peripheral yard, along with screen walls, hedges, shrubs and trees as deemed necessary and appropriate for preservation of the character of the surrounding area. The Town Council may impose any conditions, terms or limitations it finds necessary for the protection and promotion of the public health, safety, morals and welfare of the Town of Vance.
- D. Applicable Regulations. All pertinent regulations specified elsewhere in this Ordinance that may be applicable shall be in force except where specifically addressed in this Article.

7.2.4 DEVELOPMENT PLAN

The approval of PUD zoning requires the submission of a Development Plan which shall consist of the various information, plans and documents requested at each of the steps in the PUD approval process.

7.2.5 PROCEDURE AND APPROVAL

- A. Pre-Application Conference. Prior to the submission of a formal application for Planned Unit Development (PUD) zoning, the applicant is encouraged to schedule a Pre-Application Conference with the Zoning Administrator to gain an understanding of the PUD approval process and the Development Plan submission requirements at each stage of the approval process.
- B. Application. The applicant shall submit an application for PUD zoning to the Planning Commission accompanied by a Sketch Development Plan and attendant documents and information as required by Section 7.2.7 of this Ordinance. After the Pre-Hearing Conference required by Section 7.2.5C of this Ordinance has been held to review the Sketch Development Plan, the applicant shall submit a Development Plan and attendant documents and information as required by Section 7.2.8 of this Ordinance.
- C. Pre-Hearing Conference. The Planning Commission shall, within forty-five (45) days after official acceptance of the submission of an application for PUD zoning, schedule a Pre-Hearing Conference to review the Proposed Sketch Development Plan.

The purpose of such Pre-Hearing Conference is to assist the applicant in bringing the PUD application and Proposed Development Plan as nearly as possible into conformity with the intent of these and other applicable regulations and to define those areas where justifiable deviations from the application of these regulations is suggested by the Proposed Development Plan. Prior to the Pre-Hearing Conference, all affected Town staff, consultants, agencies and utilities will have been given opportunities to review the Proposed Sketch Development Plan and to be represented at the Pre-Hearing Conference.

All recommendations and requests for change from the Proposed Sketch Development Plan by government, utilities or the applicant shall be committed to writing and made a part of the official file for the required PUD zoning.

- D. Preparation of Development Plan. After the Pre-Hearing Conference with the Planning Commission, the applicant shall within ninety (90) days submit a Development Plan which shall contain all of the information and documentation required by Section 7.2.8 of this Article. The Development Plan shall, from its date of submission, be scheduled for a Public Hearing as a requested rezoning as required by Article XVI of this Ordinance for a zoning amendment. In the preparation of the Development Plan, the applicant shall comply with amendments, revisions, recommendations and conditions requested during the Pre-Hearing Conference and with the requirements of this Ordinance and the Town's Subdivision Regulations.

- E. Approval. For PUD, the approval process shall comply with procedures set forth in Article XVI of this Ordinance for a zoning amendment. Such approval process shall be initiated promptly after submission of a Development Plan by the applicant by taking appropriate steps to place the request for PUD zoning on the Planning Commission's agenda.

After holding a Public Hearing on the PUD, the Planning Commission shall approve, approve with conditions or disapprove the proposed PUD and forward it to the Town Council along with copies of the Preliminary Development Plan and related documents.

Upon receipt of the Planning Commission's Report, the Preliminary Development Plan and related documents, the Town Council will proceed with its Public Hearing as required under Article XVI of this Ordinance and take appropriate actions to approve, amend or disapprove the PUD zoning request.

- F. Certification. Following approval by the Town Council of the Development Plan, it shall be stamped as a PUD and be signed and dated by the Chairman of the Planning Commission, and the Town Council approval shall be certified by the Town Clerk. One (1) copy of the approved plan shall be submitted to the Zoning Administrator for use in issuing building permits. In addition, other copies of the approved plan shall be supplied as directed by the Town Council to other departments and agencies.
- G. Platting. The property proposed for a PUD shall be platted in accordance with the Town's Subdivision Regulations or provisions of this Article if there be irreconcilable conflict. The PUD zoning must be approved by the Town Council prior to or simultaneously with the preliminary approval of a subdivision plat. In the event that the property has been platted prior to the preparation of a Plan of Development, replatting may be required to ensure the compatibility of the plat with the approved PUD zoning.
- H. Final Development Plan. Prior to the removal of natural vegetation, the restructuring of the land, the construction of any improvements or the issuance of a building permit, a Final Development Plan shall be submitted to and approved by the Vance Planning Commission. The Final Development Plan may be for all or a phase of the development proposed under the approved PUD. Any deviation in the Final Development Plan from the approved Development Plan submitted for the PUD zoning shall require resubmittal of the Development Plan as an application for zoning amendment.
1. The Final Development Plan shall contain all of the information and documentation required by Section 7.2.9 of this Ordinance.
 2. The Planning Commission shall transmit a copy of the Final Development Plan to such officials and agencies it may deem appropriate for review, report and recommendation. Such officials and agencies shall each, within thirty (30) days from receiving the Final Development Plan, furnish to the Planning Commission a report pertinent to their respective jurisdiction and concerns.

3. The Planning Commission shall review and vote on the Final Development Plan within forty-five (45) days following the applicant's submission of the Final Development Plan to the Planning Commission. If disapproved, the Planning Commission shall prepare a written report stating clearly the reasons and justification for disapproval and identify what changes are required for approval.
4. When the Final Development Plan has been approved by the Planning Commission, the Planning Commission shall so certify on the record copy of the approved Final Development Plan and maintain said certified copy in the records of the Planning Commission.
5. The approved Final Development Plan is not a subdivision plat. The Vance Subdivision Regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.

7.2.6 DEVELOPMENT PLAN PLANNING OBJECTIVES

- A. In reviewing the required Development Plan at each stage (sketch, preliminary and final) of the approval process, the applicant for PUD zoning should be aware that the Planning Commission and Town Council will be concerned about the following planning objectives, among others:
 1. Compatibility of the proposed project with the existing and potential development of surrounding land.
 2. Adequacy of existing and proposed utilities and other public facilities to serve the proposed development.
 3. Nature, design and appropriateness of the proposed land use arrangement for the property involved.
 4. Capability of the proposed project to accommodate vehicular and pedestrian traffic and provide safe and efficient access to the site from streets capable of supporting existing and projected traffic.
 5. Extent to which scenic assets and natural features such as trees, streams and topographic features are protected and preserved and to which open space is provided.

7.2.7 SKETCH DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Sketch Development Plan shall include a site plan and other documentation, which provides the following:

- A. The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.
- B. Vicinity map showing the location of the project in relation to the surrounding community.
- C. The use of the property adjacent to the site.

- D. The delineation of proposed land use by specific category of use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; the proposed height of structures; and anticipated building coverage and gross floor space for multi-family, commercial and industrial uses.
- E. The proposed access to the project site and traffic circulation within the project area.
- F. A proposed development schedule for the project.
- G. The location of proposed buffers, open space and commonly owned facilities.
- H. The development shall be located in an area for which public utilities and facilities are available and adequate for the proposed land uses. However, the applicant may provide such facilities which are not presently available, and written assurance of how such utilities and facilities will be provided shall be included as part of the sketch development plan.
- I. A written statement containing the following information:
 - 1. An explanation of the character of the PUD including characteristics and/or features that would justify modifications of the district regulations set forth in this Ordinance.
 - 2. A statement of the present ownership of all land included within the proposed PUD.
 - 3. The substance of proposed covenants and restrictions to be imposed on the use of land.
 - 4. A statement of how common open spaces or facilities will be owned and the method of financing their development and maintenance.
 - 5. Other information that would assist in clarifying the nature of the proposed PUD.

7.2.8 DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Development Plan shall include a site plan and documentation which provides the following:

- A. A site plan at a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the site plan. The site plan shall include more than one drawing where required for clarity. The site plan shall include at a minimum the following:
 - 1. The proposed title of the project, name of the owner(s), total acreage in the project area, north arrow and date.
 - 2. Vicinity map showing the location of the project in relation to the surrounding community.

3. The boundaries of the property involved, the general location of all existing easements, section lines, and property lines, and other physical and natural features in or adjoining the project.
4. Names and addresses of all adjacent landowners.
5. The location and use of structures adjacent to the project site.
6. The delineation of proposed land use by specific category of land use including the acreage and density of development for each specific category of land use in terms of dwelling units per acre for residential areas; and building coverage and gross floor space for multi-family, institutional, commercial and industrial uses.
7. The location and dimensions of streets, driveways and walkways on and adjacent to the project site.
8. The proposed location, gross floor area and height of all structures.
9. The location, area and number of parking spaces and maneuvering areas.
10. The location and dimensions of all loading spaces.
11. The location, size and character of all exterior signs and lighting.
12. The location and dimensions of proposed lots.
13. The location, character and extent of existing vegetation, proposed landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
14. The location, layout, dimensions and use of all open space, common space and common facilities.
15. Location and character of all public improvements, including utilities.
16. Location of all entrances to the site.

B. A legal description of the subject property.

C. The plan for treating environmentally sensitive land located in the project site (areas of flooding, severe slope, woodlands, wetlands, streams, lakes and ponds).

D. A proposed development schedule indicating the approximate date when construction of the development, or stages thereof, can be expected to begin and be completed.

E. If required by the Planning Commission or Town Council, a comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.

F. A copy of any deed restrictions or covenants to be recorded.

G. The method of ownership for any common open spaces or facilities including the plan for financing their development and maintenance.

H. The type of organization for any proposed property owners' association including its duties and responsibilities.

- I. A fire protection plan, approved by the Vance Volunteer Fire Department, indicating the location of all proposed fire hydrants, fire access lanes and a description of all fire protection measures and devices for structures.
- J. The public improvements proposed in the Development Plan shall conform with the design standards and construction specifications of the Vance Subdivision Regulations, except where variances are approved by the Planning Commission, and with all other applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required improvements including, but not limited to street, drainage, water supply and sanitary sewer.

7.2.9 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

The Final Development Plan shall provide the following:

- A. The plans, information and documentation required by Section 7.2.8 for the Development Plan.
- B. The construction drawings and specifications required under the Vance Subdivision Regulations. Said drawings and specifications are required for all public improvements regardless of whether the proposed development involves the platting of land.
- C. Instruments to be used in conveying title (including beneficial ownership) of common areas to a corporation, association or other legal entity including terms for guaranteeing:
 - 1. The continued use of such land for the intended purposes;
 - 2. The continuity of property maintenance for those portions of the common area requiring maintenance;
 - 3. When appropriate, the availability of funds required for such maintenance;
 - 4. Adequate insurance protection;
 - 5. Recovery for loss sustained by casualty or by condemnation; and
 - 6. Proof of the financial responsibility of the established entity to maintain the common area.

7.2.10 DEVIATIONS OR CHANGES IN THE PLAN

To facilitate minor adjustments to the approved Plan as may be required by engineering or other circumstances unforeseen at the time of zoning approval, the Zoning Administrator is authorized to approve alterations to the Final Development Plan which are considered incidental in scope. Changes to the approved Final Development Plan which are considered incidental in scope include:

- A. Changes in density, open space, land use or lot size of no more than five (5) percent.
- B. Changes in the size of any building or structure by no more than five (5) percent.
- C. Changes in the location of any building or structure by no more than five (5) feet in any direction.

- D. All other changes in the approved Final Development Plan shall be made under the procedures applicable to the initial approval of the PUD Zoning District or Final Development Plan. The Planning Commission reserves the right to require further review, Public Hearing or complete reapplication regarding any changes, including those listed herein, that may substantially alter the concept of the PUD Development Plan as originally approved.

7.2.11 FAILURE TO START CONSTRUCTION

The construction of the PUD shall be started within three hundred sixty-five (365) consecutive days of the effective date of zoning approval by the Town Council. The Planning Commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the applicant (developer), recommend an extension of the time period for six (6) additional months if, in the judgement of the Planning Commission, additional time is warranted. In any event, construction must be started within one and one-half (1-1/2) years of the effective date of approval and shall be completed within three (3) years, unless a different period of time is recommended by the Planning Commission and approved by the Town Council. Failure to begin the development within the one (1) year period, or the period extended, or to complete the development within three (3) years after the date of plan zoning approval by the Town Council, unless a different period of time is approved, shall automatically void the approved final development plan, and zoning of the land shall automatically revert to the established zoning district(s) prior to the establishment of a PUD district. No building permit shall then be issued until the plan or an amended plan has been resubmitted and properly approved following procedures set forth in this Article

7.2.12 PUD APPLICATION FEE

The following fees shall be paid by the applicant and/or developer of a PUD at the following steps in the PUD zoning approval process:

- A. The one hundred dollar (\$100.00) fee required by Section 16.1.1 for the submission of an application for rezoning.
- B. A fee of fifty dollars (\$50.00) for each acre of land within the PUD area at the submission of the Development Plan.
- C. A fee of one hundred dollars (\$100.00) for each acre of land with the submission of each application for Final Development Plan approval.

7.2.13 REQUIRED COPIES OF PLANS

The applicant shall provide the following copies at each stage of the PUD approval process:

- A. Ten (10) copies of the Proposed Sketch Development Plan and attendant documents and information.
- B. Ten (10) copies of the Development Plan and attendant documents and information.

- C. Ten (10) copies of the Final Development Plan and attendant documents and information.

7.3 HIGHWAY 11 CORRIDOR OVERLAY DISTRICT

The purpose and intent of the Highway 11 Corridor Overlay District is to provide additional review of development and use regulations that will supplement the underlying zoning that regulates development along the U. S. Highway 11 Corridor within Vance. The visual and functional character of this area is an important resource which impacts property values and economic vitality throughout the area. The Overlay District provides additional development requirements and standards which must be met by development located within the District. These standards provide additional protection for the existing and potential investment, both private and public, planned within this area and help insure that compatible development takes place within the central or Town center area of Vance along U. S. Highway 11.

