

ORDINANCE NO. 907

ZONING ORDINANCE OF WINFIELD, ALABAMA

Prepared under the Direction
of the
City of Winfield Planning Commission

ZONING ORDINANCE OF THE CITY OF WINFIELD, 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 WINFIELD, 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 Winfield, Alabama, as follows:

ARTICLE I. IN GENERAL

Section 1. Short Title.

This ordinance shall be known as the "Zoning Ordinance of Winfield" and the map herein referred to, identified by the title "Zoning Map of Winfield" shall be further identified by the signature of the Mayor of the City of Winfield and attested by the City Clerk and shall show thereon the date of adoption of this ordinance. The Zoning Map of Winfield 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, Le. that which is more restrictive shall apply.

Section 3. Repeal of Conflicting Ordinances.

All 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of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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:

about, 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 Winfield, 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, chimney's, 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 Winfield, Alabama.

commission or planning commission. The Planning Commission of Winfield, 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 Winfield, 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, serving, adjusting or equipping of automobiles or other similar types of vehicles or equipment.

gasoline service stations. Any buildings, structure or Vid 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 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 my 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 Ad 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 Winfield, 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 brick or concrete block laid from the foundation to the first floor level, around the entire perimeter of the home.

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.

manufactured home parks. The general requirements governing the construction, maintenance, equipment and operation of trailer courts are regulated by the Alabama State Health Department under title 22, Sections 3,7, 75 and 85, Code of Alabama, 1940 (Recompiled 1958) as last amended.

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

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.

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 riot 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.As, 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 head room 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.

this ordinance. The Zoning Ordinance of Winfield, Alabama.

travel trailer. A structure that is intended to be transported over the streets, either as a motor vehicle or attached to or hauled by a motor vehicle and is designed for temporary recreational use as sleeping quarters but that does not meet the defined criteria of a mobile home.

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 patches 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 Winfield, 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 1V. 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 of 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. 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 34. 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 a building area prohibited in the district in which the housing project is to be located unless otherwise provided herein.

Section 35. Additional Requirements for Manufactured Homes.

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

Sections 36. Procedure for Annexed Areas.

In the case of future annexations by the City of Winfield, 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 37-44. Reserved.

ARTICLE IV. ZONING DISTRICT REGULATIONS
DIVISION 1. IN GENERAL

Section 45. Zoning Districts.

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

- R-1 Single Family Residential District
- R-2 Double Family Residential District
- R-3 Multi-Family Residential District
- R-4 Rural Residential District
- MN-1 Mobile Home District
- B-1 Central Business District
- B-2 Highway Commercial District
- B-3 Downtown Central Business District
- M-1 Light industrial District
- M-2 Heavy Manufacturing District
- FP-1 Flood Plain 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 Winfield. 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 ally 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.

DIVISION 2. RESIDENTIAL DISTRICTS

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

District Intent. This R-1 Single Family Residential District is intended to include those quite low density residential neighborhoods characterized by single family homes on large lots, plus certain areas where similar residential development is likely to occur.

PERMITTED USES. Single family dwellings, churches, parks and playgrounds, public elementary and secondary schools, kindergartens, (public and private) and Hospitals. Those accessory uses and structures found by the Planning Commission to be pertinent to the principle structure or use. Those uses found by the Planning Commission to be in character with the district.

PROHIBITED USES. 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 106 feet.

MINIMUM YARD SIZE: Front, 30 feet; rear, 10 feet; sides, 10 feet; 40 feet rear yard; Side yard street, 30 feet.

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

OFF-STREET PARKING: Whenever the following structures are erected or reconstructed they shall be provided with off-street parking on the same lot as the main building in accordance with the following minimum requirements:

a. Single Family Dwellings – One (1) parking space for each single family dwelling unit.

b. Churches – One (1) parking space for each five (5) seats provide -d in the main auditorium.

c. Schools and Public Buildings – parking shall be adequate for employees and the public.

SIGN REQUIREMENTS:

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

District Intent. This district is intended to include those quite medium density residential neighborhoods characterized by a co-mingling of single, and two-family dwellings, plus certain areas where similar development is likely to occur.

