

ZONING ORDINANCE OF HALEYVILLE, ALABAMA

Ordinance #2007-02

APPROVED

February 6, 2007

Prepared under the Direction
of the
City of Haleyville Planning Commission

By the
Northwest Alabama Council
of Local Governments

ZONING ORDINANCE OF THE CITY OF HALEYVILLE, ALABAMA

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 11, CHAPTER 52, ARTICLES 4, SECTIONS 11-52-70 TO 11-52-84 INCLUSIVE, CODE OF ALABAMA 1975, AS AMENDED, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF HALEYVILLE, ALABAMA, TO REGULATE WITHIN SUCH DISTRICTS, THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF THE LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, AND LAND; AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City of Haleyville, Alabama, as follows:

ARTICLE I. IN GENERAL

Section 1. Short Title.

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

Section 2. Interpretation and Purpose.

In this interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance, i.e. that which is more restrictive shall apply.

Section 3. Repeal of Conflicting Ordinances.

Ordinances #813, #815, #2000-12, #2006-04, and all other ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 4. Saving Clause.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance, which is not in, and of itself invalid or unconstitutional.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its adoption by the City Council and its publication.

Sections 6-9. Reserved.

ARTICLE II. DEFINITIONS

Section 10. Word usage.

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is mandatory, the word "may" is permissive.
4. The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
5. The word "lot" includes the words "plot" or "parcel".

Section 11. Terms defined.

The following is an alphabetical listing of definitions used herein and shall be interpreted as follows:

abut, adjacent, adjoin, or contiguous. To physically touch or border upon; or to share a common border with or be separated from the common border by an easement.

access. A way or means of approach to provide physical entrance to a property.

accessory structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

accessory use. A use of land or of a building or portion thereof commonly associated with and integrally related to the principal use of the land or building on the same lot and which constitutes a customarily incidental and insubstantial part of the total activity on the lot.

acre. A measure of land area containing 43,560 square feet.

addition. A structure added to the original structure at some time after completion of or after a certificate of occupancy has been issued for the original structure.

alteration. Any change or rearrangement in the supporting members of an existing

building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

applicant. A person submitting an application for development.

basement. A portion of a building located wholly or partially underground, having one-half or more of its floor-to-ceiling height above the average grade of the adjoining ground.

bedroom. A room marketed, designed or otherwise likely to function primarily for sleeping.

berm. A grass-covered or landscaped mound of earth with a slope of 1/3 or greater on both sides of mound, used to screen activities or uses on a lot.

Board or Board of Adjustment. The Zoning Board of Adjustment of Haleyville, Alabama.

boarder. An individual other than a member of the family occupying the dwelling unit or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

boarding house. A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons.

building. A structure designed to be used as a place of occupancy, storage, or shelter.

building, accessory. A subordinate building detached from a principal building on the same lot and that is used incidentally to a principal building or that houses an accessory use.

building area. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

building, principal. The primary building on a lot or a building that houses a principal use.

building front. The exterior wall of a building, which faces a street line on the lot.

building line. A line generally parallel to the street right-of-way line at a distance equal to the depth of the front yard required for the zoning district in which the lot is located.

building spacing. The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices, and gutters.

carport. A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

city. The City of Haleyville, Alabama.

commission or planning commission. The Planning Commission of Haleyville, Alabama.

club. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

condominium. An ownership arrangement, not a land use. It is allowed in any district and under the same restrictions as the land uses that it comprises. It is characterized by private ownership of individual units and undivided common ownership and maintenance of designated exterior and interior spaces by a condominium association of unit owners.

council or City council. The City Council of Haleyville, Alabama.

density. The minimum required lot area per dwelling unit or the maximum number of dwelling units per acre of site area.

development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling, or disturbance of land; and any use or extension of use of land.

dwelling. Any building or portion thereof, which is designed and used for residential occupancy.

dwelling, attached. Three or more dwelling units adjoining one another by a common roof, wall or floor, such as a townhouse or apartment.

dwelling, detached. A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, such as a single-family residence, patio home, or mobile home.

dwelling, multi-family. A building containing two or more dwelling units on a commonly shared lot, such as a duplex or apartment.

dwelling, semi-detached. Two dwelling units adjoining one another by a common roof, wall, or floor, such as a duplex or twin townhouses.

dwelling, single family. A dwelling unit on an individual lot, such as a single family

residence, patio home, mobile home, or townhouse.

dwelling unit. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use by a single family.

easement. Authorization by a property owner of the use by another and for a specified purpose of a designated part of his property.

family. One or more persons living together as a single housekeeping unit.

fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

floor area, gross. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

garage, private. A garage for which the principal use is storage of privately owned goods and constituting an accessory use of the lot.

garage, public. Any garage other than a private garage, which is available to the public, operated for gain and used for storage, repair, rental, renovation, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other similar types of vehicles or equipment.

gasoline service stations. Any buildings, structure or land used primarily for the dispensing, sale or offering for sale at retail of automotive fuels, oils, accessories or minor maintenance and repair services, but not including major repair work such as motor or transmission overhaul, body repairs, or painting.

grade level. The mean established centerline elevation or grade of the street or road fronting on the property in question as determined by the Building Official. If no grade level has been established by public authority, the determination and certification thereto of the existing grade level be a registered professional engineer in the State of Alabama is required.

hazardous uses. All uses which involve the storage, sale, manufacture, processing, or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops or property.

height, story. As applied to a story, means the vertical distance from top to top of two successive finished floor surfaces.

home occupation. A use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to the residential use and does not change the character thereof. No equipment not normally found in connection with a residence shall be stored outside.

hospital. A public or proprietary institution providing medical diagnosis, treatment or other care of human ailments, operating under license by the Alabama State Health Department, and which, unless otherwise specified, shall be deemed to include institutions primarily for treatment of contagious diseases and the sick or feeble minded but not including nursing homes.

hotel. Any building or portion thereof, which contains at least ten (10) guest rooms, intended for occupancy by individuals for compensation whether paid directly or indirectly.

improvement. Any man-made, immovable item, which becomes part of, placed upon, or affixed to real estate.

industry. Manufacturing and treatment of products and materials.

institution. A building or activity operated by a non-profit corporation or non-profit establishment for public use.

junkyard. A place, structure or lot where junk, waste, discarded, salvaged or similar materials such as old iron or other metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are stored, bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment.

kennel-indoor. A building in which five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated.

kennel-outdoor. A lot or premises on which five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated.

livable or habitable floor area. Any floor area within a dwelling usable for any combination of sleeping, eating, cooking, recreation, or working purposes.

lot. A parcel of land in one ownership used, or set aside and available for use, as the site of one or more buildings and accessory buildings, or for any other purpose. A lot is not divided by a street and does not include any land within the abutting right-of-way of a public or private street even if the ownership to such right-of-way is in the owner of the lot. A lot for the purpose of this ordinance may or may not coincide with a lot of record.

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

lot, double frontage or through. A lot having frontage on two streets but not at their intersection.

lot, interior. A lot other than a corner lot.

lot, reverse frontage. A double frontage lot having a rear yard on a major street and a front yard and access to a local or marginal access street.

lot frontage or frontage. Lot width measured at the street line. When a lot has more than one street line, lot width shall be measured, and the minimum lot width required by this ordinance shall be provided at each such line.

lot line. A line bounding a lot, which divides one lot from another or from a street or from any other public or private space.

lot line, front. In the case of a lot abutting only one street, the street line separating such lot from such streets shall be the front lot line; in the case of a double frontage lot, each street line separating such lot from a street shall be the front lot line, in the case of a corner lot, the street line having the least dimension.

lot line, rear. That lot line, which is parallel to and most distant from the front line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there are no rear lot lines but only front and side lot lines.

lot line, side. Any lot line other than a front or rear lot line.

lot of record. Any validly recorded lot, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

manufactured home. The term “manufactured Home” shall be defined by the following regulations:

1. A Manufactured Home shall be no smaller than twenty-four feet wide in distance at the shortest measurement of the structure. This measurement is to include only enclosed living areas and does not include garages, carports, out buildings, decks, driveways, patios or utility/storage areas.

2. A Manufactured Home requires a building permit from the City of Haleyville, Alabama; A permit for sewage hook-up or septic tank from the appropriate authorities and an individual water meter for the residence.

3. No Manufactured Home shall have axles, wheels, tires, trailer tongues, trail

lights or license plates.

4. All Manufactured Homes must conform to Local, County and State regulations as they pertain to new home construction.

5. All Manufactured Homes will have masonry pinning, i.e. Brick or concrete block laid from the foundation to the first floor level.

6. All Manufactured homes must have utilities hooked directly to the structure.

7. All Manufactured homes must conform to any and all building restrictions for the areas they are to be located in.

8. All Manufactured homes shall have permanent steps on all outside doorways.

9. All requirements of these ordinances shall be completed in their entirety prior to the structure being occupied.

10. All Manufactured homes will be treated as permanent structures and all City regulations pertaining to taxes, appraisals, etc. will apply equally to all homes.

11. The roof shall have a minimum 3:12 roof pitch and shall have a surface of wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the building official.

12. The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite, metal or vinyl lap or other materials of like appearance.

13. The building official may approve deviations from one of more of the developmental or architectural standards provided herein or on the basis of a finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.

14. Manufactured homes shall be installed according to the manufacturer's installation instructions when available or current regulations of the Alabama Manufactured Housing Commission.

15. Manufactured homes shall be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted or the National Manufactured Housing Construction and Safety Standards Act of 1974.

mobile home. The term "mobile home" shall be construed to mean and include any structure intended for, or capable of, human habitation, mounted upon wheels and capable of being driven, propelled, or towed from place to place, by whatsoever name or title it is colloquially or commercially known. Removal of wheels and placing such a structure on the ground, piers, or other foundation, shall not remove such a vehicle from this definition, provided that this definition shall not include transport trucks or vans equipped with a sleeping space for a driver or drivers. Mobile Home – The term "Mobile Home" shall be defined by the following regulations:

1. A mobile home shall be less than twenty-four feet wide in distance at the shortest measurement of the structure. This measurement is to include only enclosed living areas and does not include garages, carports, out buildings, decks, driveways, patios or utility/storage areas.

2. A mobile Home requires a building permit from the City of Haleyville, Alabama; A permit for sewage hook-up or septic tank from the appropriate authorities and an individual water meter for the residence.

3. No mobile Home shall have axles, wheels, tires, trailer tongues, trail lights or license plates.

4. All mobile Homes must conform to Local, County and State regulations as they pertain to new home construction.

5. All mobile Homes will have masonry pinning, i.e. Brick or concrete block laid from the foundation to the first floor level.

6. All mobile homes must have utilities hooked directly to the structure.

7. All mobile homes must conform to any and all building restrictions for the areas they are to be located in.

8. All mobile homes shall have permanent steps on all outside doorways.

9. All requirements of these ordinances shall be completed in their entirety prior to the structure being occupied.

10. All mobile homes will be treated as permanent structures and all City regulations pertaining to taxes, appraisals, etc. will apply equally to all homes.

11. The mobile home shall have a surface of wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the building official.

12. The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite, metal or vinyl lap or other materials of like appearance.

13. The building official may approve deviations from one of more of the developmental or architectural standards provided herein or on the basis of a finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.