The Overlay District is designed to work in conjunction with the underlying zoning district(s) to enhance existing development and discourage unsightly development which may tend to detract from the central area of Vance; to guide the design of future development and improvements; to attract quality development; to enhance the Town's image and create a unique sense of place; to promote the general public health, safety and welfare; and to exercise such reasonable control over the land within the district as may be necessary to accomplish this objective.

All development within the Overlay District shall comply with the regulations of this Section. In the Overlay District, notwithstanding the underlying zoning district and other requirements of this Ordinance, no land shall be developed and no building shall be erected or structurally altered except in conformance with the provisions of this Section and formal review of activity proposed.

7.3.1 UNDERLYING DISTRICTS, BOUNDARIES, EXEMPT DEVELOPMENT

- A. Underlying Districts, Boundaries: Within the Overlay District, the underlying zoning district requirements and the provisions of this Section shall dually apply. Where there is a conflict between the Overlay District and the underlying zoning district standards or with other provisions of the Zoning Ordinance, the most restrictive provisions shall govern except as otherwise provided in this Section. The boundaries of the Overlay District shall be adjacent areas on each side of U. S. Highway 11 within the Town of Vance.
- B. Exempt Development: The following development activities shall be exempt from the provisions of the Overlay District:
1. Existing single-family homes used for residential purposes;
 2. Construction of a single-family dwelling on an existing lot of record within a single-family subdivision with final plat approval prior to the effective date of Section 7.3 of the Zoning Ordinance;

3. Completion of work subject to preliminary plats, site development plans, construction plans or building permits approved prior to the effective date of Section 7.3 adoption as part of the Zoning Ordinance;
4. Minor repair to the exterior of the building or replacement of windows and doors that do not alter the existing building façade or general appearance;
5. Minor or major repairs, alterations or reconstruction to the interior of structures that are not visible from the exterior of the building;
6. Removal of existing signage without replacement; and
7. Emergency repairs ordered by the Town of Vance’s Code Enforcement official in order to protect health and safety.

7.3.2 DEVELOPMENT APPROVAL

- A. Developments Subject to Approval: Except for the exempt development activities described in Section 7.3.1(B), any development activity shall require Overlay District review and recommendation of approval or disapproval by the Planning Commission and final review and action by the Town Council; Zoning Administrator will provide minimum submittal requirements on a case-to-case basis depending on proposed development.

7.3.3 PROHIBITED USES

- A. Certain uses are not permitted in the Overlay District regardless of whether they are allowed or permitted or listed as a conditional use in an underlying zoning district.
- B. No outdoor storage of materials or equipment is allowed. Screening will be considered, but screening must be solid masonry standing at least eight (8) feet in height and storage is in rear of the building or structure, subject to approval by the Planning Commission.
- C. Manufactured Homes, Modular Buildings, or Mini Homes are prohibited within the Overlay District.

7.4 SPECIAL INSTITUTIONAL DISTRICT

The purpose and intent of the Special Institutional District is to provide appropriate locations for the establishment of certain institutional facilities; new or converted existing facilities. Institutional facilities include, but are not necessarily limited to, hospitals, churches, schools, and other healthcare facilities. Some institutional facilities may be allowed in other zoning districts as Conditional Uses, but those Conditional Uses are subject to review and approval by the Planning Commission.

7.4.1 SITE STANDARDS

- A. All institutional facilities must be serviced by adequate street or corridor suitable for two-way traffic and emergency vehicles.

- B. Adequate public water and sewer must be available or extended to site.
- C. All facilities must have adequate parking; parking requirements, if not listed, shall be established by the Zoning Administrator.
- D. Setbacks shall be same as shown for B-1, page 8-1. Buffer requirements shall also apply.
- E. Material Standards for new construction shall be the same as those shown for B-1, page 8-3. Architectural submittals also apply.

7.4.2 HEALTHCARE FACILITIES

- A. Healthcare facilities include hospitals; independent living facilities such as Assisted Living Centers; nursing homes; group homes; rehabilitation centers, including physical, and drug and alcohol abuse; abused women and children's facilities; and other extended stay healthcare facilities.
- B. All healthcare facilities shall comply with all safety, fire and accessibility standards as required by Federal and State of Alabama regulations. Facilities shall comply with Building Codes adopted by the Town of Vance.
- C. Each healthcare facility shall present documentation to the Town for compliance with all Alabama licensing or certification requirements.

7.4.3 GROUP HOMES

- A. A group home shall only be permitted in a detached dwelling unit situated on a parcel having a minimum area of 1.0 acre, and shall provide a minimum of 350 sf of habitable floor area for each resident.
- B. There shall be no more than six (6) persons permitted to occupy a group home, excluding staff personnel.
- C. Common kitchen and dining facilities may be provided; however, no cooking or dining facilities shall be provided in individual resident's rooms.
- D. A group home shall be affiliated with a parent organization, which provides for the administration of the group home through the direction of a professional staff.
- E. A group home shall not be located within three thousand (3,000) feet of another group home.
- F. A minimum of four (4) off-street parking spaces shall be provided.

- G. Group homes may be allowed in Agricultural Zoning Districts as Conditional Use, but subject to Planning Commission approval and must meet Site Standards of Section 7.4.1.
- H. Group homes shall not be located within five hundred (500) feet of any school or daycare facility.
- I. Group homes not allowed within any platted subdivision.

7.4.4 PROHIBITED LOCATIONS

- A. No group home, substance abuse rehabilitation center, or any facility housing the chronically mentally ill shall be located within one thousand (1,000) feet of any school (public or private), or daycare facility.

7.4.5 DEFINITIONS

Group Home: A dwelling shared as a residence by persons who reside together as a single house-keeping unit, in which staff persons may provide supervision, counseling, treatment or therapy for the residents therein, and which may be licensed by, certified by, registered with, or otherwise authorized, funded or regulated, in whole or in part, by an agency of the state or federal government. The term shall include adult care homes, homes for the chronically mentally ill, substance abuse rehabilitation centers, homes for abused women or children, group care agencies, and similar residential living arrangements for handicapped persons, but shall not include boarding houses, homes for the developmentally disabled, nursing homes, or any facility providing treatment, counseling, or therapy to patients or clients who do not reside on the premises. Group homes shall house no more than six (6) persons, excluding staff.

Healthcare Facility: A facility, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

Independent Living Facility (Assisted Living Centers): A facility where residents live in private units and receive assistance with limited aspects of personal care, such as: taking medication, bathing, or dressing. Meals are provided multiple times daily in a common dining area. Staff is on duty twenty-four (24) hours per day to ensure the welfare and safety of the residents. The definition does not include: convalescent centers, congregate residences, boarding and lodging houses, adult family homes, and group homes.

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

Nursing Home: A licensed facility providing care for compensation to convalescents, the aged or infirm (except mental or alcoholic patients and drug addictions), in which three (3) or more persons not of the same immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar establishments devoted to the diagnosis and treatment of the sick or injured.

**ARTICLE VIII
AREA, DIMENSIONAL, AND MATERIAL REQUIREMENTS**

SECTION 8.1 AREA AND DIMENSIONAL REQUIREMENTS

8.1.1 The following table identifies the setbacks, area, yard, minimum structure size, and height requirements of the various zoning districts established by this Ordinance:

DISTRICT	MINIMUM LOT AREA (SQ. FT.)	MINIMUM LOT WIDTH FRONT BUILDING LINE	MINIMUM DISTANCE FROM PROPERTY LINE TO BUILDING LINE (FEET)			MAXIMUM STRUCTURE HEIGHT	MINIMUM LIVING AREA/SPACE
			FRONT	REAR	EACH SIDE		
A-1	1 ACRE	150'	40'	40'	25'	70'	---
R-1(5)	15,000	80'	30'	30'	10'	35'	1,500 SF
R-2(5)	11,500	70'	30'	30'	9'	35'	1,300 SF
R-3(5)	9,500	65'	30'	30'	9'	35'	1,100 SF
R-4(1)(5)	8,000 + 2,500/Unit	65' + 5'/Unit	35'	35'	15'		700 SF
MHS	7,500	60'	25'	25'	8'(2)	35'	
MHP	---	See Section 7.1.3 for Area and Dimensional Requirements					
PUD	---	See Section 7.2.3 for Area and Dimensional Requirements					
B-1(5)	---	---	35'	0(3)	0(2) (4)	---	
B-2(5)	---	---	35'	0(3)	0(2) (4)	---	
I-1(5)	---	---	35'	0(3)	0(4) (5)	---	
I-2(5)	---	---	35'	0(3)	0(4) (5)	---	

() – Refer To Notes Below

NOTES:

- (1) In addition to the above requirements, development in the R-4 District shall meet the following: each dwelling unit shall have a minimum living area of seven hundred (700) square feet; and the maximum ground coverage shall be thirty-five percent (35%).
- (2) If the side lot line adjoins a residential district, there shall be a side yard of not less than ten (10) feet.
- (3) If the rear lot line adjoins a residential district, there shall be a rear yard of not less than twenty (20) feet.
- (4) If the side lot line adjoins a residential district, there shall be a side yard of not less than fifteen (15) feet.
- (5) A buffer strip shall be required for lots on which new construction is proposed which involves multi-family dwelling units when adjacent to an existing detached single-family dwelling unit or single-family district; buffer strip required for all uses permitted in a business or industrial district when adjacent to an existing detached single-family dwelling unit or single-family district. The planted buffer strip shall be six (6) feet wide, so planted that within one (1) full year of the installation said planting shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of six (6) feet in height. The entire surface of the buffer strip shall be vegetation. Within three (3) full growing seasons after installation, said planting shall have reached a minimum height of eight (8) feet. Vegetative buffer shall be designed by licensed Landscape Architect.

SECTION 8.2 MATERIAL STANDARDS

8.2.1 The following table identifies the material standards by various zoning districts:

MATERIAL STANDARDS FOR ZONING DISTRICT

<u>DISTRICT</u>	<u>MATERIALS</u>
A1	No restrictions; except refer to manufactured homes, Sections 7.1.1(A), 7.1.4(J), and 7.1.4(Q).
R1	Fronts to be full brick or stucco or combination brick-stucco, brick-architectural stone, stone-stucco, brick-EFIS, or brick-siding (wood or vinyl). Sides and rear may be full brick, stucco, siding (wood or vinyl), or a combination thereof. Roofs to be fiberglass or wood shingles or shakes; or factory coated metal roofing or shingles.
R2	Front and sides to be full brick or stucco or combination brick-stucco, brick-stone, stone-stucco, brick-EFIS or brick-siding (wood-vinyl). Rear may be the same as R1. Roof same as R1.
R3	Same requirements as R1 above, except fronts shall have minimum coverage of 67% of front area of brick or architectural stone. All homes in R3 shall be constructed of similar material, i.e. same roofing materials; wide variations not allowed. Requires Architectural concept, rendering, or elevation drawing of homes for Planning Commission review. Additional requirements may be imposed by the Planning Commission after review. No alterations or changes are allowed to architectural features after the Planning Commission's acceptance. Any proposed changes require resubmittal. Changes made without approval will result in denial of request for change and rescinding approval of zoning, and building permits.
R4	Similar to R2 requirements, except requires Architectural concept, or elevation drawing submittal to the Planning Commission for review; same submittal requirements as shown for R3..
PUD	Same as R1.

- B1 Storefronts along U. S. Highway 11 corridor and other major corridors shall be combination of glass, brick, stucco, EFIS, architectural masonry block, or architectural stone. Aluminum-glass storefronts shall not exceed 60% of the front walls (storefronts). Metal wall panels and wood or vinyl siding are not allowed on storefronts. Sides and rear may be full brick, masonry block, stucco, factory coated metal wall panel, wood siding, or vinyl siding or a combination thereof.
- Storefronts located off of major corridors may include factory coated metal wall panels or wood/vinyl siding as part of the combination.
- Roofs may be built-up/membrane type, factory coated metal roof panel, fiberglass shingle/shakes, or metal shingle/shakes.
- Requires Architectural concept, rendering, or elevation drawings for Planning Commission review. Architectural submittals shall include color selections. Additional requirements may be imposed by the Planning Commission after review and depending on locations. No alterations or changes are allowed to the building concept after the Planning Commission's acceptance. Proposed changes require resubmittal for review.
- Colors for the exterior shall not include fluorescent, bright, or other unusual colors that do not blend with the surrounding environment.
- B2 Same as B1 except all front or storefronts may include factory coated metal wall panels or wood/vinyl siding as a part of the combination of materials. Requires Architectural submittals.
- I1 Fronts may be full brick, architectural masonry block, stucco, wooden siding, or factory coated metal wall panel or combination thereof with aluminum storefront with glass. Sides and rear may be full brick, standard masonry block, stucco, factory coated metal wall panel, wood siding or a combination thereof. Roofs may be built-up/membrane type, factory coated metal roof panel, metal shingles, or fiberglass shingles.
- Requires Architectural submittal for review by the Planning Commission.
- I2 Same as I1, but includes the use of prefabricated and pre-engineered masonry tilt-up wall panels.

8.2.2 All home construction within Subdivisions Zoned R1 and R2 shall be compatible; drastic changes in exterior appearance are not allowed. All residential construction within approved Subdivisions shall be in harmony with original homes constructed.

ARTICLE IX

GENERAL REGULATIONS

This Article establishes conditions that must be met except as otherwise provided in this Ordinance:

SECTION 9.1 USE OF LAND AND STRUCTURES

9.1.1 No land or structure may be used except for a use permitted in the district in which it is located.

9.1.2 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, converted, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

SECTION 9.2 HEIGHT AND DIMENSIONAL REGULATIONS

9.2.1 No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.

9.2.2 The minimum building lines, parking spaces, open spaces, and lot areas required by this Ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.

9.2.3 No lot, even though it may consist of one (1) or more adjacent lots of record shall be reduced below the minimum size required by this Ordinance. This Section shall not apply when a portion of a lot is acquired for public purposes.

9.2.4 No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 9.3 ONE PRINCIPAL BUILDING ON LOT

Every principal building or structure hereafter erected shall be located on one (1) lot, tract or parcel as defined herein. However, more than one (1) principal building on one (1) lot, plus its accessory buildings is permitted in business or industrial zoning districts; for permitted attached dwelling developments; and for certain uses as specified in the A-1 Agriculture District except as specified otherwise by the regulations of the district in which the building is located.