PERMITTED USES: Single family dwellings (detached), Double family dwellings, Churches, Parks and Playgrounds, Public, elementary and secondary schools, Kindergartens (Public and Private), Hospitals, doctors and dental clinics. Accessory structures and uses pertinent to the principle structure and use. Those uses found by the Planning Commission to be in character with the district.

PROHIBITED USES: Commercial and Industrial uses, including parking lots or parking areas in connection with these uses, Mobile Home Parks and uses not specifically permitted.

SPACE AND HEIGHT REGULATIONS

MINIMUM LOT SIZE. Minimum required lot area - Single Family Dwellings 7,500 sq-ft. Double-Family Dwellings 9,500 sq. ft Single Family dwellings the lot width shall not be less than 50 feet at any point. Double Family dwelling the lot width shall not be less than 100 feet at any point.

MINIMUM YARD SIZE: Front, 30 feet; rear, 40 feet interior side yard 5 feet; street side yard, 30 feet: -

MAXIMUM HEIGHT: Thirty-five (35) feet, or 2 1/2 stories.

OFF-STREET PARKING: Whenever the following structures are erected or reconstructed they shall be provided with off-street parking on the same lot as the main building in accordance with the following minimum requirements:

a. Single Family Dwellings - One (1) parking space for each single-family dwelling unit.

b. Two-family Dwelling Units - One (1) parking space for each family unit.

c. Churches - One (1) parking space for each five (5) seats - provided in the main auditorium.

d. Schools and Public Buildings - parking shall be adequate for employees and the public.

SIGN REQUIREMENTS:

Section 57. R-3 Multi-family Residential District

District Intent. The R-3 Multi-family Residential District is designed for multi-family dwellings, as well as single family homes. The district also allows institutional and accessory uses common to residential neighborhoods.

PERMITTED USES: Single family dwellings (detached), Double family dwellings, Multi-family dwellings, Churches, Parks and Playgrounds, Public, elementary and secondary schools, Kindergartens (Public and Private), Hospitals, doctors and dental clinics, and Golf Course. Accessory structures and uses pertinent to the principle structure and use. Those uses found by the Planning Commission to be in character with the district.

PROHIBITED USES: 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 - Single Family Dwellings 7,000 sq. ft. Double Family Dwelling - 9,000 sq. ft. Multi-family dwelling-8 - 9,000 sq. ft. for the

first two family units plus 2,000 sq. ft. for 6'ach additional unit, Single Family dwellings - the lot width shall not be less than 50 feet at any point. Double Family dwelling - the lot width shall not be less than 65 feet at any point. Multi-family dwellings - for each additional family unit over two, an additional 5 feet shall be added to minimum width requirements for double family dwellings.

MINIMUM YARD SIZE: Front 30 feet: rear, 35 feet; sides, 8 feet; Side yard street, 30 feet.

MAXIMUM HEIGHT: 35 feet or 2 112 stories.

OFF-STREET PARKING: Whenever the following structures are erected or reconstructed they shall be provided with off-street parking on the same lot as the main building in accordance with the following minimum requirements:

a. Single Family Dwellings - One (1) parking space for each single-family dwelling unit.

b. Two-family Dwelling Units - One (1) parking space for each family unit.

c. Multi-family Dwellings Four (4) parking spaces for the first two-family units, plus one (1) parking space for each additional family unit.

d. Churches - One (1) parking space for each five (5) seats provided in the main auditorium.

e. Schools and Public Buildings - parking shall be adequate for employees and the public.

SIGN REQUIREMENTS:

Section 58. R-4 Rural Residential District

This district is intended to protect and preserve areas of Winfield which are presently rural, agriculture, or woodland in character and use. The standards developed for these areas are designed to permit development compatible with the preservation of their rural character and agricultural and woodland use while not permanently foreclosing future developments. When public services become available and/or studies demonstrate a demand for development, any portion of the Rural District may be rezoned as provided in the Zoning Ordinance of the City of Winfield.

