Zoning Ordinance for the City of Gulf Shores

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As Amended By Ordinance No. 1827

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ZONING ORDINANCE
FOR THE CITY OF GULF SHORES, ALABAMA

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ORDINANCE NO. 1584

ZONING ORDINANCE OF THE CITY OF GULF SHORES, ALABAMA

CITY OF GULF SHORES, ALABAMA

AN ORDINANCE TO REGULATE AND RESTRICT THE ERECTION, RECONSTRUCTION, ALTERATION, LOCATION AND USE OF BUILDINGS, STRUCTURES, LAND AND WATER, FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE SIZE OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, THE SIZE AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; TO REGULATE AND RESTRICT BUILDING LINES AND THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, AND THE DENSITY OF POPULATION, AND FOR SAID PURPOSES TO DIVIDE THE CITY OF GULF SHORES INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS, AND FOR EACH SUCH DISTRICT TO IMPOSE REGULATIONS AND RESTRICTIONS DESIGNATING THE KINDS OR CLASSES OF TRADES, INDUSTRIES, RESIDENCES OR OTHER PURPOSES FOR WHICH BUILDINGS OR OTHER STRUCTURES OR PREMISES MAY BE PERMITTED TO BE ERECTED, ALTERED OR USED; TO PROVIDE A METHOD FOR AMENDMENT, SUPPLEMENT, CHANGE, MODIFICATION AND REPEAL OF REGULATIONS, RESTRICTIONS AND BOUNDARIES; TO PROVIDE A METHOD OF ADMINISTRATION; TO PROVIDE A BOARD OF ZONING ADJUSTMENT AND PRESCRIBE ITS POWERS AND DUTIES, AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND ALSO PROVIDE FOR ITS ENFORCEMENT AND REPEALING ALL ORDINANCES IN CONFLICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA,
WHILE IN REGULAR SESSION AT THE GULF SHORES CITY HALL ON DECEMBER 14, 2009, AS FOLLOWS:

Funding for this project provided by the Alabama Department of Conservation and Natural Resources, State Lands Division, Coastal Section, in part, by a grant from the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, Award # ***NA04NOS4191091.***

ARTICLE 1: GENERAL PROVISIONS

§1-1. Authority and Enactment Clause.

The City Council of the City of Gulf Shores, Alabama, hereinafter referred to as "the Council", in pursuance of the authority granted by Title 11, Chapter 52, Article 4, Sections 70-84 inclusive, Code of Alabama, 1975, hereby ordains and enacts into law the following sections.

§1-2. Short Title.

This Ordinance shall be known as and may be cited as "The Zoning Ordinance of the City of Gulf Shores, Alabama."

§1-3. Purpose.

The zoning regulations and districts as herein set forth are made in accordance with a comprehensive plan for the purposes of guiding development to meet existing and future needs and to protect, promote and improve the public health, safety, convenience, order, prosperity, and general welfare of the residents. These regulations are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations are made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, and conserving the value of land, Buildings and Structures.

§1-4. Scope.

No Building, Structure, or land shall hereafter be used, occupied, and no Building, Structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations of this Ordinance for the district in which it is located, except as otherwise provided herein.

§1-5. Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of Buildings or Premises or upon the height of Buildings, or requires larger Open Spaces than are imposed or required by other Ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall control. If because of error or omission in the zoning map any property in the City is not shown as being in a zoning district, the classification of such property shall be R-1-1 unless changed by amendment to the zoning map or by subsequent Zoning Ordinances.

§1-6. Validity.

In the event any court of competent jurisdiction should hold that any Article, Section, Subsection, Paragraph or Item, clause or provision of this Ordinance is invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

§1-7. Re-enactment and Repeal of Previous Zoning Ordinance.

This Ordinance amends and in part carries forward by re-enactment some of the provisions of the Zoning Ordinance of the City of Gulf Shores, adopted on February 18, 1963, as amended, and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the City of Gulf Shores adopted on February 18, 1963, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning resolution heretofore in effect, which are not pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of the existing Zoning Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

§1-8. Effect Upon Outstanding Building Permits.

Nothing herein contained shall require any change in the plans, size, construction or designated use of any Building, Structure or part thereof for which a Building Permit had been granted by the City before the time of passage of this Ordinance; provided, that where

construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this Ordinance or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction or use shall be in conformance with the provisions of this Ordinance.

ARTICLE 2: USING THIS ORDINANCE

§2-1. Organization.

This Ordinance is organized as follows:

A. For purposes of organization, this Zoning Ordinance, is divided into twenty-two (22) Articles. The Article designation number represents the first digit (or two as the case may be) of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number §6-4A1, the digit "6" represents the Article.

B. Each Article within the Zoning Ordinance is subdivided into several major headings known as Sections, which are represented by the second digit; e.g., in the reference number §6-4A1, the digit "4" represents the Section.

C. Each Section within the Zoning Ordinance is subdivided into Subsections, which are represented by the upper-case letter following the Section designation number; e.g., in the reference number §6-4A1 the letter "A" represents the Subsection.

D. Each Subsection within the Zoning Ordinance may be subdivided into Paragraphs, which are represented by the digit following the Subsection designation; e.g., in the reference number §6-4A1 the digit "1" represents the Paragraph.

E. Each Paragraph may be subdivided into Items, which are represented by the lower-case letter following the Paragraph designation; which may then be further subdivided as (1), (2), (3)... (a), (b), (c)…and (i), (ii), (iii)…

§2-2. Internal Referencing.

All references to Articles, Sections, Subsections, Paragraphs and Items within this Ordinance shall refer to Articles, Sections, Subsections, Paragraphs and Items in this Ordinance unless otherwise specified. When an Article, Section or other subdivision is referenced within a provision or requirement of this Ordinance, unless otherwise specified, all subdivisions within such reference shall be assumed to be applicable.

§2-3. Page Numbering.

Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.

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ARTICLE 3: ADMINISTRATION

§3-1. General Procedure.

A. General Sequence of Steps. All persons desiring to undertake Excavation, new construction, Structural Alteration, or changes in the use of a Building or Lot shall apply to the Building Official for a Building Permit by filling out the appropriate application form and by submitting the required fee. Where no Excavation, new construction, or Structural Alteration is to occur, but where a new use or new occupancy is to occur on an existing Premises, a Certificate of Occupancy shall be required. The Zoning Official will then either issue or refuse the Building Permit or Certificate as appropriate or refer the application to the Council or BZA. After the Building Permit has been issued to the applicant, the applicant may proceed to undertake the action permitted in the Building Permit. If the Building Official finds that the action of the applicant has been taken in accordance with the Building Permit, or where no construction is proposed and the desired occupancy conforms with this Ordinance, a Certificate of Occupancy shall then be issued allowing the Premises to be occupied.

B. Other Reviews or Permits Required. Certain development requests may also require Conditional Use Permits (CUP), Site Plan Review, Variances, and/or Land Disturbing Activity Permits. Procedures for Variances by the BZA are described in Article 17. All other permits and review procedures are described in this Article.

C. Zoning Official. The Director is hereby designated to be the Zoning Official. It shall be the duty of the Zoning Official to enforce and administer the provisions of this Ordinance and to interpret the meaning of the Ordinance in the course of enforcement. He may delegate the responsibility for the enforcement and administration of this Ordinance to members of his staff.

§3-2. Building Permit and Land Disturbing Activity Permit Required.

No Building or Structure shall be erected and no existing Building shall be moved, altered, added to, or enlarged until a Building Permit therefore has been issued by the Building Official. No Excavation, grading, or similar land disturbing activity shall occur until a Land Disturbance Permit has been issued by the Public Works Department.

A. Building Permit Types. Under the terms of this Ordinance, the following classes of Building Permits may be issued:

1. Permitted Use: A Building Permit for a permitted use, including permitted uses subject to Article 11 Specific Use Regulations, may be issued by the Building Official only upon confirmation from the Zoning Official that the proposal is in conformance with the Zoning Ordinance.
2. Conditional Use/Site Plan Review: A Building Permit for a Conditional Use or for a use subject to Site Plan Review may be issued by the Building Official only upon approval of the Conditional Use or Site Plan in accordance with the applicable provisions of this Article.
3. Building Permit After an Appeal or a Request for a Variance: A Building Permit may be issued by the Building Official only upon the order of the BZA in accord with §17-4 and §17-6, respectively.

B. Submission Requirements. Applications shall be accompanied by drawings in accord with the Application Requirements provided by the CDD.

C. Land Disturbing Activity Permit. A Land Disturbing Activity Permit may be issued by the Public Works Department only upon confirmation by the Zoning Official that the proposal is in conformance with the Zoning Ordinance and Subdivision Regulations. Applications shall be accompanied by drawings in accord with the Application Requirements provided by the CDD.

D. Expiration. Building and Land Disturbance Permits shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. An unexpired permit may be extended, upon approval by the Building Official, for a period of no more than 180 days. A permit shall not be extended more than once.

§3-3. Site Plan Review.

A. Purpose. The economy of Gulf Shores is dependent upon its continued appeal as a Beach resort community and its ability to attract tourists and other visitors. The community is located in a fragile coastal environment, which is highly sensitive to development pressures. Therefore, to ensure that the development of certain uses are properly guided, Site Plan Review shall take into account the following objectives:

1. Future development must be harmonious with the beach resort character of the community;
2. Future development must not adversely affect the City's physical infrastructure;
3. Future development must be compatible with the natural environment; and,
4. Future development must not be otherwise harmful to the health, safety, morals and general welfare of residents and visitors.

B. Site Plan Review Required. Site Plan Review will be required according to the following schedule.

1. All uses requiring a Conditional Use Permit (CUP) shall receive Site Plan Review and approval concurrently with the processing of a CUP through the Commission and Council.

2. All Multiple-family Dwellings shall receive Site Plan Review and approval through the Commission.

3. For business and industrial related uses, Site Plan Review and approval through the Commission shall be required for all commercial Structures which have a GFA in excess of 2,500 sf and industrial Structures having a GFA in excess of 10,000 sf.

4. For business and industrial related uses containing a GFA which is less than the minimums stated immediately above, an administrative Site Plan Review and approval through the CDD shall be required. The final decision of the CDD in performing this review shall rest with the Zoning Official. An applicant may choose at any time, via written request, to waive the CDD review process in favor of review and approval through the Commission.

C. Submission Procedure.

1. Prior Compliances and Approvals. An application for a Site Plan Review shall be made to the CDD prior to an application for a Building Permit.

   a. Except as otherwise required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for Site Plan Review. At his discretion, the Zoning Official may waive this requirement in whole or in part to allow the processing of permit applications at various other levels of government to proceed coincidentally with Site Plan Review. This permission must be obtained in writing from the Zoning Official and shall not prejudice the City's decisions in any way with regard to the standards of acceptance of the Site Plan Review.

2. Staff Review. Upon receipt of a Site Plan application, the Zoning Official shall have ten (10) working days to determine the appropriateness and completeness of the information presented in the submission and accept or reject the application. This decision shall not be taken as approval or disapproval of the Site Plan itself. Within thirty (30) working days after receipt of a Site Plan Review application, the Zoning Official shall refer said application, together with all supporting documentation and staff recommendations, to the Commission for its review and recommendations.

3. Consultants Review. The City may, if in its opinion it is necessary, retain consultants to assist in the review of an application for Site Plan Review. The cost of retaining said consultants shall be borne by the applicant.

4. Planning Commission Review.

   a. Upon receipt of said application, the Commission shall within sixty (60) working days of the original acceptance date by the City review said Site Plan and: 1) approve it as submitted, 2) approve it subject to conditions, or 3) disapprove it. The applicant may appeal the decision of the Commission to the Council in accord with §3-3G.

5. Revision. The applicant may elect to revise his Site Plan submission at any time in the review process. He shall submit a letter of intent to revise to the Zoning Official who, upon receipt of the letter, will halt the normal review processing. Within fifteen (15) days after receiving revised documents, the Zoning Official will review the revisions and forward his comments and recommendations to the reviewing authority. Each of the reviewing bodies shall have thirty (30) working days to act on the revised Site Plan and the entire review process shall be similarly extended in time.

6. Building Permit and Expiration of Site Plan.

   a. Upon Site Plan approval, the Building Official may, upon application, issue a Building Permit for a portion or all of the proposed development after he finds that the application is in compliance with all applicable City, County, State, and Federal requirements.

   b. If within twelve (12) months of the date of approval of an application for Site Plan Review a Building Permit has not been obtained, the approved Site Plan becomes null and void. Site Plan shall also become null and void upon expiration of the Building Permit.

   c. Prior to the prescribed expiration date, if no changes have been requested regarding the approved Site Plan and no changes have occurred to the Zoning Ordinance or Map, which would make the approved Site Plan nonconforming in any way, an extension of no more than six (6) months may be approved by the Zoning Official.

   d. Reauthorization Clause. Within 30 days following the prescribed expiration date, the applicant may request in writing the reauthorization of a previously approved Site Plan. The applicant must attest that no changes

will be made from the approved Site Plan application. The request shall be subject to the payment of the required Site Plan fee.

e. Where any changes have occurred regarding the approved Site Plan or to the Zoning Ordinance or Map, which would make the approved Site Plan nonconforming, the previously approved Site Plan shall expire and a new Site Plan shall be submitted in accord with the provisions of this Section together with the required fee.

7. Changes After Approval.

a. Minor changes to an approved Site Plan may be authorized by the Zoning Official to overcome unanticipated hardships or conditions provided that such minor changes:

(1) are not inconsistent with provisions of this Ordinance;

(2) are not inconsistent with the design concept of the approved Site Plan;

(3) do not add additional Stories in height;

(4) do not add additional Dwelling Units.

b. Other changes or amendments to an approved Site Plan shall be submitted to the reviewing authority for approval.

D. Public Hearing. A public hearing is not required during the Site Plan Review process.

E. Findings. The granting or denial of approval by written Resolution of the reviewing authority shall include not only conclusions but also finding of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes and/or special conditions or for disapproval, and said Resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

1. In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the applicable district.

2. In what respects the plan is or is not in conformance with all applicable regulations of the applicable district.

3. In what respects the plan is or is not in conformance with the City's Subdivision Regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other Essential Services or facilities.

4. In what respects the plan is or is not consistent with good design standards in respect to all external relationships, including but not limited to:

a. Relationship to Adjacent properties;

b. Internal circulation, both vehicular and pedestrian;

c. Design of access and egress and impact on Adjacent Thoroughfares;

d. Disposition and use of Open Space, provision of Screening and/or Buffering, and preservation of existing natural features including trees, Wetlands, and Dunes;

e. Size and apparent Bulk of Structures;

f. Building arrangements both between Buildings in the proposed development and those on Abutting sites.

5. In what respects the plan is or is not in conformance with City policy in respect to sufficiency of ownership, guarantees for completion of all required Improvements and, if private, the guarantees for continued maintenance.

F. Submission Requirements. Applications shall be accompanied by narratives, drawings, and other information as required by the CDD. The Zoning Official may waive submission requirements if, in his opinion, the requirements are not essential to a proper decision on the project or the Zoning Official may establish additional requirements for Site Plans to clarify the nature of proposed development.

G. Appeals to the City Council. Applicants shall have no more than fifteen (15) working days in which to file an appeal to the Council regarding the decision of the Commission on a Site Plan application. The appeal shall be submitted in writing to the CDD and shall state the reasons for the appeal and the relief sought from the Commission's decision. A simple majority of vote of the Council members present, establishing a quorum for the meeting, is required to approve or deny an appeal or relief from the Commission's decision.

§3-4. Conditional Use Permit (CUP).

Conditional Uses shall only be permitted if issued a Conditional Use Permit (CUP) in accordance with the following procedures.

A. Application. The applicant shall complete an application as required in §3-3 for Site Plan Review. Only applications for uses specifically listed as subject to approval of a CUP shall be considered. The applicant shall provide a narrative describing the need for the intended Conditional Use and how the subject proposal is a positive improvement for the City and its residents.

B. Review of the Application, Submission Requirements.

1. The application shall be processed as required for Site Plan Review in §3-3.
2. Applications shall be accompanied by narratives, drawings, and other information as required by the CDD.
3. Public Notice. See §3-7 Public Hearings and Notice.

C. Standards for Approval. The Commission shall review the application with respect to each of the following factors and either recommend approval, approval with conditions, or denial of the application to the Council:

1. Whether or not the proposed site development plan is in accordance with applicable requirements of this Ordinance, including that the proposed use is designated as a Conditional Use within the Applicable District
2. Whether or not the development plan has received all required state and federal approvals and permits
3. Whether or not the proposed site development plan is compatible with the goals and stated plans of the City and other governmental agencies for the area, as applicable
4. Whether or not the proposed use provides economic benefits and enhances the economic vitality of the surrounding area
5. Whether or not the proposed use, if granted, would burden the infrastructure and street system of the City
6. Whether or not the proposed use would diminish environmental quality of natural resources
7. Whether or not the proposed use and Site Plan would be compatible with surrounding uses and Buildings by virtue of its Massing, height, relationship to the street, and architectural character
8. Whether the use would cause any injury to the value of other property in the vicinity
9. Whether the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected from any noise, vibration, odor, Glare, traffic, or other impact that may be caused by the use
10. Whether or not the proposed Building would meet the architectural standards of the City and design guidelines, as applicable
11. Adequacy of Landscaping and Screening provided to protect neighboring properties from any visual intrusions, activities or Structures that would detract from the enjoyment of neighboring property
12. Adequacy of parking and Loading arrangement, including whether ingress and egress is so designed as to cause minimum interference with traffic on Abutting streets, and that heavy traffic is not introduced on residential streets
13. Public amenities provided on the site
14. Other factors determined to be relevant by the Commission

In granting any CUP, the City may prescribe appropriate conditions and safeguards. Violations of such conditions and safeguards, when made a part of the terms of the Conditional Use Permit, shall be deemed a violation of this Ordinance.

D. City Council Review. The Council shall consider the recommendation of the Zoning Official and the Commission, review the standards for approval or disapproval of the application, and shall take action on the application. The Council may approve the application, approve with conditions, or deny the application.

E. Limitation on Re-Submission. If an application for a CUP is denied, it shall not be reconsidered in the same form for a period of twelve (12) months from the date of the public hearing at which it was denied. An applicant may petition the Zoning Official for reconsideration of an application in less than twelve (12) months if the application is substantially changed and has eliminated issues related to the previous denial. This decision is at the sole discretion of the Zoning Official.

F. Expiration. A CUP shall expire and become null and void if not acted upon within twelve (12) months from the date of issuance. The permit shall be deemed to have been "acted upon" when a completed application for a Building Permit (or Certificate of Occupancy where applicable) has been received by the Building Department in conjunction with the CUP. If said Building Permit expires (see §3-2D Expiration) at any time after the twelve (12) month period, the CUP shall be voided. A CUP shall also be deemed expired when the use for which the CUP was issued becomes inactive for a continuous period of twelve (12) months. See Building Permit and Expiration of Site Plan, §3-3C6.

§3-5. Certificate of Occupancy.

Except as provided in Subsection A below, no Building or Structure hereafter erected, converted, or structurally altered shall be used, occupied, or changed in use and no associated land may be used until and unless the Building Official shall have issued a Certificate of Occupancy upon completion of all construction and required site work.

A. Upon written request of an owner or proposed occupant, and payment of a non-refundable processing fee of

$100.00 or such other fee amount as may be fixed by resolution of the City Council from time to time, the Building Official with the prior approval of the Zoning Official may issue a Temporary Certificate of Occupancy for a Building or Structure on which construction or site work is still ongoing but is substantially completed to allow use or occupancy of the affected Building or Structure and site pending completion of all construction and required site work. Such Temporary Certificate of Occupancy, if issued, shall be valid only for the period of time specified in the Certificate but in no event for a period exceeding thirty (30) days for a detached residence and forty-five (45) days for any other Buildings or Structures. In addition to such other necessary or appropriate terms and conditions as may be imposed in such certificate by the Building Official and Zoning Official in their good faith discretion, each Temporary Certificate of Occupancy shall be issued and conditioned on the written agreement of the owner or proposed occupant to the payment to the City of a fee as prescribed below, and all costs and expenses of collection in connection with such fee, for each day of use or occupancy of the Building, Structure, or site, if any, elapsing after expiration of the Temporary Certificate of Occupancy and before the issuance of a final Certificate of Occupancy.

1. For each Single Family detached residence - $50.00 per day
2. For all other Buildings or Structures - $100.00 per day

B. Unless waived by resolution of the City Council, the owner or proposed occupant shall deposit with the City at the time of issuance of the Temporary Certificate of Occupancy an additional amount in cash or other collected funds computed by multiplying the number of days for which the certificate will be valid by the appropriate daily fee rate specified above. Such deposit shall be applied by the City against any fee owing as a result of failure to secure a final Certificate of Occupancy or to discontinue all use and occupancy of the Building or Structure and associated site prior to the expiration of the Temporary Certificate of Occupancy. Any amounts not so applied shall be refunded at the time of issuance of a final Certificate of Occupancy.

C. The fee provided for under this Subsection A is an administrative charge and not a penalty in lieu of the criminal penalties otherwise provided for violation of this Ordinance under §3-9 Enforcement. Each day of use or occupancy of a Building, Structure, or site after expiration of a Temporary Certificate of Occupancy and before issuance of a final Certificate of Occupancy shall be subject both to the assessment of the administrative fees provided in this Subsection A and to the criminal penalties provided under §3-9 Enforcement.

§3-6. Zoning Amendments.

A. Procedure for Initiation. The Council may from time to time amend, supplement or repeal the provisions of this Ordinance or rezone land upon initiation in one of the following ways: a) on its own motion, b) on petition from property owner(s), or c) on recommendation of the Commission.

Regardless of the source of the proposed change, the Commission must first prepare a preliminary report, hold a public hearing thereon, and submit a final report to the Council.

B. Conditional Rezoning. Upon securing agreement with the applicable property owner and as a pre-condition to rezoning, the Council reserves the right to limit the uses permissible on a property being requested to be rezoned to that use(s) proposed in the rezoning application and any similar uses which the Council determines appropriate in accord with the Comprehensive Plan and other limitations as needed to protect the health, safety and welfare of the subject area. The conditions agreed to by the petitioning landowner(s) are then legally binding on both the landowner(s) and City, providing stability for the landowners' investment interests.

C. Additional Procedural Requirements for the Beach Area, Walking Area, and Lagoon Pass Overlay District. Petitions from property owners inside the Beach Area Overlay District, the Walking Area Overlay District, and the Lagoon Pass Overlay District shall be subject to the following additional requirements:

1. A Traffic Impact Study is required for rezoning applications concerning developments with more than 200 PM peak hour trips according to the most recent edition of the ITE *Trip Generation Handbook*. The scope and analysis of the Traffic Impact Study shall follow the procedures of the American Planning Association Planning Advisory Service Report Number 387, *Traffic Impact Analysis* and other requirements of the Department of Public Works.
2. The rezoning petition shall demonstrate compliance of the site, if rezoned, with applicable requirements of Article 16, and shall be evaluated by the staff, Commission and Council as required in this Section. In addition, the consideration of the rezoning petition by the Council shall specifically evaluate the following additional factors:
   a. Satisfactory relationship and access of the site to the beach;
   b. Provision of public access to the beach;
   c. Environmental suitability of the proposed site development;

d. Capacity and availability of infrastructure serving the site (water, sewer, solid waste, and transportation);

e. Travel demand management techniques proposed;

f. Adequacy of parking and use of parking management techniques;

g. Public amenities provided on the site;

h. Proximity to other uses of similar height and Density;

i. Land use transition to nearby lower-Density uses;

j. Consistency of the planned Building and site Improvements with the Envision Gulf Shores Master Plan and related design guidelines; and

k. The degree to which the rezoning would be necessary for economically feasible redevelopment of existing obsolete, damaged, or nonconforming Structures to make them in conformity with the current development standards and construction codes.

D. Public Notice. See §3-8 Public Hearings and Notice.

§3-7. Public Hearings and Notice.

A. Planning Commission and Board of Zoning Adjustment (BZA). Before enacting any amendment to this Ordinance or Variance, a public hearing thereon shall be held by the Commission or BZA, after proper legal notice published in a newspaper of general circulation in the City, at least fifteen (15) days prior to the said public hearing.

B. Mailed Notice. At least fifteen (15) days prior to the public hearing to be held by the Commission, BZA, or Council notice shall be sent to owners of record of property lying within 750 feet of the property on which the change in zoning is requested. When the subject property is located on the north side of the Intracoastal Waterway, notice shall be sent to property owners located directly across from the subject site along the south bank of the Intracoastal Waterway for a distance equal to the subject site. Such notice shall be provided via Certified U.S. Mail to owner of record as his name and address appears on the last approved tax roll of Baldwin County.

C. Posted Notice. Property on which the change is requested shall be posted with a notice at least fifteen (15) days before the Commission or BZA hearing, or seven (7) days before the Council hearing. The posted notice shall set forth the property's present zoning, proposed zoning, the date, time and place of public hearing and shall remain in place until final determination by the Council or BZA, as applicable.

D. City Council. Within a reasonable time after receipt of the final report of the Commission, the Council shall take action on the proposed zoning amendment. Prior to enactment of any amendment, the Council shall cause the proposed amendment to be published and hold a public hearing thereon.

§3-8. Procedure for Zoning Newly Annexed Land.

A. Land newly-annexed into the City (except that property described in Subsections B and C below) shall be immediately placed into the R-1-4 District. Any change in this district classification shall be made as an amendment to this Ordinance in the manner set forth in §3-6 Zoning Amendments.