14. Mobile homes shall be installed according to the manufacturer's installation instructions.

15. Mobile homes shall be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted or the National Manufactured Housing Construction and Safety Standards Act.

mobile home lot. A lot that is designed for use by a mobile home within a mobile home park.

Mobile Home Park – A parcel of land under single management, which has been planned

and improved for the provisions of services for mobile homes. A mobile home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium bases is permitted. All facilities and amenities, including roads, clubhouses or recreation facilities, and buffer yards are privately owned or owned in common by the visitors of the park.

mobile home space. A space that is designed for use by a mobile home within a mobile home park.

modular home. A dwelling constructed on-site in accordance with the Standard Building Code. It is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is not a mobile home in that the latter is constructed in a plant in accordance with the Mobile home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and does not meet the construction standards of the Standard Building Code.

motor court. A building or group of buildings containing one or more guest rooms having separate outside entrances for each such room or suite of rooms and having automobile parking provided for each room or suite.

Nonconformity or non-conforming uses. Lawful uses, lots, structures, or characteristics of uses, which, as a result of adoption or subsequent amendment to this ordinance, no longer conform to all applicable zoning provisions.

offices. Space or rooms used for professional, administrative, clerical and similar uses.

open space, common. Land area within a residential development that is held in common ownership and maintained by a homeowners' association for all of the residents for recreation, protection of natural land features, amenities, or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes, or ponds) nor land occupied by non-residential buildings, common driveways or parking areas, or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.

outdoor storage. The keeping, in an unenclosed area, of any goods, materials, merchandise, or vehicles in the same place for more than twenty-four hours.

owner. The person or persons having the right to legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

patio or terrace. A level, landscaped or surfaced area on a lot directly adjacent to or close to a principal building and not covered by a permanent roof.

perimeter. The boundaries or borders of a lot, tract, or parcel of land.

porch. A roofed open area, which may be windowed or screened, attached to and with direct access to or from a building. A porch becomes a room within the building when heated or air-conditioned or when the walled area is less than 50% windowed or screened.

porte cochere or carriage porch. A passageway through a building or screen-wall designed to let vehicles pass from the street to an interior courtyard.

premises. A lot, parcel, tract, or plot of land together with the structures thereon.

property line. The lot line.

public land uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses: and federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Recreational Vehicle - The term "recreational vehicle" shall be construed to mean and include any structure intended for, or capable of, human habitation, mounted upon wheels and capable of being driven, propelled, or towed from place to place, having a self contained septic system by whatsoever name or title it is colloquially or commercially known. Removal of wheels and placing such a structure on the ground, piers, or other foundation, shall not remove such a vehicle from this definition, provided that this definition shall not include transport trucks or vans equipped with a sleeping space for a driver or drivers.

Recreational Vehicle Park - A parcel of land under single management, which has been planned and improved for the provisions of services for manufactured homes for transient use. A recreational vehicle park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium bases is permitted. All facilities and amenities, including roads, clubhouses or recreation facilities, and buffer yards are privately owned or owned in common by the visitors of the park.

retail. The provision of services or the sale of goods and merchandise to the public at large for personal or household use or consumption.

rooming houses. Any building or portion thereof which contains not less than three (3) nor more than nine (9) guest rooms which are designed or intended to be used, let or hired out

for occupancy by individuals for compensation whether paid directly or indirectly.

satellite dish antenna. An accessory structure designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.

semi-public land uses. Philanthropic and charitable land uses including: Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, churches and church related institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

shelter, fall-out. A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies.

shopping center. A retail business development, planned as a unit, characterized by groups of retail uses having the common use of specifically designated off-street areas for access, parking, or service.

sidewalk. A paved, surfaced, or leveled area, paralleling and separated from the street, used as a pedestrian walkway.

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

sign. Any identification, description, illustration or device, illuminated or non-illuminated, which is exposed to the view of potential clients or customers and/or the general public, is located on public or private property, inside or outside of buildings, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information.

site. A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

site area. A minimum land area required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:

- land within an existing or future street right-of-way;
- land which is not contiguous or is cut off by a major barrier;

- land which is part of a previously-approved development; and
- land which is zoned for another use.

story. That portion of a building included between the upper surface of a floor and upper surface of the floor or ceiling next above. A mezzanine or partial floor shall be counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is 24 feet or more. A basement shall be counted as a story if it is used as livable area in the case of dwellings or is used by the principal use in the case of all other uses.

story, half. A space under a sloping roof, in which the floor area with headroom of five feet or greater occupies no more than two-thirds of the total floor area of the story directly beneath.

street. Any vehicular way which has been dedicated to the public for public use, including all land within the right-of-way.

street, arterial. A major street intended to move through traffic to and from major activity centers within the City or intended as a major route between communities.

street, collector. A major street intended to move traffic from local streets to arterial streets. A collector street serves a neighborhood or large subdivision.

street, local. A minor residential street intended to provide access to other streets from individual lots.

street, major. A collector or arterial street.

street, marginal access or service. A street intended to provide access to a parallel arterial street from adjacent properties.

street line. The lot line along the street right-of-way.

structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.

subdivision. The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Such term includes re-subdivision of land, and when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided.

City. The City of Haleyville, Alabama.

this ordinance. The Zoning Ordinance of Haleyville.

use. The activity or function that actually takes place or is intended to take place on a lot or site.

variance. A relaxation or waiver of the terms of this ordinance (other than use provisions) as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, as determined by the Zoning Board of Adjustment.

yard. An open space, on the lot with the main building, left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this location.

yard, front. The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including covered porches and the right-of-way line. No fall-out shelter, even though it does not exceed thirty (30) inches in height, shall be permitted in any front yard.

yard, rear. The yard extending across the entire width of the lot between the main building including covered porches and the rear lot line.

yard, side. The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot lines.

zoning administrator. Official charged with the administration and enforcement of this ordinance.

Sections 12-14. Reserved.

ARTICLE III. SUPPLEMENTAL REGULATIONS

Section 15. Jurisdiction.

The provisions of this ordinance shall govern the location and use of buildings, structures, and land within the incorporated areas of the City of Haleyville, Alabama.

Section 16. Uses.

Except as hereinafter provided, no building or parcel of land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered except for a use permitted within the zoning district in which it is located. Uses specified as "permitted" shall be permitted upon application to the City clerk or designated person. Uses specified as "permitted on appeal" are exceptions and no permit shall be issued for such uses except written approval shall be required from the Board of Zoning Adjustment along with conditions set by the Board in order to preserve and protect the character of the district.

Section 17. Nonconforming Uses and Structures.

Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations:

(a) Any use which does not conform to the provisions of this ordinance shall not be:

1. Changed to another non-conforming use.
2. Re-established after discontinuance for six (6) months.

(b) Any structure which does not conform to the provisions of this ordinance shall not be:

1. Extended except in conformity to this ordinance.
2. Rebuilt after fire or damage exceeding 50% above the replacement cost of the total structure.

Section 18. Height and Density.

(a) In each district, each structure hereafter erected or altered shall not exceed the heights specified in this ordinance. Height limitations shall not apply to church steeples, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers and aerials, cooling towers, water tanks and similar structures not intended for human occupancy.

(b) Each building and lot shall not be used or occupied hereafter by more families than permitted in the zoning district in which it is located.

Section 19. Building Lots, Yards, and Open Space.

(a) In each district, each structure hereafter erected or altered, shall be provided with the yards specified and shall be a lot of the area and width specified in the ordinance under Article IV. No open space or lot required for a building or structure shall, during its life, be occupied by or counted as open space for another building or structure. Except as hereafter provided, no yard or other open space provided, nor the off-street parking and loading spaces required, about any building for the purpose of complying with the regulations of this ordinance shall hereafter be included as a part of a yard or other open space or the off-street parking or loading spaces for any other building.

(b) Exceptions to the district requirements for building lots and yard follow:

(1) Where the owner of property at the time of adoption of this ordinance has a lot or lots of official record, which are substandard to the requirements of the district in which located according to this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment to the requirements of the district in which it is located; as provided, further that neither side yard shall be reduced to less than five (5) feet.

(2) No building shall be required to set back more than the average of the setbacks of the existing residences within 100 feet each site thereof, but in no case shall the setback of any building hereafter erected or altered be less than 20 feet.

Section 20. Yards in Group or Cluster Developments.

More than one dwelling, institutional, commercial, or industrial building may be located upon a lot in a zoning district where such a use would be permitted, but no such building shall encroach upon the front, side, or rear yards required for any other building site. For dwellings, the open space between buildings shall not be less than 20 feet for one story buildings, 30 feet when either building is a two story building, 40 feet when either building is a two and one half story building. The minimum dimension of the yard upon which any entrance or exit of a dwelling faces shall be 20 feet; such space shall not be counted as a yard for any other building.

Section 21. Structures.

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes; also, that accessory structures shall not include living quarters; however, protective shelters may provide temporary living quarters in times of danger or emergency.

Section 22. Development Plan for Industrial Use.

In all proposed new industrial structures, a plan of such proposed development shall show all the details as required in the Industrial District regulations and be subject to the approval of the Planning Commission prior to the issuance of a building permit.

Section 23. Reduction in Lot Area.

Unless otherwise provided, no lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance.

Section 24. Future Street Lines.

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

Section 25. Frontage on Corner Lots and Double Frontage Lots.

On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this ordinance.

Section 26. Access to Streets.

No building for human occupancy shall be erected without unrestricted vehicular access to a public street.

Section 27. Accessory Structures.

Accessory structures in residential districts or any lot used primarily for residential purposes, shall conform to the following regulations:

(1) No accessory structure shall be in any required front or side yard. Accessory structures shall not exceed two stories in height, and shall not cover more than 30 percent of any required rear yard and shall be at least five feet from all lot lines and ten feet from any other structures on the same lot.

(2) On any lot adjoining along its side lot line another lot which is in a residential district, no part of any accessory building shall be located within 60 feet of any front lot line.

Section 28. Fences and Walls.

(a) Fences or walls may be erected, placed, maintained, or grown along a lot line on residentially zoned property. Where such lot line is adjacent to a non-residentially zoned property, fences and walls, may be maintained at a height not exceeding eight feet. No fence or wall shall be erected, placed, maintained, or grown along a lot line on any property to a height exceeding eight feet or placed in such a way that it obstructs driver vision when entering the roadway.

(b) No fence or wall exceeding two and one half (2 1/2) feet in height and capable of obstructing driver vision may be erected within twenty (20) feet of an intersection of the right-of-way lines of streets or streets and railroads.

Section 29. Attachment of Accessory Buildings to Principal Buildings.

When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.

Section 30. Distance Between Buildings.

Except as herein provided, no accessory building shall be located closer than ten feet to a principal building or to any other accessory building.

Section 31. Off-Street Automobile Storage

In each district each structure hereafter erected or altered shall be provided with off-street automobile storage as specified in the district requirements, Article IV. No off-street automobile storage space required for a building or structure shall during its life be occupied by or counted as off-street automobile space for another building or structure, but may be included in the required yard space.

Section 32. Corner Visibility.

In a residential or local business district, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of three and one-half (3 1/2) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad right-of-way line.

Accessory structures within twenty-five (25) feet of the rear lot line of a corner lot shall be set back a minimum front yard depth required on the side street.

Section 33. Swimming and Wading Pools.