LOT SIZE: Five (5) Acres.

Section 59. MH-1 Mobile Home District.

This district exists for the purpose of providing for the establishment of mobile home developments in areas not presently zoned for such uses and to minimize any detrimental effects of such developments on existing land uses.

USES REGULATION

PERMITTED USES: Mobile home park facilities, accessory structures necessary to the operation of the park to provide for the permanent or temporary parking of mobile homes.

PROHIBITED USES: All uses not specifically permitted.

SPACE AND HEIGHT REGULATIONS

MINIMUM SITE SIZE: The minimum site shall be four (4) acres with a minimum width of 100 feet along a major street.

Minimum Lot Size: Each mobile home, lot shall have a minimum of 5,000 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 homes shall be located with a minimum setback of fifty feet (50) feet from any street right of way or twenty feet (20) from any other boundary line. There shall be a ten (10) foot set back from roads within the park. No mobile home shall be closer to any other mobile home than thirty (30) feet and no mobile home shall be placed less than five (5) feet from the lot line and the end to end spacing of not less than fifteen (15) feet between mobile homes.

MAXIMUM NUMBER: The maximum number of mobile homes per acre shall not exceed eight (8).

HEIGHT REQUIREMENTS: No building or structure erected or altered shall exceed one story or fifteen (15) feet.

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 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 shall be submitted to and approved by the Marion County Health Department Inspector.

APPLICATION FOR AMENDMENT. Application for amendment of the Zoning Map of the City of Winfield 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.

Sections 60 – 64. Reserved.

DIVISION 3. BUSINESS DISTRICTS

Section 65. B-1 Central Business District.

District intent. This district is intended to include those uses providing retail, governmental, and exchange services and those wholesaling, warehousing, processing, and manufacturing uses that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, traffic, etc.

PERMITTED USES. Retail establishments providing goods and services; such as grocery, drug, hardware, variety stores and similar uses; hotels, motels and restaurants. Office and bank uses, processing and manufacturing, wholesaling, bulk storage of non-combustible materials, automobile service, repair and salvage storage must be confined within the building.

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

PROHIBITED USES: Other uses not specifically permitted.

SPACE AND HEIGHT REGULATIONS.

MINIMUM YARD SIZE: Rear yard depth - minimum of 20 feet.

MAXIMUM HEIGHT: 65 feet or five (5) stories.

OFF-STREET LOADING AND UNLOADING: Loading and unloading facilities shall be provided so as to not block any public way.

Section 66. B-2 Highway Commercial District.

District intent. This district is designed to accommodate commercial uses and other similar uses whose function depends upon easy and efficient access from and to the highway.

PERMITTED USES. Retail establishments providing goods and services, Office buildings and uses, Automotive service stations, Hotels, Motels, Tourist courts, Mobile Home Sales and Veterinarian clinics.

USES PERMITTED ON APPEAL: 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 or salvage, grist or flower mills, junk and scrap paper, rag storage and bailing, stone and monument works, residential uses, and any use prohibited in a M-1 Industrial District.

SPACE AND HEIGHT REGULATIONS.

MINIMUM LOT SIZE: It is the intent of the ordinance that lots of sufficient size be used for any business or service use to provide adequate parking adjacent to the highway and adequate loading space in addition to the space required for the other normal operations of the business or service. Maximum lot coverage shall not exceed 50 percent of the lot area.

MINIMUM YARD SIZE: Front building line must be a minimum of -fifty (50) feet from the property line. Rear yard depth a minimum of 15 feet from the property line. Side yards a minimum - width between unconnected buildings shall be 15 feet. When a commercial use district abuts a residential use district, a 25 foot side yard shall be required.

MAXIMUM HEIGHT: 65 feet or five (5) stories.

OFF STREET LOADING AND UNLOADING: Each establishment shall provide adequate space in the rear or the building for loading and unloading all vehicles or trucks incidental to the operation of the business or use and not in the public Right-Of Way.

Section 67. B-3 - Downtown 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 Downtown 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.

PERMUTED 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, theaters 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 pedestrians or vehicle traffic in the district.