B. Those newly-annexed lands that previously existed in a Baldwin County Zoning District 30 shall immediately and automatically be rezoned upon annexation from the Baldwin County Zoning classification to a comparable City zoning classification as listed in Table 3-9.

C. Those newly-annexed lands that previously existed in Baldwin County Zoning District 25 shall immediately and automatically be rezoned upon annexation from the Baldwin County Zoning classification to a comparable city zoning classification as listed in Table 3-9 and shall be within the Fort Morgan Peninsula Overlay District (see §10-6):

D. Any development, including subdivisions and PUDs approved prior to annexation by the County or City and having prescribed area and dimensional regulations approved therewith, shall be honored by the City for the purpose of issuing Building Permits.

E. The provisions of Subsection C shall be retroactive to April 7, 1993.

§3-9. Enforcement.

A. Enforcement Officer. Upon good cause and upon presentation of proper credentials, the Zoning Official or his authorized agent may enter at any reasonable time any Building, Structure, or Premises for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the Zoning Official, or the City, or the City in his behalf, is authorized and directed to institute any appropriate action to put an end to such violation including without limitation, direct abatement, citation, or civil action to enjoin the violation.

B. Fines. For any and every violation of the provisions of this Ordinance and for each and every day that such violation continues, said violation(s) shall be punishable as a misdemeanor by a fine not to exceed Five Hundred

Dollars ($500), or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment.

C. Responsibility. Persons charged with such violation(s) may include:

1. The owner, agent, lessee, tenant, contractor, or any other person using the land, Building or Premises where such violation has been committed or shall exist.
2. Any person who knowingly commits, takes part or assists in such violation.
3. Any person who maintains any land, Building or Premises in which such violation shall exist.

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

Table 3-9: Comparable Zoning for Land Annexed from Baldwin County

County Zoning – District 30	City Zoning	County Zoning – District 25	City Zoning
RA, ER	AG	RA, ER	AG
RR, R1(a), R1(b)	R-1-1	RR, R1(a), R1(b)	R-1-2 FM
R2(a)	R-1-2	R2(a)	R-1-2 FM
R2(b)	R-1-3	R2(b)	R-1-3 FM
R3	R-1-4	R3	R-1-4 FM
R4	R-2	R4	R-2 FM
R6	R-3	R6	BT-1 FM
MHP	R-5	MHP	R-5
B1	BN	B1	BN FM
B2	BG	B2	BG-1 FM
B3	BG	B3	BG-2 FM
MR, TR	BT-1	B4, MR, TR	BT-1 FM
OR	OS	OR	OS
M1, M2	IND	M1, M2	IND

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ARTICLE 4: DEFINITIONS

For the purposes of this Ordinance, certain terms and words are hereby defined. The meaning of terms not defined in this Article shall be as defined in The New Illustrated Book of Development Definitions, (Moskowitz and Lindbloom, 1993, Center for Urban Policy Research, Rutgers University). All remaining words used are intended to have the commonly accepted definitions contained in the Merriam-Webster Dictionary. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the word "Structure" shall include the word "Building", the word "Lot" shall include the words "plot" and "tract" and the word "shall" is mandatory and directory; and said definitions being as follows:

§4-1. General Definitions.

Abutting: Touching at one point or along a common side, boundary or property line. Two pieces of property that are separated by a Thoroughfare or right of way are “Adjacent”, but not “Abutting”.

Accessory Use: A use that (a) is clearly incidental to and customarily found in connection with a use; (b) is subordinate to and serves a Principal Use; (c) is subordinate in area, extent or purpose to the Principal use served; (d) contributes to the comfort, convenience, service or necessity of occupants, business, or industry of the Principal use served; and (e) is located upon the same Lot as the Principal use served.

Adjacent: Either Abutting or on the opposite side of a common Thoroughfare, right of way (ROW), or easement that separates it from the subject property. Properties separated by a freeway or railroad ROW shall not be considered “Adjacent”.

Alley: A public or private ROW or easement, on which no Parcel fronts, providing access for two (2) or more properties along the side or rear of said properties.

Applicable District: That zoning district in which a Building, Structure, use, subdivision or property is located or proposed to be located.

Atrium: An open area within a Building surrounded on all sides by the Building walls and open and unobstructed from the first floor level to the roof or sky.

Awning: A detachable framework covered by cloth or other light materials, supported from the walls of a Building for protection from sun or weather.

Banner: Any sign not designed or intended for permanent use, made of lightweight fabric or any other similar non-rigid material with no enclosing framework and which is mounted to a pole, Building, or any other Structure at one or more edges. National flags, state or municipal flags, or the official flag of any Institution or business shall not be considered Banners.

Beach or Public Beach: The area between the Coastal Construction Control Line (CCCL) and the waters of the Gulf of Mexico.

Beach Area Overlay District: The boundaries of the Beach Area Overlay District are shown in the “City of Gulf Shores Beach Area Zoning Map” dated May 17, 2005, which is incorporated into and made part of this Ordinance. The provisions of this Ordinance applicable specifically to the Beach Area Overlay District shall apply to all Parcels of land and rights of way, or portions thereof, within the boundaries of the Beach Area Overlay District. Any Parcel of land that is wholly or partly within the boundary shall be included.

Bedroom: A room or articulated room space, including, without limitations, alcoves and lofts, identified as suitable for use as a defined sleeping area distinct from associated internal living space. The characterization of a room or articulated room space as a Bedroom shall be determined objectively on the basis of its physical suitability for use as a distinct defined sleeping area, not on the basis of the manner in which such room or space is denominated.

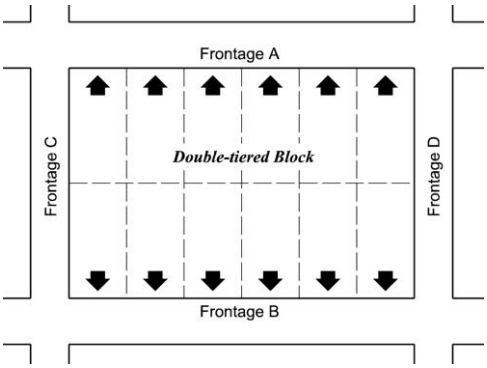
Best Management Practices (BMPs): A collection of structural practices and vegetative measures which, when properly designated, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events.

Berm: An earthen mound designed to provide visual interest or Screening.

Bicycle Lane: A paved lane on a Thoroughfare that is reserved by pavement marking and/or signs for the exclusive use by bicycles.

Block: A unit of land bounded by Thoroughfares or a combination of Thoroughfares, public land, public parks, cemeteries, railroad rights-of-way, watercourses, or any other barrier to the continuity of development.

Block, Double-tiered: A residential Block bounded on all sides by Thoroughfares and within which Lots front only on two of the surrounding Thoroughfares, as shown in the illustration at right. The Corner Lots of such Blocks shall be considered "Standard Corner Lots".



Double-tiered Block

Buffer: A landscaped strip of land provided between two or more properties, uses, or Buildings to mitigate the incompatible characteristics of Adjacent uses and/or Buildings. Buffers may include Berms, Shrubs, trees, fences or walls, other Screening devices, or a combination of such devices as required by §12-3 Buffers.

Bug Light: Any yellow colored light bulb that is marketed as being specifically treated so as to reduce the attraction of bugs to the light.

Building: Any Structure with a roof and enclosed on all sides. For the purposes of this Ordinance, "Buildings" are further classified into the following categories:

Building, Accessory: A Building detached from the Principal Building located on the same Lot and customarily incidental and subordinate in area, extent, and purpose to the Principal Building or use. Accessory buildings may contain sanitary facilities but may not contain sleeping and cooking facilities.

Building, Principal: A Building on a Lot other than an Accessory Building. A Principal Building is constructed to serve the main or dominant use(s) of the Lot on which such Building is situated. A Principal Building may be a Building including a mixture of uses.

Building Code: The International Building Code as adopted by the City Council.

Building Coverage: The percent of total Lot Area covered by the shadow configuration footprint that would result if the noon sun were located directly over the Lot in question. Building Coverage applies to the roof surface of all Buildings and covered Parking Structures, but excludes temporary Buildings, open air trellises, picnic shelters, canopies, Awnings, swimming pools, tennis courts, sidewalks, surface parking lots, Driveways, paths, trails, plazas, and similar uncovered surfaces.

Building Line: The extreme overall dimensions of a Building as staked on the ground, including porches, chimneys, and similar projections at Grade Level, whichever is nearest to the property line. The Front Building Line shall refer to that portion of the Building nearest the Front Lot Line.

Building Official: The Building Official for the City of Gulf Shores or his authorized designee.

Build-to Line: A line parallel to the Front Lot Line, which establishes the maximum Setback allowed within the Applicable District. Example: A Build-to Line of twenty (20) ft requires that the Front Building Line can be no further than twenty (20) ft from the Front Lot Line. A Corner Lot shall be considered to have two such Build-to Lines in Applicable Districts.

Bulk: The volume of a Building or Structure with respect to regulatory limits on its size, height, and the location of exterior walls at all levels in relation to Lot Lines, Thoroughfares, or other Buildings.

Caliper: The diameter measurement of a tree in inches. Caliper measurement of the trunk shall be taken six (6) inches above Grade Level up to and including four (4) inch Caliper size. If the Caliper at six (6) inches above Grade Level exceeds four (4) inches, the Caliper should be measured at twelve (12) inches above Grade Level.

Canopy: A rooflike Structure projecting from a wall or supported on pillars, as an ornamental feature.

City, The: The City of Gulf Shores, Alabama unless otherwise defined.

City Council or the Council: The City Council of the City of Gulf Shores, Alabama.

Coastal Construction Activities: Any work or development in the Marine Turtle Conservation Zone.

Coastal Construction Control Line (CCCL): The portion of the coastal construction line established pursuant to the provisions of Division 8 of the ADEM Administrative Code that lies within the Gulf Shores City Limits and Police Jurisdiction. Between the straight line segments formed by connecting plane coordinates (X = 1865129.97822 feet; Y = 83376.86242 feet) otherwise known as monument ADEM B 19 to (X = 1874944.3364 feet; Y = 84333.7475 feet) otherwise known as monument GS-1 to (X = 1877413.2794 feet; Y = 84725.6701 feet) otherwise known as monument GS-2 to (X = 1878198.9455 feet; Y = 84861.6391 feet) otherwise known as monument GS-3 to (X = 1878689.8784 feet; Y = 84958.7743 feet) otherwise known as

monument GS-4 to (X = 1879962.6489 feet; Y = 85157.3364 feet) otherwise known as monument GS-5 to (X = 18883097.1139 feet; Y = 85838.7517 feet) otherwise known as monument GS-6 to (X = 1885410.1907 feet; Y = 86341.6598 feet) otherwise known as monument GS-7 to (X = 1887350.0210 feet; Y = 86681.3575 feet) otherwise known as monument GS-8 to (X = 1889303.8015 feet; Y = 87023.5011 feet) otherwise known as monument GS-9 to (X = 1891063.9592 feet; Y = 87398.5069 feet) otherwise known as monument GS-10 to (X = 1892350.9960 feet; Y = 87574.8090 feet) otherwise known as monument GS-11 to (X = 1894432.3520 feet; Y = 87863.6736 feet) otherwise known as monument GS-12 to (X = 1896515.1468 feet; Y = 88152.5970 feet) otherwise known as monument GS-13 to (X = 1896815.6398 feet; Y = 88168.9013 feet) otherwise known as monument GS-14 to (X = 1900062.6008 feet; Y = 8858.9627 feet) otherwise known as monument GS-15 to (X = 1900062.7308 feet; Y = 88553.6130 feet) otherwise known as monument GS-16 (X = 1902673.6989 feet; Y = 88891.7226 feet) otherwise known as monument GS-17 (X = 1904021.7705 feet; Y = 89114.3675 feet) otherwise known as monument GS-18 to (X = 1905005.6395 feet; Y = 89295.1185 feet) otherwise known as monument GS-19 to (X = 1905818.8787 feet; Y = 89464.8840 feet) otherwise known as GS-20 to (X = 1906587.0801 feet; Y = 89671.5091 feet) otherwise known as monument GS-21 to (X = 1907261.0074 feet; Y = 89795.7454 feet) otherwise known as monument GS-22 to (X = 1908044.3756 feet; Y = 89959.6804 feet) otherwise known as monument GS-23 to (X = 1909552.8366feet; Y = 90224.5962 feet) otherwise known as monument GS-24 to (X = 1910543.0187 feet; Y = 90368.0135 feet) otherwise known as monument GS-25 to (X = 1912112.0365 feet; Y = 90569.4627 feet) otherwise known as monument GS-26 to (X = 1912748.2105 feet; Y = 90599.8985 feet) otherwise known as monument GS-27 to (X = 1913255.6252 feet; Y = 90686.7018 feet) otherwise known as monument GS-28 to (X = 1913563.2720 feet; Y = 90714.4626 feet) otherwise known as monument GS-29 to (X = 1915387.80303 feet; Y = 90735.77117 feet) otherwise known as monument ADEM B 20 to (X = 1915397.18585 feet; Y = 90802.39860 feet) otherwise known as monument ADEM B 22. To the extent, if any, the corporate limits or police jurisdiction of the city now or hereafter include Gulf beachfront property not intersected by the above-described straight line segments, the "Coastal Construction Control line" or "CCCL" shall be the construction control line specified by the Alabama Department of Environmental Management for such additional Gulf beachfront property under ADEM Administrative Code R. 335-8-1-.02 as in effect from time to time; in Baldwin County (the Fort Morgan Peninsula) the straight line segments formed by connecting plane coordinates (x = 339,869.380 feet; y = 82,413.826 feet) in the vicinity of monument BC-0 to (x = 343,833.777 feet; y = 82,946.329 feet) in the vicinity of monument BC-1 to (x = 344,439.935 feet; y = 83,027.749 feet) in the vicinity of monument BC-2 to (x = 345,229.900 feet; y = 83,267.806 feet) in the vicinity of monument BC-3to (x = 346,070.573 feet; y = 83,318.732 feet) in the vicinity of monument BC-4 to (x = 347,947.400 feet; y = 83,542.163 feet) in the vicinity of monument BC-5 to (x = 353,678.481 feet; y = 84,097.590 feet) in the vicinity of monument BC-6 to (x = 358,262.949 feet; y = 84,424.908 feet) in the vicinity of monument BC-7 to (x = 361,952.301 feet; y = 84,532.314 feet) in the vicinity of monument BC-7A to (x = 367,652.468 feet; y = 84,352.329 feet) in the vicinity of monument BC-8 to (x = 370,294.079 feet; y =84,232.401 feet) in the vicinity of monument BC-9 to (x = 370,337.309 feet; y = 84,095.345 feet) in the vicinity of monument BC-10 to (x = 372,723.136 feet; y = 84,013.940 feet) in the vicinity of monument BC-11 to (x = 374,515.213 feet; y = 84,209.778 feet) in the vicinity of monument BC-12 to (x = 381,454.710 feet; y = 83,545.945 feet) in the vicinity of monument BC-13 to (x = 382,099.449 feet; y = 83,460.299 feet) in the vicinity of monument BC-14 to (x = 384,804.496 feet; y = 83,494.181 feet) in the vicinity of monument BC-15 to (x = 388,949.030 feet; y = 83,361.769 feet) in the vicinity of monument BC-16 to (x = 394,023.606 feet; y = 83,282.288 feet) in the vicinity of monument BC-17 to (x = 394,115.430 feet; y = 83,209.569 feet) in the vicinity of monument BC-18 to (x = 396,624.613 feet; y = 83,299.904 feet) in the vicinity of monument BC-19.

Code of Ordinances: The City of Shores Code of Ordinances as adopted and amended by the Council.

Commercial Speech or Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity or is otherwise defined as “Commercial Speech” by the Alabama Supreme Court, the United States District Court for the District of Alabama, or the United States Supreme Court for purposes of interpreting the United States Constitution or Alabama constitution regarding freedom of expression or speech.

Commercial Vehicle: Any vehicle used and/or designed for the transportation of people, goods, or things, with a manufacturers chassis rating greater than one ton, other than private passenger vehicles.

Complete Street: A Thoroughfare which is designed to accommodate multiple modes of travel (motor vehicle, pedestrian, bicyclist, transit, etc.) and which incorporates a continuous sidewalk and Landscaping on both sides, lighting provided for motorists and for sidewalk users, and On-street Parking on at least one side. Streetscape features of Complete Streets vary with their context, for instance, whether they serve residential, Non-residential or Mixed-use areas and whether they are within an urban or suburban environment.

Comprehensive Plan. The Comprehensive Plan of the City of Gulf Shores, Alabama and all supporting planning documents adopted by the City.

Conditional Use: A use requiring a Conditional Use Permit approved by the Council in accord with Article 3.

Condominium: A Building, or group of Buildings, in which Dwelling Units, offices or floor area are owned individually. The Structure, all land areas, and common Improvements and facilities are owned by all the owners on a proportional, undivided basis.

Crestline: A line running more or less parallel with the shoreline interconnecting the peaks of the Primary Dune System or, where the Primary Dune System has been destroyed, interconnecting points where the peaks would naturally occur as graphically displayed on the official Crestline map of the City.

Density: The number of Lots or Dwelling Units per acre of land unless specifically provided otherwise.

Density Bonus: A provision that allows a Parcel to accommodate additional square footage, height, or additional residential units beyond the maximum otherwise permitted, in exchange for the provision of an amenity that provides a public benefit.

Density, Maximum: The Density allowable in a given zoning district not otherwise limited by other applicable requirements of this Ordinance.

Department or CDD: The Department of Community Development in the City of Gulf Shores.

Developed Site: That part of a site approved or used for a specific development.

Diameter at Breast Height (DBH): The diameter of a tree trunk measured in inches at a height of four and one-half (4-1/2) ft above the ground. If a tree splits into multiple trunks below four (4) ft, then the trunk is measured at its most narrow point beneath the split.

Direct Frontage: Any Lot or Parcel of land having one or more Lot Lines situated Adjacent to, bordered by, or contiguous with the bank or shoreline of a Major Water Body, shall be considered as having Direct Frontage along such water body. In no case, however, shall frontage along any canal, bayou, slough, creek, tributary, or other ancillary water body be considered as Direct Frontage to a Major Water Body.

Directional Sign: An incidental sign intended to direct movement of traffic onto or within a Premises and containing no commercial message. Directional Signs may indicate entrances, exits, parking areas, and similar on-premise locations to motorists or pedestrians

Director: Director of the City of Gulf Shores Department of Community Development or his or her designee.

Driveway: A vehicular access, or curb cut that is in private ownership and provides access to property.

Dune: A mound or ridge of sand lying on top of the Beach and deposited by natural or artificial means.

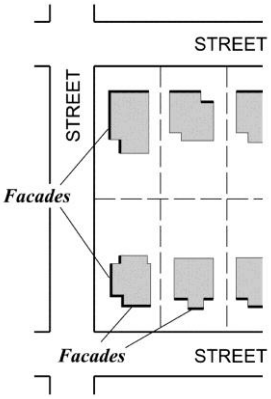
Dune, Frontal: The first natural or man-made mound or bluff of sand which is located landward of the Beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

Dune Walkover: A raised walkway constructed for the purpose of protecting the Beach and Dune system between mean high tide and the Coastal Construction Control Line (CCCL) from damages that may result from anticipated pedestrian traffic to the Beach and which is no more than six (6) ft in width, constructed without roof or walls, elevated at least one foot above the Dune, and extends seaward of the seaward vegetation line.

Entity: A person, association, firm, corporation, or organization of any kind.

Excavation: Any mechanical extraction of rock, sand, gravel, or other unconsolidated materials from a location seaward of the Coastal Construction Control Line (CCCL).

Façade: The exterior wall of a Building extending the entire width of a Building elevation that faces or is visible from a public Thoroughfare or public way, including the Beach and Intracoastal Waterway.



Facade

Family: An individual, or two (2) or more persons related by legal adoption, blood, or a licit marriage, or a group of not more than four (4) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a Dwelling.

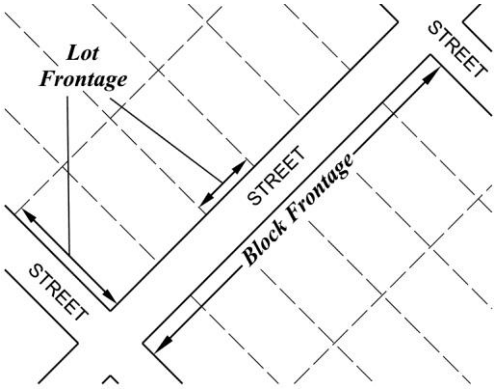
Floor Area Ratio (FAR): The Gross Floor Area for all Buildings on a Lot or Parcel (as determined by the applicable Gross Floor Area definition) divided by the gross area of such Lot.

Footcandle: A unit of measure for luminance. A unit of luminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

Fowl: Chickens, duck, geese, quail, pigeons, peacocks, ostriches, emu pheasants and similar animals that are kept, bred or raised for commercial purposes.

Frontage or Block Frontage: All the property on one (1) side of a Thoroughfare between two intersecting Thoroughfares measured along the ROW Line of the Thoroughfare, or if the Thoroughfare is dead-ended, then all of the property Abutting on one (1) side between an intersecting Thoroughfare and the dead end of the Thoroughfare.

Frontage, Lot: The width of a Lot measured along the Front Lot Line. When a Lot fronts on a curved Thoroughfare, the Lot Frontage shall be determined using the arc length.



Block and Lot Frontages

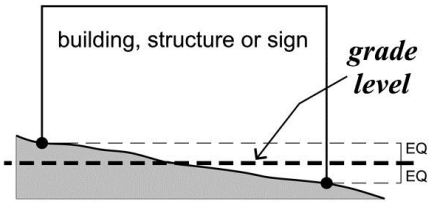
Glare: The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance.

Glare, Direct: Glare resulting from direct line-of-sight eye contact with a direct light source.

Glare, Disability: The effect of stray light in the eye whereby visibility and visual performance are reduced.

Grade: The rise or fall of a slope in feet for each 100 ft of horizontal distance, measured in percentages. For determining Grade Level, "Grade" shall mean the finished surface of a Lot, Yard, parking lot or Hardscaped area upon which a Structure is located and from which its height is to be measured.

Grade Level. For Buildings: the average level of the finished Grade at the Front Building Line. For Detached Signs: the average level of the finished Grade at the edge of the sign nearest the Lot Line. For trees, Landscaping, and light fixtures, the level of finished Grade at the base of the tree, plant or fixture.



Grade Level

Greenway: An Open Space corridor that links urban, suburban and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.

Gross Floor Area (GFA): The sum of the gross enclosed horizontal area of all the floors of a Building, except a basement or area under the first Habitable Story, where exempted, measured from the exterior faces of exterior walls and/or supporting columns. GFA includes the area of all balconies under roof and all common walkways under roof regardless of whether the exterior face or faces of such balconies and walkways are fully or partially enclosed but shall not include parking underneath the Building footprint. Applies to all BG, BA, BN, IND, ATP, and all Ft. Morgan Districts unless otherwise specified.

Gross Floor Area (GFA), Tourist: The sum of the heated/cooled floor area of all the Habitable Stories of a Building, measured from the exterior faces of exterior walls, not including exterior balconies. Common stairways, hallways, and other features are not included in GFA even if they are enclosed as heated and cooled space. Applies to all BT-1-5, BT-1-N, ICW-N, and ICW-S Districts.

Ground Cover: Plant material consisting of flowers, woody vines, evergreen plants or other organic living plants (including Sod), generally characterized by vertical growth of less than eighteen (18) inches in height.

Ground-level Barrier: Any Building vegetation, natural feature or artificial Structure arising from the ground, which prevents beachfront lighting from shining

directly onto the Beach, including the south side of the Frontal Dune.

Hardscape: That portion of a landscaped space consisting of masonry, woodwork, and other non-plant materials.

Hatchling: Any species of Marine Turtle, within or outside of a Nest, and that has recently hatched from an egg.

Height: The vertical distance of a Structure measured from the average elevation of the finished Grade surrounding the Structure to the highest point of the Structure.

Height, Building: The height of a building measured in Habitable Stories.

Illuminated, Cumulative(ly): Illuminated by numerous artificial light sources that as a group illuminate any portion of the Beach.

Illuminated, Directly: Illuminated as a result of glowing elements, lamps, globes, or reflectors of any artificial light source, which is visible to an observer.

Illuminated, Indirectly: Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source that is not visible to an observer.

Impervious Surface: A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious Surfaces include, but are not limited to, rooftops, Buildings, Thoroughfares, swimming pools, fountains, sidewalks, tennis courts, and any concrete or asphalt surface. Pervious Paving areas are not considered Impervious Surfaces.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to Driveways, Landscaping, Thoroughfares and Alleys, sidewalks, curbs, gutters, utilities, and Stormwater Management facilities.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Lagoon Pass Overlay District: The boundaries of the Lagoon Pass Overlay District are shown on the official "City of Gulf Shores Zoning Map". The provisions of this Ordinance applicable specifically to the Lagoon Pass Overlay District shall apply exclusively to all Parcels of land and rights of way, or portions thereof, within the boundaries of the Lagoon Pass Overlay District. Any Parcel of land that is wholly or partly within the boundary shall be included.