SECTION 9.4 LOT OF RECORD

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

SECTION 9.5 CORNER LOTS

For any lot platted or re-platted after the effective date of this Ordinance that is adjacent to the intersection of two (2) public streets, each yard abutting a public street shall be considered a front yard and shall meet the front yard setback requirements for that particular district. Furthermore, corner lots shall also have one (1) side yard and one (1) rear yard that will meet those setbacks for the particular district. The rear yard shall be defined at the time a building permit is issued.

SECTION 9.6 CORNER VISIBILITY

On lots at intersections and at railroad crossings no structure, fence, walls, or planting which materially obstructs traffic visibility shall be permitted or maintained between the height of two (2) feet and ten (10) feet above the finished street grade, within a triangular space bounded by the two (2) intersecting right-of-way lines or of streets and railroads and a straight line connecting the right-of-way lines twenty (20) feet from their intersection.

SECTION 9.7 THROUGH LOTS

On lots having frontage on two (2) streets, the required front yard shall be provided on each frontage street.

SECTION 9.8 STREET FRONTAGE

No building shall hereafter be erected on a lot which does not have access to a public street.

SECTION 9.9 ABANDONED RIGHT-OF-WAY

Whenever any street, alley or other public way is vacated or abandoned by official action of the Town of Vance, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

SECTION 9.10 FENCES AND WALLS

No fence or wall in any district shall project into the unobstructed space required at an intersection by Section 9.6. No fence is allowed within required front yard of Residential Districts. No wall or fence in Residential Districts shall exceed eight (8) feet in height. Retaining walls may be erected as necessary in Residential District front yards, but shall not extend into public right-of-way and shall be no closer than ten (10) feet to the back of curbs.

SECTION 9.11 LIGHTING

Purpose and Intent: The purpose of this Section is to ensure that all exterior lights and illuminated signs are designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the property lines, and/or direct glare at any location on or off of the property. The “maintained horizontal luminance recommendation” set by the Illuminating Engineers Society of North America (IES) shall be observed.

Applicability: The standards in this Section shall apply to all new construction and development located within the Town limits.

Maintenance: There is no assumption that the Town will assume maintenance of any installed lighting along streets.

All Parking Area Lighting shall consist of full cut-off type fixtures, each installed in a horizontal position to avoid direct glare.

Uplighting of externally lit signs, display, building and aesthetic lighting must be shielded to prevent direct glare and/or light trespass in excess of 0.2 foot-candles. The lighting shall be contained within target area where reasonably possible. Internally lit signs are acceptable provided that they meet the requirements of the Zoning Ordinance.

All Building Lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Flood lighting is discouraged and, if used, must be able to prevent:

- A. Direct glare for drivers or pedestrians,
- B. Light trespass beyond property lines,
- C. Light above a ninety degree (90°) horizontal plane. Unshielded wall pack type fixtures are prohibited, and
- D. Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.

Lighting of Gas Station/Convenience Store Aprons and Canopies: All of the above standards shall apply, as well as the standards below:

- A. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.
- B. Areas of the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this Section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

- C. Electrical service to outdoor lighting fixtures shall be underground.
- D. Proposed lighting installations that are not covered in this Section may be approved if they are designed to minimize glare; do not direct light beyond the boundaries in excess of 0.2 foot-candles of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.
- E. For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e. luminaire).

Proximity to Existing Street Lights: Wherever a new development occurs along a thoroughfare with existing street lights, the developer shall have the option of replacing existing fixtures, where approved by the appropriate authorities, with fixtures conforming to these requirements to provide an attractive and uniform street lighting system throughout the development. Where the developer opts not to replace existing street lights or where such replacement is not feasible, the following requirements shall apply:

- A. Wherever the existing light exceeds the height requirements of this Section, the developer shall seek approval from the appropriate authority to mount a pedestrian-scale fixture on the existing pole to meet the requirements herein. Such fixture shall be directed toward the sidewalk. Where such is not approved or not feasible, the developer shall provide the otherwise required number and spacing of street lights, without counting existing street lights toward the requirements of this Section, except as permitted by the Planning Commission. New light poles shall be spaced apart from existing street lights.
- B. Wherever an existing street light does not exceed the height requirements of this Section, the existing light may be counted toward the requirements of this Section. New street lights shall be arranged around the existing street light to provide as uniform of a spacing interval as possible.
- C. Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner that direct or indirect illumination from the source of light shall not exceed one (1) foot candle when measured from any property line adjoining a residential development or five (5) foot candles for any property adjoining a nonresidential development.

Institutional and Residential Zones: Lighting fixtures shall not exceed sixteen (16) feet in height and shall be a pedestrian-scale ornamental fixture. Shoe-box and Cobra-head fixtures shall be prohibited. Light poles shall be placed along thoroughfares no greater than one hundred twenty-five (125) feet apart.

Commercial Zones: Street lighting fixtures shall not exceed sixteen (16) feet in height and shall be a pedestrian-scale ornamental fixture. Shoe-box and Cobra-head fixtures shall be prohibited. Light poles shall be located between the curb and sidewalk. Street lights shall be placed along thoroughfares no greater than sixty (60) feet apart.

Industrial Zones: Street lighting fixtures shall not exceed twenty (20) feet in height. Cobra-head fixtures shall be prohibited. Light poles shall be located in the planting strip between the curb and sidewalk. Street lights shall be placed along thoroughfares no greater than one hundred (100) feet apart.

Commercial and Industrial Zones: Interior parking light fixtures shall be located to prevent light trespass and glare across property lines in excess of 0.2 foot candles. Cobra-head fixtures shall be prohibited. Typically fixture height should be less than twenty-five (25) feet unless approved otherwise for special designs.

ARTICLE X

SUPPLEMENTAL REGULATIONS AND MODIFICATIONS

SECTION 10.1 ACCESSORY USES OF STRUCTURES

Accessory uses of structures shall be permitted only in rear yards, except as otherwise provided in this Ordinance and shall meet the following requirements except as otherwise provided in this Ordinance:

10.1.1 Detached accessory buildings in residential districts shall not exceed sixteen (16) feet in height, with said building being at least ten (10) feet from all side property lines except on appeal to the Board of Adjustment.

10.1.2 No accessory building shall be constructed on a lot until the construction of the principal building has actually been commenced. Does not apply to A-1 Districts. Accessory buildings shall not be used as a dwelling, temporarily or permanent.

10.1.3 For corner lots, an accessory building or structure shall set back from the side street a distance of not less than the front yard setback requirement for the district in which it is located.

SECTION 10.2 TEMPORARY CONSTRUCTION STRUCTURES

Temporary structures and building material storage for uses incidental to construction work may be permitted in any district during the period that construction work is in progress but shall not be placed or stored on any lot or parcel of land or public right-of-way before appropriate building permits have been approved and issued by the Town of Vance. Such temporary structures or building materials shall be removed upon completion or abandonment of the construction work.

SECTION 10.3 HEIGHT MODIFICATIONS

The height limitations of this Ordinance shall not apply to barns, silos, or other farm structures when located on farms; belfries, cupolas and domes, monuments, water towers, transmission towers, windmills, chimneys, smokestacks, flagpoles, radio or television towers, masts and aerials and similar structures not intended for human occupancy.

SECTION 10.4 MODULAR CONSTRUCTION AND USES

The following definitions shall apply to modular construction and uses:

10.4.1 Modular Construction. Modular construction is a form of facility construction in which a building is built in three-dimensional sections (or modules) in an enclosed factory environment.

10.4.2 Modular. A method of construction that utilizes pre-engineered, factory-fabricated structures in three-dimensional sections that are transported to be tied together. Typically, modular construction means that between eighty percent (80%) to ninety-five percent (95%) are completed at the factory and then delivered to the site for final affixation.

10.4.3 Conventional. A construction method that utilizes assembly of structures on-site, employing multi-layered design and construction processes.

10.4.4 Permanent. Structures serving fixed or lasting facility needs, and not envisioned to be removed or relocated. Can utilize either conventional or modular construction methods.

10.4.5 Relocatable. Structures utilizing modular construction methods that can be transported over public roads. Designed to be constructed for efficient secondary locations without the removal of the floor, roof or other significant structural modification. Frequently called Portables, and generally under two thousand (2,000) square feet in size.

10.4.6 Restrictions. The following restrictions apply:

- A. The unit must have a manufacturer's data plate noting that the structure has been constructed by the **Title XVII Housing and Development, Chapter 205-C Modular Building Standards**.
- B. The unit must have a manufacturer's data plate noting the code to which the unit has been constructed and the occupancy for intended use.
- C. All mobile components of the unit must be removed before installation on the permanent foundation.
- D. The unit must be placed on a masonry foundation system as required by the 2003 International Building Codes.
- E. Single units must have a masonry foundation around the entire perimeter of the unit with applicable crawl space openings and foundation vesting.
- F. The unit's exterior must match the adjacent structure's exterior with a similar roof of the surrounding structures.

10.4.7 Permits and Fees. The following permits and fees shall apply:

- A. A permit application shall be submitted to the local authority before the building permit may be issued.
- B. A building permit must be issued before any unit can be located within the jurisdiction of the Town of Vance.

C. The permit fee based on a “pull-in” fee plus the standard fee for building permits for conventional construction.

10.4.8 Exception. A modular unit may be used during the construction phase of a project but will have to be removed from the premises before a Certificate of Occupancy will be issued.

10.5 RECREATION VEHICLE PARK REGULATIONS AND STANDARDS

The following regulations and standards shall apply to recreation vehicle parks:

10.5.1 Minimum Park Area: One (1) acre.

10.5.2 RV Spaces: Each space shall be a minimum of one thousand five hundred (1,500) square feet in area and thirty (30) feet in width.

10.5.3 RV Space Setbacks: Each RV space shall be setback from side and rear boundary lines a minimum of ten (10) feet and the minimum front setback shall be twenty-five (25) feet. RVs shall be separated from each other and from other structures by at least fifteen (15) feet.

10.5.4 Interior Private Streets: Interior private streets shall be a minimum of twelve (12) feet wide for each travel lane and twenty (20) feet wide for a one-way system of streets. Streets shall be improved in accordance with the construction specifications of the Town of Vance. In addition, all streets shall be well-drained, well-lighted and continuously maintained in operable condition.

10.5.5 Off-Street Parking: A minimum of one (1) off-street parking space for each RV space plus an addition off-street parking space for each three (3) RV spaces.

10.5.6 Service Buildings: Every RV Park shall provide at least one (1) service building equipped with one (1) toilet, lavatory and shower for each sex for each one hundred (100) RV spaces or fractional part thereof. If the RV Park provides sites for dependent vehicles and tents, the following sanitary facilities shall be provided within three hundred (300) feet of the dependent sites:

<u>Tent Sites and Dependent Vehicles</u>	<u>Toilets</u>		<u>Urinals</u>	<u>Lavatories</u>		<u>Showers</u>	
	<u>Men</u>	<u>Women</u>		<u>Men</u>	<u>Women</u>	<u>Men</u>	<u>Women</u>
1-15	1	1	1	1	1	1	1
18-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	3	4	2	4	4	3	3

10.5.7 Water Supply: Each RV, Dependent Vehicle and Tent site shall be provided with an individual water service connection.

10.5.8 Sewage Disposal: A sanitary station shall be provided for every one hundred (100) spaces.

10.5.9 Electrical Service: Each space shall be provided with an electrical outlet supplying at least 115 volts.

10.5.10 Refuse Disposal: The storage, collection and disposal of refuse in the RV Park shall be so conducted as to create no health hazard, rodent harborage, insect breeding area, and accident or fire hazard.

10.5.11 Limit of Stay: No recreational vehicle shall remain within a RV Park for more than one hundred twenty (120) days in any one-year period.

SECTION 10.6 WIRELESS COMMUNICATION FACILITIES

The following Regulations and Standards apply to all wireless telecommunication facilities and towers for the following purposes:

1. To achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for the area,
2. To encourage and maximize the use of existing and approved towers, buildings, and other structures to accommodate new wireless telecommunications facilities,
3. To ensure the compatibility of towers with, and avoid adverse impacts to nearby properties, and
4. To discourage the proliferation of towers throughout the Town.

10.6.1 The proposed locations and design of all communication towers shall consider the following: public health, safety, and general welfare objectives as a minimum:

- A. Structural Safety. The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes so as not to endanger the health and safety of residents, employees, or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
- B. View Protection. The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
- C. Land Use Compatibility. The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.
- D. Design Harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.

- E. Existing Communication Services. The proposed tower facility will comply with the FCC and other applicable agency standards so as not to interfere with existing communication services in the area.
- F. Health Effects. The proposed tower will comply with all applicable federal, state, county, and city health standards so as not to cause detrimental health effects to persons in the surrounding area.

10.6.2 Definitions

- A. Accessory Structure Site. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area, and other accessory devices/auxiliary structures are located. The outline of an accessory structure site shall be accurately defined on a site plan.
- B. Alternative Support Structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility facilities.
- C. Antenna. An electromagnetic device that conducts radio signals through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically, this includes “whips”, “cornucopia horns”, “panels”, and parabolic “dishes”.
- D. Antenna Support Structure. Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel, or concrete single poles (monopoles); self-supporting steel towers with 3 or 4 “legs” (self-support/lattice towers); and rooftops of existing buildings, or structures, such as elevated water storage tanks. (See also tower.)
- E. Co-Location. The placement of more than 1 wireless communications antenna by 1 or more telecommunications service providers on a single existing or new antenna support structure.
- F. Concealment Techniques. Concealment techniques are methods used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and the surrounding development. A concealed tower(s) on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers on unimproved property must be disguised to blend in with existing vegetation. Example: A tower of

such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

- G. FAA. Federal Aviation Administration.
- H. FCC. Federal Communications Commission.
- I. Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or other structure, including if said highest point is an antenna placed on a structure or tower.
- J. Private Telecommunications Operation. The use of a telecommunications facility to provide communications services internal to the facility owner or to its affiliates, provided that there is no fee charged for or lease of the communication services and provided further that such communication services are only accessory to the principal use of the owner's property on which they are located.
- K. Temporary Telecommunications Tower. Mobile wireless telecommunications towers mounted upon trailers, operated temporarily, which are also known as “cellulars on wheels” (COWs).
- L. Tower. Any structure that is designed and constructed primarily for the purpose of supporting 1 or more antenna, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and the like. (See also antenna support structure.)