Swimming pools not located within a permanently and completely walled structure, shall be constructed no closer to any property line than ten (10) feet and shall be completely fenced off from the ground up to a height of at least five (5) feet. Fences and gates shall be so constructed and of such materials as to prevent the entry of children and usual household pets into the pool area. Gates shall be provided with adequate locking devices and shall be locked at all times when pool is not in use.

Section 34. Fall-Out Shelters.

Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such Shelters may contain or be contained in other structures or may be constructed separately, and in addition, the shelter may be used for any principal or accessory use permitted within the district, subject to the district regulations on such use, but shall not be used for principal or accessory use prohibited expressly or by implication in the district.

Section 35. Group Housing Projects.

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of land not subdivided into the customary streets and lots and not to be so subdivided or where existing or contemplated streets and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be done by the Board of Zoning Adjustment with the advice of the Planning Commission, in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in

which the proposed project is to be located, and will provide layout design and public utilities in harmony with the general requirements and minimum standards of design of the Subdivision Regulations of the municipality.

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

Section 36. Additional Requirements for Manufactured Homes.

A manufactured home shall meet the requirements outlined in the definitions.

Sections 37. Procedure for Annexed Areas.

In the case of future annexations by the City of Haleyville, new land shall come into the City and be assigned a zoning designation based on the future land use indicated on the Future Land Use Map. The property owner will retain the option to make a rezoning request to the Planning Commission, which will then evaluate the request and make a recommendation to the City Council to assign the appropriate zoning designation.

Section 38-44. Reserved.

ARTICLE IV. ZONING DISTRICT REGULATIONS

DIVISION 1. IN GENERAL

Section 45. Zoning Districts.

For the purpose of this ordinance, the City of Haleyville is hereby divided into the type of districts designated as follows:

- Ag-1 Agricultural District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District
- MH-1 Mobile Home District
- B-1 Business District (Neighborhood Business)
- B-2 Business District (Highway Commercial District)
- B-3 Central Business District (CBD)
- M-1 Manufacturing District (Light Industry)
- M-2 Manufacturing District (General Industry)
- PUD Planned Unit Development District (Assigned upon completion of Master Plan)
- RV-1 Recreational Vehicle District
- FP-1 Floodway District

Section 46. District Boundaries.

The boundaries of the various zoning districts are hereby established as shown on the Zoning Map of the City of Haleyville. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this ordinance. The official copies of the Zoning Map shall be on file in the office of the City Clerk.

Section 47. Interpretation of District Boundaries.

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

1. Where boundaries are indicated as approximately following street and alley lines, land lot lines, such lines shall be construed to be such boundaries.
2. In non-subdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions,

shall be determined by use of the scale appearing on such maps.

3. Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
4. Where boundaries are so indicated that they are approximately parallel to the center lines of street lines of streets or to the center lines or alley lines of alleys or the center lines of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said maps.
5. In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the City which will interpret the exact location of the district boundaries following the guidelines contained in the preceding paragraphs.

Sections 48-50. Reserved.

ORDINANCE #2011-04

An Ordinance adopting and enacting an amendment to the Code of Ordinances of the City of Haleyville, Alabama and specifically Ordinance 2007-02 and by adding **Section 48. Temporary Housing for those Displaced by Natural Disasters** to **Article IV. Zoning District Regulations** of the Zoning Ordinance for the City of Haleyville, to address the need for temporary housing to those displaced by natural disasters such as tornado, wind, flood or other act of nature which is of such a wide spread nature that the normal processes cannot meet the needs of the Citizens of Haleyville.

WHEREAS, there is a need to provide temporary housing to those displaced due to natural disasters in an efficient and safe manner, such as the tornados visited on the City on April 27, 2011, while still ensuring long-term control. The following regulations have been developed to provide for this need. These

regulations will be re-evaluated periodically. It is anticipated that extensions will be necessary for temporary housing permit expiration dates. Therefore, provisions have been made within the regulations to enable extensions under certain circumstances; and,

WHEREAS, the City of Haleyville is under a State of Emergency due to the damage caused by the tornados of April 27, 2011; and,

WHEREAS, this tragedy has highlighted the need for a mechanism for dealing with housing in the face of such a disaster.

THEREFORE, Be It Ordained By the Mayor and City Council of Haleyville, Alabama:

Recreational Vehicle means a vehicle built on a single chassis designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house boats, and campers.

Manufactured Housing means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of

manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

Temporary placement of mobile home or recreational vehicles for residential quarters. A mobile home or recreational vehicle may be located in any area of the City on a temporary basis for the purpose of providing residential quarters for persons displaced from their normal place of residence because it is determined by the building official to be unfit for human habitation due to tornado, flood, fire, hail, ice snow, storm, wind, rain or other act of nature after obtaining a permit from the Zoning Board of Adjustments. Such permits will be considered when the event has resulted in wide-spread damage or destruction such that the normal channels for seeking assistance and accommodations are overwhelmed. The mobile home or recreational vehicle shall be located on the same lot as the damaged residence and shall comply with the general guidelines contained in this amendment.

Temporary placement of mobile home, recreational vehicle or trailer for business or industrial quarters. A mobile home, recreational vehicle, travel trailer or mobile trailer may be located in any area of the City on a temporary basis zoned for business or industrial purpose for the purpose of providing temporary office, business or professional quarters after obtaining a permit from the Zoning Board of Adjustments. Such permits will be considered when the event has resulted in wide-spread damage or destruction such that the normal channels for seeking assistance and accommodations are overwhelmed. The mobile home or recreational vehicle shall be located on the same lot as the damaged residence and shall comply with the general guidelines contained in this amendment.

1. General Guidelines for Manufactured Housing and Recreational Vehicles

The following shall apply to recreational vehicles and manufactured housing used as temporary housing:

1.1 Temporary housing shall not be placed on the existing slab.

1.2 Required setbacks shall be provided to the greatest extent possible. Temporary housing must be located in such a manner on the site to accommodate construction access for repair or new construction and enable removal of temporary housing. All temporary housing units must be located within the front or side yards. Rear yard locations may only be allowed when clearly evident that removal route of manufactured home is adequate once construction of home is complete.

1.3 Sewer, water and electric services must be provided or addressed before a permit may be issued. Haleyville Water and Sewer Board, Northwest Alabama Gas District and Alabama Power will be required to approve location.

1.4 Back flow preventers will be required on water supplies. Existing connections of water and sewer sources must be disconnected and capped or terminated. Plumbing inspection is required for all connections and/or disconnections.

1.5 Only one unit, whether recreational vehicle or manufactured home, is permitted per lot with the exception of multi-unit sites meeting the requirements found in Section 1.6 below.

1.6 Multi-Unit Temporary Housing Complexes

1.6.1 Temporary housing complexes made up of multiple units may be permitted in all zoning districts with written approval in the form of the signed permit by the Haleyville Planning Commission and the Mayor. A diagram indicating the layout must be provided with the application. The initial permit will be granted to the property owner for a period of one year. At the end of one year, an extension may only be granted by a special use permit as defined in the zoning ordinance.

1.6.2 The density requirements for multi-unit developments or for lots that will contain more than one

temporary housing unit shall occur at 1 unit per 2,000 sq. ft. of lot area for manufactured homes and 1 unit per 1,500 sq. ft. for recreational vehicles.

1.7 A Hold Harmless Agreement must be signed on the application if the condition of site is unsafe.

1.8 Building permit fees for all temporary housing units shall be \$10 except for manufactured homes in the MH-1 District. Building Permit fees for manufactured homes in the MH-1 District shall be consistent with those fees charged as per the Haleyville Code. Water and sewer fees shall be charged by the Haleyville Water and Sewer Board. Once a Certificate of Occupancy is obtained after renovations or new construction is complete, the temporary housing unit shall be removed within 30 days.

2. Manufactured Homes

The following shall apply to manufactured homes:

2.1 Permits for manufactured homes in residential zones other than MH-1 shall be allowed on a temporary basis.

2.2 All manufactured housing located in a MH-1 District shall be required to meet the Building Code and Zoning Ordinance Regulations of the City of Haleyville.

2.3 Manufactured homes shall not exceed 16 feet in width (single-wide) or 75 feet in length unless a specific hardship is present such as a high number of family members, special needs, or lot configuration, etc.

2.4 Installation of hurricane straps is required.

2.5 The placement of the manufactured homes on the site must meet flood elevation requirements.

2.6 No concrete runners or slabs are required for placement. Piers must be in compliance with the International Building Code.

2.7 Abatement shall occur within one year or by May 30, 2012, whichever occurs first. Extensions may be considered on case by case basis dependent on certain factors such as evidence of the extent of new construction on the site, the stage of permits, and/or extension of recovery status by FEMA. Extensions shall be granted at the discretion and with written approval in the form of a signed permit by the Chairman of the Zoning Board of Adjustments.

3. Recreational Vehicles

The following shall apply to recreational vehicles:

3.1 Recreational vehicles (RVs) shall be permitted as temporary housing in all zoning districts for a period of one year or until May 30, 2012, whichever occurs first.

3.2 Recreational vehicles must be connected to water, electric, and sewer services. Haleyville Water and Sewer Board and Alabama Power must approve the location.

3.3 Self-contained, non-connected units may be allowed for up to thirty (30) days and only under hardship conditions such as when there are no services available. Connection shall be required for any service that is available. Methods of providing water, sewer, and electricity must be documented (dumping receipts). Evidence of on-site dumping will require immediate removal from site and the revocation of the permit.

3.4 A vehicle capable of towing the recreational vehicle must be available to property owner. Dropping off and leaving the recreational vehicle without assurance of access to a vehicle capable of towing is not permitted. Registration of ownership or a signed statement from owner of a vehicle capable of towing the RV shall be provided with the application. Without access to a capable vehicle, requirements of manufactured housing in above section shall apply and includes providing tie downs and meeting flood zone elevation requirements.

3.5 RV's must be relocated or evacuated once an evacuation notice due to threatening weather has been issued for the area in which the RV is located.

3.6 No concrete runners or slabs are required for placement.

4. Intent. It is the intent of the City Council to make the same a part of the Code of Ordinances of the City of Haleyville and the same should be incorporated in such code.

5. Placement into Code. The City Clerk shall insert into the official Code of Ordinances of the City of Haleyville, said amendment in **Article IV. Zoning District Regulations, Section 48** of the same.

6. Repealer. All ordinances or parts of ordinances in conflict with this amendment are, to the extent of such conflict, hereby repealed.

7. Effective Date. Effective immediately upon approval of City Council and publication as required by law.

PASSED AND APPROVED this the 16th day of May, 2011.

Ken Sunseri, Mayor

Attest:

Debra Hood,
Acting City Clerk

CERTIFICATE

STATE OF ALABAMA
COUNTY OF WINSTON

This amendment to the ordinances of the City of Haleyville, Alabama adopted and enacted on the 16th day of May, 2011, to the "Code of Ordinances, City of Haleyville, Alabama" by ordinance of the City Council effective immediately after the adoption and publication of the adopting ordinance as required by law, is hereby duly authenticated and approved.

IN WITNESS WHEREOF, I have heretofore subscribed my name as Mayor of the City of Haleyville, Alabama, attested by the City Clerk, with the seal of the City affixed hereto, this 16th day of May, 2011.