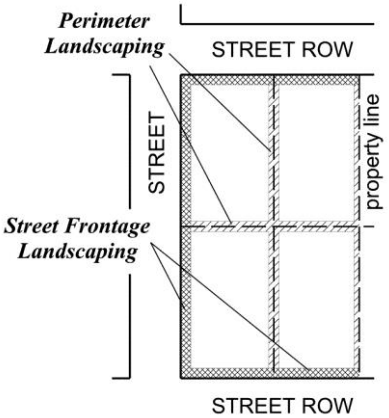
Landscaping: Trees, Shrubs, Ground Covers, vines, walkways, ponds, fountains, benches, sculptures, and similar materials used for creating an attractive appearance. No artificial plants, trees or like materials may be installed or counted toward meeting the Landscaping requirements of this Ordinance.

Landscaping, Foundation: Those landscape areas required by this Ordinance to be provided where a Façade meets Grade.

Landscaping, Parking Lot: Those landscape areas required by this Ordinance to be provided in Off-street Parking lot areas.

Landscaping, Perimeter: Those landscape areas along a site's Interior Lot Lines, excluding those classified as Street Frontage Landscaping and Parking Lot Landscaping.

Landscaping, Street Frontage: Those landscape areas Adjacent to a site's Street Frontages; i.e., usually the Front and/or Street Side Lot Line.



Types of Landscaping

Light Fixture, Full Cut-off Type: A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or Direct Glare to shine above 90-degree horizontal plane from the base of the fixture.

Light Fixture Shield: A non-reflective covering, Canopy or other such device fitted over a light source preventing light from illuminating an area not intended to be Illuminated.

Lighting, Low intensity: Low intensity lighting includes 25 watt (220 lumens or less) bug bulbs, red or amber LED bulbs, or seven (7) watt (400 lumens or less) compact fluorescent bulbs.

Lighting Professional, Certified: A lighting professional certified by the National Council on Qualifications for the Lighting Professions (NCQLP).

Light Trespass: Light from an artificial source that is intruding into an area where it is not wanted or does not belong.

Livestock: Cattle, oxen, horses, mules, burros, llama, donkeys, pigs, hogs, sheep, goats and other similar animals that are kept, bred or raised.

Loading, Off-street: Land occupied, necessary and maintained for loading and unloading of goods, materials or things, for delivery and shipping, in a manner that vehicles may provide for such services without encroaching on or interfering with the lawful, public use of Thoroughfares and Alleys by pedestrians, bicyclists and motorists.

Lot: Land occupied or to be occupied by a Building and its Accessory Building, and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public Thoroughfare or officially approved place. Lots are classified into the following categories:

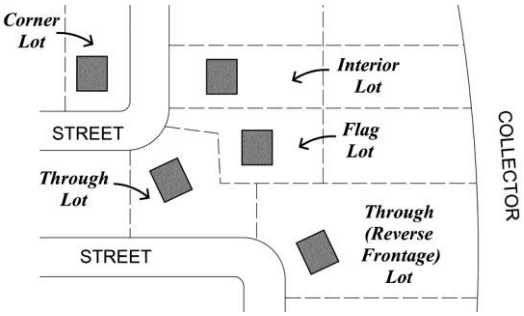
Corner Lot: A Lot Abutting two (2) or more Thoroughfares at their intersection or upon two (2) parts of a Thoroughfare that form an interior angle of less than 135 degrees. The point of intersection of the Street Lines is the corner.

Corner Lot, Non-standard: A Corner Lot not on a Double-tiered Block.

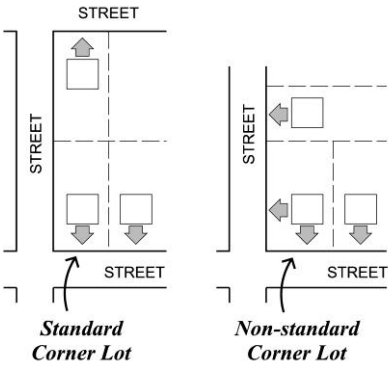
Corner Lot, Standard: A Corner Lot on a Double-tiered Block used for a Single-family Dwelling, Duplex or Townhouse.

Interior Lot: A Lot other than a Corner Lot.

Through Lot: A Lot Abutting two (2) or more Thoroughfares other than a Corner Lot.



Lot Types



Corner Lot Types

Lot Area: The total area within the boundaries of a Lot. For the purpose of calculating the Lot Area of Lots Abutting the Gulf of Mexico, the Rear Lot Line shall be the Mean High Tide Line that is shown on the Lucido & Oliver surveys approved by the Department of Conservation and recorded in the Probate Court. Renourished beach that is publicly owned shall not be considered part of the private Lot Area. Lot Area shall not include any water bottoms unless they are not claimed as State Lands by the Alabama State Lands Office.

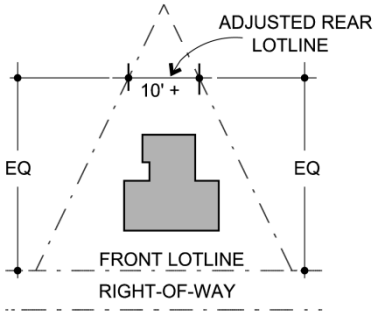
Lot Depth: The distance along a straight line from the midpoint of the Front Lot Line and generally perpendicular thereto, to its intersection with the Rear Lot Line. In the case of a Lot, in which the Side Lot Lines converge in a point, the Lot Depth shall be measured using the Adjusted Rear Lot Line.

Lot Frontage: See Frontage, Lot.

Lot Line: A line of record bounding a Lot that divides one (1) Lot from another Lot or from an Alley, Thoroughfare or any other public space. Lot Lines are classified into the following categories:

Front Lot Line: A Lot Line separating the front of the Lot from the Thoroughfare. For Standard Corner Lots, there shall be a Front Lot Line and a "Street Side Lot Line". On all other Corner Lots and on all Through Lots, all Lot Lines Abutting a Thoroughfare shall be Front Lot Lines.

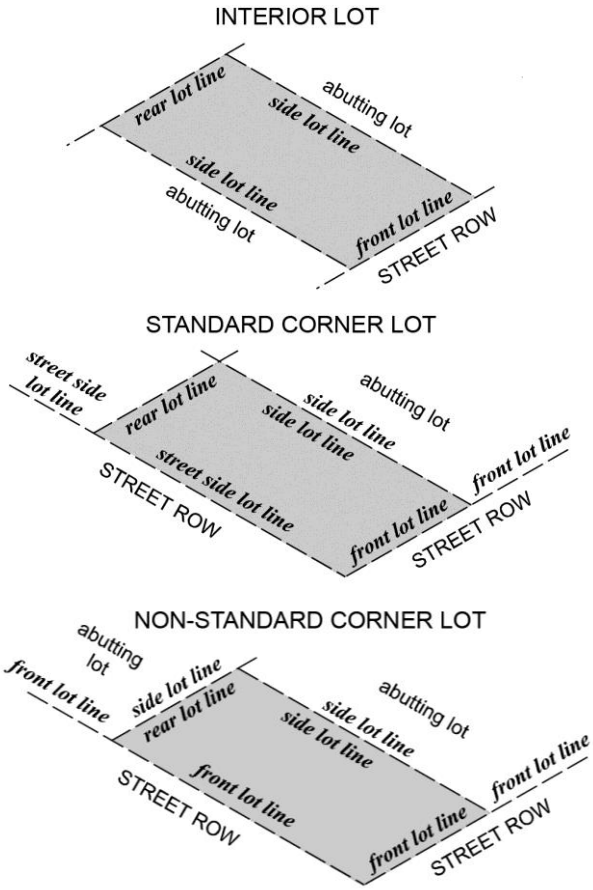
Rear Lot Line: A Lot Line, which is most distant from a Front Lot Line, or in the case of Standard Corner Lots, from the Front Lot Line. For the purposes of determining Rear Yard Setbacks on a Lot where the Side Lot Lines meet in a point, the Rear Lot Line shall be assumed to be a line not less than ten (10) ft long drawn within the Lot between the two Side Lot Lines and parallel to the Front Lot Line, and shall be referred to as the "Adjusted Rear Lot Line".



Adjusted Rear Lot Line

Side Lot Line: Any Lot Line, which is not a Front or Rear Lot Line. For Non-standard Corner Lots, that Lot Line which is generally parallel to the Front Lot Line of greater dimension.

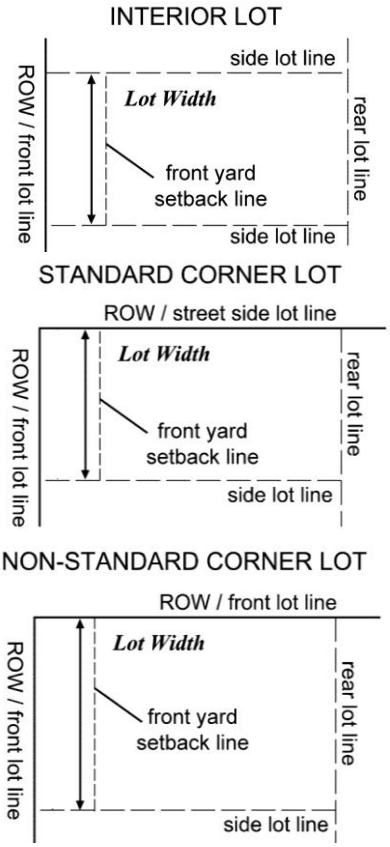
Street Side Lot Line: That Lot Line, other than the Front Lot Line, of a Standard Corner Lot, which abuts a Thoroughfare. The Street Side Lot Line is generally longer than the Front Lot Line.



Lot Line Configurations

Lot of Record: A Lot that is part of a recorded plat or plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

Lot Width: In the case of interior Lots, the distance between the Side Lot Lines. In the case of Standard Corner Lots, the distance between the Side Lot Line and the Street Side Lot Line. In the case of other Corner Lots, the distance between the Side Lot Line and the opposing Front Lot Line. Such distance shall be measured along a straight line, which is at right angles to the axis of the Lot, and shall be measured at the Front Yard Setback Line. When a Lot abuts on a curved Thoroughfare, the Lot Width is determined using the arc length.



Lot Width

Lucido & Oliver Line: The rear property line of Lots having Gulfside Yards.; the Mean High Tide Line that is shown on the Lucido & Oliver surveys approved by the Department of Conservation and recorded on Instrument Number 558806, Deed Page 2015 E, Slides 2015 E &F, 2016 A, B, C, D, & E in the Baldwin County Judge of Probate Office.

Luminaire, Low Pressure Sodium (LPS): An electric discharge lamp containing Sodium, neon, and argon, that when Illuminated appears amber-yellow.

Luminance, Horizontal: The measurement of brightness from a light source, usually measured in foot-candles or lumens, which is measured by a light meter at a given horizontal position.

Major Water Body: One of the following as shown on the official Zoning Map: Oyster Bay, Bon Secour Bay, Bon Secour River, Mobile Bay, Little Lagoon, or Gulf of Mexico, excluding any tributaries, canals, bayous, sloughs, creeks, tidal marshlands, or any other ancillary water bodies.

Manufactured Home: A factory-built, single-family structure that meets the Federal Manufactured Home Construction and Safety Standards Act (42 U. S. C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

Class A

- Mass produced in a factory.
- Designed and constructed for transportation to a site for installation and use when connected to required utilities.
- Built on a chassis.
- Designed for long-term residential use by a family, containing a kitchen, bath, and sleeping facilities.
- It is multi-sectional (doublewide) and at least twenty feet (20') wide at the narrowest point, with a minimum of four hundred (400) square feet per section (Total square footage minimum equal to eight hundred (800) square feet).
- Constructed after June 15, 1976.
- The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard single-family residential construction.
- Has horizontal exterior siding consisting of wood, hardiboard, vinyl or other exterior siding comparable in composition, appearance and durability to the exterior siding commonly used in standard single-family residential construction.
- Has a foundation that is similar in appearance and durability to masonry foundation of site-built dwellings which surrounds the entire perimeter of the structure, completely enclosing the space, except for required ventilation and access, between the siding and the finished grade.
- Is permanently affixed, with running gear and towing hitch removed, and set upon a foundation base having an anchoring system that is totally concealed under the structure.

Manufactured Home, Class B: A single-wide Manufactured Home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

Manufactured Home, Class C: A Manufactured Home built before 1976 that does not meet the definition of a Class A or Class B Manufactured Home. Class C Manufactured Homes shall not be allowed in the City, except as existing Structures permitted prior to the adoption of this Ordinance.

Marine Turtle: Any marine-dwelling reptile of the families *Chelonildae* or *Dermochelyidae* found in Gulf waters or using the Beach as nesting habitat, including the species: *Caretta caretta* (loggerhead); *Chelonia mydas* (green); *Dermachelys coriacea* (leatherback); *Eretmochelys imbricate* (hawksbill); and *Lepidochelys Kempi* (Kemp's ridley). For purposes of this Ordinance, Marine Turtles are synonymous with sea turtles.

Marine Turtle Conservation Zone: The Beach and all land Abutting the Beach from the Mean High Tide Line northward to the south Right-of-way boundary of Alabama State Highway 182 and, west of the 12-mile marker, the south Right-of-way boundary of Alabama State Highway 180 within the City Limits and police jurisdiction of the City.

Massing: The exterior form of a Building, a Structure or a series of Buildings seen as a whole, encompassing Bulk, shape, height, width, scale, proportion and the spatial relationships of Buildings, Landscaping and Open Space.

Mean High Tide Line: See "Lucido and Oliver Line".

Mulch: Materials such as pine bark chips, pine straw, crushed rock, or boulders used to cover bare soil.

Nest: An area where Marine Turtle eggs have been naturally deposited or subsequently relocated.

Nesting Season: The period from May 1 through November 30 of each year.

Net Floor Area (NFA): All floor area located within a Building except for that floor area which is dedicated exclusively to storage and sanitary facilities and which is segregated from other public areas of the Building.

Nighttime: The locally effective time period between sunset and sunrise.

Noncommercial Speech or Message: Any sign copy or other display that is not a commercial message as defined herein, and includes any definition of "Noncommercial Speech" by the Alabama Supreme Court, the United States District Court for the District of Alabama, or the United States Supreme Court for purposes of interpreting the United States Constitution or Alabama constitution regarding freedom of expression or speech.

Nonconforming Building or Structure: A Building or Structure that does not conform to the area or dimensional requirements of this Ordinance pertaining to the Applicable District.

Nonconforming Lot: A Lot that does not conform to the area and dimensional requirements of this Ordinance pertaining to the Applicable District.

Nonconforming Site: A Premises on which one or more Improvements do not conform to the requirements of this Ordinance, the Subdivision Regulations, or other applicable regulations, including but not limited to, Off-street Parking, Driveways, drainage, Landscaping, lighting, Screening, and Buffers.

Nonconforming Use: A use that does not conform to the use regulations of the Applicable District.

Novelty Architecture: A type of architecture in which buildings and other structures are given unusual shapes in whole or in part as a novelty, for advertising, to draw attention to a site, for notoriety as a landmark, or simply due to the eccentricity of the owner or architect including programmatic, mimetic, and/or roadside architecture. Many examples of novelty architecture take the form of buildings that resemble the products sold inside to attract drive-by customers. Others are attractions all by themselves, such as giant animals, fruits and vegetables, or replicas of famous buildings.

Open Space: Land, not covered by parking areas, rights-of-way or Buildings other than recreational Structures, which is landscaped or left in a natural state as required within this Ordinance or the Subdivision Regulations and which is intended for natural or scenic preservation and/or active/passive recreational uses.

Open Space, Common: Land area within a development that is held in common ownership and maintained by a homeowners' or Condominium association of all of the residents for recreation, protection of natural features, amenities or Buffers; is freely accessible to all residents of the development; and is protected by covenant and the provisions of this Ordinance to ensure that it remains in such use(s). For the purposes of calculation, Common Open Space shall not include surface water bodies nor land occupied by common Driveways, parking areas, or rights-of-way; nor shall it include areas within Lots for Single-family Dwellings or Duplexes. Common Open Spaces shall be left in a natural state or landscaped, and may include recreational Structures.

Overlay District: A zoning district that encompasses one or more underlying zones and that may vary the requirements, uses and standards of the underlying zone.

Overlay District Design Guidelines: The guidelines set out in the Envision Gulf Shores Overlay District Design Guidelines (Revised April 11, 2005) for use in administering and interpreting Site Plan design concepts applicable to the Beach Area Overlay District, the Walking Area Overlay District, and the Lagoon Pass Overlay District.

Parapet or Parapet Wall: That portion of a Building wall which extends vertically above the roofline of a flat roofed Building.

Parcel: Any plot, Lot acreage shown as a unit on the latest county tax assessment records.

Parking, Bicycle: An area in a parking lot or along a sidewalk that is designed and marked for the purpose of securing bicycles in an upright fashion, using a locker or open framework that is permanently attached to the ground and providing secure anchorage for two or more bicycles.

Parking, Off-street: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated Thoroughfare ROW.

Parking, On-street: Areas along curbs of a Thoroughfare that are authorized for temporary (less than forty-eight (48) hours) storage of automobiles belonging to owners, tenants, customers or visitors of Adjacent or nearby properties.

Parking Space, Off-street: A paved surface, not in a Thoroughfare or Alley, and having an area of not less than 171 sf, exclusive of Driveways, permanently reserved for the temporary storage of one automobile and connected with a Thoroughfare or Alley by a Driveway which affords unobstructed ingress and egress for an automobile without requiring another automobile to be moved.

Parking Structure: A Structure designed principally for the storage and circulation of motor vehicles that includes a roof and/or more than one level. A Parking Structure may be either freestanding or incorporated in one Structure along with another use, such as a residential or Commercial Use.

Pedestrian Access Way: A crosswalk or other area designed and marked exclusively for pedestrian traffic.

Peddler: Any person traveling by foot, wagon, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, shrimp, oysters, seafood products, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who without traveling from place to place shall sell or offer the same for sale from a wagon, automotive vehicle or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this Ordinance shall be deemed a Peddler.

Pervious Paving: Materials used for surfacing parking lots and Driveways such as porous concrete or modular porous paver systems that are designed to allow infiltration of stormwater and are consistent with Stormwater Best Management Practices. Pervious Paving areas are not considered as Impervious Surface areas for the purpose of calculating Impervious Surface coverage.

Planning Commission or Commission: The City of Gulf Shores Planning Commission.

Planting Strip: A strip of land, between a curb and sidewalk or between an Off-street Parking area and a sidewalk or Thoroughfare, provided for Landscaping.

Pole Lighting: A light fixture set on a base or pole, which raises the source of light higher than forty-eight (48) inches off the ground.

Premises: All land, Buildings, and appurtenances that, under unified control, are planned, designed, and constructed to be parts of a unified development. A premise shall remain a single premise during the existence of such unified development regardless of future subdivision of its land or ownership. A premise shall include all lands joined by a Unity of Title Declaration.

Primary Dune System: A ridge, or series of ridges of unconsolidated and usually mobile sands lying landward of the upper limit of the Gulf Beaches which serves as the principal defense against storm wave actions. Vegetatively, this primary protective Dune is characterized by *Uniola Paniculata* (sea oats), *Skartina Patens* (salt meadow cordgrass), *Panicum Amarulum* (Dune panicgrass), *Distichlis Spicata* (salt grass), *Solidago Pauciflasculosa* (seaside goldenrod), *Hydrocotyl Bonariensis* (pennywort), and *Zpomoea Stalonifera* (seaside morning glory).

Principal Use: The principal purpose for which a Lot or the Principal Building thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

Public Improvement: Any Thoroughfare, park, water line, sanitary drainage system or similar improvement installed to serve Abutting or nearby private or public property constructed by either a private Entity or a public agency and ultimately owned and maintained by a public Entity.

Recreational Vehicle (RV): A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes. For the purposes of this Ordinance, Recreational Vehicles include, but are not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Remote Parking: Off-street Parking on a property other than the Premises of the use for which the parking is provided.

Right-of-way (ROW): The total width of any land reserved or dedicated as a Thoroughfare, Alley, pedestrian way, or similar public or private uses.

Satellite Dish: A satellite antennae with a spherical, dish shape.

Screening: A method of visually shielding or obscuring one use or Building from another or from public view by fencing, walls, densely planted vegetation, natural vegetation, or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height as required by §12-2 Screening.

Setback (Or Required Yard or Minimum Yard): With respect to a Structure, the minimum required distance between the ROW of a Thoroughfare or the corresponding property line and the nearest exterior surface of the Building or Structure on the property.

Setback, Contextual: A Setback on a Lot in a given zoning district which is increased to be more in keeping with the Setback of an Abutting district occurring along the same Block Frontage. Refer also to §6-3G2 Contextual Setbacks.

Shared Parking: The provision of Off-street Parking areas amongst contiguous uses developed with the intent to maximize efficiency in parking provision, Lot design and accessibility; encourage pedestrian access and safety; support access management and other goals of the City's Comprehensive Plan; and to reduce the number of spaces required by individual uses.

Shield: A non-reflective covering, Canopy or other such device fitted over a light source preventing light from illuminating the Beach.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Sight Distance, Intersection: The length of a line of sight between a motorist, when stopped at an intersection or Driveway, and the nearest intersection, Driveway, Alley or other signalized or non-signalized access point to the left or to the right of the motorist. See also "Sight Triangle, Clear".

Sight Triangle, Clear: An area of unobstructed vision at a Thoroughfare intersection or Driveway defined by the minimum Intersection Sight Distance required by §6-10 Sight Distance Requirements.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract

attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign, Attached: A sign attached to or painted on a Building, including "Flat Signs" and "Projecting Signs".

Flat Sign

Projecting Sign

Sign, Changeable Copy: A sign or portion thereof that has a reader board for the display of information in which each character, graphic or symbol is defined by objects, not consisting of an illumination device, and may be changed or rearranged manually without altering the face of the surface of the sign, including Electronic Changeable Copy Signs.

Sign, Detached: A sign not attached to or painted on a Building but which is affixed to the ground as a freestanding Structure.

Sign, Directional: An incidental sign intended to direct movement of traffic onto or within a Premises and containing no commercial message. Directional Signs may indicate entrances, exits, parking areas, and similar on-premise locations to motorists or pedestrians.

Sign, Double-faced: A sign with two parallel, or nearly parallel faces, back to back and located not more than twenty-four (24) inches apart.

Sign, Electronic Changeable Copy: A sign or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, or other illumination devices within the display area. Electronic Changeable Copy Signs include computer programmable, microprocessor controlled electronic displays.

Sign, Fence: Any permanent sign attached to or painted onto a freestanding wall or fence.

Sign, Flashing: An Illuminated Sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving Illuminated Sign shall be considered a Flashing Sign.

Sign, Flat: Any sign attached to, and erected parallel to, the face of, or erected or painted on the outside wall, fascia, Awning, Canopy, or Parapet wall of a Building and supported throughout its length by such wall or Building and not extending more than twelve (12) inches from the Building wall, fascia, Awning, etc.

Sign, General Advertising: Any sign that is not an Accessory Establishment Identification Sign or which is not specifically limited to a special purpose by these regulations. This term includes signs typically referred to as billboards that promote or advertise goods, services, or activities that are unrelated to the Premises on which they are located.

Sign, Identification: A sign which pertains only to the use of a Premises and which, depending upon the Applicable District, contains any or all of the following information: (1) the name of the owner, occupant, and/or management of use; (2) the address of the use; (3) the kind of business and/or the brand name of the principal commodity sold on the Premises, and (4) other information relative to a service or activity involved in the conduct of the business, but not including the name of subsidiary products except where specifically permitted by the provisions of this Ordinance.

Sign, Illuminated: A sign meeting one of the following definitions:

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

b. Indirectly Illuminated Sign: A sign Illuminated with a light so Shielded that no direct rays therefrom are visible elsewhere than on the Lot where said illumination occurs. If such Shielding

device is defective, such sign shall be deemed to be a Directly-Illuminated Sign.

Sign, Marquee: A sign on a marquee, such as for a movie theater, playhouse, or concert hall, providing information on currently showing and/or coming attractions, movies, plays, and similar events occurring for a limited period of time.

Sign, Monument: A freestanding detached sign, other than a pole sign, in which the entire bottom of the sign is in contact with or is close to the ground.

Sign, Moveable: A Detached Sign not secured or attached to the ground in a manner meeting all Building and electrical code requirements and which is designed to be moveable or portable.

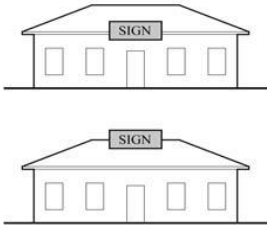
Sign, Name Plate: An Attached Sign identifying the owner or occupant of a Dwelling or Building and exempt from a Sign Permit when not exceeding two (2) sf in area.

Sign, Non-Illuminated: A sign that is not Illuminated either Directly or Indirectly.

Sign, Official: Any Official federal, state, or local government traffic, directional, or informational sign placed by a duly authorized public official, or notice issued by any court, person, or officer in performance of a public duty; an Official historical marker; any sign erected by a federal, state, or local government agency for identification purposes at any office, Institutional, recreational, or other publicly owned or leased site.

Sign, Projecting: A sign, which is attached to and projects more than twelve (12) inches from the face of a wall of a Building.

Sign, Roof: A sign which is fastened to and supported by or on the roof of a Building or which extends over the roof of a Building Roof signs may not extend more than thirty-six (36") inches over or above the roof line or Parapet wall of a Building.



Roof Signs

Sign, Snipe: A sign attached or otherwise applied to trees, utility poles, bus benches, trash receptacles, or any other unapproved Structures.