10.6.3 Submittal Requirements and Procedures

- A. Permit Requirements. All wireless telecommunications facilities will be required to receive a use permit from the Planning and Zoning Commission prior to being granted a building permit.
- B. Application. Any application submitted for approval shall include the following items, in addition to any other required items, to show compliance with these Standards.
 - 1. Statement of Impact on Health, Safety, and Welfare. A brief written statement shall address conformance with the health, safety, and welfare objectives of this guideline.
 - 2. Site Plan. A scaled site plan shall show the location and dimensions of all improvements; including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these guidelines.

3. Rendering. A rendering of the tower, accessory facilities, and compound shall depict colors, materials, and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.
 4. Justification for a New Tower. A proposal for a new tower shall include documentation showing that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.
 5. Certification of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate a minimum of 2 shared users.
 6. As Built Survey. A qualified professional engineer, licensed in the State of Alabama, shall certify that the proposed communication tower was built in accordance with the submitted site plan including the installation of any required buffer yard.
 7. Capacity. The application shall include the total anticipated capacity of the structure including the number and types of antennae that can be accommodated.
 8. Safety. Mitigation measures for ice and other hazardous falling debris, including setbacks and deicing equipment, must be included.
 9. Parking. Where applicable, adequate parking shall be provided, along with buffers where such tower abuts any residential zone. Such towers shall be prohibited in any residential zone of the Town of Vance.
- C. Additional Application Requirements. In addition to the submittal requirements for zoning approval, applications for wireless communication services shall include the following:
1. A network design plan for all of the service provider's existing and planned sites in the Town and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.
 2. A qualified electrical engineer licensed by the State of Alabama shall prepare an evaluation of the radio frequency (RF) field exposure conditions of the facility demonstrating that the radiation levels generated by the facility meet federal standards and that interference to consumer electronic products is unlikely to occur. The evaluation shall include the following:

- a. The maximum exposure conditions directly adjacent to the antenna and at the closest point the public could come into contact with radiation; including upper floors of residential, institutional, or commercial buildings.
 - b. The maximum cumulative exposure conditions of all personal wireless services and facilities within the vicinity.
 - c. Certification shall be provided by the electrical engineer prior to final inspection of the facility that the RF field exposure conditions are per the submitted evaluation.
3. If the facility is abandoned in the future, the applicant shall be required to remove the wireless communication antennas and equipment from the site.
- D. Exempt Facilities. The following facilities are exempt from these standards and from any requirement to obtain a permit subject to this section.
1. Amateur radio and receive-only antenna owned and operated by federally licensed radio station operator or used exclusively for receive-only antennas.
 2. Telecommunications facilities for private communication operation less than or equal to 75 feet in height or mounted on a structure that is accessory to the principal use of the owner's property on which it is located.
- E. Temporary Installations. Temporary telecommunications towers shall be allowed for a period not to exceed one (1) year. Requests for temporary use permits for self-supporting towers shall be accepted only for sites that are already approved for a permanent tower structure. An application for a temporary tower may be made simultaneously with an application for a permanent tower. All portions of the temporary self-supporting towers and its support structures, including guy wires, shall fall within the property or site boundaries that are approved specifically for wireless telecommunications facility use. A temporary tower shall not exceed the height of a permanent tower approved for a particular site. These Regulations shall not apply to portable mobile emergency or test tower facilities.

10.6.4 Standards

A permit for a wireless telecommunications facility may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that the facility complies with the following standards:

- A. Location and Facility Height. Permissible locations and facility heights are shown in Table No. 9-1.

Table 9-1 Location and Facility Height (Wireless Facilities)

Zoning Districts

WIRELESS TELECOMMUNICATIONS FACILITIES	A1	R1, R2, R3 R4, PUD MHP, MHS	B1, B2	I1, I2
Alternative Support Structures	Permitted	Permitted	Permitted	Permitted
Co-Location Antennas	Permitted	Permitted	Permitted	Permitted
Use of Concealment Techniques (Antenna Support Structures of any Height)	Permitted	Permitted *	Permitted *	Permitted
Antenna Support Structures Up to 60' in Height	Permitted	Permitted *	Permitted *	Permitted
Antenna Support Structures 61' to 200' in Height	Permitted	Prohibited	Prohibited	Permitted
Antenna Support Structures 201' to 260' in Height	Permitted	Prohibited	Prohibited	Permitted
Antenna Support Structures 261' in Height, or More	Prohibited	Prohibited	Prohibited	Prohibited

1. Towers and/or antennas utilizing alternative support structures shall not exceed 15' in height above the existing structure on which they are placed.
2. "Whips", "Panels", "Cornucopia Horns", and Parabolic "Dishes" placed on alternative support structures shall not exceed 100 square feet in size.

*Location may be allowed, but generally discouraged.

B. Area and Dimensional Regulations

1. Lot size must conform to the minimum lot size required for the underlying zoning district.
2. The minimum lot size for any new freestanding wireless telecommunications facility shall be large enough to allow for the antenna support structure and ground-mounted accessory structures of the applicant and the ground-mounted accessory structures at least 1 additional co-locating service provider.

3. If only a portion of a parcel is being leased for a wireless telecommunications facility, the lease parcel must be situated within the parent parcel so that the wireless telecommunications facility complies with the applicable antenna support structure setback requirements.

C. Setbacks

1. Wireless telecommunications towers, guys, and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not exempt a wireless telecommunications facility from any minimum yard requirements.
2. Towers (but not guys and accessory facilities) must adhere to additional setbacks indicated in the following table. Tower setbacks do not apply to alternative support structures.

Table 10-1 Tower Setback Requirements

TOWER SETBACKS

<u>Property Zoned</u>	<u>Property Setback</u>
A1	50 feet for towers of any height. Additional setback applies if tower is adjacent to a residentially zoned property – see (C3) below.
R1, R2, R3, R4, PUD, MHS, MHP	A distance equaling the height of the tower.
B1, B2	50 feet for towers of any height. Additional setback applies if tower is adjacent to a residentially zoned property – see (C3) below.
I1, I2	30 feet for towers of any height. Additional setback applies if tower is adjacent to a residentially zoned property – see (C3) below.

3. Towers shall not be placed closer than a distance equal to the full height of the wireless telecommunications facility from any residential structure on adjacent property.

4. Towers placed adjacent to or just outside the corporate limits of Vance shall not be placed closer than a distance equal to the full height of the tower from any residential structure lying within the Vance Town Limits.

10.6.5 Co-Location

- A. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna structure or other structure can accommodate the applicant's needs.
- B. Documentation that reasonable efforts have been made to achieve co-location shall be submitted. Applications for new antenna support structures must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved antenna support structure refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.
- C. Antenna support structures less than or equal to 200 feet in height shall have the ability to accommodate at least 1 additional antenna, unless they would cause the height of the antenna support structure to be increased. Antenna support structures greater than 200 feet in height, if permitted, shall have the ability to accommodate at least 2 additional antennas.
- D. Co-Location is not required if the use of concealment techniques is prohibitive to co-location efforts.

10.6.6 Aesthetics

The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

- A. Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area. Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
- B. No signage, symbols, or advertisements may be attached to the pole, tower, or antenna.
- C. Camouflaged or Concealed Towers.
 1. Concealed towers on developed property must be disguised to appear as either a part of the structure housing a principal use or an accessory structure that is normally associated with the principal use occupying the property.

2. Concealed towers located on unimproved property must be disguised to blend in with existing vegetation. Example: A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).
3. Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are other types of concealment techniques.

10.6.7 Accessory Structures

- A. The design of the site and its accessory structure shall, to the extent possible, maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities within the surrounding natural setting and existing environment.
- B. In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be avoided in as much as possible.

10.6.8 Landscaping

- A. A landscaped buffer shall effectively screen the view of the tower site from adjacent public ways and residential properties.
- B. The standard buffer shall consist of a minimum of an 8 feet wide landscaped strip outside the steel security fencing of the perimeter of the site. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines, and/or groundcovers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, the site review by the Planning Commission may impose increased buffer standards to include a decay-resistant, composite fence, earth berms, and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.
- C. In isolated non-residential areas, alternative landscaping methods may be accepted; such as the use of earth toned colored, vinyl-coated steel security fencing in combination with 4 feet of evergreen trees, shrubs, vines, and/or other plantings.
- D. In certain locations where the visual impact of the tower would be minimal; such as remote agriculture, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Planning Commission.

- E. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.
- F. Facilities utilizing underground vaults in lieu of aboveground switching gear buildings shall be exempted from any buffer requirements.

10.6.9 Security Devices

- A. The facility shall be fully secured. A minimum 8 feet high, galvanized steel fence shall be installed around the entire perimeter of the site (measured to the top of the fence or barbed wire, if applicable). Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the site shall be permitted if deemed necessary to fully secure the tower site.
- B. Sufficient anti-climbing measures should be incorporated into each facility. Signs should be posted of potential dangers along with contact information for the facility.
- C. Access. Driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street, or off-street parking area.

10.6.10 Lighting

- A. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed inward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties; particularly residences.
- B. Basic security lighting for the site may be permitted, but shall not include any flashing lights or lights greater than 20 feet in height. This lighting shall be focused only on the site itself and shall be directed away from any adjacent property.

10.6.11 Environmental Impact

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

10.6.12 Safety

- A. Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the Federal Communication Commission's standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
- B. Structural. A professional engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with wind loading and other structural standards contained in the Standard Southern Building Code and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 222-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures") or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.

10.6.13 Maintenance

- A. Towers must be properly maintained. Estimated life of structure must be included in submittal information.
- B. Removal of Obsolete Towers. In the event that the use of any wireless telecommunications facility has been discontinued for the period of 180 consecutive days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Town engineer who shall have the right to request documentation and/or affidavits from the wireless telecommunications facility owner regarding the issue of tele-communications facility usage. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility or transfer the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility. At the earlier of 180 days from the date of abandonment with reactivation or upon completion of dismantling and removal, any variance approval for the wireless telecommunications facility shall automatically expire. The applicant shall sign an affidavit to this effect, to be placed on file with the Town of Vance.

10.7 **MINI (TINY) HOMES**

10.7.1 Definition: Mini or tiny homes are generally constructed or assembled on-site or off-site, but not in a factory environment; the homes are usually less than three hundred and fifty (350) square feet and are portable on a frame and wheels and can be transported over public roads and are designed to be used as a dwelling.

10.7.2 Permitted Uses: Mini homes can only be placed in A-1 Zoning District as a Conditional Use, subject to Planning Commission review and approval. All requirements under Section 4.1.1(C) – Manufactured Homes shall apply except that no more than one (1) mini home will be allowed on any tract of land.

10.7.3 Prohibited Use: Mini homes shall not be placed on any A-1 tract for rental purposes.

10.7.4 Permits and Fees: If approved by the Planning Commission as a Conditional Use, applicant shall obtain a building permit from the Town. Application shall include a floorplan and elevations of mini home showing that it complies with all applicable Building Codes. Permit fee shall be “pull-in” fee plus the standard fee for conventional residential construction.

ARTICLE XI

OFF-STREET PARKING AND LOADING

There shall be provided at the time of creation or enlargement of any use or of any main building or accessory structure, off-street parking and loading spaces, as required in this Article, for motor vehicles with adequate access to all spaces. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements shall be in place and ready for use. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose than the temporary parking of motor vehicles is prohibited.

Parking of any motorized vehicle, trailer or camper in the front yards in all R, MHS and MHP Districts is prohibited and will be deemed as a public nuisance.

SECTION 11.1 LOCATION OF PARKING SPACES

Parking spaces for all uses or structures shall be located on the same lot with the principal use unless offsite parking facilities are approved by the Planning Commission. Offsite parking facilities shall not be located more than two hundred (200) feet from the lot on which the principal use to be served is located. Offsite parking must be located in a zoning district where off-street parking facilities for employees and customers is permitted. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such offsite facilities to serve the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney, and shall be filed with the application for a building permit.

SECTION 11.2 COMBINED PARKING SPACES

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

SECTION 11.3 DESIGN STANDARDS

An off-street parking space shall be an asphalt or concrete surfaced area not in a street or alley and having an area of not less than one hundred seventy-one (171) square feet and minimum dimensions of nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways, permanently reserved for the temporary storage of motor vehicles and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas that serve one (1) or two (2) dwelling units. For single-family residences, the driveway may be used for off-street parking. The required off-street parking space shall meet all design and construction specifications of the Town of Vance.

Parking travel way or aisle widths shall conform to the following minimum standards which varies the width requirement according to the angle of parking:

Traffic Direction	<u>Angle of Parking (Degrees)</u>			
	0°	45°	60°	90°
One-Way	13'	13'	18'	24'
Two-Way	19'	21'	23'	24'

If the applicant for a building permit does not provide the Zoning Administrator with a parking plan showing the arrangement of spaces and driveways or aisles including the angle of parking in degrees, then the space requirements specified above shall not apply and a gross area of three hundred eighty-seven (387) square feet shall be provided for each required parking space.

SECTION 11.4 MINIMUM REQUIRED OFF-STREET PARKING SPACES FOR INDIVIDUAL USES

The following are the minimum off-street parking spaces required by this Ordinance. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature. Parking along streets in all MHS and MHP Districts is prohibited by this Ordinance and will be considered a public safety hazard and nuisance.