Ken Sunseri, Mayor

Attest:

Debra Hood,
Acting City Clerk

DIVISION 2. AGRICULTURAL DISTRICTS

Section 51. Ag-1 - Agricultural District.

The purpose of this district is to provide for the continuing operation of agricultural, forestry, recreational and open space activities. Low density residential development is also permitted.

PERMITTED USES. General farming including horticulture; dairying; apiaries; livestock and poultry raising; fish hatcheries; and other similar enterprises or uses.

Accessory buildings and uses customarily incidental to the above uses. Mobile Homes and or any use permitted or permitted on appeal in an R-1 Residential District and subject to all district requirements of an R-1 district.

Outdoor advertising structures; provided, however, that such use shall be conditional as follows: Within sixty (60) days of the time that the Zoning Map is amended to cause advertising structures which have been erected in an AG-1 Agriculture District to fall within a Residential District such structure shall be removed.

USES PERMITTED ON APPEAL. Aircraft landing fields; hangers and equipment; cemeteries; golf courses; country clubs; swimming pools; recreation buildings of a public or semi-public use; public utilities.

PROHIBITED USES. Residential, Commercial, and Industrial uses are specifically permitted or permitted on appeal.

SPACE AND HEIGHT REGULATIONS.

MINIMUM LOT SIZE: Minimum required lot area - 15,000 square feet.
Minimum required lot width at building line - 100 feet.
Unless a greater area is required by the Public Health Authority.

MINIMUM YARD SIZE: Front, 50 feet; rear, 50 feet; interior side yard, 15 feet, street side yard, 35 feet; accessory structures - 10 feet side yard; 10 feet rear yard; 70 feet front yard; except any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line of a district other than an Agriculture District.

MAXIMUM HEIGHT: 35 feet or 2 ½ stories.

Sections 52-54. Reserved.

DIVISION 3. RESIDENTIAL DISTRICTS

Section 55. R-1 Single-Family Residential District.

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

PERMITTED USES. Single-family dwellings; accessory structures; gardens; public buildings; including public schools and libraries.

USES PERMITTED ON APPEAL. Public parks and playgrounds; public utilities; and customary home occupations.

PROHIBITED USES. Recreational Vehicles, Mobile Homes and Mobile home parks, commercial or industrial uses, including parking lots or parking areas in connection with these uses.

SPACE AND HEIGHT REGULATIONS.

MINIMUM LOT SIZE: Minimum required lot area - 15,000 square feet.
Minimum required lot width at building line - 100 feet.
Unless a greater area is required by the Public Health Authority.

MINIMUM YARD SIZE: Front, 50 feet; rear, 50 feet; interior side yard, 15 feet, street side yard, 35 feet; accessory structures - 10 feet side yard; 10 feet rear yard; 70 feet front yard; except any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line of a district other than an Agriculture District.

MAXIMUM HEIGHT: 35 feet or 2 1/2 stories.

OFF-STREET PARKING: Two (2) spaces for each dwelling.

Section 56. R-2 Single-Family Residential District.

District Intent. This district exists for the protection of areas that have been and are being developed predominately for low density single-family dwellings. Accordingly, the use of land and buildings within such areas is limited to single family detached dwellings and such non-residential uses as generally support and harmonize with these low-density residential districts.

USE REGULATIONS

Uses Permitted: Single family dwellings; accessory structures (carports and utility rooms and structures used for residential storage); gardens; playgrounds; parks; public buildings; including public schools and libraries.

Uses Permitted on Appeal: Home occupations, public utilities, churches, cemeteries, clubs (not conducted for profit), semi-public buildings; golf courses, municipal, county state or federal use.

Uses Prohibited. Recreational Vehicles, Mobile Homes and Mobile Home Parks, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted. Note "A": A carport, porte-cochere, porch or structure or part thereof as defined in Article II, hereof, shall be considered as a part of the main building and shall be subject to the set-back and side yard requirements for the district in which it is located.

SPACE AND HEIGHT REGULATIONS

Minimum Lot Size. Minimum required lot area - 12,000 square feet, unless a greater area is required by the Public Health Authority. Minimum required lot width at building line - 90 feet.

Minimum Yard Size: Front, 35 feet; rear, 40 feet; interior side yard 12 feet; street side yard, 35 feet. Accessory structure- 10 feet side yard; 10 feet rear yard; and 55 feet front yard; except any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line or line of a district other than an agriculture district.

Maximum Height: Thirty-five (35) feet, or 2 1/2 stories.

OFF-STREET PARKING: Two (2) spaces for each dwelling.

Section 57. R-3 Multi-Family.

This district exists for the protection of areas that have been and are being developed predominantly for medium density single-family dwellings, but in which multi-family dwellings are also found. Accordingly, the use of land and buildings within such areas is limited to single family detached dwellings and medium density multi-family dwellings, and to such non-residential uses as generally support and harmonize with a medium density residential area.

PERMITTED USES. Single-family dwellings; two-family dwellings; accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.

USES PERMITTED ON APPEAL. Customary home occupations; public utilities; semi-public buildings; golf courses; municipal, county, state or federal uses; private institutions such as: kindergartens and day nurseries.

PROHIBITED USES. Recreational Vehicles, Mobile Homes and Mobile home parks, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted.

SPACE AND HEIGHT REGULATIONS.

MINIMUM LOT SIZE: Minimum required lot area - 9,000 square feet unless a greater area is required by the Public Health Authority. Minimum required lot width at building line - 70 feet.

MINIMUM YARD SIZE: Front, 30 feet; rear, 35 feet; interior side yard 10 feet; street side yard, 35 feet. Accessory structure - 10 feet side yard; 10 feet rear yard; and 50 feet front yard; except any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line or line of a district other than an agriculture district.

MAXIMUM HEIGHT: 35 feet or 2 1/2 stories.

OFF-STREET PARKING: Two (2) spaces per dwelling unit.

Section 58. R-4 Residential District

This district exists for the protection of areas that have been and are being developed predominantly for medium density single family dwellings and is intended to allow for traditional site-built single family dwellings.

USE REGULATION

Uses Permitted: Single family dwellings, accessory structures, gardens, parks, mobile homes and public buildings.

Uses Prohibited: Recreational Vehicles, commercial and industrial uses, mobile home parks and/or uses not specifically permitted.

SPACE AND HEIGHT REGULATIONS

MINIMUM LOT SIZE: Minimum required lot area - 7,500 square feet unless a greater area is required by the Public Health Authority. Minimum required lot width at building line - 70 feet.

MINIMUM YARD SIZE: Front, 30 feet; rear, 35 feet; interior side yard 10 feet; street side yard, 35 feet. Accessory structure - 10 feet side yard; 10 feet rear yard; and 50 feet front yard; except any structure used for the housing of household pets of any kind shall not be located closer than 25 feet to any property line or line of a district other than an agriculture district.

MAXIMUM HEIGHT: 35 feet or 2 1/2 stories.

OFF-STREET PARKING: Two (2) spaces per dwelling unit.

Section 59. MH-1 Mobile Home District

This district exists for the purpose of providing for the establishment of mobile home developments in areas zoned for such uses and to minimize any detrimental effects of such developments on existing land uses.

USES REGULATION

Uses permitted: Mobile home park facilities, accessory structures necessary to the operation of the park to provide for the permanent parking of mobile homes and placement of manufactured homes.

Uses Prohibited: Recreational Vehicles and all uses not specifically permitted.

SPACE AND HEIGHT REGULATIONS

Minimum Site Size: The minimum site shall be three (3) acres with a minimum width of 100 feet along a major street.

Minimum Lot Size: Each mobile home lot shall have a minimum of 7,000 square feet and have a minimum width of 50 feet at the front lot line unless a greater area is required by the Public Health Authority.

Minimum Yard Size: Mobile home and manufactured homes shall be located with a minimum setback of
Front yard setback: twenty (20) feet
Side yards shall be a total of 25 feet with one yard not less than ten feet..
Rear yards shall be ten feet.

Maximum Number: The maximum number of mobile homes per acre shall not exceed ten (10).

Design Requirements: The proposed development of a mobile home park shall be considered in accordance with an overall plan.

Landscaping: The proposed development shall be designed as a single architectural scheme with appropriate common landscaping.

Screening: A fifteen (15) foot wide planted buffer strip shall be provided wherever the district adjoins the boundary or property line of a residential district.

Traffic Circulation: The locations of driveways, parking spaces and interior streets shall be designated on said plan, and approved by the Planning Commission.

Drainage and Sewage Disposal: Drainage and sewage disposal plans shall be submitted to and approved by the Haleyville City Sanitarian.

APPLICATION FOR AMENDMENT. Application for amendment of the Zoning Map of the City of Haleyville to create a MH-1 Mobile Home Zone shall be accompanied by a plan or plans for the overall development of the tract of land to be rezoned, which plan or plans shall be in the form and contain the information required below.

1. The scale of the map shall not be less than one inch to 50 feet with contours at 5 foot vertical intervals showing pertinent topographical features.
2. The location, use, plan, and dimension of each building or structure to be constructed and the location of each mobile home to be parked.
3. The location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, street and sidewalks.
4. The location, dimension, and arrangement of all areas devoted to planting, lawns, trees or similar purposes, with a description including the height and density of all trees or plantings to be used for screening.
5. Location and description of all facilities to be used for sewage disposal, water supply, and storm drainage.
6. All minimum requirements of the Alabama State Public Health Department pertaining to mobile home parks must be met.

Section 60. RV-1 Recreational Vehicle District

This district exists for the purpose of providing for the establishment of recreational vehicles in areas zoned for such uses and to minimize any detrimental effects of such developments on existing land uses.

USES REGULATION

- Uses permitted: Recreational vehicle park facilities, accessory structures necessary to the operation of the park to provide for the temporary parking of mobile homes.
- Uses Prohibited: All uses not specifically related to recreational vehicles.

SPACE AND HEIGHT REGULATIONS

- Minimum Site Size: The minimum site shall be three (3) acres with a minimum width of 100 feet along a major street.
- Minimum Lot Size: Each recreational vehicle lot shall have a minimum of 4,000 square feet and have a minimum width of 50 feet at the front lot line unless a greater area is required by the Public Health Authority.
- Minimum Yard Size: Recreational vehicle sites shall be located with a minimum setback of:
Front yard setback: twenty (20) feet
Side yards shall be a total of 25 feet with one yard not less than ten feet..
Rear yards shall be ten feet.
- Maximum Number: The maximum number of recreational vehicles per acre shall not exceed ten (10).
- Design Requirements: The proposed development of a recreational vehicle park shall be considered in accordance with an overall plan.
- Landscaping: The proposed development shall be designed as a single architectural scheme with appropriate common landscaping.
- Screening: A fifteen (15) foot wide planted buffer strip shall be provided

wherever the district adjoins the boundary or property line of a residential district.

Traffic Circulation: The locations of driveways, parking spaces and interior streets shall be designated on said plan, and approved by the Planning Commission.

Drainage and Sewage Disposal: Drainage and sewage disposal plans shall be submitted to and approved by the Haleyville City Sanitarian.

APPLICATION FOR AMENDMENT. Application for amendment of the Zoning Map of the City of Haleyville to create a RV-1 Recreational Vehicle Zone shall be accompanied by a plan or plans for the overall development of the tract of land to be rezoned, which plan or plans shall be in the form and contain the information required below.