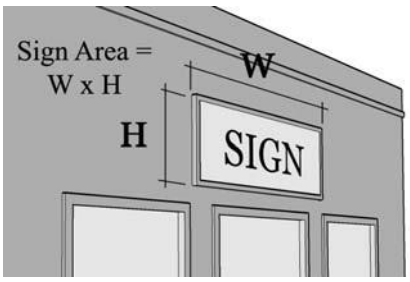
Sign, Temporary: A sign intended to be removed when the designated time period, activity, or event for which the sign was installed, erected, or displayed has ceased.

Sign, Window: A sign, whether temporary or permanent, located within a Building visible to the public through a window. Signs applied, painted, or otherwise affixed to the outside of the window shall be considered Attached Signs.

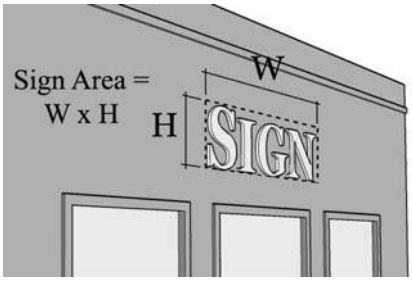
Sign Area: The area that can be enclosed or measured by the smallest rectangle that will encompass the message(s) and any background painted, textured or otherwise altered to provide a distinctive background for the message(s) contained on a flat sign. The entire face of a projecting or detached sign, excluding those posts, uprights, braces or other structural members that support it, which contain no message(s).

The area of a cylindrical sign shall be computed by multiplying its diameter by its height. For spherical, free-form, sculptural, and other non-planar signs, Sign Area shall be calculated as the sum of the area of the four vertical faces of the smallest cube that would encompass the sign.

Calculating Sign Area



Sign copy/graphics on background panel



Sign copy mounted as individual letters/graphics

Sign Area, Maximum Aggregate: The total display area of all signs permitted on a lot, premises, or development site.

Sign Area, Multiple-face Sign: Where a sign has multiple faces and only one face may be viewed from a single location on a public right-of-way (i.e., parallel faces), the largest of these faces shall be considered its sign area. Where a sign includes two (2) or more faces that may be viewed from a single location, the sum of all such faces shall be considered its sign area.

Sign Height: The vertical distance of a detached sign measured from the lowest finished grade level to the highest elevation of the sign.

Significant Increase in Trip Generation: A change in the use of a property, including land, Structures, or facilities, or an expansion of the size of Structures or facilities, causing an increase in the trip generation of the property exceeding ten (10) percent (either peak or daily) and 100 vehicles per day more than the existing use for Adjacent Thoroughfares under local jurisdiction; or exceeding twenty-five (25) percent (either peak or daily) and 100 vehicles per day more than the existing use for all Thoroughfares under state jurisdiction.

Site Plan: A plan required by the City that provides detailed information about the layout of private land development and required Public Improvements prior to preparation of construction drawings for a land development that does not include subdivision of property that would otherwise be subject to preliminary plat review.

Sleeping Unit: Any room within a Hotel, Motel or Condotel unit with one or more beds.

Spacing Between Buildings: The horizontal distance between the closest points of two Adjacent Buildings not including protruding eaves, overhangs, cornices, moldings, balconies, porches, railings, Awnings, canopies, decks, gutters, downspouts, and mechanical equipment that extend less than two (2) ft from the exterior wall surface.

Sod: Various types of grasses planted and maintained in a lawn condition.

Softcape: That portion of a landscaped space consisting of plant materials and Mulch-type Ground Covers.

Stacking Space: A space intended for the queuing of vehicles to a drive-thru window or other intermittent stopping point, such as a fuel pump, ATM, gated entrance or drop box.

Stormwater Management: A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

Story: That portion of a Building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between such floor and the ceiling next above it. When a fully enclosed private interior space, such as an atrium or loft, extends past intervening floors or balconies, each such intervening floor or balcony that is habitable shall count as a separate Story.

Story, Habitable or Habitable Floor: A Story having its floor elevated to or above base flood elevation, as established by the City, regardless of the intended use of the Story or its floor area. For Buildings conforming to the City's Flood Damage Prevention Ordinance, the term "Habitable Story" does not include any space or area below the base flood elevation. If the floor level of the first "Habitable Story" is elevated in accordance with the City's Flood Damage Prevention Ordinance, the space or area underneath shall not be included in determining GFA even though it is used for permitted uses such as Off-street Parking or storage. A building lobby, building circulation, and one Caretaker Dwelling are not included in the term “Habitable Story”.

Half Story: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and, in which space, the possible floor area with headroom of five (5) feet or less occupies at least 40 percent of the total floor area of the story directly beneath it.

Street Line (or ROW Line): The edge of the Right-of-way of a public Thoroughfare.

Street Trees: Trees planted within the public ROW parallel to public Thoroughfares and intended to provide shade, Screening of parking lots, and aesthetic enhancement for street corridors.

Structure: Includes, but is not limited to, a house, Building, deck, pool, parking lot, gazebo or other object, the whole or parts of which are arranged by human agency, but does not include sand fences or Dune Walkovers constructed for the purpose of Dune protection or enhancement.

Structural Alterations: Any change, except the repair or replacement, in the supporting members of a Building, such as bearing walls, columns, beams or girders or the rearrangement of any interior partitions affecting more than five (5) percent of the floor area of the Building.

Temporary Building or Structure: Portable, mobile, or transportable Buildings used temporarily to house construction or real estate sales offices, and other uses incidental to the use of the site.

Thoroughfare: A facility, either public or private and either deeded or by easement, which provides access to Abutting properties and is intended for general circulation. A Thoroughfare includes the

entire area between Street Lines. Thoroughfares shall conform to the following categories:

Access Road: A minor Thoroughfare one side of which is parallel and in close proximity to a major Thoroughfare and the other side of which provides access to Abutting properties. Also referred to as a frontage or service road.

Arterial: A major Thoroughfare, which primarily provides for inter-community travel. Refer to City of Gulf Shores Traffic Circulation Standards for listing of Arterial Thoroughfares.

Collector: A Thoroughfare, which provides for inter-community travel, connecting population centers, and carrying large volumes of traffic at speeds higher than desirable for local streets. Refer to City of Gulf Shores Traffic Circulation Standards for listing of Arterial Thoroughfares.

Cul-de-Sac: A local Thoroughfare terminating in a vehicular turnaround at one end.

Local Road or Street: A minor Thoroughfare used primarily for access to Abutting properties.

Tinted Glass: Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of forty-five (45) percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

Trail, Multi-use: A corridor designed for one or more alternative forms of non-motorized transportation including pedestrians, joggers, skaters, and slow moving vehicles such as strollers, bicycles and golf carts.

Tree: A large, woody plant having one or several self-supporting stems or trunks and numerous branches, which may be further classified as deciduous or evergreen.

Tree, Large: A tree, deciduous or evergreen, that at maturity may range from fifty (50) to 100 ft in height. Typical trees of this class include: Southern Magnolia, Slash Pine, Sweetgum, Bald Cypress, Live Oak, and Red Maple.

Tree, Medium: A tree, deciduous or evergreen, that at maturity grows to a height of between thirty (30) to fifty (50) ft. Typical trees of this class include: American Holly, Drake Elm, Eastern Red Cedar, Sweet Bay Magnolia, and River Birch.

Tree, Small: A tree that at maturity generally grows to less than thirty (30) ft in height. Examples include: Cherry Laurel, Japanese Maple, Redbud, Dogwood, Loquat, Oriental Magnolia, and Crepe Myrtle.

Tree, Native: Any of the following trees: oak, pine, tulip poplar, cypress, maple, sweet gum, magnolia or other trees considered indigenous to the area.

Tree, Protected: Any tree that has a Caliper of at least 6 inches or a sand live oak, sand pine, or live oak of any Caliper.

Tree, Shade: A tree planted primarily for its crown of foliage or overhead Canopy that generally grows to a maximum height of between twenty-five (25) and 100 ft. Unless otherwise specified, Palm Trees and Tree Form Shrubs are not considered Shade Trees for meeting Landscaping requirements. Palm trees may be allowed as specified in §12-1 Landscaping.

Tree Credit: A means of crediting existing trees for trees that would have to be planted, if existing trees can be saved and protected as stated in this Ordinance.

Tree Form Shrubs: Any of several Shrubs commonly pruned into a "tree" shape. These Tree Form Shrubs generally do not grow to more than twenty (20) ft in height and include, but are not limited to: Ligustrum, Indian Hawthorn, Wax Myrtle, Tree Yaupon, and Camellia.

Tree Removal: To relocate, cut down, poison, or by any other manner destroy or cause to be destroyed, intentionally or otherwise, a tree as defined in this Ordinance.

Uniformity Ratio: Ratio of the average level of illumination in relation to the lowest level of illumination for a given area. Example: Uniformity Ratio = 4:1 means the lowest level of illumination (1) should be no less than 25% or “4 times less” than the average (4) level of illumination for a given area.

Uplighting: Any light source that distributes illumination above a horizontal plane.

Use: Any purpose for which Buildings or other Structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity, or operation carried on or intended to be carried on in a Building or other Structure or on land.

Variance: A relaxation of certain regulations contained in this Ordinance where such shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a Variance may be authorized only for height, area, size of Structure, size of Yards and open spaces,

Off-street Parking and Loading requirements, or height of fencing or Buffering.

Viewshed Management Area: Those portions of the Walking Area Overlay District designated in the Overlay Design Guidelines as subject to design criteria that protect critical sight lines within the District.

Walking Area Overlay District: The boundaries of the Walking Area Overlay District are shown on the official "City of Gulf Shores Beach Area Zoning Map". The provisions of this Ordinance applicable specifically to the Walking Area Overlay District shall apply exclusively to all Parcels of land and rights of way, or portions thereof, within the boundaries of the Walking Area Overlay District. Any Parcel of land that is wholly or partly within the boundary shall be included.

Water Body, Major. See "Major Water Body".

Waterfront Setback. In reference to the Fort Morgan and Plash Island/Bon Secour River Overlay Districts, the minimum distance between any Building, Structure, parking lot, or other impervious improvement, and the Mean High Tide Line of the nearest water body.

Waterway: Any body of water, including any creek, canal, river, lagoon, lake, pond, bay or gulf, natural or artificial, but not including a swimming pool or ornamental pool.

Wetland: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided that lands which are periodically irrigated for agricultural purposes are not considered to be Wetlands for the purposes of this Ordinance. For the purposes of this Ordinance this definition shall be consistent with any Wetland regulation specifically adopted by the City of Gulf Shores or in lieu thereof shall be consistent with any State or Federal definitions regulating Wetlands.

Yard: Any open area, other than a court, on the same Lot with a Building, unoccupied and unobstructed from the ground upward except as otherwise provided in these regulations. A "required" Yard shall refer to a Yard the depth of which is specified within this Ordinance for the Applicable District.

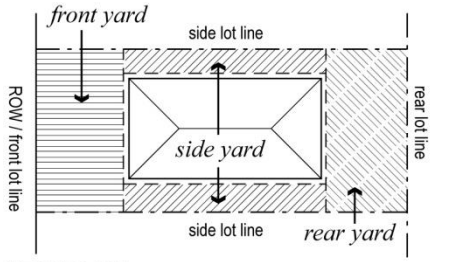
Yard, Front: A Yard across the full width of the Lot extending from the Front Building Line to the Front Lot Line. On "Standard Corner Lots" the Front Yard shall be considered as that Yard abutting the Front Lot Line.

Yard, Gulfside: A Yard on any Lot Abutting the Gulf of Mexico across the full width of the Lot extending from the CCCL seaward to the Mean High Tide Line. Refer also to the "Lucido and Oliver Line".

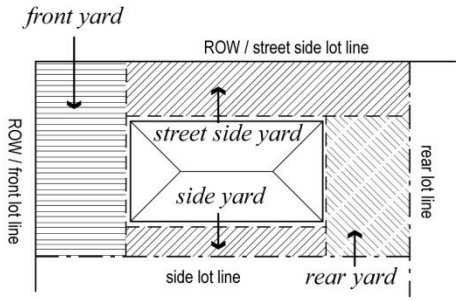
Yard, Rear: A Yard extending the full width of the Lot between the main Building and the Rear Lot Line on all Lots except those Abutting the Gulf of Mexico.

Yard, Side: A Yard between the Building and the corresponding Side Lot Line and extending from the Front Yard to the Rear Yard thereof.

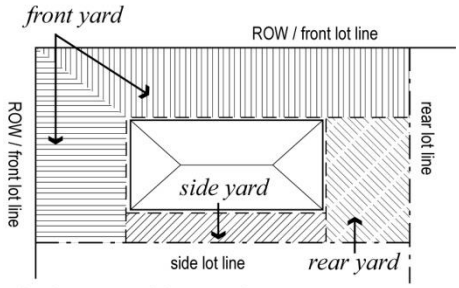
Yard, Street Side: A Yard extending across the side of a "Standard Corner Lot" between the Front Yard and the Rear Lot Line, and between the Principal Building and the Street Side Lot Line.



INTERIOR LOT



STANDARD CORNER LOT



NON-STANDARD CORNER LOT

Yard Configurations

Zoning Official: The Director of Community Development for the City of Gulf Shores or his authorized designee.

Zoning Ordinance or Ordinance: Except where otherwise specified, the officially adopted Zoning Ordinance of the City of Gulf Shores, Alabama.

§4-2. Use Definitions.

1) Accessory Dwelling: A supplementary Dwelling Unit subordinate to the Principal Structure, whether attached or detached. This unit may be provided for guests, relatives, or servants of the occupants of the principal Dwelling, and may include cooking, sleeping and sanitary facilities. See also §6-6 Accessory Dwellings.

Amusement and Recreational: A recreational facility providing family-oriented entertainment which may include the following: rides, games, water slides, wave pools, boats, performing animals, zoos, aviaries, botanical gardens, museums, theme villages, Motels, Hotels, retail shops, golf courses, miniature golf courses, theaters, places of entertainment and amusement, Restaurants, open air food and beverage service, Accessory Lounges, mini-railroads, and other similar uses.

Arts and Crafts: A retail establishment offering for sale products of artists and craftsmen, including, but not limited to, candy, leather goods, fabrics, china, glass, pottery, antiques, and specialty foods. Such establishments may include areas for the production of such items as described under the categories below:

Industrial: including a production area greater than 2,000 sf

Major: including a production area greater than 200 sf but no more than 2,000 sf

Minor: including a production area no greater than 200 sf

Automotive Services: Automotive service establishments shall be categorized as follows:

Automotive Service Station: A service station including gasoline sales and minor automotive repair services, but not including vehicle sales or rental, auto painting, body work, Major repair, dismantling for recovery of parts, automatic washing, or storage of vehicles or vehicle parts for more than thirty (30) days. See also §11-2 Automotive Service Stations.

Automotive Repair Service, Minor: A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Automotive Repair Service, Major: A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Beach Shelter: An Accessory Use, temporary or permanent, consisting of one or more columns and a roof and not including walls or permanent facilities of any type.

Bed and Breakfast: An establishment offering lodging accommodations, within and subordinate to an owner occupied, Single Family dwelling.

Boatyard: A commercial business engaged in the construction, repair, and maintenance of vessels. Services typically include, but are not limited to: pressure washing hulls, painting and coating, engine and propulsion system repair and replacement, hull repair, joinery, bilge cleaning, fuel and lubrication system repair and replacement, welding and grinding of hull, buffing and waxing, Marine Sanitation Device (MSD) repair and replacement, and other activities necessary to maintain a vessel. A Boatyard may be independent or conducted within a Marina.

Body-piercing studio: An establishment whose primary business activity is the practice of creating openings in the body of a person for the purpose of inserting jewelry or other decorations.

Brewpub: A commercial establishment licensed and operated as a brewpub as defined in the Alabama Brewpub Act, Ala, Code §28-4A-1, et. seq.

Building Supply: A business establishment offering sales, whether at wholesale or retail, of Building supplies and materials, such as lumber, bricks, and cement blocks; glass sales; and installation and including Outdoor Storage for materials sold on the Premises.

Call Center: A business that handles primarily telephone sales and/or customer service, such as technical support.

College: An educational institution of higher learning that grants associates or bachelor's degrees.

Commercial Use: An occupation, place of employment, or enterprise that is carried on for profit.

Condotel (or Condo-Hotel): A Hotel or Motel operated under a Condominium form of ownership. In addition to meeting the definition of Hotel or Motel in this Article 4, a Condotel is subject to the applicable provisions of §6-13 General Provisions for Lodging Uses and §11-21 Condotels.

Conservation Subdivision: A subdivision of Single-family detached Dwellings, wherein portions of the site containing environmental features are left

substantially undeveloped for preservation and/or recreation but where the developer may otherwise build the maximum number of Lots permissible under the base zoning district for the entire site by clustering such Dwellings on the portion(s) of the site not containing said environmental features. Refer also to §11-10 Conservation Subdivisions.

Corps, The: U.S. Army Corps of Engineers.

Cottage Subdivision. A subdivision of four (4) to twelve (12) Single-family detached Dwellings, wherein the individual Dwellings front on a Common Open Space and are provided access by a shared Driveway or Alley. Refer also to §11-11 Cottage Subdivisions.

Day Care Center: A care facility, licensed by the State of Alabama Department of Human Resources, which receives more than six (6) children for care during only part of the day. Refer also to §11-18 Day Care Facilities.

Day Care Home, Family: A care facility, licensed by the State of Alabama Department of Human Resources, which is a Single-family Dwelling and which receives no more than six (6) children for care during only part of the day. Refer also to §11-18 Day Care Facilities.

Distribution Center: A Building or Structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. This does not include a Building or Structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

Drive-in or Drive-thru Service: A business service conducted in such a way that customers need not leave their vehicles.

Duplex: See Dwelling, Duplex.

Dwelling: A Building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, Hotels, Motels, inns, Manufactured Homes, boarding and Lodging houses, tents, tourist courts, tourist home, hospitals or nursing homes. In the case of a Building having two (2) or more portions divided by one or more party walls forming a complete separation, each such portion is considered a separate Dwelling.

Dwelling Unit: A room or group of rooms including a kitchen, sleeping and sanitary facilities designed and used exclusively or occupied as separate living quarters by not more than one (1) Family. The term "Dwelling Unit" does not include a Sleeping Unit in a bona fide Motel or Hotel, as defined in this Article, even when such Sleeping Units are equipped with kitchen facilities.

Dwelling, Caretaker: A residence, incidental to a Principal Use, for an on-site manager, watchman or caretaker employed on the Premises.

Dwelling, Duplex: A single Building located on one Lot and containing two contiguous and independent Dwelling Units separated by a common wall and sharing a common roof and foundation.

Dwelling, Multiple-family: A Building designed, arranged or otherwise containing three or more Dwelling Units.

Dwelling, Single-family. A Building designed for, arranged or occupied exclusively by one household or Family and located on its own Lot. Single-family Dwellings may be further categorized as “attached” and “detached”.

Dwelling, Townhouse or Attached Dwelling: A Building designed for or occupied exclusively by one (1) Family and attached to two (2) or more other Buildings of similar design and separated by one (1) or more party walls. A series of attached Townhouses shall be considered a “Building group”.

Dwelling, Upper-Story: A Dwelling Unit within a Mixed-use Building wherein no Dwelling Units are located on the first Habitable Floor.

Employment Dormitory: A residential building that contains temporary living quarters for employees. An employment dormitory does not include separate dwelling units but may include common dining, cooking and recreation or bathing facilities.

Essential Services Facilities: A Building, Structure, or site utilized or operated for generation, processing, treatment, transmission, personnel or equipment support, or system control in connection with the provision of utilities or services, whether publicly or privately owned, but excluding any Essential Services Installation as defined below. Examples of Essential Services Facilities include, without limitation, waste treatment facilities, water storage tanks, public water system wells, electrical, gas, telephone, and cable television transmission stations and substations, landfills and solid waste disposal sites, utility and public service supply and equipment storage facilities, and public transportation depots and stations. The characterization of Building, Structure, or site as an Essential Services Facility does not exempt such Building, Structure, or site from any regulations and requirements otherwise applicable under the Zoning Ordinance based on the particular physical character of the Building, Structure, or site. As an example, any Essential Services Facility incorporating a tower Structure must conform to all

regulations and restrictions otherwise applicable to towers.

Essential Services Installation: Any incidental and unmanned minor component which is common and necessary to the function or provision of any public utility or service and which emits no noise, vibration, odor, light, or any other characteristic which is or may reasonably be expected to become objectionable. Examples of Essential Services Installations include, without limitation, telephone junction boxes, sewage lift stations, utility transmission and distribution lines, electrical transformers, and police and fire call boxes.

Express Shipping Office: A commercial establishment providing mailing/shipping services to the public.

Food, Drink and Drugs: Grocery, delicatessen, supermarket or other store carrying a variety of food and related goods; Convenience Stores; and food specialty stores, including but not limited to meat, fish, eggs, poultry, fruit, vegetables, candy, nuts, coffee, tea, confection, dairy products, health foods, and retail bakery, but excluding any uses involving slaughtering or eviscerating. Such uses are further categorized as follows;

a) Minor: having a GFA of no more than 4,000 sf per business

b) Major: Having a GFA of more than 4,000 sf per business

Garage, Private: A Building or space used as an Accessory to or part of a Principal Building permitted in a residential district and providing for the storage of not more than four (4) motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Gas Station or Gas Station/Convenience Store: A business that includes gasoline sales and that may also include up to one (1) automatic car wash bay and retail sales of food, beverages, and sundries, but which does not include any automotive repair services, sales, or rental. A Gas Station that contains an automotive repair function shall be considered an "Automotive Service".

Governmental/Public Use: The use of any land or structure owned by the City of Gulf Shores, an incorporated instrumentality of the City of Gulf Shores, Baldwin County, the State of Alabama or the United States Government to provide or facilitate any public service or governmental function, including, without limitation, for the purposes of police services, fire protection services, paramedic services, sanitation services, road maintenance services, beach maintenance and patrol services, trash and refuse recycling or disposal services, passive or active recreation, public administration services, public libraries, public education, and any other service or function within the legal authority of any of such governmental entities.

Group Home: A non-profit or for-profit group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. For the purposes of this ordinance, a group home providing care for no more than ten (10) persons is considered a residential use, while a group home providing care for more than ten (10) persons is considered an institutional use.

Hatcheries, Aquaculture: The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed; a controlled discharge of nutrients to enhance growth or propagation of harvestable freshwater, estuarine, or marine life plant or animal species.

Home and Commercial Improvement Service: A business establishment providing services, which involve on-site storage and limited construction or repair activities wholly contained within a full enclosed Building, including but not limited to: furniture and appliance repair, home improvement company, interior decorator, upholsterer, general contractor or workman, and sign-making.

Home Occupation: A business conducted within a residence and complying with provisions of §11-5 Home Occupations.

Hotel: A Building or Structure under a single management that provides no fewer than five (5) rental room or suite units intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A Hotel shall maintain a central, internal lobby; and all guest rooms shall be accessible only from the interior of the Building. A Hotel provides daily room cleaning and linen changes for its guests, and may include supportive areas, services and amenities intended principally as services for registered guests. Individual Hotel room or suite units shall be furnished and may include normal kitchen equipment, but shall not include multiple bathrooms or more than one (1) Bedroom. See also §6-13 General Provisions for Lodging Uses.

Household Goods: Specialty store selling goods predominantly at retail on the Premises, including but not limited to furniture, floor covering, and appliances; hardware, paint, wallpaper, fabrics and upholstery supplies, curtains, linens, knitting supplies, china, glass, and pottery; and antiques and similar secondhand goods excluding materials held only for discard or reprocessing. Household Goods are further categorized as:

Major: having a GFA greater than 6,000 sf per business. Storage of lumber, masonry, Landscaping materials, and similar items is carried on within a fully or partially enclosed Structure.

Minor: having a GFA no more than 6,000 sf per business

Incidental Accessory Retail and Service Uses: Accessory Uses conducted primarily for the convenience of employees, patients, patrons, or visitors on the Premises and contained within the foot print of the Principal Building or an approved accessory structure, including but not limited to food service, barber and beauty shops, shoe repair, travel agencies, photographers, tailor, dressmaker, artist studios, picture framing, gift or novelty sales, and soda bars. For businesses catering to tourists, these uses may also include airbrush and caricature artists, hair wrap services and similar incidental, accessory activities.

Industrial Uses, Heavy. The following uses, or manufacture, compounding, processing, packaging or treatment of the following products having accompanying nuisances or hazards such as fire, explosion, noise, Glare, vibration, dust, or the emission of smoke, odor, or toxic gases:

Chemical, Petroleum, Coal and Allied Production: Acids and derivatives - Acetylene, generation and storage; Ammonia; Caustic Soda; Cellulose and cellulose storage; Chlorine; Coke oven products (including fuel gas and coke oven products storage; Creosote; Distillation, manufacture or refining of coal, tar, asphalt, wood, and bones; Explosives (including ammunition) and fireworks and explosives storage; Fertilizer (organic); Fish oils and meal; Glue, gelatin (animal); Hydrogen and oxygen; Oxygen; Lamp black, carbon black; Nitrating of cotton or other materials; Nitrates (manufactured and natural) of an explosive nature and storage; Petroleum, gasoline and lubrication oil, refining and wholesale storage; Plastic materials and synthetic resins; Potash; Pyroxylin; Rendering and storage of dead animals, garbage or waste products; Turpentine and resin.

Clay, Stone and Glass Production: Brick, firebrick, refractories, and clay products (coal fired); Cement, lime, gypsum or plaster of paris; Minerals and earths; Quarrying, extracting, grinding, crushing, and processing.