<u>Residential Uses</u>	<u>Required Parking Spaces</u>
Single-Family Detached Dwelling	2 spaces, 3 bedroom dwelling, 1 additional parking space per bedroom for greater than 3 bedrooms.
Two-Family Dwelling	2 spaces per dwelling unit
Multi-Family and Townhouse Dwelling	2 spaces per dwelling unit
Dormitory, Boarding or Rooming House	1 space per bedroom
Manufactured Home	2 spaces per dwelling unit
<u>Public, Semi-Public Uses</u>	<u>Required Parking Spaces</u>
Auditorium, Arena Stadium, Theater, Concert Hall and Other Spectator Facilities	1 space for each 3 seats
Churches	1 space for each 4 seats
Golf and Country Clubs	7 spaces per hole, or 1 space per 3 members
Government Offices	1 space per 250 square feet
Hospitals, Nursing Homes	1 space for each 2 beds

Libraries, Museums	1 space per 800 square feet
Post Office	1 per 250 square feet
Private Clubs and Lodges	1 per 200 square feet
School, Elementary and Junior High	1 space per 8 auditorium seats or 2 spaces per classroom, whichever is greater
School, High	1 space per 6 students plus 1 space per 2 employees
School, Vocational	1 space per 50 square feet

Commercial and Industrial Uses

Required Parking Spaces

Automotive Dealership	1 space per 1,000 square feet of floor space
Automotive Repair, Tires, and Service	1 space per employee and 2 spaces per bay
Automotive Parts and Accessory Sales (Retail)	1 space per 150 square feet of floor area
Bank	1 space per 200 square feet of floor area plus 1 space for each 2 employees
Barber Shop and Beauty Shop	1 space per 150 square feet
Bowling Alley	2 spaces per alley
Carwash	1 space per 2 employees
Dance or Music Studio	1 space per 100 square feet of floor area
Daycare or Nursery	1.5 spaces per employee
Doctor – Dentist Office	1 space per 250 square feet of floor area
Funeral Home	1 space per 50 square feet of floor area
Golf, Carpet	1 space per golf hole
Industrial or Manufacturing	1 space per 4 employees on the maximum working shift
Laundromat	1 space for each 2 machines
Lumber Yard – Building Material Sales	1 space per 200 square feet of floor area and 1 space 1,000 square feet of outdoor storage area
Mini-Warehouses	1 space for every 10 mini-warehouse units

Motel or Hotel	1 space per unit plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc. as required in this Article
Office	1 space per 200 square feet
Restaurant, Food Service Restaurant Tavern, Bar and Night Club	1 space per 100 square feet
Restaurant, Drive-Up	1 space per 100 square feet of floor area
Retail Establishments such as: art supply and frame, bookstore, florist, card shop, pet shop, sporting goods, gift shop, shoe store, paint store, jewelry store, apparel sales, hardware store, drugstore, convenience store, liquor store, grocery and semi-retail uses.	1 space per 200 square feet
Major appliances sales, office or medical equipment sales, garden shops, home improvement centers, furniture stores, department or discount stores, piano and organ sales, carpet showrooms, building material sales, and large showroom establishments. Broadcast or recording studio, photographic studio, research or testing lab, quick copy service, optician and other similar services.	1 space per 400 square feet
Wholesale Establishments	1 space per 2 employees
Veterinary Establishments and other Kennel Facilities	1 space per 1,000 square feet of floor and kennel area

SECTION 11.5 OFF-STREET LOADING AND UNLOADING SPACE

In any district, in connection with every building, or building group or part thereof hereafter erected, and having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by commercial or industrial uses requiring the receipt or distribution of goods by trucks, there shall be provided off-street loading or unloading berths as follows:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
4,000 – 25,000 square feet	1 berth
25,001 – 40,000 square feet	2 berths

40,001 – 60,000 square feet	3 berths
For each additional 50,000 square feet	1 berth

The loading berth(s) required in each instance shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard.

SECTION 11.6 PARKING LOT DESIGNS AND LANDSCAPING

Parking lots with twenty (20) or more spaces shall be required to provide a minimum of ten (10) percent of the parking lot to be landscaped.

Parking lot configurations shall respond to site conditions, including topography, drainage patterns and natural amenities. On sloping sites, lines of parking spaces shall run parallel to site contours, with planted medians taking up excessive slope. Paved parking areas or vehicular space areas shall not exceed an eight (8) percent slope.

Required landscape islands shall be sodded, seeded, or mulched and shall include trees, shrubs, annuals, perennials, ornamental grass and/or groundcover or a combination of these.

Trees shall be provided in required perimeter planting strip. If canopy trees are used, they shall be a minimum of two (2) inches in caliper and twelve (12) feet high. If understory trees are used, the same conditions apply, but the spacing increment drops to thirty (30) to forty (40) feet on center. Understory trees may be used only where preexisting overhead utility lines prevent the use of canopy trees. Trees shall be planted within the perimeter planting strip and within internal islands so that all parking spaces are within no more than seventy-five (75) feet of a tree.

Where shrubs are used for required screening; they shall:

- A. Be at least thirty (30) inches tall at installation;
- B. Be spaced closely together so as to create a hedge, but not farther than five (5) feet on center;
- C. Be shrub species that shall attain an average normal growth height of five (5) to six (6) feet within four (4) years; and
- D. Be mostly evergreen species. Twenty-five (25) percent of the required shrubs may be deciduous, although evergreen shrubs are required for all areas fronting on a public right-of-way.

Commercial and Institutional Zones and Multi-Family Developments

The following design requirements shall apply to new parking areas and to the expansion of existing areas:

- A. No more than twelve (12) contiguous spaces on one side of an aisle shall be provided without using a landscape island. Landscape islands shall be curbed and shall include plants from the list of Approved Planting Materials. Whenever trees are provided, the island shall be sized appropriately to provide an adequate root area for the matured tree.

- B. Wherever the parking area may abut a thoroughfare, an eight (8) foot wide perimeter planting strip shall be provided between the sidewalk and parking area.
- C. A planting strip of eight (8) feet in width and containing shade trees shall be used to screen parking lots from adjacent residential properties or as otherwise required by the Buffering and Screening requirements of the Zoning Ordinance.
- D. Front Yards: A planting screen consisting of a minimum of two (2) staggered rows of evergreen shrubs shall be installed in a landscape strip (10 foot minimum width) between the street and the parking lot. Such shrubs may include, but are not limited to Ligustrum, Burford Holly, Boxwood, or Juniper with a minimum height of three (3) feet installed and a maximum spacing suitable to the particular plant used, but yet forming an effective visual screen. The planted screen shall, at a driveway and roadway intersections, meet adequate sight distance visibility requirements.
- E. Interior Parking Area: Any parking area of twenty (20) or more spaces shall be provided with interior landscaping covering not less than ten (10) percent of the total parking area. Such landscaping shall be in addition to all planting within six (6) feet of the building. The primary landscaping materials used in parking lots shall be shade trees. Shrubs and other planting material may be used to complement the shade tree planting, but shall not be the sole component of the landscaping. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.

Industrial Zones: The following design requirements shall apply to new parking areas and to the expansion of existing parking areas, where required:

- A. No more than fifteen (15) contiguous spaces on one side of an aisle shall be provided without using a landscape island. Landscape islands shall be curbed and shall include plants from the list of Approved Planting Materials. Whenever trees are provided, the island shall be sized appropriately to provide an adequate root area for the matured tree.
- B. Wherever the parking area abuts a thoroughfare, a planting strip and other perimeter screening shall be provided. Along the primary frontage, a ten (10) foot wide perimeter strip shall be provided between the primary thoroughfare and the parking area. Along the secondary frontage, an eight (8) foot wide perimeter planting strip shall be provided between the sidewalk and parking area or a masonry wall of a minimum of three (3) feet in height and a five (5) foot wide perimeter planting strip provided behind the wall.
- C. A pedestrian walkway of five (5) feet in width shall be provided for each parking aisle longer than one hundred and fifty (150) feet. This walkway shall be clear and unobstructed.
- D. A planting strip of twelve (12) feet in width and containing shade trees shall be used to screen parking lots from adjacent residential properties or as otherwise required by the Buffering and Screening requirements of the Zoning Ordinance.

All Zones Maintenance: The property owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials, barriers, and irrigation systems as required by the provisions of this Article. All plant material shall be tended and maintained in a healthy growing condition; replaced when dead and kept free of weeds, refuse, and debris.

ARTICLE XII

SIGN REGULATIONS

The purpose of this Article is to establish regulations for the type, location, erection and maintenance of signs. It is determined that, while signs are a proper commercial use of private property and are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the Town by establishing standards for the number, size, height, spacing and illumination of such signs. The purposes of this Article are as follows:

- A. to enhance and promote the character and aesthetic quality of the Town;
- B. to assure the compatibility of signs with surrounding land uses and protect adjacent and nearby properties;
- C. to preserve property values.
- D. to reduce excessive size or numbers of signs that obscure one another to the detriment of all concerned;
- E. to eliminate unsightly and detrimental effects of sign blight on property values;
- F. to promote traffic safety and protect the public safety by lessening hazards to pedestrian and vehicular traffic caused by distracting or unsafely located signs; and
- G. to reasonably insure the protection of the public's safety and general welfare.

SECTION 12.1 SIGN DEFINITIONS

The following definitions are applicable to the sign regulations contained in this Article.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign Area: That area delineated by one continuous perimeter line, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area shall be determined by using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc. which are not a part of

the main supports of the sign are to be included in computing sign area. If a sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area. On a two-sided, multi-sided, or three-dimensional sign, sign area shall include the total of all sides designed to attract attention or communicate information that can be seen at any one vantage point. However, the sign area of a double-faced, back-to-back sign (less than three feet between sign faces) or V-shape sign (less than 30 degree angle between sign faces) shall include only the area of one (1) sign face.

Sign, Banner: Any sign made of lightweight fabric, cloth, canvas, plastic sheeting, nylon or any other flexible material, with no enclosing framework and which is not rigidly and permanently attached to a building or the ground through a permanent support structure.

Sign, Billboard: An outdoor advertising device which contains at any time a commercial message that directs attention to a business, commodity, service or entertainment conducted, advertising products, services, goods sold or offered, that are not available on the zone lot on which the sign is located.

Sign, Changeable Copy Sign, Digital or Video Technology: A sign or portion of a sign designed so that the message or copy can be changed frequently. A billboard or other sign on which message is typically changed twelve (12) or fewer times per year shall not be considered a changeable copy sign. Any sign, existing or otherwise, which could be altered, erected, placed or constructed upon a new or existing supporting structure, monopole or otherwise, which can be computerized or programmed to depict action, animation, movement, scrolling, change of position, formation of word messages or visible displays, the change of word messages or visible displays, words, numbers, symbols or graphics by means of computerized, digital enhancement, artificial light or lights which are capable of changing the degrees of intensity or lumens that can be electronically changed, arranged or controlled without altering the face or surface of the sign. Any sign which has the capability by its design of being programmed to automatically change the depiction of a scene or message upon a set and determined period of time, frequency or interval.

Sign, Detached: A sign not attached to or painted on a building but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not part of the building, shall be considered a detached sign.

Sign, Double-Faced: A sign having two (2) display surfaces which are usually parallel and back-to-back and not more than twelve (12) inches apart.

Sign, Flashing: An illuminated sign employing moving or strobe-type lights, flashing intermittently; blinking, or pulsating lights.

Sign, General Advertising or Off-Premise: Any sign which directs the attention of the general public to a business, service, product or activity not conducted, offered, or sold as a major portion of business upon the premises where the sign is located.

Sign, Height: The average distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Sign, Illuminated 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 refractive, such sign shall be deemed to be a directly illuminated sign.

Sign, Marquee or Canopy: A permanent on-premise sign affixed, fastened, painted upon, or made a part of and erected parallel to a canopy or marquee which projects from a building to shield a doorway or window or provide shelter from the weather. The term also includes a shelter above a fuel service island.

Sign, Off-Premises: A permanent sign which directs attention to or conveys information about a business, profession, service, commodity, accommodation, attraction, or other activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located; see Billboard.

Sign, On-Premises: A permanent sign which directs attention to or conveys information about a business, profession, service, merchandise, accommodation, attraction, or other activity that exists or is conducted, sold, offered, maintained, or provided on non-residential premises where the sign is located.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting: A sign which is attached to and projects more than twelve (12) inches from the face of the wall of a building. A projecting sign which extends more than thirty-six (36) inches over or above the roof line or parapet wall shall be designated as a roof sign.

Sign, Roof: A sign which is constructed to extend above the highest point of a roof's surface.

Sign, Wall: Any sign attached to, or painted on, the outside wall of a building, is supported throughout its length by such wall, does not extend more than one (1) foot from the building wall and does not extend above the roof line or parapet wall of a building. Wall signs shall include any sign painted or drawn on a building.

SECTION 12.2 EXEMPT SIGNS

The following signs are exempt from the provisions of these regulations and may be erected or constructed without a permit:

12.2.1 Official Signs: Official traffic signs, municipal information signs and provisional warning signs, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.

12.2.2 Temporary Construction Signs: A temporary non-illuminated sign not more than fifty (50) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction is in progress; one (1) such sign for each street frontage.

12.2.3 Public Events and Holidays: National flags, political signs, temporary decorative bunting, banners, and symbols displayed during special events of a public nature or public holidays.

12.2.4 Temporary Signs: Temporary signs authorized by the Town Council.

12.2.5 Temporary Sale or Lease Signs: Temporary signs, which are not internally illuminated, advertising the private sale or lease of personal property.

SECTION 12.3 SIGN PERMIT REQUIRED

No sign, unless herein exempted, shall be erected, constructed, painted, altered, or relocated until a permit has been issued by the Zoning Administrator. Before any permit is issued, an application shall be filed with the Zoning Administrator together with such drawings and specifications as may be necessary to fully set forth information on the location, type of construction, materials, manner of illuminating, securing and fastening, and the number of signs applied for. All signs which are electrically illuminated shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

SECTION 12.4 REGULATIONS WHICH PERTAIN TO ALL SIGNS

The following regulations pertain to all signs:

12.4.1 Signs shall not be located in or extend or project over any public right-of-way.

12.4.2 Signs shall not be located, lighted, or constructed so as to constitute a hazard to the health or safety of individuals on the public right-of-way.