1. The scale of the map shall not be less than one inch to 50 feet with contours at 5 foot vertical intervals showing pertinent topographical features.
2. The location, use, plan, and dimension of each building or structure to be constructed and the location of each recreational vehicle to be parked.
3. The location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, street and sidewalks.
4. The location, dimension, and arrangement of all areas devoted to planting, lawns, trees or similar purposes, with a description including the height and density of all trees or plantings to be used for screening.
5. Location and description of all facilities to be used for sewage disposal, water supply, and storm drainage.
6. All minimum requirements of the Alabama State Public Health Department pertaining to mobile home parks must be met.

Sections 60-64. Reserved.

DIVISION 4. BUSINESS DISTRICTS

Section 65. B-1 Neighborhood Business District.

This district is intended primarily to serve the needs of the surrounding residential neighborhoods, providing goods and services that are day-to-day needs, generally classed by merchants as "convenience goods and services." Businesses which might tend to be a nuisance to the immediately surrounding residential developments are excluded, even though the goods or services offered might be in the convenience category or classification.

PERMITTED USES. Neighborhood retail stores and markets, including the following types of stores: food; general merchandise; apparel; furniture; household and hardware; radio and television; drug and sundries, jewelry gifts; florist; sporting goods; pet shops and similar types.
Neighborhood services including the following types: dry cleaning and laundry pickup stations; barber and beauty shops; shoe repair; offices; banks; post offices; theatres and similar services. Outdoor advertising signs and sign structures, as regulated under Section 7-24.

USES PERMITTED ON APPEAL. Filling stations where no major repair work is done; restaurants.

PROHIBITED USES. Auto repair; laundry and dry cleaning plants; manufacturing; night clubs, whether or not operated by non-profit organizations; motels or motor courts; open-lot sales for used cars or trailers, used or new; drive-in cafes or restaurants; roller skating rinks; bowling alleys; curb markets and fruit stands; mobile homes; mobile home parks, any use prohibited in a B-2 Business District.

SPACE AND HEIGHT REGULATIONS.

MINIMUM LOT SIZE: None specified.

MAXIMUM HEIGHT: Forty-five (45) feet or three (3) stories.

OFF-STREET PARKING: (See Section 81)

OFF-STREET LOADING AND UNLOADING: Each establishment shall provide space for loading and unloading for structures hereafter erected or

altered when same is on lot adjoining a public or private alley.

Section 66. B-2 Highway Commercial District.

This district serves several functions. It provides for the orderly development and expansion of the central business district, encouraging the discontinuance of non-conforming uses and a minimum of traffic and parking congestion. The district also provides comparison shopper's goods, convenience goods and services, specialty goods, amusements, and services for less than a city-wide market. The primary purpose of these functions is retail trade. In addition, the district provides locations for small businesses with a city-wide market who cannot operate in the downtown area.

PERMITTED USES. Any retail use, service, or wholesale business not specifically restricted or prohibited, provided that not over 50 percent of the establishment's floor area is used for warehousing purposes. Parking lots, hotels, offices, banks, public buildings, major auto repair, business signs, printing plants, clubs and fraternal organizations, mortuary or funeral homes, places of amusement and assembly, automobile sales and service, bus terminals and taxi cab stands, storage plants, warehousing, gasoline service stations, veterinarian hospitals and kennels, outdoor advertising signs, churches, or similar places of worship, restaurants, dry cleaners and laundries, and similar types of businesses.

USES PERMITTED ON APPEAL: Mobile home sales and manufacturing incidental to a retail business where articles are sold at retail on premises, not specifically prohibited herein.

PROHIBITED USES. Stock yards, live animal or poultry sales, mobile home parks, ice plants, coal yards, lumber yards or mills, auto wrecking, gasoline, oil and alcohol storage above the ground in excess of five hundred (500) gallons, grist or flower mills, junk and scrap paper, rag storage and baling, stone and monument works, residential uses, and any prohibited in a M-1 Industrial District.

SPACE AND HEIGHT REGULATIONS.

MINIMUM LOT SIZE: None Specified. However, it is the intent of the ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and adequate loading space in addition to the space required for the other normal operations of the business or service.

MINIMUM YARD SIZE: Front yard, 25 feet; or rear yard, 25 feet; or street side yard, 8 feet; interior side yards, 0 feet, when contiguous to a R-1, R-2,

R-3 or MH-1 District, 10 feet of which shall be planted in an evergreen material or other suitable buffer to provide a screen.

MAXIMUM HEIGHT: Forty-five (45) feet or three (3) stories.

OFF-STREET PARKING: (See Section 81)

OFF STREET LOADING AND UNLOADING: Shall provide for space for loading and unloading for structures hereafter erected or altered when same is on lot adjoining a public or private alley.

Section 67. B-3 - Central Business District

This District is composed of land and structures occupied by or suitable for uses furnishing the wide range of retail goods and services required by residences of the city and of the trade area. Located at the core of the city, the Central Business District (CBD) is the focus of commerce and business activities of the trade area. The district regulations are designed to permit the further development of the district for its purpose in a compact and convenient arrangement of uses and structures that is highly urban in character.

PERMITTED USES: Downtown retail stores and markets, including the following types of stores: food; general merchandise; apparel; furniture; household and hardware; radio and television; drug and sundries, jewelry gifts; florist; sporting goods; pet shops and similar types; cafes or restaurants. Downtown services including the following types: dry cleaning and laundry pickup stations; barber and beauty shops; shoe repair; offices; banks; post offices; theatres and similar services; fruit stands and curb markets; places of amusement and assembly; taxi cab stands.

USES PERMITTED ON APPEAL: Residential uses above the ground floor; night clubs; manufacturing that is incidental to a retail business where articles are sold at retail on premises, not specifically prohibited herein.

USES PROHIBITED: Other uses not specifically permitted and those described in the B-1 and B-2 Districts.

SPACE AND HEIGHT REGULATIONS:

MINIMUM LOT SIZE: There is no limit required for building site area.

MINIMUM YARD SIZE: There is no limit required for building site area.

MAXIMUM HEIGHT: Forty-five (45) feet or three (3) stories.

OFF-STREET PARKING: Parking is provided in public parking areas both on and off-street.

OFF-STREET LOADING AND UNLOADING: All off-street loading and unloading shall be done in such a manner as to not impede the flow of pedestrian or vehicle traffic in the district.

Sections 68-74. Reserved.

DIVISION 5. INDUSTRIAL DISTRICT (Light Industry)

Section 75. M-1 - Industrial District (Light Industry)

This district is intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses which generally support and are integrated with these industrial uses. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

PERMITTED USES. Light Industrial operations not obnoxious, offensive, or detrimental to neighboring property by reason of dust, smoke, vibrations, noise, odor, or effluent, and including the following types of industry: ice cream plants and creameries; cold storage plants; textile mills; ice plants; bottling and central distribution plants; baking plants; dyeing plants; dry cleaners and laundries; mortuary or funeral homes; mobile home sales; and similar types of industries.

USES PERMITTED ON APPEAL. Any manufacturing or business not specifically prohibited herein, including quarters for night watchman and caretakers for a specific industry.

PROHIBITED USES. Slaughter house; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement mortar, plaster, or paving materials; curing, tanning or storage of hides; distillation of bones, coal, tar or wood; tar rendering; forge plant; manufacturing of acetylene, acid, alcohol, ammonia, bleaching, power, brick, pottery, concrete blocks, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas including storage, paint, turpentine varnish, soap and tar products; junk yards; cotton waste reclaiming; and other similar types of plants or operations.

SPACE AND HEIGHT RESTRICTIONS.

MINIMUM LOT SIZE: It is the intent of the ordinance that lots of sufficient size be used for any industrial, service or business use to provide adequate parking and loading space in addition to the space required for the other normal operation of the enterprise.

MINIMUM YARD SIZE: Front yard: 50 feet. Side yard: Street side yard, 15 feet, Interior side yard, none - except when contiguous to a R-1, R-2, R-3, or MH-1 District in which case twenty (20) feet shall be provided. Fifteen (15) feet of this required yard shall be planted in evergreen material to provide a screen or another type of suitable buffer shall be provided.

MAXIMUM HEIGHT: Fifty (50) feet or four (4) stories.

OFF-STREET PARKING: (See Section 81)

OFF STREET LOADING AND UNLOADING: Each industry shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or its use.

Sections 76 - M-2 Industrial District (General Industry)

This district is for heavy industrial activities which may be offensive, or incompatible, if located near commercial or residential uses and for limited businesses uses which support of are compatible with, these heavy industrial activities.

USES PERMITTED: Any industrial use, except those which in the opinion of the Building Inspector would cause noise, smoke, gas, vibration, fumes, dust, or other objectionable conditions which would affect a considerable portion of the city.

USES PERMITTED ON APPEAL: Any industrial use, subject to such conditions and safe guards as the Board of Adjustments may require to preserve and protect any portions or the city which other wise could be adversely affected.

USES PROHIBITED: Residences and apartments, excepting quarters for a watchman or custodian and his family.

SPACE AND HEIGHT REGULATIONS

MINIMUM LOT SIZE: Same as for M-1 Industrial District.

MINIMUM YARD SIZE: Same as for M-1 Industrial District.

MAXIMUM HEIGHT: Fifty (50) feet or four (4) stories.

OFF-STREET PARKING: (See Section 7-17).

OF-STREET LOADING AND UNLOADING: Same as for M-1 Industrial District.

DIVISION 6. Planned Unit Development (PUD)

Section 77. Planned Unit Development District Types & Requirements

District Intent:

The Planned Unit Development District (PUD) is established for development constructed on a tract of property under single ownership or development scheme, planned and developed as an integral unit, and consisting of a mix of land use densities or uses on land designated as a PUD. The PUD designation and its suffix attachments of PRD or MXD may be requested and considered for application only to those properties already zoned R-1, R-2, R-3, R-4, MH-1, B-1, B-2. There are two types of Planned Unit Developments and each PUD suffix requires the approval of a master development plan and the identification of post development uses for the proposed PUD.

(A) Planned Residential Development (PRD) suffix, requires a minimum of 5 acres for the development and is limited to residential uses, including single-family detached and two family dwellings, patio homes and townhouses as limited by an approved master development plan.

(B) Mixed Use Development (MXD) suffix, requires a minimum of 5 acres for the development, and allows a wider variety of land uses including residential, commercial and industrial as limited by an approved master development plan.

Planned Unit Developments are authorized for the purpose of providing optional methods of land development; encouragement of unified building and site design; innovation in the grouping of land uses in a coordinated and compatible manner; preservation of the natural environment and the creation of public open space. The approved master development plan shall establish the allowable uses, densities, street and building configuration, open space, amenities and buffering. Following acceptance of the master development plan, the property shall receive the PUD zoning designation with a secondary suffix.

PRD District:

Within a Planned Residential Development project, land uses are restricted to single family detached dwellings, two-family dwellings, patio homes, and townhouses, along with normal and incidental accessory uses. The uses, density standards, and mixture of housing types permitted in a particular project shall be established after approval of the master development plan via rezoning of the PUD district parcels.

- (1) The PRD project must contain a minimum of 5 contiguous acres of land under single ownership or development scheme.
- (2) All uses shall be permitted only in the location shown on the approved conceptual plan.

- (3) Not less than 15% of the development's gross site area shall be maintained as permanent useable common open space.
- (4) No manufactured home or manufactured home community may be permitted.