Food and Beverage: Fat rendering; fish curing; slaughtering of animals; starch manufacture

Metals Production: Aluminum powder and paint manufacture; blast furnace and cupolas; blooming mills; metal and metal ores reduction, refining, smelting, and alloying; scrap metal reduction.

Wood and Paper Production: Match manufacture; wood pulp and fiber, reduction and processing.

Unclassified Industries and Uses: Cotton ginning; cottonseed oil refining; hair, hide and raw fur curing, tanning, dressing, dyeing and storage; shell dredging; stockyard.

Industrial Uses, Light: Manufacturing and industrial operations of an intensity and design such that they do not emit detectable dust, odors, Glare, smoke, gas, fumes, noise or vibrations beyond the property lines of the Premises on which they are located, including the following categories

Low Intensity: Candy, pharmaceutical, and optical and scientific instrument manufacture; industrial Arts and Crafts; and plumbing shops.

Medium Intensity: Air conditioner filter manufacturing; bottling plants; sign manufacture; wholesale dairy processing, bottling and distribution; leathergoods manufacture from hides but excluding tanning; and industrial research and education.

High Intensity: clothing, textile, furniture, ceramic, plastic, paint, oils, shellac, lacquer, pottery, and porcelain manufacture; tire recapping and retreading; electrical equipment assembly; electroplating or battery making; and grain processing.

Institution or Institutional Use. A Structure or land occupied by a group, cooperative, or other Entity created for non-profit purposes or services; but excluding those of an industrial nature such as garages, repair or storage Yards, warehouses, and correctional Institutions; and as categorized in the table below.

Low Intensity Institutional Uses

- civic, service, and fraternal organizations; cultural facilities
- places of assembly up to 250 seats
- day care centers; dormitories; group homes with more than ten (10) residents
- nursing homes, rest homes, and other homes for the aged up to 12,500 sf

Medium Intensity Institutional Uses

- health institutions up to 50,000 sf
- private schools, universities, colleges, other institutions up to 50,000sf
- places of assembly up to 750 seats
- stadiums and arenas up to 5,000 seats
- other institutions up to 50,000 sf

High Intensity Institutional Uses

- health institutions greater than 50,000 sf
- places of assembly greater than 750 seats
- private schools, universities, colleges, other institutions greater than 50,000 sf
- stadiums and arenas greater than 5,000 seats
- institutions greater than 50,000 sf

Interval Occupancy Facility: A facility comprised of one or more Dwelling Units in which the exclusive right of use, possession, or occupancy of each Dwelling Unit circulates among multiple owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

Junkyard: A Building, Structure, or Parcel of land, or portion thereof used for the collection, storage, purchase, sale or salvage or disposal of Junk.

Kennel: Any business establishment, other than a Veterinary Hospital, wherein the care, breeding, or sale of animals is the Principal Use of the Premises.

Laundering, Dry Cleaning, and Dyeing Plants: Establishments primarily engaged in high volume laundry and garment services, including commercial and industrial laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners, but excluding laundromats and dry cleaning pick-up stations without dry cleaning equipment.

Laundry Services: Laundromat, laundry and dry cleaning pick-up stations, dryer, and clothing storage, but excluding Laundering, Dry Cleaning, and Dyeing Plants.

Lodging: Transient or short tem living accommodations provided by a Hotel, Motel, or Bed and Breakfast facility or through the short term rental of a Dwelling Unit.

Lounge: A business establishment offering for sale alcoholic beverages for on-premise consumption. A Lounge located in a Mixed-use Building directly accessed from sidewalks on or Abutting public rights-of-way shall be considered a Principal Use for purposes of Article 14. Further, Lounges shall be categorized as follows:

Bar: A Lounge wherein such use constitutes the Principal Use of the Premises as distinguished from "Accessory Lounge" below.

Accessory Lounge: In the case of Hotels and Motels, a Lounge located within the same Structure as, and Accessory to the Principal Use of, a Hotel or Motel, including any case where the Lounge has a separate entrance from the Hotel or Motel. In the case of Restaurants, a Lounge wherein the sale of alcoholic beverages for on-premise consumption is an Accessory Use to the serving of meals and food during lunch and dinner; and wherein the Lounge area, intended primarily for the preparation, serving and consumption of alcoholic beverages, constitutes no more than one-third (1/3) of the Net Floor Area of the Restaurant.

Manufactured Home Park: A site upon which one or more Class A Manufactured Homes occupied for Dwelling purposes are located, regardless of whether a charge is made for accommodations.

Manufactured Home Subdivision: A subdivision designed and/or intended for the sale of Lots for siting Class A Manufactured Homes and in accordance with the requirements of the Subdivision Regulations.

Marina: A facility consisting of at least ten (10) slips for docking vessels or providing services to vessels and the occupants thereof. The services provided may include, but are not limited to: minor servicing, repair, and cleaning of boats while in the water or in approved facilities, the sale of fuel and supplies, and the provision of Lodging, food, beverages, and entertainment as Accessory Uses. The term "Marina" includes yacht clubs and boat docks with ten (10) or more slips associated with Lodging, condominium, or Condotel uses. The term "Marina" does not include docks, boat ramps, boathouses, and similar docking facilities Accessory or subordinate to individual Single Family or Duplex Dwellings on the same Premises and under the same ownership. A Marina site includes all marine areas used for ramps, jetties, pontoons, piers, floating systems, and related Structures. Refer also to §11-8 Marinas and Marina Facilities.

Medical Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists,

other medical personnel, psychologists, or social workers whereby patients are not lodged overnight.

Micro-Brewery: An establishment for the manufacture, blending, fermentation, processing and packaging of beer in annual quantities less than 10,000 barrels and from which the beer is dispensed for on premises tasting or sampling or sold in original unopened barrel or keg containers to any designated wholesaler licensee for resale to retailer licensees.

Mixed-use Development: Development consisting of a residential and commercial component from the permitted uses found in a district, but not limited to, residential, Lodging facilities, commercial retail sales, commercial services, financial, professional, business and administrative services that are either within the same Building, on the same Parcel, or part of a Planned Unit Development in such a way as to provide unified control and design, direct pedestrian access, and joint use of parking, Driveways, utilities and other ancillary facilities.

Monument Sales: A business establishment engaged in the sale of monuments, including incidental processing to order but excluding the shaping of stones and similar processes.

Motel: A Lodging establishment meeting the definition of "Hotel" except that Sleeping Units are generally accessible from the exterior of the Building. See also §6-13 General Provisions for Lodging Uses.

Night Club: A business operated to supply music or entertainment or both, provides beverages and meals prepared on the Premises, and which provides open floor space for patrons who wish to dance.

Non-residential: A Building, use, or zoning district other than residential Dwelling Units or Buildings. For the purposes of this Ordinance, Hotels and Motels are Non-residential uses.

Office, General: Professional, business, administrative, executive, and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sale of commodities on the Premises.

Major: exceeding 5,000 sf in GFA

Minor: 5,000 sf or less in GFA

Outdoor Storage: The keeping, in an enclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours whether for storage, display, processing or sale. Outdoor Storage is further categorized as follows:

Accessory Outdoor Storage: Outdoor Storage carried on accessory to a Principal Use and which involves the storage of goods, wares, merchandise, commodities and small equipment and materials which are incidental to the principal activity on the Premises.

Outdoor Storage, Major: Outdoor Storage carried on as a principal or majority use of the Premises or storage of heavy equipment and similar materials, Junk, debris or recycling, whether as a Principal or Accessory Use.

Personal Goods: Retail specialty store selling goods predominantly at retail on the Premises, including but not limited to tobacco, news, books, stationery, gifts, cards, novelties, flowers, jewelry, luggage, clothing and apparel, optical goods, sporting goods, coins, stamps, photo supplies, art supplies, works of art, music, musical instruments, and hobby goods. Personal Goods are further categorized as:

Major: having a GFA greater than 4,000 sf per business

Minor: having a GFA no more than 4,000 sf per business

Personal Services: Barber and beauty shops, shoe repair shops, travel agencies, photographers, tailor, dressmaker, artist studios, picture framing, and other Personal Services of a similar nature.

Place of Assembly: Land or buildings arranged for public assembly or for religious purposes, such as, community centers, churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

Plant Nursery, Greenhouse: Land, including structures, used to raise flowers, shrubs, trees, and plants whether for sale or person enjoyment.

Professional Support Services: A business establishment providing services including but not limited to blueprinting, printing; engraving; mailing; and telephone answering, telegraph and messenger services, and as further categorized below:

Major: exceeding 2,500 sf in GFA.

Minor: not exceeding 2,500 sf in GFA.

Public Park and Playgrounds: A tract of land, designated and uses by the public for active and passive recreation including but not limited to recreational fields and facilities, pathways, children's play areas and equipment, etc.

Recreational Vehicle (RV) Park: Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles, for a fee as temporary living quarters for recreation or vacation purposes. RV Parks may also be commonly referred to as "RV Campgrounds".

Repair Services: A business establishment providing repair services as defined by the following categories:

Repair Services, Major: Repair or adjustment of small motors, appliances, and similar items whether conducted in a fully enclosed Building or not.

Repair Services, Minor: Repair or adjustment to bicycles, small appliances, watches, locks, musical instruments, guns and similar items conducted wholly within a fully enclosed Building.

Residential Food and Recreation Facilities: Facilities for food service and recreation, serving residents of Multiple-family development, that are incidental to the Principal Use and are not advertised by signs visible from Adjacent Thoroughfares nor intended to attract non-resident consumers.

Restaurant. Business establishments serving meals and food for on or off-premise consumption. If any area intended to be used for the preparation, serving and consumption of alcoholic beverages, constitutes no more than one-third (1/3) of the Net Floor Area of the Restaurant it shall be considered a Lounge. Restaurants shall be further categorized and defined as follows:

Restaurant, Accessory: A Restaurant, incidental to a Principal Use, whose primary purpose is to provide internal dining facilities for the use of patrons to the Principal Use and not to attract the patronage of the general public. Such Restaurants are not identified by exterior signage designed and oriented so as to be directed at persons off-Premises. A Restaurant located in a Mixed-use Building directly accessed from sidewalks on or Abutting public rights-of-way shall not be considered an Accessory Restaurant for purposes of Article 14, but shall instead be considered a "Standard Restaurant".

Restaurant, Delivery and/or Pick-up only: An establishment selling food and drink for off-premise consumption only. Such establishments, for the purposes of calculating required parking shall be considered as retail uses.

Restaurant, Standard: A Restaurant, not considered an incidental or Accessory Use, selling food and drink for consumption on Premises and excluding all Drive-in and Drive-thru Services.

Restaurant, Walk-up: An establishment selling food and drink for consumption on or off the Premises, including a walk-up window but not including any drive-thru or drive-in facilities. On-premise dining shall be limited to six (6) seats.

Restaurant, Drive-in: A Restaurant selling food and drink for consumption on or off the Premises, including Drive-in Services and/or drive-thru facilities.

Retail, Bulk Merchandise: A retail business selling merchandise generally characterized by high bulk and high cost including furniture, appliances, large hardware items, business machines, bicycles, guns, light fixtures, radio and television, auto accessories, Building materials, home furnishings, and similar goods. The sales of Bulk Merchandise in combination with a large variety of non-Bulk Merchandise shall be considered "General Retail".

Retail and Services, General: Retail and service businesses serving citywide and commuter users, including but not limited to: Restaurants; stores offering general merchandise, apparel, furniture, household goods and hardware, electronics, drugs and sundries, jewelry and gifts, sporting goods, and pet supplies; art galleries; florists; grocers; dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair; Offices (including broadcast stations); banks; post offices; and theaters. This term shall not include: Lodging Uses, fast food Restaurants, car washes, gas and service stations, automotive dealerships, stockyards, Junkyards, live animal scales, nor industrial and manufacturing uses.

Retail and Service Uses, Incidental Accessory: See "Incidental Accessory Retail and Service Uses".

Rooming/Boarding House: A dwelling unit or part thereof in which, for compensation, lodging and meals are provided and personal and financial services may be offered.

School, Public or Private: A public, private or parochial school having a curricula approximately the same as ordinarily given in public secondary schools and meeting all standards of the State Board of Education for instruction and site size.

School, Specialty: Music, dancing, athletic, cooking, and similar Private Schools wholly contained within a Building.

Self (Mini) Storage Facility: A Building or group of Buildings under unified control, which are divided by permanent partitions into individual storage compartments whose primary purpose is to provide storage for personal property.

Tattoo parlor: Business activities including the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of skin by means of the

use of needles or other instruments designed to contact or puncture the skin. This definition excludes permanent cosmetic establishments and hospitals or other facilities operated by licensed medical practitioners.

Tourist Rental Dwelling: Any Single Family or Duplex Dwelling used for short term rental purposes. Said Dwellings are intended to provide accommodation housing for tourists.

Tourist Rental Permit – A permit issued by the Revenue Department of the City. A Tourist Rental Permit shall be obtained for every Tourist Rental Dwelling.

Transit Terminal: An establishment primarily engaged in furnishing passenger transportation, where transfer between modes of transportation take place.

Watersports Rentals: Rentals of motorized and similar watersports equipment, as allowed in the City Code of Ordinances.

§4-3. Abbreviations used in this Ordinance.

1) ac – Acre(s).

ADEM – Alabama Department of Environmental Management

ADCNR – Alabama Department of Conservation and Natural Resources

ALDOT – Alabama Department of Transportation

APA – American Planning Association

ATM – automated teller machine

Ave. – Avenue

BFE – base flood elevation

bldg. – Building

Blvd. – Boulevard

BMP – Best Management Practices

br – Bedroom

BZA – Board of Zoning Adjustment

CCCL – Coastal Construction Control Line

CDD – Community Development Department

CR – (Baldwin) County Road

CSL – Construction Setback Line

DBH – Diameter at Breast Height

Dr. – Drive

DRC – Design Review Committee

DU – Dwelling Unit

EQ – equal

FAR – Floor Area Ratio

ft – foot or feet

GFA – Gross Floor Area

HMP – Hotel meeting room parking factor

Hwy. – highway

ITE – Institute of Transportation Engineers

lf – linear feet

LPS – Low Pressure Sodium

max. – maximum

min. – minimum

MSP – Master Signage Plan

na – not applicable

NFA – Net Floor Area

NGVD - National Geodetic Vertical Datum

oc – on center

Pkwy. – parkway

PL – Property line or Lot Line

PUD – Planned Unit Development

ROW – Right-of-way

sf – square feet

St. – street

SU – Sleeping Unit

U.S. – United States

% - percent

§ - Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified

ARTICLE 5: ESTABLISHMENT OF DISTRICTS

§5-1. Districts.

To achieve the purposes of this Ordinance, the City of Gulf Shores is hereby divided into the following base zoning districts:

A. District Purposes.

1. AG Agricultural District. This District exists for the protection of areas which are, or are planned to be utilized for general agricultural purposes, and to provide suitable locations for very low Density Single Family uses together with associated Accessory Uses.
2. R-1-1 Residential/Single-family Estate District. This district exists for the protection of areas that are, or are planned to be developed for very low Density Single-family uses together with associated Accessory Uses.
3. R-1-2 Residential/Low-Density Single-family District. This district exists for the protection of areas that are or are planned to be developed for low Density Single-family uses, together with associated Accessory Uses.
4. R-1-3 Residential/Medium-Density and Waterfront Single-family District. This district exists for the protection of areas that are, or are planned to be, developed for low-to-medium Density Single-family detached Dwellings, together with associated Accessory Uses and, where applicable, so arranged as to provide views and vistas of water bodies from public or private Thoroughfares.
5. R-1-4 Residential/Medium-Density Single-family District. This district exists for the protection of areas that are, or are planned to be, developed for medium-Density Single-family detached Dwellings, together with associated Accessory Uses.
6. R-1-5 Residential/High-Density Single-family District. This district exists for the protection of areas that are, or are planned to be, developed for higher Density Single-family detached Dwellings.
7. R-2 Residential/Single-family and Duplex District. This district exists for the protection of areas that are, or are planned to be, developed for Single-family Dwellings or Duplexes.
8. R-3 Residential/Limited-Density Multiple-family District. This district exists for the protection of areas that are, or are planned to be, developed for attached housing in central neighborhoods. Permitted densities are limited so that compatible relationships can be maintained between all Dwelling types.
9. R-4 Residential/High-Density Multiple-family District. This district exists for the protection of areas that are, or are planned to be, developed for high-Density attached housing in central locations within the community. Other uses compatible with relatively high residential densities are permitted.
10. R-5 Residential/Manufactured Home and Recreational Vehicle Park District. This district exists to provide space at appropriate locations consistent with community objectives for the establishment of Manufactured Home Parks and Recreational Vehicle parks.
11. BN Neighborhood Business District. This district is intended to provide a transitional Buffer between commercial or industrial activities and nearby residential neighborhoods. Non-residential uses are limited to those that can be compatible with the residential character of Adjacent neighborhoods.
12. BG General Business District. This district is intended to provide locations for a specified range of retail businesses and services, offices, Hotels, Motels, and Condominiums and Multiple-family Dwellings and other compatible uses serving community needs, where an attractive appearance of Buildings and their Premises is important to the successful conduct of business.
13. BT Tourist Business Districts. These districts are intended to provide suitable locations for walkable, Mixed-use Developments consisting of Hotels, Motels, Condominiums, Multiple-family Dwellings and compatible Commercial Uses that provide residents and tourists with services, conveniences and amenities. There are five separately designated and separately regulated variants of the BT District:
    a. BT-1 Low-Medium Density Tourist Business District
    b. BT-2 Medium Density Tourist Business District
    c. BT-3 Medium-High Density Tourist Business District
    d. BT-4 High Density Tourist Business District
    e. BT-5 Maximum Density Tourist Business District
    f. BT-1-N: Tourist Business, 1, North
14. BA Arterial Business District. This district is intended to provide locations for a variety of commercial and light industrial activities along the main entrance highway to the City and at other locations where similar development may occur. An attractive appearance along the highway is essential if the City is to maintain its tourist resort image and ensure the continuing vitality of its local

economy. An attractive appearance is also essential to the successful operation of many commercial and industrial uses permitted within the BA District. Among the uses permitted, some require open sales Lots for the display of merchandise and others customarily store goods, materials, and equipment in open storage areas. Regulations for the District are intended to ensure that such open display areas or storage areas are Screened or landscaped so that they are compatible with other permitted uses and with the desired appearance of the City's main entrance highway.

15. ATP Amusement/Theme Park District. This district is intended for major amusement and/or Theme Parks on land Parcels of twelve (12) acres or more, in locations where their operations are compatible with existing or planned surrounding development and where Thoroughfares can accommodate traffic generated. Regulations permit customary uses for such parks along with decorative Structures, signs, pennants, and other devices that are appropriate to identify themes and provide a feeling of pageantry. The use of such devices are regulated to prevent unsightliness or visual clutter along a public Thoroughfare. Through required Setbacks, Buffers and Screening, and by other means, the regulations minimize adverse impacts of noise and other nuisances on surrounding properties.

16. ICW-N Intracoastal Waterway-North and ICW-S Intracoastal Waterway District-South. These districts are intended to create a unified and continuous development district, which emphasizes a maritime theme and which takes advantage of the natural beauty of the Intracoastal Waterway (ICW) and its potential appeal as a premier living and tourist destination.

17. IND Industrial District. This district is intended to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks are encouraged. This district is also intended to provide locations for manufacturing and processing industries, service industries, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes involved, require special locations and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors. Such industries may require sites extensive in size and served by adequate utilities service and transportation.

18. OS Open Space and Preservation District. This district is established to preserve and maintain lands for outdoor recreation, parks, and related activities, both public and private. This district may also be used to identify Alabama State lands intended to be preserved in their natural state.

19. ED Education District. This district is designed and intended for primary, secondary, and/or advanced levels of education related facilities and curriculum supporting sustainable economic development by providing the City of Gulf Shores children quality education as well as providing our community with a perpetual and skilled workforce.

B. Overlay Districts. In addition to the base zoning districts, the following overlay districts are hereby established to provide supplemental provisions for special areas within the City:

1. Walking Area Overlay District. Refer to §10-1.
2. Lagoon Pass Overlay District. Refer to §10-2.
3. Beach Area Overlay District. Refer to §10-3.
4. Business and Industrial Park Overlay Zone. Refer to §10-4.
5. Airport Overlay Districts. Refer to §10-5.
6. Fort Morgan Peninsula Overlay District. Refer to §10-6. The Fort Morgan Peninsula Overlay District is established to preserve and protect the character of the Ft. Morgan Peninsula by modifying City zoning district regulations to closely approximate the zoning district regulations applied to the area by Baldwin County's Zoning District 25. Uses permitted in the Ft. Morgan Peninsula Overlay District follow the uses allowed in the applicable base zoning district, unless otherwise stated.
7. Plash Island/Bon Secour River Overlay District. Refer to §10-7.
8. Single Family and Duplex Tourist Rental Overlay District. Refer to §10-8.

§5-2. Official Zoning Map.

Said districts are bounded as shown on the map entitled "City of Gulf Shores Zoning Map", as amended, revision dated January 1, 2010, as modified and supplemented by the map entitled “City of Gulf Shores Beach Area Zoning” dated May 17, 2005, which maps, with all explanatory matter thereon, are hereby made a part of this Ordinance. The originals of such maps, properly attested by the City Clerk, are and shall remain on file in the Office of the City Clerk.

§5-3. Interpretation of District Boundaries.

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

A. Where such district boundaries are indicated as approximately following centerlines of Thoroughfares and Alleys, Lot Line, stream centerlines, property lines or corporate limit lines, such lines shall be considered to be such boundaries.

B. In unsubdivided property or where a district boundary divides a Lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing on the Zoning Map.

C. Where physical or cultural features existing on the ground are at Variance with those shown on the Zoning Map, or in other circumstances not covered by the preceding rules, the BZA shall interpret the district boundaries.

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ARTICLE 6: SUPPLEMENTARY REGULATIONS

§6-1. Uses in General.

In each district, only the uses specifically listed as "permitted uses", "uses subject to Specific Use regulations", or "Conditional Uses" shall be allowed.

A. Permitted Uses. These uses shall be permitted "by right" in accord with any limitations within the Applicable District and subject to Site Plan Review where applicable.

B. Uses Subject to Specific Use Regulations. These uses shall be permitted "by right" subject to the applicable provisions of Article 11 Specific Use Regulations.

C. Conditional Uses. These uses shall only be permitted in accord with §3-4 Conditional Use Permit upon the approval of a Conditional Use Permit by the Council and only in conformance with all conditions the Council may require. Conditional Uses may also be subject to Specific Use Regulations where indicated in this Ordinance.

D. Unlisted Uses. In any case where a use is not specifically referred to by the Table of Permitted Uses for the Applicable District, its status shall be determined by the Zoning Official by reference to the most clearly analogous use specifically referred to in the Table of Permitted Uses for the applicable district. When the status of a use has been so determined by the Zoning Official, such determination shall thereafter have general application to all uses of the same type.

§6-2. Lot Regulations.

A. Existing Lots of Record. A Single-family Dwelling may be constructed on any Nonconforming Lot in any residential district if said Lot is less than the minimum area required for Building Lots in the Applicable District, provided the following conditions are met:

1. Availability of Adjacent Vacant Land. No Structure shall be constructed on any Nonconforming Lot if the owner of said Lot owns any Abutting vacant land on the effective date of this Ordinance which could create a conforming Lot if said vacant land were combined with the Lot deficient in area.

2. Yards. No Structure shall be constructed on a Nonconforming Lot without Front, Rear, and Side Yard Setbacks as required in the Applicable District.

B. Street Access. All lots shall have frontage on a public ROW except as provided for planned developments in Article 15 and for Cottage Subdivisions in §11-11. No Structure shall be constructed on a Nonconforming Lot that does not abut a public Thoroughfare having a minimum ROW width of forty (40) ft.

C. Required Area or Space Cannot be Reduced. The area and dimensions of any Lot, Yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance except as provided in this Ordinance; and if already less than the minimum required by this Ordinance, said area or dimension may be continued but shall not be further reduced.

D. Buildings per Lot.

1. Only one (1) Principal Building and its customary Accessory Building may hereafter be erected on any Lot in any R-1 or R-2 District except as otherwise provided in Article 15 Planned Unit Development.

2. In all other districts multiple Principle Buildings per lot are allowed. Minimum Building Spacing between buildings on the same lot shall be in accord with the Building and Fire Codes.

3. For the purposes of this Section, a Principal Building is considered to be enclosed by a continuous wall on all sides. Joining two such Buildings with a walkway, which is open on one or more sides, is permitted only when the two opposite walls joined by such walkway are separated as required within this Ordinance.

4. Where there are two or more Buildings permitted per Lot, each Building shall be directly accessible from a public Thoroughfare or from an unobstructed fire lane.

E. Required Lot Width and Lot Frontage. The minimum Lot Width of any Lot shall be measured along the Front Setback Line and in no case shall the minimum Lot Frontage (see Figure 6-2E) be less than forty (40) ft except as follows:

1. Minimum Lot Frontage for Townhouses: 20 ft

2. Minimum Lot Frontage for Lots on Cul-de-Sacs: 25 ft

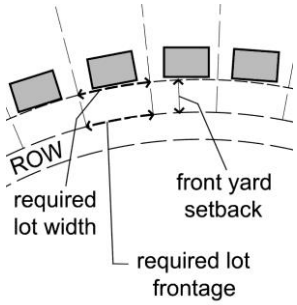


Figure 6-2E: Lot Frontage on Curved Thoroughfares

F. Official Street Line. Where an official line has been established for the future widening or opening of a Thoroughfare upon which a Lot abuts, such official line shall be considered as the property line.