12.4.3 The construction or permit relocation of a permanent sign shall require the issue of a building permit.

12.4.4 Detached, pole or frame mounted, elevated sign height shall not exceed twenty-five (25) feet except in areas adjacent or along the I-59/20 corridor within Zones B1, B2, I1 or I2.

12.4.5 Banners, flags, balloons or other inflatable devices are prohibited unless approved by the Planning Commission on a temporary basis only.

12.4.6 Portable signs are prohibited unless approved by the Planning Commission on a temporary basis only.

12.4.7 Signs shall be constructed and maintained to conform to all building codes of the Town of Vance.

12.4.8 Flashing signs or signs illuminated with intermittent light, except time and temperature indicators are prohibited.

12.4.9 No person shall park any vehicle or trailer, which has a sign painted or attached thereto, for the purpose of attracting people to a product, business or activity, located on the same or nearby premises, or to a product, business or activity located on a public right-of-way in the vicinity of such advertising vehicle. No such advertising vehicle shall be parked on a public right-of-way or on private property visible from a public right-of-way for the purpose of advertising any product, business or activity at a location other than that occupied by such advertising vehicle.

12.4.10 At all street intersections, no sign shall be placed, erected, or maintained at any location if such sign obstructs vision within a triangular area formed by the intersecting street right-of-way lines and a line drawn between points along such right-of-way lines thirty (30) feet distant from their point of intersection and between elevations of two and one-half (2-1/2) and twelve (12) feet above the established grade within this triangular area.

12.4.11 Signs shall not be attached to trees, utility poles, or placed on any public right-of-way or public property unless authorized by ordinance of the Town Council.

SECTION 12.5 ZONING DISTRICT SIGN REGULATIONS

12.5.1 SIGNS PERMITTED IN A-1, R-1, R-2, R-3 AND MHS DISTRICTS.

- A. All signs exempted from these regulations by Section 12.2 of this Article.
- B. Non-illuminated signs for a home occupation indicating only the profession, craft or occupation of the occupant and the occupant's name, not to exceed two (2) square feet in sign area.
- C. A detached ground sign identifying the name of a residential subdivision, not to exceed forty-eight (48) square feet in sign area.
- D. A customary church bulletin or digital information board, not to exceed twenty-four (24) square feet in sign area.
- E. A detached ground sign to identify any public or semi-public use, not to exceed thirty-two (32) square feet in sign area.
- F. A flat sign identifying a public or semi-public use, not to exceed twelve (12) feet in sign area except that the area of such sign may be increased by one-fourth (1/4) square foot for each foot of setback, from the street it fronts, in excess of fifty (50) feet.

12.5.2 SIGNS PERMITTED IN R-4 DISTRICT

- A. Any sign permitted in Subsection 12.5.1 of this Ordinance.
- B. One (1) detached ground sign identifying a multi-family structure, and placed not more than thirty (30) feet therefrom, not to exceed four (4) square feet in sign area.
- C. One (1) flat sign for each major building in a multi-family housing project, not to exceed eight (8) square feet in sign area.

12.5.3 SIGNS PERMITTED IN B-1, B-2, I-1 AND 1-2 DISTRICTS

- A. Any sign permitted in Subsection 12.5.1 of this Article.
- B. One (1) wall sign for each premise regardless of the number of businesses. Wall signs shall not have a total aggregate sign area of more than twenty percent (20%) of the area of the wall to which they are attached and no individual wall sign shall have an area of more than one hundred twenty-five (125) square feet except that: for every foot of setback in excess of fifty (50) feet, the maximum area of an individual wall sign may be increased one and one-half (1-1/2) square foot up to a maximum sign size of six hundred fifty (650) square feet.
- C. One (1) projecting sign for each business on the premises with the maximum sign area not to exceed forty (40) square feet.
- D. One (1) detached sign, not exceeding twenty-five (25) feet in height for each premise regardless of whether such premises contain one (1) or more establishments. A detached sign shall be permanently affixed to the ground, shall comply with the building and electrical codes, and no part of such sign shall be located within fifteen (15) feet of any street right-of-way line. The bottom of a detached sign shall be elevated not less than six (6) feet above the general ground level of the premises on which it is located. The detached sign shall not exceed a sign area of thirty-two (32) square feet except that, if the frontage along the street on which the sign is to be erected exceeds fifty (50) feet, the sign area may be increased by one (1) square foot for each additional foot of frontage up to a maximum sign area of one hundred twenty (120) square feet.
- E. Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas, facilities and access drives.
- F. Gasoline or other pricing signs are permitted provided that:
 - 1. Only one (1) such sign shall be permitted for each frontage on a street having a maximum right-of-way width of fifty (50) feet.

2. The sign must be attached to a principal structure or to the structure of a permitted detached sign.
3. The sign area of such sign shall not exceed thirty (30) square feet per sign face or an aggregate sign area of sixty (60) square feet.
4. One (1) sign, attached to each gasoline pump, to provide information regarding price, type of fuel and octane rating, is permitted provided such sign does not exceed a sign area of two (2) square feet for any single sign face or a total sign area of four (4) square feet if the sign is double-faced.

12.6 NONCONFORMING SIGNS

12.6.1 All permanent type signs existing at the time of the enactment of this Ordinance shall be allowed to remain as they were at the time of the adoption of this Ordinance subject to the provisions of Section 12.6.2 through 12.6.8.

12.6.2 All legally existing nonconforming moveable signs which exist on the effective date of this Ordinance shall be removed within ninety (90) days after the effective date of this Ordinance.

12.6.3 No permits for additional signs shall be issued for any premises on which there are any nonconforming signs and no nonconforming sign shall be changed to another nonconforming sign.

12.6.4 No sign and/or advertising structure that has been erected in violation of any previous zoning provisions shall by virtue of the adoption of this Ordinance become conforming.

12.6.5 A nonconforming sign which is damaged by fire, wind or other causes, to the extent that repair of the sign requires structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this Ordinance.

12.6.6 No nonconforming sign shall be replaced with another nonconforming sign when such sign deteriorates because of age and use to the point where replacement of the sign is required.

12.6.7 A nonconforming sign may be maintained to the extent necessary to present a neat and orderly appearance; however, if a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this Ordinance. The message of a nonconforming off-premise sign may change with jeopardizing the legal nonconforming status of the sign.

12.6.8 No nonconforming sign shall be repainted, refaced or modified to serve another business, advertisement, person or event.

12.7 OFF-PREMISE OR GENERAL ADVERTISING SIGNS

Off-premise or general advertising signs may be permitted as a conditional use subject to the provisions of this Section only in the I-2 General Industrial District and within a land area along and one thousand (1,000) feet in depth from the right-of-way line of I-59/20 that is zoned A-1 Agricultural District.

12.7.1 CONDITIONAL USE APPROVAL

A request for approval of an off-premise or general advertising sign as a conditional use shall follow the following procedure:

- A. An application shall be submitted to the Planning Commission for approval of an off-premise or general advertising sign within the areas specified above in this Section. The application shall be accompanied by a site plan as required in Section 12.7.2 and a one hundred dollar (\$100.00) fee to defray the cost of expenses required to process the application.
- B. The Planning Commission shall review the request and make a recommendation to the Town Council following the same procedures said Commission follows for a rezoning request.
- C. After receiving the review and recommendation of the Planning Commission, the Town Council shall hold a public hearing and approve, disapprove or approve with modifications the recommendation of the Planning Commission.

12.7.2 SITE PLAN REVIEW

An application for off-premise or general advertising sign approval shall be accompanied by a site plan showing the following information:

- A. The name, address, telephone and fax number and tax parcel identification number of the owner of the land on which the sign is to be located.
- B. The name, address, telephone number and fax number of the contact person for the company or individual entitled to possession of the sign and of the sign contractor or erector.
- C. The proposed location of the sign in relation to the boundaries of the lot or tract of land upon which the sign is to be situated with dimensions from the proposed sign to the property line, to the nearest road right-of-way line and to the pavement edge.
- D. The size of the sign in terms of total sign area, height of the sign and length of the sign.
- E. Height of the sign in relation to the applicable requirement of Section 12.7.4(B).

- F. Drawings showing the supporting members, materials of the sign and method of attachment or mounting.
- G. Certification from the owner of the land on which the sign will be located and the owner of the sign that the information and dimensions shown on the site plan will be strictly followed in constructing the sign and that the requirements of Section 12.7.4 will be strictly followed. Said certification shall acknowledge that failure to construct the sign as shown on the site plan can result in the Town requesting that the sign be removed and in penalties.

12.7.3 SITE PLAN ENFORCEABLE

If the request for conditional use is approved, the site plan shall become an enforceable condition of the approval and be noted on the Zoning Map. In addition, the Planning Commission or the Town Council may impose proffered conditions for approval as permitted under Section 16.4 of this Ordinance.

12.7.4 REGULATIONS APPLICABLE TO ALL OFF-PREMISE SIGNS

Off-premise or general advertising signs shall conform to the following requirements; however, the Planning Commission may recommend and the Town Council may impose stricter requirements as a condition of final approval.

- A. The off-premise sign shall not exceed six hundred seventy-two (672) square feet in sign area inclusive of any embellishments, border or trim but excluding the supports and other structural members.
- B. Along Interstate Highway 20/59, the distance from the base of the sign face to the ground shall not be less than eight (8) feet, and the height to the bottom of the lowest sign face shall not exceed seventy-five (75) feet above the ground or sixty (60) feet above the plane of the adjoining highway lanes, whichever is higher.

Off-premise signs not located along Interstate Highway 20/59 shall be constructed so that the distance from the base of the sign face to the ground measures at least eight (8) feet, but no more than forty (40) feet. The total height of the sign, as measured from the top of the sign face to the ground shall not be greater than sixty (60) feet except that in all areas where the ground level is lower than the main-traveled way of the roadway to which the sign is directed, then the maximum height shall be extended to a point twenty-five (25) feet above the plane of the said main-traveled road.

- C. The minimum space between any two (2) off-premise signs, on the same side of the street, shall be seven hundred fifty (750) feet measured along the shortest line between the two (2) signs.
- D. No off-premise sign shall be located within five hundred (500) feet of the boundary of any residential zone district as measured from the nearest edge of the sign.

- E. No off-premise sign shall be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically for use as an off-premise sign.
- F. Off-premise signs shall not be erected or maintained which are illuminated by intermittent or flashing lights except those giving public service information such as time, date, temperature, or weather.
- G. No off-premise sign shall be located within fifteen (15) feet of any public right-of-way and no off-premise sign with a sign area larger than two hundred (200) square feet shall be located within fifty (50) feet of any public right-of-way.
- H. No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.
- I. An off-premise sign may contain two (2) signs oriented in the same direction; be placed back-to-back, or V-type with an angle not to exceed twenty-five (25) degrees, provided that the total area of the sign faces oriented in any one direction shall not exceed maximum size provisions.
- J. No three (3) sided off-premise signs shall be permitted.
- K. No advertising shall be placed on any sign structure nor may the sign structure be larger than is reasonably necessary to support the sign. Nothing contained herein shall be construed to prohibit advertising on the face of the sign nor the placing of the sign company logo upon the sign structure.

12.7.5 PLANNING OBJECTIVES AND CRITERIA FOR APPROVAL

Regardless of whether a proposed off-premise sign meets the requirements of Section 12.7.4, the Planning Commission may not recommend approval or the Town Council may not approve a request for an off-premise sign as a conditional use if it does not meet the following planning objectives:

- A. Compatibility of the proposed off-premise sign's appearance, size and location with the existing and potential development of surrounding land.
- B. Nature, design and appropriateness of the proposed sign for the property involved.
- C. Extent to which scenic assets and natural features such as trees, streams and topographic characteristics are impacted.

12.7.6 OFF-PREMISE SIGN PERMIT AND FEE

- A. Prior to the construction of an off-premise or general advertising sign that has been approved as a conditional use, an application for a construction permit shall be made to the

Town of Vance. Such application shall be made within six (6) months of the proposed sign's approval by the Town Council, or the conditional use approval shall become null and void. The application shall be accompanied by such drawings, plans, specifications and engineering designs as may be necessary to fully advise and acquaint the Town's personnel with the proposed sign and sign location, said drawings, plans and specifications to be certified by the applicant. The application shall be accompanied by the deed, lease or other agreement by which the applicant has the right to erect, use or maintain the proposed off-premise sign at the location. Further, said application and supporting documents shall contain the information required in Section 12.7.2.

- B. The construction permit shall become null and void unless construction of the off-premise sign has substantially commenced within three (3) months from the date on which the permit was issued. In the event a permit becomes null and void after the expiration of three (3) months as described above, the permittee shall be required to reapply for that permit for that site and pay another construction permit fee. If, however, the permittee provides evidence that good cause prevented substantial commencement within the three (3) month limitation and such evidence is accepted by the Town, then said permit may be extended for another three (3) month period. If the permittee has not substantially commenced construction within this three (3) month extension, then said permit shall become null and void and the permittee shall be required to reapply for that permit for that site and pay another construction permit fee.
- C. The construction permit fee for an off-premise sign shall be two hundred fifty dollars (\$250.00) per structure payable upon the submission of an application for a construction permit. This fee is in addition to any fees required for conditional use approval as specified in Section 12.7.1(A).
- D. When a construction permit is denied, the Town shall give notice to the applicant of the denial with a written statement of the reason(s) for the denial. A single appeal per permit application may be taken to the Board of Zoning Adjustment upon denial of a construction permit by the Town.

12.7.7 LIMITATIONS ON OFF-PREMISE SIGN CONDITIONAL USE REQUEST

Should the Town Council reject a request for conditional use zoning for an off-premise sign, the request for an off-premise sign at the same location will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the Town Council.