MXD District:

Within a Mixed Use Development project, each individual area shall be designated for use and development under one of the other zoning district classifications of this Article, and shall be controlled as to the use, development standards, and all other provisions of this ordinance applicable to that zoning district classification.

- (1) The MXD project must contain a minimum of 5 contiguous acres of land under single ownership or development scheme.
- (2) All uses shall be permitted only in the location shown on the approved master development plan. Once constructed, any alteration to a given structure or change in a given use shall be governed by the regulations of that zoning district designated for the area on the master development plan.
- (3) Not less than 15% of the developments gross site area shall be maintained as permanent useable common open space.
- (4) No manufactured home or manufactured home community may be permitted.

PERMITTED USES.

The permitted uses are subject to approval by the Planning Commission and to such conditions as they may specify to protect the public interests. All permitted uses must fall within the existing zoning ordinance and be approved on the approved master development plan.

Reversion For Lack of Progress.

The applicant must submit a schedule of construction and begin construction of the development within two (2) years from the time of the final approval. Failure to comply with above development schedule shall constitute a violation of the development approval. Thus, the Planning Commission and City Council may repeal the zoning approving the PUD, thereby causing the property to revert to its original zoning classification or another classification as determined by the governing body.

USES PERMITTED UPON APPEAL.

Structures incidental to any permitted use, subject to the approval of the Board of Zoning Adjustment.

APPROVAL OF THE PLANNING COMMISSION.

Prior to the establishment of any use within the district, the plans for such use shall be submitted to the Planning Commission for review and approval. In its review of plans, the Planning Commission shall be guided by the desire to promote healthy and viable mixed use neighborhoods and communities.

DIVISION 7. FLOODWAY DISTRICT

Section 80. FLOODWAY DISTRICT REQUIREMENTS

District Intent: The Floodway District as shown on the Floodway Boundary and Floodway Map (FBFM) effective July 5, 1982, produced by the Federal Emergency Management Agency (FEMA) for Haleyville, Alabama, is established to meet the needs of local waterways to carry the abnormal flows of water in times of flood; to prevent encroachment into the district which will increase flood heights and flood damage; and to prevent the loss of life and excessive damage to property in the areas of greatest flood hazard.

PERMITTED USES. The following uses are permitted subject to approval by the Planning Commission and to such conditions as they may specify to protect the public interests: Public and private recreation facilities (excluding permanent buildings); agricultural uses, including farming, grazing, and livestock raising. Open-type uses, such as loading areas, gardens which do not require structures, nurseries, and auxiliary use permitted in any adjoining district.

USES PERMITTED UPON APPEAL. Structures incidental to any permitted use, subject to the approval of the Board of Zoning Adjustment.

APPROVAL OF THE PLANNING COMMISSION. Prior to the establishment of any use within the district, the plans for such use shall be submitted to the Planning Commission for review and approval. In its review of plans, the Planning Commission shall be guided by the desire to prevent flood plain encroachment which would unduly increase flood heights and danger to life and property.

1. Any use permitted shall be a type not appreciably damaged by flood waters and no structure for human occupation shall be permitted.
2. No fill shall be permitted.
3. If, in the opinion of the Planning Commission, topographic data, engineering studies, or other studies are needed to determine the effect of the use on the floodway, the Planning Commission may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.
4. The granting of such approval shall not constitute a representation, guarantee, or warranty of any kind or nature by the City of Haleyville, the Planning Commission, the Board of Adjustment, or by an officer or employee of either thereof or the practicability or safety of any structure or other plan proposed and shall create no liability upon, or a cause of action

against, such public body, officer, or employee for any damage that may result pursuant thereto.

FLOODWAY FRINGE AREAS. Areas lying outside the Floodway District but within the area covered by the Regional Flood shall be subject to the following regulations: No building or structure shall be erected, and no existing building or structure shall be extended or moved unless the lowest floor of said building or structure is placed above the elevation of the Regional Flood. Foundations of all structures shall be designed to withstand conditions at the site.

Land may be filled within these flood-fringe areas, provided such fill does not extend into the Floodway District and further provided that such fill exceeds twenty-five (25) feet beyond the limits of any structures erected thereon.

Any structure proposed to be located outside the Floodway District but within one hundred (100) feet of any main drainage channel or stream (hereafter referred to as stream) within Haleyville must be approved by the Planning Commission. The Board of Adjustment or other designated public official shall determine on the basis of the area of the watershed and the probable runoff the openings needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of flood water. However, no building shall be permitted within ten (10) feet of the banks of any stream.

Section 81. Off-street Automobile Storage

In each zoning district each structure shall be provided with off-street vehicle storage and parking facilities in accordance with the following:

1. RESIDENTIAL. In all cases of new structures, converted structures, or structures which are increased in capacity, facilities for the storage or passenger vehicles for the use of the occupants of the dwelling units erected, altered or increased in capacity, there shall be provided and maintained on the premises as follows:

a. RESIDENCES:

In R-1, R-2, R-3, and MH-1 Districts two (2) parking spaces for each dwelling unit.

b. APARTMENTS:

Two (2) parking spaces for each dwelling unit.

2. NON-RESIDENTIAL. In all cases of new structures or converted structures which are increased in capacity, facilities for the storage of vehicles for the use of the occupants, employees, and patrons of the buildings hereafter erected, altered or

increased in capacity, shall be provided and maintained on the premises in accordance with the requirements of each type of use as follows:

- a. SCHOOLS: One (1) parking space for each four (4) seats in the main assembly room plus one (1) space for each classroom.
- b. CHURCHES, COMMUNITY BUILDINGS, AUDITORIUMS, AND PLACES OF PUBLIC ASSEMBLY: One (1) parking space for each four (4) seats in the main assembly area (based on an 18" seat width), or in the case of a general purpose rooms without fixed seats, there shall be one (1) parking space for thirty-five (35) square feet of floor area.
- c. HOTELS: One (1) parking space for each guest room.
- d. MOTEL, TOURIST COURT, TOURIST HOUSE, BOARDING HOUSE, ROOMING HOUSE: One (1) parking space for each room or unit offered for rent plus one (1) additional parking space for each three (3) employees.
- e. CLINICS OR PROFESSIONAL OFFICES: One (1) parking space for each professional plus one (1) parking space for each two (2) seats in the reception room, or one (1) parking space for each twenty-five (25) square feet of floor space in such an area, whichever is greater.
- f. RESTAURANT OR OTHER EATING PLACE: One (1) parking space for each three (3) seats plus one (1) space for each two (2) employees, or one (1) parking space for each fifty (50) square feet of floor space in such area, whichever is greater.
- g. OFFICES AND OFFICE BUILDINGS: One (1) parking space for each two hundred (200) square feet of floor area.
- h. BOWLING ALLEYS: Five (5) parking spaces for each alley.
- i. INDUSTRIAL USES: One (1) parking space for each one and one-half (1 1/2) employees.
- j. TRAILER COURTS: Two (2) parking spaces for each trailer.
- k. PLANNED SHOPPING CENTERS: Area devoted to parking and access shall not be less than three (3) times the floor area proposed; and within this parking area there shall be a minimum of eight (8) parking spaces per one thousand (1,000) square feet of floor area.
- l. HOSPITALS, SANATORIUM OR NURSING HOME: One (1) parking space for each six (6) beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees.
- m. PRIVATE CLUB OR LODGE: One (1) parking space for each seven (7) members.
- n. FOOD STORES OR MARKETS: One (1) parking space for each two hundred (200) square feet of floor space.

- o. WHOLESALE USES AND STORAGE BUILDINGS, WAREHOUSES, LUMBER OR FUELS BUSINESS, TRUCK TERMINALS AND SIMILAR USES: One (1) parking space for each one and one-half (1 1/2) employees.
 - p. ANY USE NOT OTHERWISE SPECIFIED: One (1) parking space for each one hundred eighty (180) square feet of floor space.
 - q. Whenever two (2) or more uses shall be made on the same property, the parking requirements for each shall apply.
 - r. Whenever a structure or use may qualify under two (2) or more classifications, the one with the larger requirements shall govern.
3. MEASUREMENT OF THE AREA. For the purpose of this section, "Floor Area" shall mean the gross floor area of all floors of a building or an addition to an existing building. The total parking area includes access drives within the actual parking area.
4. EXISTING PARKING. Any building which meets the parking requirements of this ordinance on the effective date hereof or at any subsequent time, shall continue to comply fully with all requirements thereof. Any existing building which partially meets the requirements of this ordinance on the effective date thereof or at any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached.
5. GENERAL. No off-street parking required for a building or structure shall during its life be occupied by or counted as off-street parking for another building or structure but may be counted as yard space.
6. PARKING SPACE. An off-street space, enclosed or unenclosed, containing not less than two hundred (200) square feet (10 x 20) of area exclusive of driveways appurtenant thereof, permanently reserved for the temporary storage of one motor vehicle and connected without obstruction to a street or alley shall be counted as off-street parking area or space.
7. DESIGN. No parking space shall be so designed as to require the vehicle parked herein to back on to a public street, with the exception of single and two family residences.

Section 82. Advertising Sign and Structures

In all districts other than residential districts, where front yard or setback requirements are required, outdoor advertising structures may be placed within such front yard or setback area of a place of business subject to the following terms and conditions:

1. Said structure must be used primarily for the purpose of identifying the place of business at that location.
2. No such structure shall be placed between four (4) feet and ten (10) feet above street level.
3. No such structure shall be placed at intersections or locations which would obstruct the view of intersecting traffic.
4. No such structure exceeding in size, fifty (50) square feet, exclusive of necessary structural support, shall be placed within ten (10) feet of the front lot line or street right-of-way.

Sections 83-84. Reserved.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 85. Enforcing Officer.

The Enforcement Officer of the City of Haleyville, Alabama, shall be the enforcing officer of the Zoning Ordinance. He will conduct inspections, and perform any other acts provided for in said ordinance as necessary to carry out the provisions thereof, including the issuance of citations for violations of such ordinance. Additional Enforcement activities and requirements are established in City Ordinance 819.

Section 86. Building Permit.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure and not exceeding \$500.00 in cost, or painting and wallpapering) of any structure, including accessory structures, until the City Clerk or designated person has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for a building permit shall be made to the City Clerk and/or designated person on forms provided for that purpose.

Section 87. Approval of Plans and Issuance of Building Permit.

(a) It shall be unlawful for the City Clerk and/or designated person to approve any plans or issue a building permit for an excavation or construction until they have inspected such plans in detail and found them in conformance with this Ordinance. To this end, the City Clerk and/or designated person shall require that every application for a building permit for excavation, construction, use of land, moving, or alteration be accompanied by a map or plat drawn to scale and showing the following in sufficient detail to enable the City Clerk and/or designated person to ascertain whether the proposed excavation, construction, use of land, moving, or alteration is in conformance with this Ordinance:

1. The actual shape, proportion and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings, or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining the lots as may be essential for

determining whether the provisions of this Ordinance are being observed.

5. Additional information concerning existing utilities or drainage may be requested by the Planning Commission, City Clerk and/or designated person.

(b) If the proposed excavation, construction, moving or alteration as set forth in the application are in conformity with the provisions of this Ordinance, and other City codes, the City Clerk and/or designated person shall issue the permit accordingly.