§6-3. Yard Regulations.

A. Setback Restrictions and Projections.

1. Balconies and other structural elements shall not extend into Setbacks unless specifically excepted in this Ordinance.

2. Minor architectural embellishments may extend up to two (2) ft into Setbacks if they do not comprise more than twenty (25) percent of the surface of the Building face in question.

   Encroachments into Waterfront Setbacks up to two (2) ft may be permitted for eaves, cornices, downspouts, gutters, handrails, steps, or architectural embellishments if they do not comprise more than twenty-five (25) percent of the length of the Building face in question. No part of balconies, Accessory Uses, swimming pools, parking lots, and signs shall encroach into a Waterfront Setback.

3. No Accessory Use of any kind may be located within a Setback except as otherwise specifically authorized in §6-6 Accessory Buildings and Structures.

4. Every part of a Required Yard or Court shall be open from its lowest point to the sky unobstructed except for:

   a. Accessory Uses conforming to the requirements of §6-6 Accessory Buildings and Structures.

   b. Uncovered terraces, steps and porches which are not in any part more than thirty (30) inches above Grade Level of the Principal Structure and not within four (4) ft of any Abutting Lot Line. Uncovered steps and stairs, of any height, may encroach no more than twenty-five (25) percent into a required Front Yard on a Single Family or Duplex Lot.

   c. Roof overhangs, not to exceed a projection into a Required Yard of more than three (3) feet but in no case projecting across any Adjacent property line.

   d. Bay windows, chimneys, window air condition units and similar architectural features or mechanical components of Single Family and Duplex Structures projecting no more than two (2) ft into a Required Yard. The cumulative width(s) of such encroachments shall not constitute more than ten (10) percent of the total length of the wall onto which they are located. In no case shall such projections be located nearer than five (5) ft from any Abutting Lot Line.

   e. Mechanical components of central air conditioning systems, irrigation pumps, grinder pumps, or similar mechanical equipment not to exceed a projection into a required Side Yard of more than four (4) ft. In no case shall such mechanical equipment be located nearer than five (5) ft from any Lot Line.

   f. Moveable Awnings attached to and supported by a Building wall may be placed over doors or windows in any Required Yard, but such Awnings shall not project closer than five (5) ft to any Lot Line.

   g. Awnings to cover outdoor seating areas may extend into a required Front Yard only in conformance with the following:

      (1) Awnings shall be constructed of fire resistant vinyl fabric or canvas as approved by Building Department staff. The Awning shall only cover the top of the outdoor seating area, except that transparent vinyl or plastic as approved by the Building Department staff may be used as a windbreak.

      (2) No part of the awning or awning structure shall extend closer than five (5) feet to any Thoroughfare ROW.

      (3) The Awning column support system shall be constructed of metal or wood or manmade materials as approved by Building Department staff.

      (4) At no point shall the height of the Awning be lower than eight (8) feet above the floor of the outdoor seating area. The valance of the Awning shall not exceed twelve (12) inches measured top to bottom of the valance.

      (5) The portion of the awning within a required Front Yard shall not cover an area larger than 800 sf.

      (6) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for maintaining the Awning system in a healthy, neat, safe and orderly condition, replacing it when necessary, and keeping the area free of refuse and debris.

B. Required Yards not to be Used by Another Building. The minimum Yards or other open spaces required by this Ordinance for each and every Building hereafter erected, moved or structurally altered shall not be encroached upon or considered to meet the Yard or open space requirements of any other Building except as provided in §6-3A and §6-6 Accessory Buildings and Structures.

C. Side Yards.

1. Single-family and Duplex Lots. Where a Side Yard contains a Driveway passing between a Structure and

an interior Side Lot Line, the Setback for the affected Side Yard shall be no less than twelve (12) ft.

2. Non-residential Districts. To encourage a compact walkable development pattern, Side Yards are generally not required. Instead, Structures may be built to their Side Lot Lines, subject to adequate fire separation from Abutting development in accord with the Building and Fire Code. However, where Structures are set back from a Side Lot Line, they shall be set back no less than ten (10) ft. Where a developing use abuts a use to which it may be objectionable, pursuant to §12-3 Buffers, a Buffer shall be provided accordingly.

D. Gulfside Yard. Every Lot Abutting the Gulf of Mexico shall have, on the Gulf side, a Gulfside Yard. The seaward edge of the Gulfside Yard shall be the Mean High Tide Line. The landward edge of the Gulfside Yard shall be the Coastal Construction Control Line (CCCL) established by the City, which is on file in the office of the Building Official. The Gulfside Yard shall extend the full width of the Lot. No Structure, including Beach Shelters, Building, swimming pool, drive, vehicular parking, bulkhead, wall or fence except for sand fencing and Dune Walkovers, may be built within the required Gulfside Yard.

E. Yards of Corner Lots. Standard Corner Lots of Single Family and Duplex uses shall be considered to have a Front Yard and a Street Side Yard, as defined in Article 4. The Setback for each shall be as required in the Applicable District. All other Corner Lots shall be considered to have two Front Yards with the Setbacks for both as required in the Applicable District. See Figure 6-3E below.

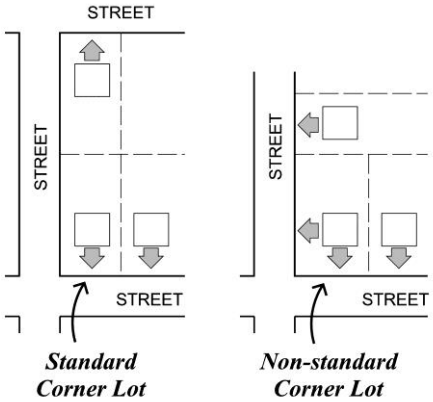
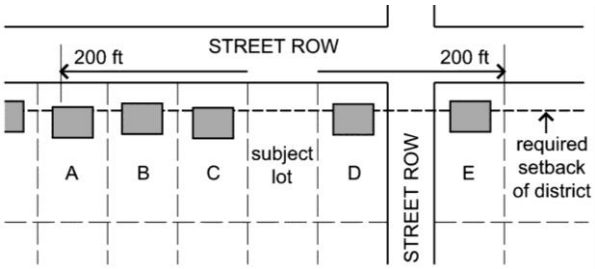


Figure 6-3E Yards of Corner Lots

F. Yards of Through Lots. On Through Lots, the required Front Yard shall be provided on each Street Frontage except where a note appears on a recorded plat restricting access to one of the Abutting Thoroughfares. In such case, the required Rear Yard shall be the minimum as required by the applicable district.

G. Exceptions and Modifications.

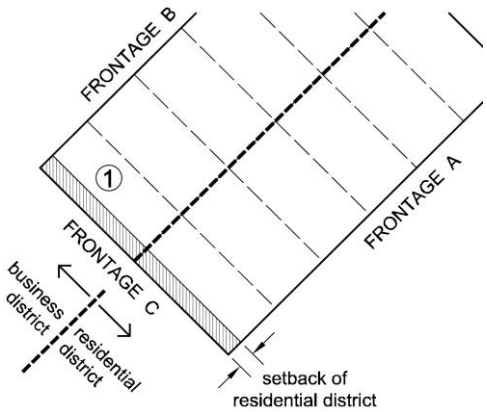
1. Reduced Front Yard. A required Front Yard may be reduced where the average Setback of existing Buildings within 200 ft on either side of a proposed Building Lot, and within the same Block, is less than the required minimum Front Yard (see Figure 6-3G1). In such case, the Setback on the proposed Building Lot may be less than the required Front Yard depth, but not less than the average of the existing Setbacks on the aforementioned Lots, except that in no case shall a Building project beyond the average Front Yard of the two Adjacent Buildings on either side of the Lot in question.



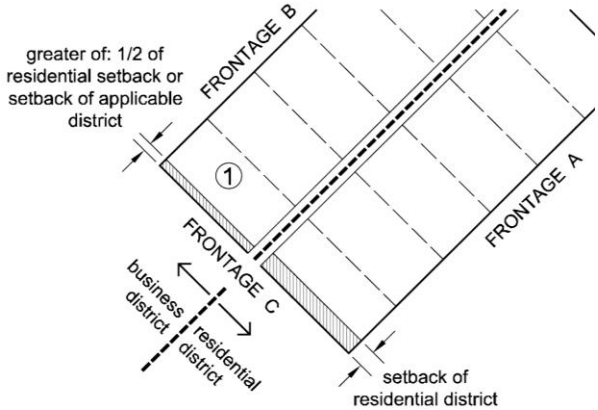
The required setback of the subject lot shall not be less than the average of the existing setbacks on Lots C and D and not more than the average of the existing setbacks on Lots A through E

Figure 6-3G1 Reduced Front Yard

2. Contextual Setbacks. Wherever a Block Frontage includes multiple zoning districts, the minimum Front Yard Setback for all Lots along the frontage shall be the most restrictive Front Yard Setback required by the districts occurring along that frontage (see Figure 6-3G2, Example 1). This shall be considered the Contextual Setback. However, in the case of a frontage wherein a district with a greater minimum Front Yard Setback is separated from a district with a lesser minimum Front Yard Setback by an Alley, watercourse, Buffer, or similar physical transition, the Contextual Setback within the latter district shall be half (1/2) of the Setback required in the former district *or* the normally required Setback of the latter district, whichever is greater (see Figure 6-3G2, Example 2). These provisions shall also apply to Street Side Yards in the case of Standard Corner Lots.



Example 1: Where the Lots along Frontage A are in a district with more restrictive Setbacks than those Lots along Frontage B, the Setback along Frontage C for Lot 1 is subject to the more restrictive Setback, except as shown in Example 2.



Example 2: Where the Lots along Frontage A and those along Frontage B are separated by a public Alley ROW, the "Contextual Setback" along Frontage C for Lot 1 shall be the greater of: the normal Setback of the Applicable District or half of the Setback in the Abutting residential district.

Figure 6-3G2: Contextual Setbacks

3. Front and Rear Yard Reductions for Canal and Other Lots. Lots of record existing on the effective date of this Ordinance and located within residential districts, in an area bounded on the north by Little Lagoon, on the east by State Hwy. 59, on the south by West 2nd Ave. (extended), and on the west by West 6th St. (extended), shall have their required Front and Rear Yards reduced to a minimum of twenty-five (25) ft. If such Lots back on a canal or Waterway, other than Little Lagoon, and have Lot Depths of less than 85 ft, their required Rear Yards may be further reduced one (1) ft in depth for each one (1) ft of Lot Depth less than eighty-five (85) ft provided that no Rear Yard shall have a depth of less than ten (10) ft. In the case of all Lots within Block G-2 of the Resubdivision of Unit One, Gulf Shores, as recorded in Map Book 3, Page 57, where said Lots are located along the north side of Stanton Creek, no Rear Yard shall be required and Structures may abut the unopened ROW of West 2nd Ave. North.

4. Rear Yard Setback Reduction for Lots on the Intracoastal Waterway. Residential Lots whose Rear Lot Line abuts the Corps ROW Line on the Intracoastal Waterway shall have their required Rear Yard Setback reduced to a minimum of fifteen (15) ft. Single Family residential Lots whose Rear Lot Lines abut the Corps ROW Line on the Intracoastal Waterway shall be allowed to increase maximum Building Coverage to thirty (30) percent only when the Principal Structure is constructed at the minimum fifteen (15) ft Rear Setback line as provided for herein.

H. Construction Setback Line for Major Thoroughfares. Pursuant to the provisions of Act 94-572 (Acts of Alabama), there is hereby established a Construction Setback Line (CSL) for all properties fronting on a Thoroughfare listed in Table 6-3. The minimum Front Setback for properties Adjacent to these Thoroughfares, for all permanent Structures and/or required site Improvements including Landscaping and parking, shall be measured from the centerline of the existing ROW the distance specified in Table 6-3.

Table 6-3 Construction Setback for Major Thoroughfares

Road/Highway	Setback
CR 6 East, CR 6 West, CR 8 East and CR 8 West	40 Ft
CR 4 East, CR 4 West, and Roscoe Rd.	50 Ft
Foley Beach Express	75 Ft

1. Permanent Structures prohibited within the required Construction Setback include: Buildings, houses, decks or porches, Manufactured Homes, swimming pools, drainage detention or retention Structures, septic tanks, gas pumps, underground storage tanks, required parking spaces, required Landscaping or other site Improvements required by this Ordinance.

2. Non-permanent Structures which the City may authorize within the required Construction Setback include: signs, access Driveways or roads, overflow parking in excess of required parking spaces, additional Landscaping, fences, and portable Accessory Uses such as a Yard shed, sidewalks, and bike paths.

I. Garage Setbacks for Dwellings on Narrow Lots. For Dwellings with Lot Widths of fifty (50) ft or less, whether attached or not, enclosed garages that face the front of the Lot shall be set back behind the Front Building Line no less than five (5) ft.

§6-4. Modification of Height Regulation.

The maximum Building height regulations as prescribed in this Ordinance shall not apply to belfries,

chimneys, church spires, cooling towers, elevator bulkheads, fire towers, flag poles, television reception antennae, tanks, water towers, or mechanical equipment rooms that:

A. do not separately or in combination with other rooftop Structures exceed ten (10) percent of the horizontal roof area; and

B. do not exceed otherwise applicable height limitations by more than fifteen (15) ft or ten (10) percent of actual Building Height, whichever is greater, provided however, that no sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any antenna, tower, or other Structure or otherwise erected so as to extend above the roof of the Principal Structure.

§6-5. Walls, Fences and Hedges.

For the purposes of this Section, the term "wall" and "fences" shall have the same meaning but shall not include the term "retaining walls".

A. Front Yards.

1. General. All walls and fences within a required Front Yard, and a Street Side Yard where applicable, shall not exceed four (4) ft in height, except that in all non-residential districts and in the R-3 and R-4 districts, walls and fences of greater height may be permitted in accord with §12-2 Screening, provided that the Zoning Official determines that:

   a. It is not practical to locate such facilities in locations other than in a required Front Yard.

   b. The encroachment of such walls and fences into a required Front Yard is the minimum necessary.

2. Exceptions for Residential and Lodging Developments. Unless otherwise regulated, walls and fences which enclose or screen any residential cluster or Multiple-family development, including Hotels and Motels, may be constructed up to a maximum height of six (6) ft within a required Front Yard, provided that the approving authority finds, after review of the development plan, that such walls or fences will not adversely impact any Abutting properties. In addition, such walls or fences shall be allowed where a subdivision borders on or contains an existing or proposed Arterial or Collector when such Structures are located between the Thoroughfare and the Rear Lot Line of a Through Lot or between the Thoroughfare and the Front or Street Side Lot Line of a Corner Lot situated directly Adjacent to such Arterial or Collector.

B. Side and Rear Yards. All walls or fences within required Side or Rear Yards shall not exceed eight (8) ft in height except in the case of that Yard of a Through Lot designated as its Rear Yard. In such case, fence height shall not exceed four (4) feet. Walls and fences within non-Required Yards shall not exceed eight (8) ft in height. In the case where a Lot or group of Lots do not have access to a secondary Thoroughfare, the Zoning Official may approve fences up to 8 ft in height.

C. Boundary Between Residential and Other Districts. Along the boundary between a residential and a non-residential district, the height of walls or fences within any Required Yards shall be in accord with §12-2 Screening and §12-3 Buffers.

D. Fence Materials.

1. For Single-family and Duplex Dwellings, chain-link fencing may be used behind the Front Building Line only.

2. Chain-link fencing within an Industrial District shall not be permitted forward of any Front Building Line and shall not be visible from any Thoroughfare.

3. Barbed-wire, razor-wire and similar fencing shall not be used within any residential district except as may be required to secure Essential Services Facilities or Installations and shall not be permitted within fifty (50) ft of any residential district boundary. In no case shall barbed-wire, razor-wire, and similar fencing be less than six (6) ft above Grade Level.

§6-6. General Provisions, Accessory Buildings and Dwellings.

All Accessory Uses, in all districts shall conform to the regulations of this section unless specifically excepted by other provisions of this Ordinance. In addition, necessary Essential Services Facilities and other Improvements related to the provision of basic services such as fire hydrants, outdoor lighting, mailboxes, or integral components of underground utilities are not intended to be restricted from Required Yard areas or defined as Accessory Uses.

A. Swimming Pools. Within all residential districts, swimming pools and surrounding decking or patios, regardless of elevation, may be enclosed by fences or Screening as required or permitted by the City; shall not occupy any Front Yard or required Side Yard; and shall not be located closer than five (5) ft to any property line except in the case of waterfront Lots where such Structures may be placed between the Principal Structure and the official Street Line but not within a required Front or Side Yard. Within any non-residential district, swimming pools and surrounding decking or patios, regardless of elevation, shall in no case be located closer than five (5) ft to any property line and may be enclosed by an Accessory Use as otherwise provided for within this Ordinance.

B. Screened Swimming Pool Enclosures. Screened swimming pool enclosures when otherwise constructed in compliance with the requirements of §6-6D and §6-6E shall not be considered as Building Coverage nor subject to the Building Coverage provisions of those Sections. All such enclosures shall be unroofed except for screening and shall not be enclosed on any side other than where attached to the Principal Structure by any material other than screening and except that such enclosures shall not be located closer than five (5) feet to any property line.

C. Tennis Courts.

1. Tennis courts shall not be permitted within any Required Yard area unless the City Council grants a Conditional Use Permit, and in no event:

   a. within twenty (20) ft of a Street Line;

   b. within twenty (20) ft of a Lot Line of any Abutting residential property, including Lodging uses; or,

   c. within ten (10) ft of a Lot Line of any Abutting commercial property.

   d. Within the Front Yard of Single-family or Duplex Lots except in the case of waterfront Lots where such Structures may be placed between the Principal Structure and the official Street Line but not within a required Front or Side Yard.

2. In a Required Yard, only an open-wire-mesh fence, without canvas or other cover, shall be permitted not exceeding a height of twelve (12) ft.

D. Placement of Accessory Buildings, Dwellings and Structures in the Agricultural, Residential and BN Districts. Accessory buildings and dwellings shall be subject to the applicable provisions of this Section and the provisions of the Applicable District.

1. Where specified as a permitted use, only one (1) Accessory Dwelling shall be permitted as an Accessory Use to a permitted principal building.

2. Maximum Building Coverage. Accessory Buildings and Dwellings shall not exceed thirty (30) percent of the footprint of the principal dwelling, or 1,200 sf whichever is less, except for lots larger than one (1) acre, the size of Accessory Buildings shall be limited by the maximum building coverage allowed by the district.

3. Setbacks. Accessory Buildings and Dwellings shall not be located closer than ten (10) ft to any Side or Rear Lot Lines or not within any required Front yard.

4. Building Height. Accessory Buildings shall not exceed one (1) story. Accessory Dwellings shall not exceed two (2) Stories or the height of the principal dwelling, whichever is less.

5. Occupancy. Access Dwellings shall only be occupied by guests, relatives, or servants of the occupants of the principal Dwelling and may not be rented separately from the principal dwelling.

6. Parking. One (1) parking space, in addition to that required for the principal Dwelling, shall be provided for detached Accessory Dwellings. Access to such space shall not conflict with the parking for the principal Dwelling. An additional Driveway shall not be permitted for the Accessory Dwelling except: a) along an Alley to the rear of the Lot or b) in the case of a Standard Corner Lot, from the Lot Frontage not containing the Driveway serving the principal Dwelling.

7. Utilities for Accessory Dwellings shall be on the same meter and in the same name as the utilities serving the Principal Dwelling.

8. Architecture. Accessory Dwellings shall maintain the appearance of the principal Dwelling, including colors, materials, and architectural style, and shall not create additional building entrances toward the front of the property.

E. Placement of Accessory Buildings in the Non-residential Districts. The following provisions shall apply in all non-residential districts except the BN District:

1. Accessory Buildings may be constructed in a Rear Yard, not Abutting an Alley, provided such Accessory Buildings do not occupy more than fifteen (15) percent of the area bounded by the Rear Building Line and surrounding Lot Lines, and are not located within any required Side Yard and are not closer than eight (8) ft from any Rear Lot Line. When the Rear Yard abuts an Alley, Accessory Buildings may be constructed in the Rear Yard, provided such Buildings do not occupy more than twenty-five (25) percent of the area bounded by the Rear Building Line and surrounding Lot Lines and are not located within a required Side Yard.

2. Accessory Buildings shall not be located: a) between any Principal Building and a ROW unless they conform to the Principal Building(s) in architectural style, with the exception of screened swimming pool enclosures; b) within any required Front or Side Yard or Buffer; and c) less than thirty (30) ft from any Thoroughfare ROW.

3. Height shall be limited to no greater than forty (40) percent of the height of the tallest Principal Building

located on the site. In no case, however, shall an Accessory Use be required to be less than fifteen (15) ft in height nor allowed to exceed thirty-five (35) feet in height. The intent of this regulation is to allow Accessory Uses with an appropriate proportional relationship to the Adjacent Principal Structure(s) on the site.

4. Buildings, which are Accessory to a Principal Use located on the landward side of a zone Lot created under the provisions of §6-8 Joinder of Lots, may be constructed on the seaward portion of such zone Lot when complying with the provisions of §6-8.

F. Commercial Vehicles. No Commercial Vehicle shall be permitted on any residentially zoned Lot or on any Lot occupied by a Dwelling Unit except for the purposes of Loading or unloading, and in no case shall any such vehicle be allowed to remain on any Lot within the City for more than forty-eight (48) hours, except where provided for elsewhere in this Ordinance, or upon approval of a temporary permit by the Council.

G. Pier Structures. A roofed Structure may be built on a pier over a body of water provided that:

1. No portion of the Structure shall be enclosed by walls except for fifty (50) square feet which shall be used for storage purposes;
2. open railings, if used, do not extend to a height exceeding forty-two (42) inches above the pier deck;
3. the Structure shall contain no permanent facilities for toilets, bathing or cooking; and,
4. the roof shall not cover an area of more than 800 sf.

H. Time of Construction. No Accessory Building or Dwelling shall be constructed upon a Lot until the construction of the Principal Building has been commenced, and no Accessory Building or Dwelling shall be used unless the Principal Building on the Lot is also being used, with the exception of piers, wharves, or pier Structures, which may be allowed by Conditional Use Permit. The only utilities which may be provided to pier and wharf Structures are electricity and water and all pier Structures shall be constructed in such a manner which complies with §6-6H above.

§6-7. Temporary Buildings and Uses.

A. Temporary Buildings.

1. No portable Building, tent, Dwelling Unit, Recreational Vehicle, Manufactured Home, or any other such Structure shall be permitted on any Parcel of land except where provided for elsewhere in this Ordinance, or upon the approval of a temporary permit by the Council or its designee.
2. Temporary sales Buildings associated with a Multiple-family development or Single Family subdivision shall be reviewed and approved by the Zoning Official. Applications for such uses shall be subject to the procedures and submittal requirements established by the CDD. In general, all temporary sales Buildings shall comply with the following requirements:

a. No portion of the portable Building, other than the roof, can have a metal Façade. Skirting shall be provided around the entire perimeter of the Building.

b. One (1) sign shall be permitted on the face of the Building, with a maximum size of fifty (50) sf. No Roof Signs, “open” type flag Banners, or other fluttering or flexible signs prohibited in the City Sign Ordinance shall be permitted. Signage for the sales activity shall be only as approved by the Zoning Official.

c. Off-street Parking and surface treatments shall be provided as required by the CDD.

d. Restroom facilities shall be provided.

e. Landscaping, in quantities and sizes comparable to that required for permanent construction, shall be provided around the site and Building. Where deemed necessary, the Zoning Official may require Screening in the form of Landscaping and/or temporary fencing or walls.

f. Requests for approval of temporary sales Buildings will be considered on a case-by-case basis and will not be approved for indefinite periods of time. Requests for extensions shall include justification of the need for such extension. Requests will be considered at the discretion of the Zoning Official.

g. Temporary sales trailers for Multiple-family developments shall be removed once a Certificate of Occupancy has been approved for the project. For Single-family developments, the temporary sales trailer shall be removed within one (1) year after approval of the final plat.

h. In addition to other information required by the CDD, a request for approval shall include:

(1) Formal letter from the applicant stating request for a temporary sales Building, including the applicant’s name, address, telephone number, and email address; description of the project for which the request is being made; and the length of time in which the Building is requested to be in use on site.

(2) Scaled Site Plan (minimum scale of one (1) inch = fifty (50) ft), including the proposed on-site location and dimensions of the temporary sales Building; proposed parking and type of surface treatments; accessibility to the Building (sidewalks, ramps, etc.); proposed Landscaping and Screening (as required); location of existing trees; and drainage requirements (if a temporary culvert is to be installed, a note shall be included indicating that the culvert will be removed and existing Grade restored).

(3) Color photos or drawings of the temporary sales Building identifying exterior materials and colors to be used.

(4) All proposed signage relating to the temporary sales Building and sales activity, whether or not attached to the Building.

3. Construction trailers associated with an approved development shall be reviewed and approved by the Building Official. Construction trailers shall generally be removed upon receipt of a Certificate of Occupancy or as otherwise approved by the Zoning Official.