ARTICLE XIII

NONCONFORMING STRUCTURES AND USES

SECTION 13.1 NONCONFORMING USE OF LAND

Where at the time of passage of this Ordinance lawful use of land or structures exist which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

13.1.1 Enlargement: No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except as provided in Section 13.2.1.

13.1.2 Movement on Lot: No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

13.1.3 Abandonment: If any such nonconforming use of land ceases or is discontinued, of abandoned for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. In a manufactured home park and a multi-family apartment development or complex, the following shall define abandonment:

- A. All spaces for the location of manufactured homes for the entire manufactured/mobile home park operation or all apartment buildings and units for the entire apartment complex would have to be abandoned for a manufactured home park or apartment complex to be considered abandoned.

13.1.4 Additional Structures: No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with a nonconforming use of land.

SECTION 13.2 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on the area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

13.2.1 Enlargement: No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, a detached nonconforming single-family dwelling, manufactured or mobile home may, upon approval of the Board of Adjustment, increase the square footage of living space if such increase does not change the single-family use and is considered an upgrade in living standards.

13.2.2 Restoration After Damage: Should such conforming structure or nonconforming portion of structure, other than detached dwellings and except as provided in Section 13.2.4, be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

13.2.3 Movement of Nonconforming Building on Lot: Should such nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. In a manufactured home park or apartment type of development, the restrictions on movement in whole or in part shall apply to the space occupied by a manufactured home or apartment building.

13.2.4 Reconstruction of Nonconforming Commercial, Business or Industrial Establishments: Nonconforming commercial or business establishments which are not located in a residential district and manufacturing establishments which are not located in a residential or commercial district shall be allowed to reconstruct facilities which involve an actual continuance of the nonconforming use provided that any reconstruction shall not be an expansion of activities or operations, shall be in conformance with the district development criteria for the district within which it is located and shall be completed within one (1) year of the date of damage.

13.2.5 Replacement of Nonconforming Manufactured or Mobile Home: A nonconforming manufactured or mobile home located on an individual lot and not in a manufacturing or mobile home park may be replaced by another manufactured or mobile home unless it has been abandoned for the time period specified in Section 13.1.3 of this Ordinance; provided, that application is made to the Planning Commission and the Planning Commission approves the replacement as an upgrade in the appearance and structural condition of the manufactured or mobile home and its location on the lot relative to yard setback requirements, if deficient, is improved. The Planning Commission may require conditions such as those required for a manufactured home on an individual lot in an MHS Manufactured Home District or any other requirements it considers in the best interest of the adjacent development as a condition of approval. The Planning Commission shall post notice and hold a public hearing prior to deciding on the application for replacement. If the Planning Commission approves an application for replacement, no other or further replacement shall be applied for or permitted on the same parcel of land for which the replacement approval was granted. A record of the one-time replacement shall be noted on the Zoning Map and in the records of the Planning Commission, the Town Clerk and the Zoning Administrator.

ARTICLE XIV

ADMINISTRATION, REVIEW PROCEDURES AND ENFORCEMENT

SECTION 14.1 ENFORCING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator of the Town of Vance, Alabama or his duly authorized agent. This official shall have the right to enter upon the premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of building or premises necessary in carrying out duties required in the enforcement of this Ordinance.

SECTION 14.2 BUILDING PERMIT REQUIRED

It shall be unlawful to: a) commence earthwork, or b) commence construction of any building or other structure, including accessory structures or signs, or c) store building materials or erect temporary field offices, or d) commence the moving, alteration or repair of any structure until the Town of Vance has issued for such work, a building permit. Building permits shall be required for any excavation, construction, or alteration when the cost of which is one thousand dollars (\$1,000.00) or more. If an application for a building permit is not approved, the Town shall state in writing on the application the cause for such disapproval. Issuance of the building permit shall in no case be construed as waiving any provisions of this Ordinance.

SECTION 14.3 GENERAL PROCEDURE

All persons desiring to undertake any excavation, new construction, structural alteration, or changes in the use of a building or lot shall apply to the Town for a building permit and certificate of occupancy by filling out the appropriate application form and submitting the required fee. Upon receipt of an application, the Town will then either issue or refuse to issue a building permit or refer the application to the Town Council or Board of Adjustment. After the building permit has been received by the applicant, the applicant may proceed to undertake the action permitted in the building permit. If the Town finds that the action of the applicant has been taken in accordance with the building permit, a certificate of occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued. No building or structure shall be occupied or sold without a signed certificate of occupancy.

SECTION 14.4 REVIEW OF BUILDING PERMIT APPLICATIONS

It shall be unlawful for the Town to approve any plans or issue a building permit for any excavation or construction until the plans for such projects have been reviewed and found to be in conformity with this Ordinance. To this end, the Zoning Administrator shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a plan or plat, in duplicate, drawn to scale and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

14.4.1 Location, size, and dimensions of the site.

14.4.2 The proposed use, location, size and height of all the land and all existing and proposed structures on the site.

14.4.3 The location and number of parking spaces, as well as points of ingress and egress.

14.4.4 All easements and rights-of-way.

14.4.5 The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this Ordinance.

14.4.6 The location and dimensions of all exterior graphic displays.

14.4.7 Buffers.

14.4.8 Any other information required by the Zoning Administrator to determine compliance with this Ordinance.

SECTION 14.5 CERTIFICATE OF OCCUPANCY

No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until and unless the Town shall have issued a certificate of occupancy.

SECTION 14.6 ENFORCEMENT

Upon good cause and upon presentation of proper credentials, the Zoning Administrator or Building Inspector or their authorized agent, may enter at any reasonable time, any building, structure, or premises, for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the Zoning Administrator or the Town is authorized and directed to institute any appropriate action to put an end to such violation.

In addition to the criminal penalties and enforcement procedures provided in Section 14.7 of this Ordinance, the Zoning Administrator or the Town may institute any lawful civil action or proceeding to prevent, restrain or abate:

14.6.1 The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or

14.6.2 The occupancy of such building, structure, land or water; or

14.6.3 The illegal act, conduct, or use in or about any building, structure, or premises.

Prior to any criminal prosecution, the Town, or their authorized agent, shall give a written notice or citation to the person, firm, corporation, or organization violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm, corporation or organization to cease and desist such violation immediately. Otherwise such person, firm, corporation, or organization will be prosecuted as provided herein.

SECTION 14.7 PENALTIES

Any person, owner, agent, lessee, tenant, contractor, firm, corporation, or any other person violating any provision of this Ordinance shall be fined upon conviction not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) and the cost of court for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 14.8 REMEDIES

In case any building or other structure is erected, altered, constructed, reconstructed, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Town of Vance or any appropriate authority of any adjacent property owner who would be affected by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.

ARTICLE XV

THE BOARD OF ADJUSTMENT

SECTION 15.1 APPOINTMENT, DUTIES AND RESPONSIBILITIES

A Board of Adjustment is hereby established which shall consist of five (5) members to be appointed by the Town Council. One (1) member shall be appointed for a term of three (3) years, two (2) members for two (2) years and two (2) members for one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. In addition to the five (5) regular member, two (2) supernumerary members shall be appointed to serve on the Board of Adjustment at the call of the Chairman only in the absence of regular members and while serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) year terms and shall be eligible for reappointment. Members of the Board of Adjustment may be removed from office by the Town Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the Town Council for the unexpired term of any member whose term becomes vacant.

SECTION 15.2 PROCEEDINGS OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall adopt rules necessary to conduct its affairs, and in keeping with all applicable State statutes or provisions of this Ordinance. Meetings shall be held at the call of the chairmen and at such other times as the Board may determine; the chairman, or in the chairman's absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failure to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed in the office of the Board.

SECTION 15.3 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers and duties when considering matters within its jurisdiction as defined by State statutes and this Ordinance:

15.3.1 Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance.

15.3.2 Special Exceptions: To hear and decide any such special exceptions as the Board of Adjustment is specially authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

15.3.3 Variances: To authorize upon appeal in certain cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. 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 all of the following:

- A. That the granting of the variance will not be contrary to the public interest;
- B. 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;
- C. 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;
- D. That the special conditions and circumstances do not result from the actions of the applicant;
- E. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations 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;
- F. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- G. That the grant of the variance will be in harmony with the general intent and purpose of this Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- H. That granting the variance shall not permit the permanent use of land, building or structure for a use not permitted within a zoning district in which the land, building or structure is located;
- I. That the granting of a variance will not allow the permanent establishment of 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;
- J. The burden of proving to the Board of Adjustment that the foregoing conditions have been met is the responsibility of the applicant; and

- K. 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. No nonconforming use of neighboring lands, structures, or buildings in other zone districts shall be considered grounds for the authorization of a variance.

SECTION 15.4 DECISIONS OF THE BOARD OF ADJUSTMENT

In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

SECTION 15.5 APPEALS TO THE BOARD OF ADJUSTMENT

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officer. Such appeal shall be made within thirty (30) days after rendition of the order, requirement, decision or determination appealed from in writing to the Board of Adjustment and file same, and two (2) copies of supporting facts and data with the Zoning Administrator. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this Article.

15.5.1 Procedure: Upon receipt of said appeal, the Administrative Officer may forthwith examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record to the Town Attorney for his review and opinion. The Town Attorney shall present his opinion to the Board of Adjustment as to whether or not the subject of the appeal falls within the jurisdiction of the Board of Adjustment.

15.5.2 Stay of Proceedings: 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 of stay would, in his opinion, cause imminent peril to life or property. Such 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 office from whom the appeal is taken and on due cause shown.

SECTION 15.6 APPEALS TO THE CIRCUIT COURT

Any party aggrieved by final judgment or decision of the Board of Adjustment may, within fifteen (15) days thereafter, appeal therefrom to the circuit court by filing with such Board, a written notice of appeal specifying the judgement or decision from which the appeal is taken. In case of such appeal, such Board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo.

SECTION 15.7 FEES

Applications, variances, special exceptions and appeals for review by the Board of Adjustment shall be accompanied by a filing fee as set forth in the Town of Vance's current fee schedule, a copy of which is available at the office of the Town Clerk. No application for a variance, special exception or appeal shall be reviewed by the Board of Adjustment until all applicable fees have been paid in full.

ARTICLE XVI
AMENDMENTS

SECTION 16.1 PROCEDURE

A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the Town Council, the Planning Commission, or at the request of the owners of the property to be rezoned or their authorized agent. In addition, the Town Council may, from time-to-time, amend, supplement or repeal the regulations and provisions of this Ordinance as provided by law.

16.1.1 Petition by Property Owners: Whenever the owner of record of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, the following procedure shall be followed:

- A. The applicant shall submit a complete zoning amendment application, on a form provided by the Town, to the Town Clerk at least twenty one (21) days prior to the Planning Commission meeting at which the amendment is to be considered containing, as a minimum, the following:
 - 1) A filing fee as set forth in the Town of Vance's current fee schedule, a copy of which is available at the Office of the Town Clerk.
 - a. Said filing fee shall be deferred on first request for newly annexed property, by current owner.
 - 2) A map, drawn to scale, indicating:
 - a. The dimensions and location of the site.
 - b. The shape, size, height and location of all existing structures on the site.
 - c. The number and location of parking spaces, and location of ingress and egress.
 - d. All rights-of-way and easements.
 - e. Other information which may be required by the Planning Commission during the review process.
 - 3) A written statement indicating:
 - a. Reason for the request.
 - b. Legal description of the subject property.

- c. Industrial rezoning requests require Impact Statement (See Page 16-4 for minimum requirements for Impact Statement)

SECTION 16.2 PLANNING AND ZONING COMMISSION REVIEW

Regardless of the source of the proposed zoning change, the Town Council shall not hold its public hearing or take actions on any amendment to this Ordinance until it has received a final report on such amendment from the Planning Commission. The Planning Commission shall make a preliminary report and hold a public hearing thereon before submitting its final report to the Town Council.

SECTION 16.3 PUBLIC HEARINGS AND NOTICES

16.3.1 Mailed Notice: At least fifteen (15) days prior to the public hearing to be held by the Planning Commission, notice shall be sent to owners of record of property within the Town Limits that is located within three hundred (300) feet of the property on which the change in zoning is requested. Such notice shall be served by posting the same in the United States Post Office and mailing (postage paid) via USPS, to owner(s) of record as said name and address appears on the last approved tax roll of Tuscaloosa or Bibb County.

16.3.2 Posted Notice: The property proposed to be rezoned shall be posted with a notice at least fifteen (15) days before the public hearing by the Planning Commission. The posted notice shall set forth the property's present zoning, proposed zoning, the date and time and place of the public hearing. Such notice is to remain in-place until final determination by the Town Council.

16.3.3 Planning Commission Hearing: The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.

16.3.4 Town Council Hearing: Upon receipt of a favorable recommendation from the Planning Commission, the Town Clerk shall, in accord with State law, schedule and advertise the proposed amendment for a public hearing before the Town Council. Upon receipt of a negative recommendation from the Planning Commission, the Town Council review process will be initiated at the request of the applicant.

SECTION 16.4 CONDITIONAL REZONING

In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district.

16.4.1 Proffered conditions must adhere to the following criteria:

- A. The rezoning itself must give rise to the need for the conditions.

- B. Such conditions shall have a reasonable relation to the rezoning.
- C. Such conditions shall not include a cash contribution to the Town.
- D. Such condition shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Vance Subdivision Regulations.
- E. Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Vance Subdivision Regulations.
- F. No condition shall be proffered that is not related to the physical development or physical condition of the property,
- G. No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
- H. All other conditions shall be in conformity with the purposes and considerations of the Ordinance.

16.4.2 The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning amendment.

16.4.3 The zoning map shall show, by an appropriate symbol, the existence of conditions attached to the zoning. The Zoning Administrator shall keep in his/her office and make available for public inspection, a conditional zoning index. The index shall provide ready access to the Ordinance creating conditions in addition to the regulations provided for a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example B-1-C0, and the zoning map shall reference the conditional zoning index by Ordinance number. Any amendment, waiver or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

SECTION 16.5 LIMITATIONS ON REQUEST FOR REZONING AMENDMENTS

Should the Town Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the Town Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the Town Council, shall also require a one (1) year time period before another application may be submitted. However, the Planning Commission may adjust this time period if, in the opinion of a majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required administrative fees must be paid. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.