(c) If the application is rejected, the City Clerk and/or designated person will state in writing on the application the reason for rejection. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance.

Section 88. Certificate of Occupancy Required.

(a) No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the City Clerk and/or designated person shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions, of this Ordinance.

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

Section 89. Temporary Uses.

(a) Temporary uses, as set forth below are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the districts within which they are proposed for location.

1. The City Clerk and/or designated person is authorized to issue a Temporary Certificate of Occupancy for temporary uses as follows:
 - a. Carnival, circus, or fair in any commercial or industrial district, for a period not to exceed ten (10) days, subject to the approval of the City Council.
 - b. Religious meeting in a tent or other temporary structure in any district, for a period not to exceed fifteen (15) days.

- c. Open lot sale of Christmas trees in any district, for a period not to exceed forty-five (45) days.
 - d. Real estate sales office in any district, for a period not to exceed one (1) year, provided that such office is to be placed on the property to which it is appurtenant.
2. All temporary Certificates of Occupancy may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

Section 90. Penalties of Violation.

Any person, firm, or corporation violating or failing to comply with any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each offense. Each day said violation continues shall be deemed a separate offense.

Section 91. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this ordinance, the City Clerk and/or designated person or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Sections 92-94. Reserved.

ARTICLE VI. BOARD OF ADJUSTMENT

Section 95. Appointments, Duties, and Responsibilities.

A Board of Adjustment is hereby established. The appointment, procedures, powers and action of said Board of Adjustment shall be governed and controlled by Section 11-52-80, Code of Alabama, 1975 as revised, as the same may be amended.

Section 96. Creation and Membership.

The Board of Adjustment shall consist of five members, each to be appointed for a term of three years by the Mayor and approved by the City Council. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant. Members of the Board may be removed for cause by the Council upon written charges and after a public hearing, provided however that the duly appointed members of said Board, as established and appointed pursuant to prior enacted zoning ordinances shall continue to serve as members of said Board under the terms of this Ordinance.

Section 97. Proceedings of the Board of Adjustment.

(a) The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and of such other times as the Board may determine. The Chairman or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be opened to the public.

(b) 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 the records of its examination and other official actions, all of which shall be public record and be immediately filed in the office of the Board of Adjustment.

Section 98. Hearings; Appeals; Notice.

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the municipality affected by any decision of the City Clerk and/or designated person. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the City Clerk and/or designated person and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The City Clerk and/or designated person shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same

within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 99. Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the City Clerk and/or designated person certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. 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 competent jurisdiction or notice to the City Clerk and/or designated person and on due cause shown.

Section 100. Powers and Duties of the Board.

(a) Administrative Review. To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by the City Clerk and/or designated person in the enforcement of this Ordinance.

(b) Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, so that the spirit of this ordinance shall be observed and substantial justice done. 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 including a detailed statement demonstrating all of the following:

1. 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.
2. 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.
3. That special conditions and circumstances do not result from the action of the applicants.
4. That granting the variance requested 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.

5. A plot plan with the area of variance highlighted or noted.
6. That a \$25.00 filing charge has been paid to the City.

(c) Special Exceptions. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether 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.

A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Notice shall be given at least seven (7) days in advance of public hearing by at least one advertisement in a newspaper of general circulation. The owner of the property for which special exception is sought or his attorney shall be notified by mail.
3. The public hearing shall have been held. At which hearing any party may appear in person, or by agent, or by attorney.
4. The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

(d) Public Notice. Notice shall be given at least seven (7) days in advance of a public hearing by at least one advertisement in a newspaper of general circulation. The owner of the property for which the variance is sought or his attorney shall be notified by mail.

(e) Findings. The Board shall make findings that the requirements set forth in this ordinance have been met; that the reasons set forth in the application justify the granting of the variance; and that the granting of the variance is in harmony with the spirit of this ordinance and will not be injurious to the neighborhood.

(f) Conditions. In granting any variance or special exception, 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 or special exception is granted, shall be deemed a violation of this Ordinance and punishable under Sections 86 and 87 of this Ordinance.

Section 101. Decisions of the Board of Adjustment.

In exercising the above mentioned powers, the Board of Adjustments 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, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the City Clerk and/or designated person from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the matter upon which is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

Section 102. Appeals from Action of the Board of Adjustment.

It is the intent of the governing authority of the City that all questions of interpretation and enforcement of this Ordinance shall be presented first to the City Clerk and/or designated person. Other than those applications and matters upon which the terms and provisions of this Ordinance may require action and decisions by the said Board of Adjustment, only the appeals taken in the manner and form as provided in this Ordinance from the actions and decisions of the City Clerk and/or designated person will be considered and acted upon by the Board of Adjustment, however, any interested party who is aggrieved by any action or decision of the said Board of Adjustment may make an appeal therefrom as provided by law.

Section 103. Procedure for Submitting an Appeal to the Board of Adjustment.

Anyone making proper application for a Building Permit and this permit has been denied, may appeal the decision of the City Clerk and/or designated person to the Board of Adjustment. The following actions shall be accomplished before an "Appeal Under the Zoning Ordinance" will be heard by the Board of Adjustment:

1. An "Application for a Building Permit" must be completed and DISAPPROVED by the Building Inspector.
2. Complete an application for an "Appeal Under the Zoning Ordinance" and have said application notarized.

3. Notify all property owners within 500 feet and complete an affidavit on the form furnished.
4. Provide a plot plan, drawn to scale, to include, but not limited to, the following:
 - a. The scale must be not less than one (1) inch equals twenty (20) feet.
 - b. Plan of the plot on which variance is requested showing any and all buildings exactly as they exist.
 - c. Show proposed construction and identify.
 - d. The plan must show all adjoining property and property owner's name. This shall show also the distance on all adjoining property of the front yard, rear yard, and adjacent side yard of the main building and the distance of all other buildings nearer than the main building.
5. The appellant shall be prepared to justify to the Board of Adjustment why the variance should be granted. It shall be the duty of the appellant to show just proof to the Board of Adjustment of unnecessary hardship imposed if the variance is not granted.

Section 104. Abatement of Nuisances.

The Board of Adjustment may require the conduct of any use, conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibrations, fumes, dust, fire, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board of Adjustment may direct the City Clerk and/or designated person to issue and abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice by advertisement in a newspaper of general circulation; such notification shall be mailed at least seven (7) days prior to the date of such public hearing.

A hearing to consider issuance of an abatement order shall be held by the Board of Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board of Adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

Section 105-109. Reserved.

ARTICLE VII. AMENDMENTS

Section 110. Authority and Procedure.

The regulations and the number, area and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified or repealed by the municipal governing body, but no amendment shall become effective unless and until it is first submitted to the Municipal Planning Commission for its recommendation. The Municipal Planning Commission upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this ordinance or the zoning map and report its recommendation to the municipal governing body. The provisions of Section 11-52-78, Code of Alabama (1975 as amended) shall apply to all changes and amendments.

Section 111. Authorized Petitioners.

A petition for amendment of this ordinance or the zoning district boundaries may be initiated by the City Council, the Planning Commission, or the owner or his agent of such property subject to amendment of zoning district boundaries.

Section 112. Petition for Amendment.

A petition for amendment when initiated by the property owner or authorized agent of such owner shall meet the application requirements of this section.

1. The application for rezoning shall be made on a form available from the City Clerk and be filed with the City Clerk at least ten (10) days prior to the Planning Commission hearing. The applicant shall provide the following information and materials:
 - a. Name, signature, address of the property owner and agent of the property owner, if any.
 - b. Address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning.
 - c. Present and proposed zoning and land use of the property under consideration.
 - d. Reason for rezoning request.
 - e. A site plan, drawn to scale and dimensioned, showing the size and

location of the property boundaries, public right-of-ways, and the proposed use and development layout.

- f. A \$50 filing fee.

Section 113. Planning Commission Action.

(a) In case of a petition by a property owner, at least six (6) days prior to the scheduled Planning Commission hearing, the City Clerk shall give written notice of the rezoning to all adjacent property owners. Such notice shall be deemed as given when deposited in the United States mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the rezoning application. The notice shall state the following information:

1. The name of the petitioner.
2. The location of the property.
3. The current and proposed zoning and land use of the property.
4. The time, date, and location of the Planning Commission hearing of the proposed zoning amendment.

(b) The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this ordinance.

(c) The Planning Commission, by majority vote, shall report its recommendations to the City Council. The Planning Commission report shall be transmitted to the City Council within thirty (30) days of the hearing, unless an extension period is granted by the City Council. Otherwise, the proposed amendment shall be considered to have been recommended by the Planning Commission.

Section 114. City Council Action.

(a) Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment at the next regularly scheduled City Council meeting.

(b) The City Council shall give public notice of the hearing on the proposed amendment in accordance with this article.

(c) Following notice and hearing, the City Council shall decide by majority vote of its members to accept or reject the proposed amendment.

(d) If the City Council takes no final action upon the proposed amendment within ninety

(90) days after receipt of the recommendation of the Planning Commission, the proposed amendment shall be deemed to have been rejected and overruled by the Council.

Section 115. Public Notice of Hearings.

(a) At least fifteen (15) days in advance of the public hearing before the City Council, the Council shall post the proposed zoning ordinance amendment in full in four (4) conspicuous places within the City. A notice must accompany the posted ordinances stating the time and place of the public hearing by the Council and stating that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed ordinance.

(b) At least six (6) days in advance of the public hearing before the Planning Commission, the Commission shall post the proposed zoning ordinance amendment in full in four (4) conspicuous places within the City. A notice shall accompany the posted amendments stating the time and place of the Planning Commission meeting and stating that all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Section 116. Time Limit.

After the City Council has voted on an application of rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance will not be considered until a period of one (1) year has elapsed from the date of such action by the City Council. Provided however, that the City Council may adjust this time period if in the opinion of a majority of the City Council, an unusual situation or circumstance exists.

Adopted and approved this 6th day of February 2007

ATTEST:

Larry Albright
Mayor

Debra Hood
Acting City Clerk

I, Debra Hood, the undersigned Acting City Clerk of the City of Haleyville, Alabama, hereby certify that the foregoing constitutes a true, correct, and complete ordinance duly adopted by the City Council of the City of Haleyville, Alabama, at a meeting thereof held on this 6th day of February 2007, at which meeting a quorum was present and acting through out.

Witness my signature as City Clerk, under the Seal of said City, this 6th day of February 2007.

APPENDIX

The forms contained herein are not inclusive of all the forms that are necessary for the administration of the Zoning Ordinance. All forms and documents are available at City Hall.

ZONING ADMINISTRATION FORMS AND BUILDING PERMIT APPLICATION

Case No. _____

Haleyville Board of Zoning Adjustment

Haleyville, Alabama

APPEAL UNDER THE ZONING ORDINANCE

To the Board of Zoning Adjustment
City Hall, Haleyville, Alabama

The undersigned hereby appeals from the decision of the Building Inspector of Haleyville, Alabama, wherein a building permit is refused for _____.

Located at _____

(complete address)

Lot _____ Block _____ Subdivision _____ which

property is in a _____ Zoning District, in accordance with plans, application, and all data heretofore filed with the Building Inspector all of which are hereto attached and made a part of this appeal.

The application for _____ denied for the reason
(use & occupancy permit)

and variance is requested in this requirement as applied to above property.