4. The Council shall have the right and the power to grant special temporary permits for periods not to exceed six (6) months, for the location and use on any Lot in any zoning district of a temporary Building, subject to such terms, conditions or special limitations as the Council may prescribe or impose. The Council may renew or extend any such special permit for up to twelve (12) months. The combined term of force for any such special permit and the renewal or extension thereof shall, in no event, exceed eighteen (18) months. It is the intent of this section to provide for flexibility of land use in community reorganization during periods immediately following natural disasters such as floods, hurricanes, fires, or other disasters, or such other emergency purposes as may be proclaimed by the Council.

5. All other uses of portable Buildings shall be temporary in nature and shall only be approved through a temporary permit by the Council.

§6-8. Joinder of Lots.

A. Unity of Title Declaration. Wherever it is necessary that two or more Lots or portions thereof be added or joined, in whole or in part, to meet minimum Lot Area of dimensional requirements of this Ordinance, or when a Structure is proposed for erection across a Lot Line, the application for Building Permit shall be accompanied by evidence of recording a Unity of Title Declaration as herein described, in the public records of Baldwin County, Alabama. The filing of a copy of the recorded unity of title declaration is a prerequisite to final approval of the application and the issuance of a Building Permit. Land joined pursuant to the provisions of this section shall be known as a "zone Lot" which shall remain indivisible except as otherwise provided in this Section.

B. Zone Lot to be Indivisible. A Unity of Title Declaration shall state unequivocally that the entire property created by a combination of recorded Lots or portions thereof shall be regarded as unified under one title as an indivisible Building site; that the said property shall be henceforth considered as one Lot and that no portion thereof shall be sold, assigned, transferred, conveyed or devised separately except in its entirety as one Lot or Parcel of land. The sale, assignment, transfer, conveyance or devise of a Condominium Parcel created by a recorded declaration of Condominium subjecting the same property to the Condominium form of ownership shall not be deemed a breach of the Unity of Title Declaration; however, the entire property shall continue to be regarded as unified and as a single Building site for all applicable code purposes. The parties to the declaration shall agree that the declaration of unity of title shall constitute a covenant to run with the land, as provided by law, and shall be binding upon the parties thereto, their successors and assigns, and all parties claiming under them until such time as the declaration may be released, in writing, by the Zoning Official. The Zoning Official is authorized to release a unity of title declaration when such declaration is no longer necessary due to the discontinuance or abandonment of the proposed construction giving rise to its issuance, and may approve changes or amendments to a Unity of Title Declaration when necessary to correct errors, mistakes or changes in circumstances.

§6-9. Water Access.

A. New water access from a Multiple-family Structure (Condominium or Hotel) shall not be provided through any R-1 or R-2 District. Water access provided through similar zoned properties may be approved through the Conditional Use Permit (CUP) process.

B. Water access in R-1 or R-2 Districts shall only provide access for an individual Single-family or Duplex Dwelling.

C. Sites with existing water access as of December 2005 may continue to use such access. The redevelopment of such sites, which increases the number of Dwelling Units, shall render the water access unusable and prohibit the continued use thereof.

§6-10. Sight Distance Requirements.

No planting, fence, Building, wall, sign or other Structure shall be placed or maintained after the effective date of this Ordinance, if such planting or Structure thereby obstructs vision at any point

between a height of two and one half (2-1/2) ft and a height of eight (8) ft above the upper face of the nearest curb (or Grade Level at the Thoroughfare center line if no curb exists) and within the Sight Triangle as shown in Figure 6-11A and Figure 6-11B meeting the required Intersection Sight Distance as designated in Table 6-11.

Table 6-11: Intersection Sight Distances	
Design Speed of Thoroughfare to be merged onto or crossed	**Intersection Sight Distance**
15 mph	170 ft
20 mph	225 ft
25 mph	280 ft
30 mph	335 ft
35 mph	390 ft
40 mph	445 ft
45 mph	500 ft
50 mph	555 ft

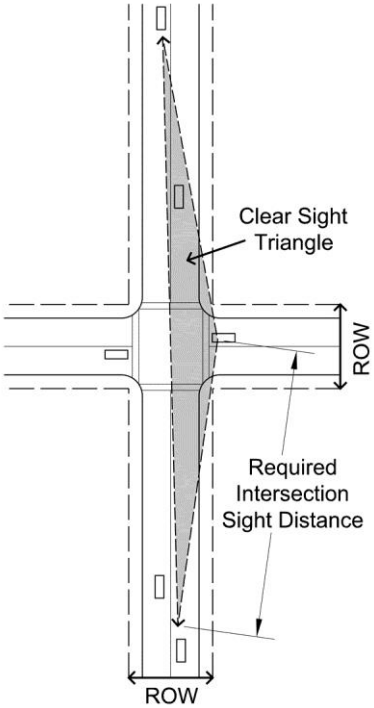


Figure 6-11A Sight Distance, plan view

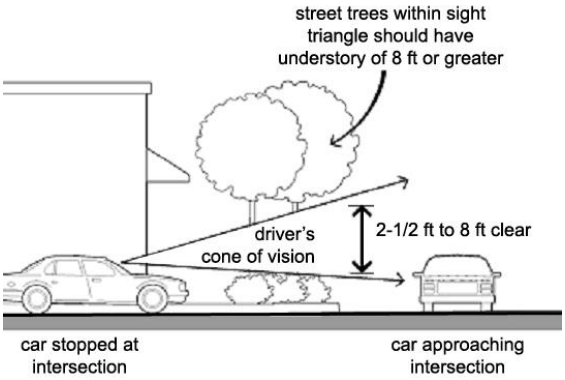


Figure 6-11B Sight Distance, elevation view

§6-11. Access Standards.

All subdivisions and all Multiple-family, Mixed-Use and Non-residential developments, redevelopments and changes in use shall be subject to the Access Management Standards adopted by the City and as herein described. Accesses existing, as of the effective date of these standards, shall be approved for the existing use only. Access, under these standards, shall be approved only for the use being proposed and as specified in a required Access Plan. Changes in use that would increase traffic or change the type of vehicles accessing the site shall require a new approval of access. When a site, existing at the time of these standards, is redeveloped in a manner so as to create a Significant Increase in Trip Generation, as defined in Article 4, all existing Driveways shall be brought into conformity with these standards.

§6-12. Outdoor Lighting Standards.

A. Purpose and Intent. The purpose of these regulations is to ensure that all exterior lights and Illuminated Signs are designed, located, installed and directed in such a manner as to prevent objectionable Light Trespass and Glare across property lines, and/or Direct Glare at any location on or off the subject property. The "maintained Horizontal Luminance recommendation" set by the Illuminating Engineers Society of North America (IESNA) as shown in Appendix C of City Ordinance 1461 shall be observed.

B. Applicability. Except as provided in §6-12E below, this Section shall apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures outside the Marine Turtle Conservation Zone. Outdoor lighting within the Marine Turtle Conservation Zones shall be in accord with §6-12G.

1. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs,

ballast, housing, lenses and other similar components, shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output.

2. Outdoor lighting installations lawfully existing prior to effective date of this Ordinance shall be deemed to be lawful nonconformities and may remain. A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture shall not thereafter be changed to conflict with this Section.

3. Exemptions. The following shall be exempt from the provisions of this Section:

   a. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other government agencies, including street lights within the public ROW.

   b. Outdoor lighting fixtures required by law enforcement, fire and rescue, the ALDOT or other emergency response agencies to perform emergency or construction repair work, or to perform Nighttime road construction on major Thoroughfares.

   c. Temporary holiday lighting during the months of November, December, and January shall be exempt from the provisions of this Section, provided that such lighting does not create dangerous Glare on Adjacent Thoroughfares and properties.

   d. Motion activated light fixtures located as follows:

      (1) For Single Family Dwellings and Duplexes, when such lighting fixtures emit initial lighting levels of 6000 lumens or less, are extinguished within five (5) minutes upon cessation of motion and are aimed such that the lamp or light bulb portion of the lighting fixture is not visible at five (5) ft above the property boundary; or

      (2) On all other Lots, when such lighting fixtures are aimed such that the lamp or light bulb portion of the lighting fixture is not directly visible at five (5) ft above the property boundary.

   e. For Single Family Dwellings and Duplexes, outdoor lighting fixtures with initial light outputs of 2000 lumens or less shall not be subject to the provisions of §6-12D.

C. Lighting Plan Required. A lighting plan shall be required for all Multiple-family, Non-residential, and Mixed-use developments.

1. Lighting plans shall be in accord with one of the following provisions; however, upon receipt of a written request with justification, the Zoning Official may modify a submission requirement if it is determined that the requirement is not necessary for an adequate review of the lighting plan:

   a. For projects subject to non-administrative approvals required by the City, a lighting plan shall be subject to approval in conjunction with the applicable, required review and approval procedure and a lighting plan approved by the reviewing authority shall be submitted as part of the required submittals.

   b. For projects subject only to administrative approval, the lighting plan shall be subject only to review and approval by the approving authority. Five (5) copies of the lighting plan shall be submitted with the appropriate fee as required by the City.

2. Lighting plans shall be prepared by a Certified Lighting Professional or a State licensed professional engineer, architect, landscape architect or land surveyor and shall contain the information prescribed by the CDD. Off-site lighting which affects maintained lighting level on-site should be considered in the analysis.

D. General Standards. Except as provided in §6-12E through §6-12F, all outdoor lighting fixtures shall comply with the following:

1. Lighting intensity and Uniformity Ratios shall be consistent with the lighting standards of the Lighting Handbook of the Illuminating Engineering Society of North America (IESNA).

2. All outdoor lighting fixtures shall be aimed, located and maintained to avoid Disability Glare.

3. High intensity light beams (i.e. outdoor search lights, lasers or strobe lights) shall be prohibited.

4. Expansions, additions, or replacement to outdoor lighting installations shall be designed to avoid harsh contrast in color and lighting levels.

5. Where practicable, electrical service to outdoor lighting fixtures shall be underground.

6. Public utility poles shall not be used to provide on-site lighting.

7. Mounting height of a lighting fixture shall be measured from the Grade Level of the surface being Illuminated to the bottom of the luminaire; unless otherwise specified in this Section. Except for Pole Lighting associated with outdoor recreation/sports facilities playing fields/courts and as noted hereafter, the mounting height of fixtures on light poles shall not

exceed a maximum height of thirty (30) ft. Light poles mounted on the top of Parking Structures shall not exceed a maximum height of fifteen (15) ft measured from the bottom to the top of the pole.

8. Light poles that are no greater than seven (7) ft in height may be located in any required Yard (not including a required Buffer); however, light poles taller than seven (7) ft shall be subject to the following limitations:

    a. Parking Lot light poles shall not be subject to the locational standards of this Paragraph 8 but shall be subject to all other applicable provisions of this Section.

    b. For Single Family Dwellings and Duplexes, said light fixtures shall not be located closer to an Abutting Lot than a distance equal to the corresponding minimum Yard Setback of the Abutting Lot.

    c. On all other Lots, said light poles shall be subject to the minimum Yard applicable to the lot and Paragraph 9 following.

9. Full Cut-off Lighting Fixtures shall be mounted horizontal to the ground and shall be used for all walkway, parking lot, Canopy and Building/wall mounted lighting, and all lighting fixtures located within above-ground portions of Parking Structures with exterior walls that are not fully enclosed.

10. Uplighting is prohibited for parking lot lighting and sign illumination. Indirectly-illuminated signs, display, architectural and aesthetic lighting shall be Shielded to prevent Direct Glare and/or Light Trespass. Directly-illuminated signs shall be permitted only in accord with this Section and the provisions of the City Sign Ordinance.

11. Lighting used to illuminate flags, statues, signs or any other objects mounted on a pole, pedestal or platform, spotlighting, or floodlighting used for aesthetic or security purposes, shall be Full Cut-off or directionally Shielded lighting fixtures aimed and controlled so that the directed light is substantially confined to the object to be Illuminated as follows:

    a. Directional control Shields shall be used where necessary to limit stray light.

    b. Light Trespass beyond property lines shall be prohibited.

    c. Light above a ninety (90) degree horizontal plane shall be prevented. Unshielded wall-pack type fixtures shall be prohibited.

    d. Lighting shall be Shielded to protect motorists and pedestrians from Glare.

12. Specific Standards for Non-residential and Mixed-Use Developments.

    a. For Non-residential and Mixed-Use developments Abutting residential property, no outdoor lighting, including light poles on top of Parking Structures, shall be visible at the Lot Line in accord with the following:

        (1) Mounted at a height, measured from Grade Level to the bottom of the lighting fixture, no more than the value (3+(D/3)), where D is equal to the horizontal distance from the light source to the Abutting residential Lot Line as shown in Figure 6-13; or

        (2) Equipped with supplemental opaque Shielding on the residential property side of the lighting fixture to reduce Glare caused by direct light source exposure.

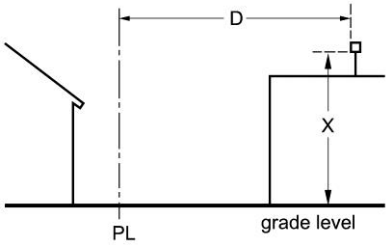


Figure 6-13 Lighting Setback

    b. On Lots with four (4) or more parking lot light poles, parking lot lighting levels for ground surface parking lots and the top levels of Parking Structures shall be reduced by at least fifty (50) percent of full operational levels within thirty (30) minutes after the close of business. This shall be achieved by extinguishing at least fifty (50) percent of the total number of pole-mounted lights, by dimming lighting levels to fifty (50) percent of the levels used during business or activity hours, or by some combination thereof; provided, however, that this provision shall not require parking lot lighting levels to be reduced to less than 0.2 footcandles as measured horizontally at the surface on which the light pole is mounted.

13. Construction Site Lighting. Lighting used for construction sites (for the purposes of this provision, a Building is no longer considered under construction once exterior walls and windows are installed and permanent lighting replaces temporary lighting as the primary source of light for the Building) shall consist of the following:

    a. All construction site lighting, except lighting used to illuminate the interiors of Buildings under construction, as provided for in the following paragraph, shall use Full Cut-off or directionally

Shielded fixtures aimed so the light shall be confined to the object intended to be Illuminated.

b. Frosted light bulbs shall be used to light the ten (10) ft outermost perimeter area of the interiors of Buildings of five (5) Stories or taller.

E. Lighting Standards for Specified Uses. In addition to §6-12D above, outdoor lighting fixtures associated with Gas Stations/Convenience Stores and vehicle sale, rental and ancillary service establishments shall be subject to the following:

1. For existing establishments that do not comply with the applicable maintained lighting levels specified in Paragraphs 2 and 3 below, replacement of lighting fixtures may be permitted in accordance with the following:

   a. There may be a replacement or addition of new lighting only when such fixture(s) meets the provisions of this Section and will not increase noncompliance with the applicable maintained lighting level requirements of this Subsection.

   b. A new Canopy or display area may be added provided the lighting is in conformance with all the requirements of this Section.

2. For new Gas Stations/Convenience Stores, Canopy lighting shall not exceed a maintained lighting level of thirty (30) footcandles under the Canopy as measured horizontally at Grade. However, a higher or lower level, not to exceed fifty (50) footcandles, may be approved through a required review procedure. All underside Canopy lighting shall be Full Cut-off Fixtures.

3. Outdoor display area lighting used in conjunction with a vehicle sale, rental and ancillary service establishment shall not exceed a maintained lighting level of thirty (30) footcandles as measured horizontally at Grade. However, a higher or lower level, not to exceed fifty (50) footcandles, may be approved through a required review procedure. For the purposes of this Section, outdoor display areas shall include all display/storage areas for vehicles offered for sale or rent and the associated circulation areas.

F. Outdoor Recreation/Sports Facility Lighting Guidelines. Only illuminated playing fields/courts that, individually or Cumulatively, exceed 10,000 sf in area, and/or associated light poles that exceed twenty (20) ft in height shall be subject to these guidelines. Parking lots, restrooms, concession stands, spectator viewing areas, and other such areas shall not be subject to this Subsection, but shall be subject to §6-12D General Standards. For the purposes of this Subsection, the perimeter area described in the Lighting Plan shall be included in the area of the playing field/court.

Table 6-13: Maximum Illumination for Outdoor Recreation/Sports Facilities

Recreation/Sport Facility Use	Specific Lighted Area	Maximum Footcandles (Maintained Lighting Level)
Archery Ranges		10
Baseball/Softball	Infield Outfield	60 40
Baseball hitting ranges		50
Basketball/Volleyball		30
Field Hockey, Football, Soccer, Lacrosse, Track and Field		50
Go-cart Tracks		30
Golf Courses	Tee boxes, greens Fairways	5 3
Golf Driving Ranges	Tee boxes Fairways Greens	20 3 5
Golf (Miniature)		20
Horse Riding Rings/Show Area		30
Ice Skating, Ice Hockey, Roller Skating Rinks		50
Swimming Pools	Pool surface Pool deck	10 30
Tennis Courts (College/High School)		60
Tennis Courts (Recreational)		40

1. Lighting for playing field/courts and associated perimeter areas should comply with Table 6-13, unless a lesser limit is specifically approved by the reviewing authority. Footcandle measurements are to be taken horizontally three (3) ft above Grade Level and shall represent maintained lighting levels. The Zoning Official shall determine maximum desirable lighting levels for outdoor recreation/sports facilities not listed in Table 6-13.

2. All playing field/court light fixtures should use Full Cut-off or directionally Shielded lighting fixtures, aimed toward the playing field/court and Shielded to minimize Glare and Light Trespass onto Adjacent properties and ROWs.

3. The use of outdoor playing field/court lighting shall not be permitted between the hours of 11:00 PM and 7:00 AM, unless other hours are specifically approved by the applicable authority in conjunction with any required approval procedure.

G. Outdoor Lighting Standards for New and Existing Construction within the Marine Turtle Conservation

Zone. This Subsection is intended to protect Marine Turtle Hatchlings from the adverse effects of artificial lighting, to provide overall improvement in nesting habitat degraded by light pollution, and to increase successful nesting activities and production of Hatchlings on the Beaches located within the Marine Turtle Conservation Zone within the City and its Police Jurisdiction.

1. Application. The standards in this section shall apply to all new and existing construction located within the Marine Turtle Conservation Zone.

2. Standards for new construction lighting. In order to provide protection for nesting Marine Turtles and their Hatchlings, the following standards for artificial light sources on all new coastal construction in the Marine Turtle Conservation Zone are adopted:

   a. Exterior artificial lighting fixtures shall be designed for and positioned so that:

      (1) The point source of light or any reflective surface of the light fixture is not directly visible from the Beach

      (2) Areas seaward of the Frontal Dune are not Directly or Indirectly Illuminated

      (3) Areas seaward of the Frontal Dune are not Cumulatively Illuminated.

   b. Exterior artificial light fixtures within direct line-of-sight of the Beach will be permitted only if they are recessed fixtures having forty (40) watts (480 lumens) or less Bug Light bulbs, compact fluorescent bulbs, or red or amber LED bulbs. Other fixtures that have appropriate Shields, louvers, or cutoff features may also be used if they are in compliance with Item 2a (1-3) above. (See acceptable fixtures in Appendix A of Ordinance 1461)

   c. Floodlights, Uplighting, or spotlights that are directly visible from the Beach, or which indirectly or Cumulatively illuminate the Beach are prohibited (see unacceptable fixtures in Appendix A of Ordinance 1461)

   d. Only eyelid or louvered step lights, or equivalent, shall be allowed on Dune Walkovers.

   e. Exterior lights used expressly for safety or security purposes must comply with Item 2a (1-2) above and shall be limited to the minimum number of configurations required to achieve their functional roles.

   f. Parking Lot or other exterior lighting shall be Shielded from the Beach by Buildings or other Ground-level Barriers to the maximum extent reasonably compatible with the intended Site Plan configuration. Ground-level Barriers must not interfere with Marine Turtle nesting or Hatchling emergence, or cause short or long-term damage to the Beach/Dune system.

   g. Parking Lot lighting Shielded from the Beach by Buildings or other ground barriers may be high pressure Sodium or other suitable pole mounted Cut-off Light Fixtures. Pole height shall be limited to twenty (20) ft above Grade Level.

   h. Parking Lot lighting that is within line of sight of the Beach shall either be:

      (1) Low Intensity or Low Pressure Sodium lighting that raises the source of light no higher than forty-eight (48) inches off the ground and is positioned or Shielded such that the light is not visible from the Beach, or

      (2) Light poles with Shielded Low Pressure Sodium light fixtures. Pole height shall be limited to twenty (20) ft or lower.

   i. Tinted Glass shall be installed in all windows and glass doors on single or multi-Story Structures within line-of-sight of the Beach, including those Structures located north of the Marine Turtle Conservation Zone. Glass shall be tinted to transmittance value light transmission from inside to outside of forty-five (45) percent or less.

   j. Temporary lighting of construction sites during Nesting Season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this Section.

   k. Before granting any Building permit within the area covered by this ordinance, the Community Development Department shall determine that all proposed development complies in all respects with the standards imposed in this section.

   l. Lighting for Single Family and Duplex Dwellings and associated minor Structures shall comply with Appendix B of Ordinance 1461.

   m. Street lighting on public or private streets shall comply in all respects with the standards imposed in this Ordinance, with the exception that appropriately Shielded, Full Cut-off feature high-pressure Sodium lights may be installed.

3. Standards for existing lighting. In order to provide protection for nesting Marine Turtles and their Hatchlings, the following standards for existing artificial light sources, including street lighting, within

the Marine Turtle Conservation Zone shall be implemented as follows:

a. Existing artificial light fixtures shall be repositioned, modified, replaced, or removed so that:

(1) The point source of light or any reflected surface of the light fixture is not directly visible from the Beach

(2) Areas seaward of the Frontal Dune are not Directly or Indirectly Illuminated

(3) Areas seaward of the Frontal Dune are not Cumulatively Illuminated

b. Existing artificial light fixtures that are replaced for any reason shall comply with §6-13G2 Standards for New Construction Lighting, and the following measures shall be taken:

(1) Reposition fixtures so that the direct or reflected light from the light fixture is no longer visible from the Beach

(2) Replace fixtures having exposed lights with fixtures containing recessed lights or Shields

(3) Replace traditional light bulbs with forty (40) watt (480 lumens) or less bug-type compact fluorescent, or red or amber LED bulbs

(4) Replace non-directional fixtures with directional fixtures that point down and away from the Beach

(5) Replace fixtures having transparent or translucent coverings with fixtures having opaque Shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward sides so that the direct or reflected light from the fixture is not visible from the Beach

(6) Replace pole lamps so that the direct or reflected light from the fixture is not visible from the Beach

(7) Plant or construct vegetation and/or structural barriers between the light source and Beach to screen light from the Beach

(8) Permanently remove any fixture that cannot be brought into compliance with the provisions of these standards.

c. All of the following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the Beach:

(1) If windows are replaced, replace them with Tinted Glass windows, or apply window tint or film that meets the tinted window standard.

(2) Rearrange lamps and other movable fixtures away from windows

(3) Use window treatments (i.e., blind, curtains) to Shield interior light from the Beach

(4) Turn off unnecessary lights

§6-13. General Provisions for Lodging Uses.

A. Determination of rooms for Lodging Uses. The determination of the number of Bedrooms contained in a room or suite unit shall be made based on the suitability of a room or articulated room space, including, without limitation, alcoves and lofts, for use as a defined sleeping area distinct from associated internal living space. The characterization of a room or articulated room space as a Bedroom shall be determined objectively on the basis of its physical suitability for use as a distinct defined sleeping area, not on the basis of the manner in which such room or space is denominated.

B. Applicability of District Regulations.

1. A Building or Structure containing both Hotel room or suite units *and* Dwelling Units shall be subject to all requirements and limitations on Multiple-family Dwellings in the Applicable District.

2. A Building or Structure containing both lodging room or suite units *and* Dwelling Units, or containing individual rooms furnished with any of the following; a full size refrigerator, stove, clothes washer, clothes dryer or dishwasher, shall be subject to all requirements and limitations applicable to Multiple-family Dwellings in the Applicable District, including Density limitations, and each lodging room or suite unit contained in such Building or Structure shall be treated as a Dwelling Unit for the purpose of area and dimensional limitations imposed by this Ordinance.

§6-14. Ownership and Management of Common Open Spaces and Facilities.

For all proposals involving the creation of open spaces or facilities to be owned and maintained by a property owner, or Condominium association, the following shall apply:

A. Owner's Association. An association representing the owners shall own the Common Open Space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Common Open Space

and/or facilities located thereon shall be borne by the association.

B. Management Plan. The Applicant shall submit a Plan for Management of Open Space and/or Common Facilities that:

1. allocates responsibility and guidelines for the maintenance and operation of the Common Open Space/facilities including provisions for ongoing maintenance and for long-term capital improvements;
2. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Common Open Space/facilities and outlines the means by which such funding will be obtained or provided;
3. provides that any changes to the Plan be approved by the Commission; and
4. provides for enforcement of the Plan.

C. Compliance. In the event the party responsible for maintenance of the Common Open Space/facility fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the Premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all involved properties.

§6-15. Outdoor Display of Merchandise.

The following standards shall apply to the establishment of outdoor displays of merchandise:

A. Outdoor displays shall only be permitted on the Premises of a permitted retail business.

B. Only merchandise permitted to be sold on the Premises may be displayed outdoors.

C. Displayed merchandise shall be limited to only those items available for purchase and which are customarily found within the Principal Building. Permissible items include but shall not be limited to rafts, shells, clothing, towels and similar merchandise conventional to beach area retail establishments. Other merchandise may be permitted upon Administrative Site Plan Review or Site Plan Review. High bulk items, such as furniture, vehicles, swimming pools, statuaries, quarried materials and similar items shall not be permitted, except upon Site Plan Review in the BA District.