Sections 68-74. Reserved.

DIVISION 5. LIGHT INDUSTRIAL DISTRICT

Section 75. M-1 Light Industrial District

District intent. The Light Industrial District permits industrial uses, but gives the Planning Commission review of where certain types of industry are placed, so as to prevent as near as possible negative impacts on adjacent inhabitants and existing uses.

PERMITTED USES. Industrial and manufacturing operations which are 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; ice plants; bottling and central distribution plants; warehouses; baking plants; textile mills; dry cleaners and laundries; and similar types of businesses and industries.

USES PERMITTED ON APPEAL. Any manufacturing or business not specifically prohibited herein, including metal fabrications, food or meat processing, packaging plants, dyeing plants, slaughterhouses, stockyards—and any other use which the Board of Adjustment may require in order to preserve and protect portions of the City which could be adversely affected.

PROHIBITED USES. Residences, apartments, manufactured homes, except quarters for a watchman or custodian; tanning or storage of hides, distillation of bones, fat rendering, manufacture of acetylene, acid, alcohol, ammonia, bleaching powder, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas including storage of same, paint, varnish, soap, turpentine, tar products, wool pulling or scouring, cotton waste reclaiming or 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, none specified; except where existing establishments (other than residential) are set back, any new structure shall be set back not less than the average of the setbacks of the existing establishments within one hundred (100) feet each side thereof. Side yards, none specified; excepting a lot, adjoining on its side lot line another lot which is in a residential district, there shall be a side yard not less than twenty (20) feet wide. Rear yard, none; unless abutting residential district, in which case 25 feet is required.

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

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.

Section 76. M-2 Heavy Manufacturing.

This industrial district is established to provide areas in which the principal use of the land is for manufacturing, assembling, fabrication and for warehousing. These uses do not depend primarily on frequent visits of customers or clients, but usually require good accessibility to major rail, or street transportation routes.

PERMITTED USES: Any use permitted in the M-1 district, any industrial use except those uses that 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 the conditions and safeguards as the Planning commission may require to preserve and protect any portions of the city which otherwise could be adversely affected.

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

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. No structure may cover more than 80 percent of the lot area.

MINIMUM YARD SIZE: Front yard, All buildings shall be set back from all street right-of-way lines not less than 35 feet. Side yards, no building shall be located closer than twenty-five(25) feet to a side lot line: excepting a lot, adjoining on its side lot line another lot which is in a residential district, there shall be a side yard not less than seventy-five (75) feet wide. Rear yard, no building shall be located closer than twenty-five (25) feet to the rear lot line, unless abutting a street or a residential district, in which case shall not be less than 50 feet is required.

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

The Planning Commission may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation requires greater height.

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 77-79. Reserved.

DIVISION 6. FLOODWAY DISTRICT

Section 80. FP-1 Floodway District Requirements

District Intent. The Floodway District as shown on the Roadway Boundary and Floodway Map (FBFM) effective July 5, 1982, produced by the Federal Emergency Management Agency (FEMA) for Winfield, 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 pei Hated 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 Winfield, 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 Winfield 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.

Sections 81-84. Reserved.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 85. Enforcing Officer.

The provisions of this Ordinance shall be administered and enforced by the review and evaluation process of the Planning Commission, the City Clerk and/or designated person appointed to fulfill those duties. This official and/or Planning Commission members shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of building or premises necessary in carrying out the duties in the enforcement of this Ordinance.

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 notified the City Clerk and/or designated person that a building or premises or pt 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.

No variance may be granted for a use of land, building or structure that is not permitted by this Ordinance.

(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/her 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 decision& 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 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 on 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.

Section 24. Effective Date.

This ordinance shall be in force and effect from and after its passage, adoption and publication or otherwise becoming law.

ORDAINED this the _____ day of _____, 2011.

CITY COUNCIL OF CITY OF WINFIELD

By: _____
Mayor

ATTEST:

Candace Reed, City Clerk

Approved this the _____ day of _____, 2011.

Wayne "Rebel" Silas, Mayor