I hereby depose and say that all of the above statements and statements contained in all the exhibits transmitted herewith are true.

Appellant

Sworn to and subscribed before me this _____ day of _____, 19____.

Appellant _____ Address

Owner _____ Address

Lessee _____ Address

CITY OF HALEYVILLE
ZONING VIOLATION COMPLAINT

Date of complaint: _____ Complaint received by:
Form of Complaint: Citizen Public Official Inspector

Name of Person Filing Complaint: _____ Telephone: _____

Nature of Complaint: _____

Location: _____

Probable violation of Section _____, of the Zoning Ordinance of Haleyville, described as follows:

Referred for inspection to: _____

Date of inspection: _____

Inspection findings:

Violation found No violation found Other

Initial action following discovery of violation:

Notice of Zoning Violation sent on:

Other

Follow-up _____ inspection _____ due _____ on _____

Notes: _____

CITY OF HALEYVILLE
ZONING VIOLATION NOTICE

TO:

This notice is to advise you that an inspection of your property located at

_____ on

indicates a violation of Section(s)

of the Zoning Ordinance of Haleyville. Specifically, the violation consists of:

Failure to correct such violation may result in charges being filed in municipal court. A violation of the Zoning Ordinance of Haleyville is an offense punishable upon conviction of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and costs of court for each offense. In addition, any person convicted may be imprisoned or sentenced to hard labor for a period not exceeding six (6) months. Each day of such violation continues shall constitute a separate offense.

You may file an administrative appeal of the Zoning Administrator's finding of such violation. Such appeal shall be filed before the above-mentioned date and be submitted on forms supplied by this office.

If you have any questions, please contact City Hall at (205) 486-3121.

Zoning Administrator

CITY OF HALEYVILLE
SITE PLAN REVIEW APPLICATION

PART I. APPLICANT DATA

Name of Engineer:

Mailing Address:

Telephone:

Signature:

PART II. PARCEL DATA

Owner of Record:

Mailing Address:

Signature of Authorization:

Tax Map I.D. #: _____ Parcel Area:

Existing Land Use: _____ Existing Zoning:

PART III. REQUIRED PLANS. One reproducible and five copies of each set of the following plans prepared by a professional engineer licensed in the State of Alabama shall be submitted for approval:

1. Cover sheet with:
 - Name and location of the development; name, address, and signature of the owner; name, address, and seal of the engineer.
 - Vicinity map.
 - Zoning and existing and proposed land use of the site.
 - Date, scale, north arrow, and number of sheets.
2. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), setbacks, driveway access, off-street parking and loading, and circulation.
3. Drainage plan, including paving, grading and excavation, erosion and sedimentation, storm water detention, floodplain management controls.
4. Utilities plan, including sewage disposal system and water system (public and private).

5. Fire control plan, including fire lanes and hydrants.
6. Landscaping plan, including screening, buffer yards, and landscaping of parking areas, as required.

PART IV. ADDITIONAL APPLICATION REQUIREMENTS

1. Fees. The applicant shall reimburse the City for any professional fees incurred in the review of the applicant's site plan.
2. Septic Approval. Before application is submitted, developments not served by public sewer shall require a written preliminary finding by the Winston County Health Department which confirms the suitability of soils for septic facilities.

PART V. FOR OFFICE USE ONLY

Case # _____ Date Received: _____ By:

CITY OF HALEYVILLE, ALABAMA

VARIANCE APPLICATION

PART I. APPLICANT DATA

Name _____ of _____ Applicant:

Mailing Address:

Telephone:

Signature:

PART II. PARCEL DATA

Owner _____ of _____ Record:

Mailing Address:

Tax Map I.D. #: _____ Parcel Area:

Existing Land Use: _____ Existing Zoning:

PART III. REQUEST

Nature of variance with reference to applicable zoning provisions:

PART IV. ENCLOSURES (Check all required enclosures with this application)

_____ Written justification for the variance.

_____ Vicinity map.

_____ Plot plan with variance noted or highlighted.

_____ Public hearing notices.

_____ Stamped legal-size envelopes addressed to adjacent property owners.

_____ \$25 filing fee.

NOTICE: The completed application, including all required attachments, must be filed at least 30 days before the Zoning Board of Adjustment hearing. The applicant must be present at the hearings.

PART V. FOR OFFICE USE ONLY:

Case # _____ Date received: _____ By:

Scheduled public hearing date:

CITY OF HALEYVILLE
VARIANCE APPLICATION

PART I. APPLICANT DATA

Name _____ of _____ Applicant:

Mailing Address:

Telephone:

Signature:

PART II. PARCEL DATA

Owner _____ of _____ Record:

Mailing Address:

Tax Map I.D. #: _____ Parcel Area:

Existing Land Use: _____ Existing Zoning:

PART III. REQUEST

Nature of variance with reference to applicable zoning provisions:

PART IV. ENCLOSURES (Check all required enclosures with this application)

_____ Written justification for the variance.

_____ Vicinity map.

_____ Plot plan with variance noted or highlighted.

_____ Public hearing notices.

_____ Stamped legal-size envelopes addressed to adjacent property owners.

_____ \$25 filing fee.

NOTICE: The completed application, including all required attachments, must be filed at least 30 days before the Zoning Board of Adjustment hearing. The applicant must be present at the hearings.

PART V. FOR OFFICE USE ONLY:

Case # _____ Date received: _____ By:
Scheduled public hearing date:

CITY OF HALEYVILLE
PUBLIC HEARING NOTICE

NOTICE TO:

ADDRESS:

**YOU ARE HEREBY NOTIFIED OF
A PUBLIC HEARING OF THE HALEYVILLE BOARD OF ZONING ADJUSTMENT**

TO BE HELD AT ___ P.M. ON _____, _____, 19__ IN THE

The purpose of the hearing is to receive public comments on an application submitted by:
_____ for approval of a variance to:
_____ on a _____ acre parcel of land located at the following street
address and location:_____.

This notice is sent at least 15 days prior to the scheduled Zoning Board of Adjustment hearing to all adjacent property owners (including those directly across a public right-of-way), as obtained by the applicant in the most recent records of the Winston County Tax Assessor.

Zoning Administrator

Date of Mailing

CITY OF HALEYVILLE

PLOT PLAN INSTRUCTIONS

PLOT PLAN REQUIREMENT

A plot plan is required with all applications for conditional uses, special exceptions, and variances. Any incomplete, illegible, or inaccurate plot plans will cause delay in processing of an application.

PLOT PLAN PREPARATION

The plot plan must be a scaled drawing prepared or reproduced on a letter size sheet (larger drawing must be reduced). The plot plan should be drawn by a skilled drafter or a professional surveyor, engineer, or architect. The level of detail may vary, depending on the nature of the request, but the following items are suggested minimums:

- _____ Name of applicant.
- _____ Date.
- _____ North arrow.
- _____ Scale in feet.
- _____ Lot size in acres or square feet and property dimensions.
- _____ Location, dimensions, floor areas, and heights of all structures.
- _____ Location and dimensions of driveways and off-street parking and loading aisles and spaces.
- _____ Description of landscape improvement, screening, and buffer yards.
- _____ Physical features, such as ground cover, water bodies, floodplain, and general topography.
- _____ Adjacent streets, alleys, railroads, water bodies, land uses, and zoning districts.
- _____ For variance applications: dimensional requirement(s) subject to variance noted or highlighted.
- _____ Other features necessary for the Planning Commission/Zoning Board to adequately assess the proposal.

CITY OF HALEYVILLE
SPECIAL EXCEPTION PERMIT APPLICATION

PART I. APPLICANT DATA

Name _____ of _____ Applicant:

Mailing Address:

Telephone:

Signature:

PART II. PARCEL DATA

Owner _____ of _____ Record:

Mailing Address:

Tax Map I.D. #: _____ Parcel Area:

PART III. REQUEST

Proposed land use:

Existing land use:

Zoning:

PART IV. ENCLOSURES (Check all required closures with this application)

_____ Plot plan.

_____ Vicinity map.

_____ Public hearing notices.

_____ Stamped legal-size envelopes addressed to adjacent property owners.

NOTICE: The completed application, including all required attachments, must be filed at least 30 days before the Zoning Board of Adjustment hearing. The applicant must be

present at hearings.

PART V. FOR OFFICE USE ONLY:

Case # _____ Date received: _____ By:

Scheduled public hearing date:

CITY OF HALEYVILLE

APPLICATION FOR BUILDING PERMIT

Application is hereby made for a building permit to accomplish the work as herein described in accordance with duplicate plans and/or specifications submitted herewith. It is agreed that all corrections in plans and/or specifications necessary for compliance shall be observed and all requirements of the building code, and all other pertinent laws and ordinances of the CITY OF HALEYVILLE regulating construction shall be complied with in the pursuit of this work whether or not specified herein.

PERSON OR FIRM MAKING APPLICATION

_____ Name
_____ Address

_____ City
_____ State

Phone # () _____ Is applicant a Licensed Contractor? Yes No

State of Alabama Registration Number # _____

SITE LOCATION

_____ Address

_____ Lot
_____ Block _____ Survey

_____ Section
_____ Township _____ Range

WORK CLASSIFIED

_____ Residential _____ Commercial _____ New Construction _____ Addition

_____ Alterations

_____ Structural Repair _____ Relocate _____ Other(Specify)

SIZE

Number of Stories Max. Length Max. Width Max. Height

	Basement	1st Fl.	2nd Fl.	3rd Fl.	4th Fl.	5th Fl.	TOTAL
Area Per Floor							
Live Load Cap.							

OCCUPANCY

Proposed Use Of Building
List Number Of Separate Units Or Occupancies
List Materials Stored Or Processed In Building
Type Heat To Be Provided Gas Electric Other

Will Building Or Premises Include:	Included in General Contract?
Automatic Sprinkler System <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Air Conditioning <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Elevators (How Many?) _____ <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Accessory Structures <input type="checkbox"/> Yes <input type="checkbox"/> No	Specify _____
Other <input type="checkbox"/> Yes <input type="checkbox"/> No	Specify _____

PLOT INFORMATION

Plot Area (in SQ FT) _____ Plot Width - Front _____ Rear

Length of Sides 1. _____ 2. _____

Number of Off Street Parking Spaces Provided _____ Number of Off Street Loading Spaces

Number of Employees On Maximum Working Shift

Are Any Structures Presently Located On Plot? Yes No Explain

OWNER

Address

State

Name

City

Phone # ()

PLANS DRAWN BY

____ Architect ____ Engineer ____ Designer

Address

State

Name

Address

City

Phone # ()

Is Architectural or Engineering Supervision Included? ____ Yes ____ No

By Whom?
Architect? ____ Engineer? ____

State Of Alabama Registration Number # _____ Phone # ()

ADDITIONAL INFORMATION

BUILDING PERMIT NO. _____ CODE ENFORCEMENT OFFICER APPROVAL
PARCEL I.D. _____ ZONING DISTRICT _____ SIGN DISTRICT

OTHER

CERTIFICATION

I HEREBY CERTIFY: that I have read this application and that all information contained herein is true and correct: That I agree to comply with all City of Haleyville ordinances and state laws regulating building construction; that I am the owner or authorized to act as the owner's agent for the herein described work; and that the total contract or valuation is:

\$ _____ NAME OF COMPANY
DATE _____ FEE \$ _____ SIGNATURE