**OUTLINE FOR
IMPACT STATEMENT FOR
INDUSTRIAL REZONING REQUEST**

TOWN OF VANCE

- Resume of Developer:** Location of main office, how long in business, specialty, similar projects or developments.
- Project Description:** Description of use of development. Size and scope of project, location, use of adjacent properties. Identify who will occupy facilities.
- Traffic:** Identify road or roads to service the proposed project. Estimated increase in traffic; especially truck volumes. Condition of roads to service the project; will roads be improved or widened by the Developer for this project? Provide Traffic Study and count by qualified Transportation Engineer if requested by the Town or Planning and Zoning Board.
- Financial Impact:** Property Tax estimates. Does the Developer propose any other financial incentives to the Town if the project is developed?
- Job Creation:** Estimated new jobs or jobs being retained as a result of the project.
- Other Developments to Follow:** Does the Developer commit to try to encourage and seek commercial development activities within the Town?

ARTICLE XVII

DEFINITIONS

The purpose of this Article is to clarify the meaning of certain words used in this Ordinance:

SECTION 17.1 INTERPRETATION OF CERTAIN TERMS AND WORDS

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain terms or words are to be interpreted as follows:

17.1.1 Words used in the present tense include the future tense.

17.1.2 Words used in the singular include the plural, and words used in the plural include the singular.

17.1.3 The word *shall* is always mandatory.

17.1.4 The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

17.1.5 The word “lot” includes the word “plot” or “parcel”.

17.1.6 The word “building” includes the word “structure”.

17.1.7 The word “used” or “occupied”, as applied to any land or building, shall be constructed to include the words “intended”, arranged or designed to be used or occupied”.

17.1.8 The words “zoning map” mean and refer to the Zoning Map of the Town of Vance, Alabama.

SECTION 17.2 LIST OF DEFINITIONS

For the purposes of this Ordinance, certain terms and words are defined as follows:

ACCESSORY BUILDING OR STRUCTURE: A subordinate building or structure or portion of the main building, the use of which is incidental to that of the main structure or building.

ACCESSORY USE: A use naturally and normally incidental to, subordinate to and devoted and related exclusively to the main use of the premises.

ALLEY: A permanent public way which provides only a secondary means of access to abutting properties.

ALTERATIONS: The word alteration shall include any addition to a building or structure or any change in the location or height of any of the exterior walls of a building structure.

ANTENNA: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, wireless and microwave communications.

AREA, NET SITE: The net site is the total area within the property lines of a project excluding external streets or alleys.

ASSISTED LIVING FACILITY: A licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four (24) hours in any week to a minimum of two (2) ambulatory adults not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for people, who, because of age or disability, are incapable of living independently in their own homes or in a commercial room and board situations, yet who do not require the medical and nursing services provided by a nursing home.

BASEMENT: That portion of a building between floor and ceiling, which is partly above and partly below grade, but so located that the vertical distance from the grade to floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least four (4) feet and six (6) inches. A basement shall not be counted as a story.

BUILDING: Any structure having a roof supported by columns, or by walls, and intended for the shelter, housing, or enclosure of persons, animals or chattel.

BUILDING, COVERAGE: The percent of total lot area covered by buildings and structures but excluding roof overhangs.

BUILDING, FRONT LINE: The line of the building face nearest the front or street line of a lot.

BUILDING LINE: A line defining the distance from the property line or lines beyond which a structure may be built in compliance with this Ordinance.

BUILDING, PRINCIPAL: A permanent building in which is conducted or is intended to be conducted the principal use of the lot on which said building is located. A principal building shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the principal building area. A principal building shall not be a mobile building.

CLINIC: An establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as outpatients by physicians, dentists, optometrists or other members of the medical profession.

CLUB, PRIVATE: The term "private club" shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. "Private club" shall not include casinos, nightclubs, or other institutions operated as a business.

COMMUNICATIONS TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television towers, microwave towers, common carrier towers, cellular telephone towers and similar towers.

CONDOMINIUM: An ownership arrangement (not a land use) involving individually owned attached dwelling units, situated on property which is owned and maintained by an association of residents, for their common use and benefit.

DAY CARE CENTER, NURSERY OR KINDERGARTEN: Any childcare facility used for the care and/or teaching of four (4) or more children (exclusive of the owner's children).

DAY CARE HOME: A childcare facility which is a family home and which receives no more than four (4) children for care.

DWELLING: A building, or portion thereof, designed or used exclusively for permanent residential occupancy.

DWELLING, APARTMENT: A building, which is built on-site and arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

DWELLING, DUPLEX (TWO-FAMILY): A single building which is built on-site and contains two (2) contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.

DWELLING, MULTI-FAMILY: A dwelling unit within a building containing three (3) or more dwelling units so arranged that their occupants live independently of each other.

DWELLING, TOWNHOUSE: One (1) of a series of more than two (2) attached single-family dwelling units constructed side-by-side with property lines and with a common firewall between each two (2) units. At points of attachment, such buildings are separated from one another by a continuous vertical wall without openings from the ground to the roof. The common firewall shall meet the requirements of the Southern Building Code.

DWELLING UNIT: A room or group of rooms including a kitchen and sanitary facilities designed and/or used exclusively or occupied as separate living quarters by not more than one (1) family as a single housekeeping unit, but not including units in hotels designed for transient residence.

DWELLING UNIT, SINGLE-FAMILY ATTACHED: A dwelling unit which is built on-site and designed for occupancy by one (1) family which is joined to another dwelling unit at one (1) or more sides by a party wall or abutting separate wall and such dwelling unit is erected on its own individual lot of record.

DWELLING UNIT, SINGLE-FAMILY DETACHED: A dwelling unit which is built on-site and designed and constructed for occupancy by one (1) family and located on a lot or separate building track and having no physical connection to a building located on any other lot or track.

FAMILY: An individual, or two (2) or more persons each related to the other by blood, marriage, adoption, or foster care together with not more than two (2) persons not so related living together as a single housekeeping unit. Or, a group of not more than four (4) persons not so related and maintaining a common household and using common cooking and sanitary facilities. Every additional group of four (4) or fewer persons, living in such housekeeping unit shall be considered a separate family and in violation of this Ordinance.

FENCE: An artificially constructed barrier or enclosure of any material or combination of materials, which is retained as a means to enclose or screen areas of land or land uses.

GARAGE, PRIVATE: A building or space used as an accessory to or part of a principal building permitted in any residential district for the purpose of storing privately owned vehicles.

GARAGE, PUBLIC: Any building or premises, other than a private garage, used exclusively for the temporary parking or storage of motor vehicles.

GRADE: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

HAZARDOUS SUBSTANCES: Shall mean any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or using or otherwise coming into contact with such material or substance.

HEIGHT: The vertical distance of a building measured from the average elevation of the finished grade to: 1) the highest point of the roof for flat roofs; 2) to the deck line of mansard roofs; or 3) to the mean height level between eaves and ridge for gambrel, hip and gable roofs.

HOME OCCUPATION: An accessory use of a dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy.

HOTEL OR MOTEL: A building or structure under a single management which is designed, used or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one (1) or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than ten (10) individual guest rooms, maintain an inner lobby, and furnish services such as room cleaning, linen supply, telephone and furnishings.

JUNKYARD: Any area of land, including structures thereon that is used or designed to be used for the buying and selling of retail and/or wholesale and storage, remodeling or reconditioning of old, used, or secondhand materials of any kind, which among others include cloth, rubber, paper, rubbish, bottles, iron, brass, copper, steel, and other metals, furniture and used similar unrepairable motor vehicles or parts thereof, or other articles exclusive of or in conjunction with any other use.

LOT: Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or officially approved place. A lot is that land area designated by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control. Such lot may or may not coincide with a "lot of record" and may contain two (2) or more lots of record. The word "lot" includes "plot", "tract" or "parcel". The term "lot" shall mean any lots, plot, portion, tract or parcel of land considered as a unit.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH: The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street line.

LOT, DOUBLE FRONTAGE: A lot, other than a corner lot, which has frontage on more than one (1) street.

LOT FRONTAGE: Lot width measured at the street lot line.

LOT LINES: Any line dividing one (1) lot from another.

LOT LINE, FRONT: The front lot line is the line separating the lot from a street. In the case of a corner lot, the front lot line shall be considered as parallel to the streets upon which the lot is located.

LOT LINE, REAR: The dividing line between two (2) tiers of lots; or in the case of one (1) tier, the line abutting the narrowest or less important street; or in the case of a corner lot, that lot line parallel or approximately parallel to the interior lot line.

LOT LINE, SIDE: A lot line which adjoins an interior lot line.

LOT, WIDTH: The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this Ordinance to be measured at the front building line.

LOT OF RECORD: A lot which is part of a recorded plat or plot, the existence, location and dimensions of which has been recorded in the Office of the Probate Judge or Bibb or Tuscaloosa County prior to the adoption of this Ordinance.

MANUFACTURED HOME: A structure, built or fabricated in an off-site manufacturing facility for installation at a building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401, et. seq.), which first became effective on June 15, 1976.

MANUFACTURED HOME SPACE: Means a plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

MOBILE HOME: A dwelling unit manufactured prior to June 15, 1976, whether on wheels or a foundation, which is designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

NONCONFORMING LOT OF RECORD: A lot which was lawful when platted but does not conform to the provisions of this Ordinance, or any subsequent amendments thereto.

NONCONFORMING USE, BUILDING OR STRUCTURE: A use of any building, structure, or land which was lawful when the use commenced, but does not conform with the provisions and requirements of this Ordinance or any subsequent amendments thereto for the district in which it is located.

NURSING HOME: A licensed facility providing care for compensation to convalescents, the aged or infirm (except mental or alcoholic patients and drug addicts), in which three (3) or more persons not of the same immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar establishments devoted to the diagnosis and treatment of the sick or injured.

OPEN OR OUTDOOR STORAGE: The keeping within an unroofed area, whether fenced or not, any goods, material, merchandise or vehicles.

OPEN SPACES: Shall mean an unoccupied space open to the sky on the same lot with a building.

PARKING LOT: An open area which is surfaced by either asphalt pavement or concrete used primarily for the purpose of the temporary parking of motor driven vehicles.

PARKING SPACE, OFF-STREET: An asphalt or concrete surfaced area not in a street or alley and having an area of not less than 171 square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved. An off-street parking space shall always be located outside the street right-of-way and shall meet all the requirements of Article XI of this Ordinance.

PARKING STRUCTURE: A structure or portion thereof designed or used primarily for the parking of motor driven vehicles.

PERSON: The word "person" includes a corporation, partnership, association, company or individual.

PLAT: Shall mean a map, plan or layout of a town, parcel of land, or subdivision indicating the location and boundaries of individual properties.

POULTRY: Shall mean any chickens, turkeys, ducks, geese or other fowl.

PREMISES: Shall always be understood to mean "land, lot or parcel" together with all buildings and structures existing thereon.

PRINCIPAL BUILDING OR USE: A non-accessory building in which the principal use of the lot is contained.

RECREATIONAL VEHICLE: A motorized camper, converted bus, tent trailer, motorhome or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation or other recreational trip and provided with sleeping accommodations.

SHOPPING CENTER: A group of two (2) or more retail sales or service establishments located within one (1) building or a group of architecturally unified buildings with an integrated parking area.

SIGN: See Article XII for various sign definitions.

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 is no floor above it, then the space between such floor and the ceiling next above it.

STREET: A facility, either public or private and either deeded or by easement, which affords access to abutting property.

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, overhead wires, dish antennas, fences, retaining walls, decks, storage buildings, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

TRAVEL TRAILER OR RECREATIONAL VEHICLE: A vehicle less than forty (40) feet in length and used for temporary or recreational living, or sleeping purposes, and standing on wheels, whether self-propelled or requiring a separated vehicle for power,

TELECOMMUNICATION FACILITY: A facility or compound owned and operated by a public utility or a business that transmits and/or receives electromagnetic waves. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or alternative supporting structures and uses.

USE: Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on or intended to be carried on in a building or other structure or on land.

VARIANCE: A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be authorized only for height area, size of structure, size of yards and open spaces, off-street parking and loading requirements, or height of fencing or buffering. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, and bay windows shall be considered as part of the main building and shall not project into a required front yard. Fire escapes and roof overhangs of three (3) feet or less are not considered part of the front yard.

YARD, REAR: An open unoccupied space (except for open air off-street parking) on the same lot with a main 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. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

YARD, SIDE: An open unoccupied space (except for open air off-street parking) on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE XVIII

LEGAL STATUS PROVISIONS

SECTION 18.1 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall control. Where other ordinances or regulations require higher standards than the provisions of this Ordinance, such other applicable ordinances or regulations shall govern.

SECTION 18.2 VALIDITY

If any section, clause or portion of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of any clause, section or portion of this Ordinance which is not so declared to be invalid or unconstitutional.

SECTION 18.3 CONFLICTING ZONING ORDINANCES

This Ordinance supersedes any existing zoning ordinances. Any existing zoning ordinance is hereby repealed.

SECTION 18.4 EFFECT UPON OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which a building permit has been granted by the Town before the time of passage of this Ordinance; provided, 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 been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction or use shall be in conformance with the provisions of this Ordinance.

ARTICLE XIX

EFFECTIVE DATE

This Ordinance shall take effect and be in force immediately after its adoption by the Town Council of the Town of Vance, Alabama.

I, Tracy Burt, Town Clerk of the Town of Vance, Alabama, do hereby certify that the foregoing is a true and correct copy of the Town of Vance, Alabama Zoning Ordinance, which Ordinance was originally adopted by the Town Council on April 1, 1997, and which includes all amendments adopted through Ordinance No. 040197, dated June 4, 2007; Ordinance No. 02062017, dated February 6, 2017, and all amendments adopted through Ordinance No. 040197 dated July 5, 2022. This Ordinance and all amendments thereto, were duly advertised as required by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended.

Tracy Burt, Town Clerk