D. Merchandise display shall generally only be permitted near the Building Façade and entrance. In any case where off-street parking is located between the Building and the Front Lot Line(s), merchandise display shall not be permitted between said parking areas and the Front Lot Line(s).

E. The total outdoor display area shall constitute no more than 250 sf or ten (10) percent of the enclosed sales floor area, whichever is less.

F. Display areas shall be completely within the property lines of the Premises.

G. Areas used for outdoor displays shall not occupy any part of a site otherwise dedicated to or required for Landscaping, parking, or drainage and shall not obstruct pedestrian or vehicular circulation.

§6-16. Outdoor Seating for Restaurants.

Outdoor seating for Restaurant service shall be permitted in accord with the following:

A. Up to twenty-four (24) outdoor dining seats may be permitted without additional parking facilities provided the following conditions are met:

1. Sufficient parking is currently provided for the indoor seating capacity, as required by this Ordinance.
2. The restaurant must be situated Adjacent to a sidewalk that connects to Adjacent property.
3. Outdoor seating facilities shall be directly accessible from a public sidewalk, but shall not obstruct a pedestrian clear zone of at least eight (8) ft in height and width along the sidewalk.
4. The number of allowable outdoor seats shall be no greater than thirty (30) percent of the total permitted occupancy inside the Restaurant. Any outdoor seating in excess of twenty-four (24) seats shall only be permitted when additional parking is provided for such additional seats per Article 14.

B. Awnings: §6-3 Yard Regulations

§6-17. Land Donated For Public Purpose

A. In instances whereby private land is donated to the City for public use, upon approval of the council, the area and dimensional regulations, excluding setbacks, may be calculated utilizing the dimensions and size of the original parcel.

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ARTICLE 7: RESIDENTIAL DISTRICT REGULATIONS

§7-1. General Regulations for Residential Districts.

A. Permitted Uses for Residential Districts. Uses shall be permitted within all Residential Districts, including those within the Fort Morgan Overlay District, in accord with Table 7-1A and all other applicable provisions of this Article.

1. Permitted Uses.

   a. Within Table 7-1A, uses permitted "by right" are indicated with "R". Such uses shall conform to the area and dimensional requirements of this Article and all other applicable requirements within this Ordinance.

   b. Within Table 7-1A, uses permitted subject to Specific Use regulations are indicated with a reference to the applicable Section of Article 11.

2. Conditional Uses. Conditional Uses shall only be permitted by the Council subject to §3-4 Conditional Use Permit and are indicated with "CUP" in Table 7-1A. Conditional Uses may also be subject to Specific Use Regulations and are indicated in the table by a reference to the applicable Section of Article 11.

3. Site Plan Review. Site Plan Review, pursuant to §3-3 Site Plan Review, shall be required for all Conditional Uses and for Multiple-family Dwellings.

4. Provisions for Certain Uses Permitted in Residential Districts.

   a. Occupancy Limitations for Dwelling Units. Unless otherwise specifically provided, a Dwelling Unit shall not be occupied by other than one (1) Family, as defined in Article 4.

   b. Accessory Buildings and Structures. All customary Accessory Buildings and Structures, including Private Garages, swimming pools, and other similar Structures, shall comply with §6-6 Accessory Buildings and Structures.

   c. Temporary Construction Uses. A temporary Building or use in connection with residential or other construction may be permitted pursuant to §6-7 Temporary Buildings and Uses.

   d. Water Access Facilities. Single-family subdivision or Multiple-family Condominium water access facilities through Multiple-family zoned property shall require a Conditional Use Permit in accord with §6-9 Water Access. This requirement shall not apply to private Open Spaces created and entirely contained within a proposed Single-family subdivision or Condominium project where the entire project is located Adjacent to the waterbody.

   e. Accessory Dwellings. Accessory Dwellings, when complying with all other requirements of these regulations, including §6-6 Accessory Buildings and Structures, are not required to comply with the Minimum Lot Area per Dwelling Unit requirement in Table 7-1B.

B. Area and Dimensional Requirements for Residential Districts.

1. See Table 7-1B for area and dimensional requirements for residential districts (not located in Fort Morgan Peninsula Overlay District).

2. See Table 7-1C for the area and dimensional requirements and the provisions herein for residential districts in the Fort Morgan Peninsula Overlay District.

   a. Waterfront Setbacks. Where the required Waterfront Setback is greater than the required Front Yard, Side Yard or Rear Yard Setback, the Waterfront Setback shall govern.

   b. Waterfront Setback options. For gulf-front Lots, the Waterfront Setback is the CCCL. For all other Lots, the following Setback options are permitted:

      (1) Option 1: Fifty (50) ft from Mean High Tide Line OR

      (2) Option 2: Twenty-five (25) ft with engineer-improved filtration.

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-12.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14. For Multiple-family and Non-residential uses, Off-street Parking and Loading areas shall not be permitted forward of the Front Building Line.

G. Design Standards for Site Plan Review. See Article 16 Site Plan Review.

H. Sign Regulations. See Article 18.

Table 7-1A: Use Regulations for Residential Districts									
Zoning District	**R-1-1**	**R-1-2**	**R-1-3**	**R-1-4**	**R-1-5**	**R-2**	**R-3**	**R-4**	**R-5**
RESIDENTIAL USES									
Conservation Subdivision, §11-10	R	R	R	R	R	R	R	R	
Duplex						R	R	R	R
Employment Dormitory, §11-9							R	R	
Group Home, §11-23	R	R	R	R	R	R	R	R	
Manufactured Home Subdivision									CUP
Manufactured Home or RV park									CUP
Multiple-family Dwellings, §11-20							R	R	
Recreational Vehicle Subdivision									CUP
Rooming/Boarding houses, §11-9						CUP	CUP	CUP	
Single-family detached Dwelling	R	R	R	R	R	R	R	R	R
Townhouse, §11-3							R	R	
INSTITUTIONAL USES									
Essential Services Facilities, §11-19	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Governmental Uses	R	R	R	R	R	R	R	R	R
Essential Services Installations	R	R	R	R	R	R	R	R	R
Group Home (more than 10 residents), §11-23	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Low Intensity Institutional Uses (if not otherwise listed)	R	R	R	R	R	R	R	R	R
Medium Intensity Institutional Uses				CUP	CUP	CUP	CUP	CUP	CUP
ACCESSORY USES									
Accessory Dwelling, (on detached Single-family Lot) §6-6	R	R	R	R	R	R			
Bed and Breakfasts, §11-1	CUP	CUP	CUP	CUP	CUP	CUP	R	R	
Customary Accessory Buildings and Structures §6-6	R	R	R	R	R	R	R	R	R
Day Care Facilities, §11-18	R	R	R	R	R	R			
Home Occupations, §11-5	R	R	R	R	R	R	R	R	R
Recreation and community facilities	R	R	R	R	R	R	R	R	R
Residential Food and Recreation Facilities								R	
Subdivision/Condominium water access facilities, see also §6-9							CUP	CUP	

Table 7-1B: Area and Dimensional Regulations for Residential Districts

NOTE: The following area and dimensional requirements are subject to modifications and exceptions in Article 6 Supplementary Regulations. For area and dimensional requirements for Townhouses, refer to §11-3.

Zoning District		R-1-1	R-1-2	R-1-3	R-1-4	R-1-5	R-2	R-3	R-4
Max. Building Height, in Habitable Stories		3	3	3	3	3	3	3	4
Min. Lot Area	Single-family (per DU) Duplex (per Duplex)	40,000 na	20,000 na	15,000 na	11,000 na	6,000 Na	9,000 9,000	9,000 9,000	9,000 9,000
	Multiple-family, 11-20	na	na	na	na	Na	na	10,000 sf for the first 3 DUs plus 2,000 sf per additional DU	
Max. Density (DU/ac)		1.0	2.0	2.5	3.5	7.0	9.5	10	20
Min. Lot Width	Single-family Duplexes	165 ft na	100 ft na	85 ft* na	75 ft na	50 ft Na	50 ft 50 ft	50 ft 50 ft	50 ft 50 ft
	Multiple-family, 11-20	na	na	na	na	Na	na	100 ft for the first 3 DUs plus 2 ft per additional DU up to a maximum of 300 ft for R-3 and 500 ft for R-4	
Max. Bldg. Coverage		17%	20%	25%	30%	35%	30%	25%	25%
Max. Impervious Surfaces**		30%	35%	40%	50%	55%	50%	55%	60%
Min. Front Yard, see §6-3		40 ft	40 ft	35 ft	35 ft	30 ft	30 ft	30 ft	30 ft
Min. Rear Yard, see §6-3		40 ft	40 ft	40 ft	40 ft	30 ft	30 ft	30 ft	35 ft
Min. Side Yard, see §6-3	Single-family Duplexes Multiple-family, 11-20	30 ft na na	15 ft na na	10 ft na na	10 ft na na	10 ft na na	10 ft 10 ft na	10 ft 20 ft 30 ft	10 ft 20 ft 30 ft
Min. Street Side Yard for detached Single-family and Duplex Dwellings only, see §6-3E		30 ft	15 ft	15 ft	15 ft	10 ft	10 ft	10 ft	10 ft

Note: For the purposes of this Table, "na" indicates that the use is not permitted in the district and therefore no area or dimensional regulation is applicable.

*All waterfront Lots shall have Direct Frontage on the Gulf of Mexico or Little Lagoon and Direct Frontage on Hwy. 182 and a minimum Lot Width of 100 ft shall be provided along the entire depth of the Lot.

** For Gulf front Lots, this includes Lot Area north of the CCCL.

Table 7-1C: Fort Morgan Peninsula Overlay District Area and Dimensional Requirements

Zoning District	Max. Bldg. Height in Habitable Stories	Min. Lot Area	Min. Lot Area per DU	Max. Density	Min. Lot Width*	Max. Bldg. Coverage	Max. Impervious Surface Coverage***	Minimum Yards see §6-3E			
								Front	Rear	Side	Street Side
R-1-2 FM	3	20,000 sf	20,000 sf	2.0	80/100 ft**	25%	35%	30 ft	30 ft	10 ft	15 ft
R-1-4 FM	3	11,000 sf	11,000 sf	4.0	75 ft						
R-2 FM	3	11,000 sf	11,000 sf	4.0	60 ft						

* All waterfront Lots shall provide the minimum Lot Width along the entire depth of the Lot.

** An eighty (80) ft or 100 ft minimum Lot Width shall be required based on the requirement of the applicable County zoning classification prior to annexation.

*** For Gulf front Lots, this includes Lot Area north of the CCCL.

§7-2. R-5 Residential/Manufactured Home and Recreational Vehicle Park District.

A. Permitted Uses. Refer to Table 7-1A for permitted uses.

B. Manufactured Homes and Recreational Vehicles are distinctly different uses; a Manufactured Home Park or Subdivision is not allowed to be operated in conjunction with a Recreational Vehicle Park or Subdivision.

C. Single family detached dwellings and duplexes shall comply with the area and dimensional requirements in Table 7-1B, R-2 Zoning District.

D. Standards for Manufactured Home Parks and Subdivisions

1. Manufactured Home Classification

a. Class A Manufactured Homes are permitted only in approved Manufactured Home Parks or Subdivisions in accord with this section. Classes B, C, and D manufactured homes are not permitted within the City of Gulf Shores.

2. Be designed and constructed to conform to Zone 2 or 3 Wind Load Zones of the Manufactured Home Construction and Safety Standards.

3. Area and Dimensional Requirements. The area and dimensional requirements in Table 7-2A shall apply to all Manufactured Home Parks and Subdivisions within the R-5 District.

Table 7-2A: R-5 District Area and Dimensional Requirements for Manufactured Home Subdivisions and Parks	
Min. Site Area	5 acres
Max. Density (Manufactured Home spaces per acre)	7
Max. Bldg. Height	1 story
Min. Open Space	10%
Standards for Manufactured Home/RV Spaces	
Min. Area for individual space/lot	6,000 sf
Min. Width for individual space/lot	50 ft
Min. Side Yard	10 ft
Min. Front Yard	30 ft
Min. Rear Yard	30ft

4. Design Criteria

a. No space or lot at any time shall be occupied by a Recreational Vehicle.

b. Manufactured Home Parks and Subdivisions shall meet all applicable requirements of the Subdivision Regulations. All lots shall front on a street conforming to the design standards (ROW and pavement width, curb/drainage improvements, street signage, lighting, sidewalks, etc.) of the Subdivision Regulations unless otherwise modified by the approving authority.

c. Class C buffers as required and/or berms as required by §12-2 Screening shall be provided so that Manufactured Home uses are adequately screened from public thoroughfares and adjacent properties.

d. Screening shall be provided in accordance with §12-2 Screening for garbage collection areas and other applicable site features.

e. All access points shall be in accordance with §6-11 Access Standards and controlled through reviews of plans submitted to the Zoning Official.

f. Common facilities. All common land areas and facilities shall be owned and maintained by a property owner's association, in accord with §6-14 Ownership and Management of Common Open Spaces, and shall be restricted in their use to property owners and their guests.

g. Required open space shall be consolidated into one or more centrally located, usable areas easily accessible to all park residents and contain both active and passive recreational uses. Such space shall be maintained in a usable and sanitary condition.

h. No space or lot shall be placed closer than fifty feet (50') to an external (located outside the park or subdivision) thoroughfare ROW.

i. The entire area developed shall be adequately served by water and sanitary sewer facilities meeting all requirements of the Baldwin County Health Department and the City.

j. Spaces within a Manufactured Home Park may be leased or rented. Spaces proposed to be sold must be filed as a regular subdivision plat in accordance with the Subdivision Regulations.

k. Corner Lots shall be considered as having two Front Yards unless otherwise approved by the Commission.

5. Storm Shelters. Every Manufactured Home Park or Subdivision of ten (10) or more spaces shall be provided with storm shelters, which shall:

a. Have a minimum floor area of ten (10) square feet for each Manufactured Home space or lot in said Manufactured Home Park or Subdivision.

b. Be designed by a licensed structural engineer or architect and built in accord with plans as approved by the Building Official.

c. Be designed and constructed to meet all Federal Emergency Management Agency (FEMA) requirements and guidelines if the shelter is located in a flood plain.

d. Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the Building code, Mechanical code, Plumbing Code and Electrical code, where applicable.

e. Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).

f. Be located no farther than 1,320 linear feet from the furthest Manufactured Home space or lot in the Manufactured Home Park or Subdivision.

6. Manufactured Home Space and Lot Standards

a. All Required Yards shall be permanently landscaped and maintained with ground covers, trees, and shrubs.

b. Each Manufactured Home space or lot shall be provided with a deck or patio of at least 200 square feet.

c. Each Manufactured Home space and lot shall be provided with two (2) off-street parking spaces.

7. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit shall be installed or constructed in accord with the Building code, freestanding or attached firmly to the primary structure and anchored securely to the ground.

8. Responsibilities of Park Owners for Tie-Downs and Anchors. It shall be unlawful for any person including, but without limitation, owners of Manufactured Home Parks and owners and/or occupants of Manufactured Homes within such park, to place, maintain, or occupy any Manufactured Home unless such Manufactured Home is equipped with tie-downs and anchors meeting or exceeding standards of the Building Code. Such notification shall be written, shall contain a statement of the nature of the possible violation, the location of the Manufactured Home, and the responsibility of the owner of the Manufacture Home Park to give written notice to the owners of all Manufactured Homes within such Manufactured Home Park of the requirements of this Section. In addition to such written notice, the owner of such park shall maintain in a clearly visible location at the entrance to the park, a sign advising all occupants to the park of the requirements of this Section.

E. Standards for Recreational Vehicle (RV) Parks and Subdivisions

1. Rezoning Criteria. The R-5 zoning designation shall only be extended for the development of a RV Park and Subdivision when the proposed site is determined to be consistent with the City's Land Use Plan.

2. Area and Dimensional Requirements. The area and dimensional requirements iin Table 7-2B and the following shall apply to all Recreational Vehicle (RV) Parks and Subdivisions within the R-5 District.

Table 7-2B: R-5 District Area and Dimensional Requirements for Recreational Vehicle Parks & Subdivisions	
Min. Site Area	5 acres
Min. Open Space	20%
Standards for Recreational Vehicle Lots Spaces	
Min. Area for individual space/lot	3,200 sf
Min. Width for individual space/lot	40 ft
Min. Spacing between RVs	20 ft
Min. Front Yard see also §6-3	10 ft
Min. Rear Yard see also §6-3	10 ft

3. Design Criteria

a. No space of lot shall be occupied at any time by a Manufactured Home or principal residential structure.

b. RV Subdivisions shall meet all applicable requirements of the Subdivision Regulations. All lots shall front on a street conforming to the design standards (ROW and pavement width, curb/drainage improvements, street signage, lighting, sidewalks, etc.) of the Subdivision Regulations unless otherwise modified by the approving authority.

c. Class C buffers as required and/or berms as required by §12-2 Screening shall be provided so that RV uses are adequately screened from public thoroughfares and adjacent properties.

d. Screening shall be provided in accordance with §12-2 Screening for garbage collection areas and other applicable site features.

e. All access points shall be in accordance with §6-11 Access Standards and controlled through reviews of plans submitted to the Zoning Official.

f. Common facilities. All common land areas and facilities shall be owned and maintained by a property owner's association, in accord with §6-14 Ownership and Management of Common Open Spaces, and shall be restricted in their use to property owners and their guests.

g. Required open space shall be consolidated into one or more centrally located, usable areas easily accessible to all park residents and contain both active and passive recreational uses. Such space shall be maintained in a usable and sanitary condition.

h. No space or lot shall be placed closer than fifty (50') feet to an external (located outside the park or subdivision) thoroughfare ROW.

i. The entire area developed shall be adequately served by water and sanitary sewer facilities meeting all requirements of the Baldwin county Health Department and the City.

j. Spaces within an RV Park and Subdivision may be leased or rented. Spaces proposed to be sold mush be filed as a regular subdivision plat in accordance with the Subdivision Regulations.

k. Corner Lots shall be considered as having two Front Yards unless otherwise approved by the Commission during subdivision approval.

l. RV developments with greater than 150 RV sites shall submit an impact analysis determining the development's effect on existing and future infrastructure, public services, traffic and the environment. RV developments with less than 150 sites may be required to submit an impact analysis if warranted by the approving authority.

m. RV Parks and Subdivisions shall have direct ingress/egress to an arterial or higher classification thoroughfare.

n. Legal Restrictions. Legal documentation shall be provided to the City to ensure the continued nature and viability of the RV development.

(1) Use. Documentation shall be provided indicating the specific classes of recreational vehicles that are allowed to occupy the spaces and lots within an RV development and the form of ownership of individual spaces and lots. Use restrictions shall also be submitted for all other common and private elements of the development.

(2) Maintenance and Operation. Documentation shall be submitted to the City indicating the entity responsible for maintenance and operation of the RV development. The type of operation and continuous maintenance and repair of all common and private elements shall be included.

o. Users of the spaces and lots shall meet all other applicable laws. Spaces and lots may be rented by the day or week, and an occupant of such space shall not remain in the same park for a period exceeding 180 days. All lots and spaces rented short term shall obtain a Business License and remit taxes for such rental to the City.

p. Management headquarters, toilets, showers, laundry facilities and other uses and Structures customarily incidental to the operation of a RV Park shall occupy no less than ten (10) percent of the park area, shall be restricted in their use to occupants of the park, and shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

F. Permits and Licenses

1. General

a. Fees. The owner or developer shall pay to the City such fees as may be necessary to defray6 the costs of publication and notice to adjacent property owners as required for public hearings or to cover other reasonable costs incurred by the City in reviewing plans.

b. After approval of the Site Plan and CUP for a park, the applicant may apply for a Building Permit. Such application shall be submitted to the Building Official and shall be processed in accordance with established procedures as set forth in the Building Code. Recreational Vehicle developments shall e accompanied by a certificate of approval of the County Health Department before a Building Permit shall be issued.

c. At any time that deviations from the approved plans exists which, in the judgment of the Zoning Official, are not in conformity with these regulations or an approved plan, the Zoning Official shall notify the owner of record of the park to correct such deficiency within thirty (30) days of such notice. In the event such deficiency is not corrected within the time allowed, the Zoning Official shall notify, in writing, the Council of all pertinent facts. The Council, upon review of such facts, may revoke the Certificate of Occupancy and order the park vacated of all its units until such deviations are corrected.

ARTICLE 8: BUSINESS DISTRICT REGULATIONS

§8-1. General Regulations of Business Districts.

A. Use Regulations. The uses permitted within each business district are indicated in a Table of Permitted Uses for each district. Within these tables, use permissions are specified in accord with the following categories:

1. Permitted Uses.

    a. Uses permitted "by right" are indicated with "R". Such uses shall conform to the area and dimensional requirements of the Applicable District and all other applicable requirements within this Ordinance.

    b. Uses permitted "by right" but subject to Specific Use Regulations are indicated with "R" *and* a reference to the applicable Section of Article 11.

2. Conditional Uses. Conditional Uses shall only be permitted by the Council subject to §3-4 Conditional Use Permit and are indicated with "CUP". Conditional Uses may also be subject to Specific Use Regulations.

3. Site Plan Review. Site Plan Review, in accord with the provisions of §3-3 Site Plan Review, shall be required for all Conditional Uses; Multiple-family Dwellings; and all business and Lodging Uses. Refer to §3-3 for required approval procedures.

B. Area and Dimensional Requirements. The area and dimensional requirements are provided in a Table of Area and Dimensional Requirements for each district. Refer also to the Applicable District regulations and referenced tables for exceptions and modifications to these base requirements. See also Article 6 for supplementary provisions regarding Lots, Yards, placement of Accessory Buildings and Structures, and other general standards which may affect district regulations.

§8-2. BN Neighborhood Business District.

A. Uses Permitted. Refer to Table 8-2A and the provisions herein.

1. Non-residential uses shall be restricted in intensity as follows:

    a. All Non-residential uses shall be limited to 5,000 sf of GFA per occupant/establishment. An additional 5,000 sf of GFA may be approved for Conditional Uses through the CUP process.

2. Operating hours for Non-residential uses, unless otherwise approved through the Conditional Use Permit process, shall be restricted to operation from 8AM to 6PM

3. Incidental Accessory Retail and Service Uses, excluding Off-street Parking, shall not exceed ten (10) percent of the GFA of the Principal Use.

4. No garages, repair or storage yards, warehouses, or similar uses, Buildings, Structures, or uses of an industrial nature shall be permitted.

5. Drive-through facilities.

    a. No drive-through facility shall be permitted unless equal facilities are provided so as to be accessible to pedestrians. The use shall be arranged so that pedestrians shall not be required to enter a vehicular circulation area to engage in such activity (i.e. banking/ATM, dry cleaning drop-off/pick-up, etc.).

    b. The number of Driveways per Premises shall be minimized. Drive-through facilities shall be arranged to minimize conflicts with existing and proposed sidewalks and Bicycle Lanes along frontages.

6. Marina uses. The docking only of less than ten (10) boats shall be permitted by CUP. Boat service and dry storage are prohibited.

7. Uses shall be permitted in the BN FM District in accord with Table 8-2A except as follows:

    a. Multiple-family Dwellings shall be permitted only in Mixed-use Developments with a minimum twenty-five (25) percent GFA devoted to Commercial Uses.

    b. Townhouses shall not be permitted.

Table 8-2A: BN District Permitted Uses	
Agricultural Uses	
Plant nurseries and greenhouses	CUP
Residential Uses	
Accessory Dwelling, §6-6	R
Conservation Subdivision, §11-10	R
Duplex	R
Group home (10 or fewer residence), §11-23	CUP
Home Occupation (Single-family Dwelling only), §11-5	R
Interval Occupancy Facility	R
Multiple-family Dwelling, §11-20	R
Single-family (detached) Dwelling	R
Townhouses, §11-3	R
Upper Story Dwelling or Live-work,	R
Lodging Uses	
Hotels	CUP
Condotel, §11-21	CUP
Rooming/Boarding house, §11-9	CUP
Bed and Breakfast, §11-1	R
Accessory Uses	
Acc. caterers	R
Acc. gasoline sales	CUP
Acc. Athletic facility, health club	R
Acc. Lounge	CUP
Acc. Restaurant	R
Caretaker Dwelling	R
Incidental Accessory Retail and Service Uses	R
Boat Docking acc. to permitted uses only, §11-8	R
Offices acc. to a permitted use	R
Residential Accessory Structures	R
Residential Food and Recreation Facilities	R
Day Care, acc. to a permitted use	R
Institutional, Utilities, Transportation Uses	
Low Intensity Institutional Use	R
Medium Intensity Institutional Use	CUP
High Intensity Institutional Use	CUP
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public parks and playgrounds	R
Telecommunications tower/support apparatus, §11-7	CUP
Wildlife sanctuary, nature preserve	R
Business	
Arts and Crafts, Minor	R
Auto Parts Retail Sales	CUP
Automotive Repair Service, Minor	CUP
Building Supply	CUP
Food, Drink and Drugs, Minor	R
Gas Station, Gas Station Convenience Store	CUP
Household Goods, Minor	R
Laundering services	R
Personal Goods, Minor	R
Personal Services, health clubs or salon	R
Repair Service, Minor	R
Specialty School	CUP
Business	

Table 8-2A: BN District Permitted Uses	
ATM terminal, freestanding and attached	R
Banks or financial institutions	R
Office, General, Minor	R
Office, General, Major	CUP
Professional Support Services, Minor	R
Restaurant, Standard	CUP
Restaurant, Walk-up	CUP

B. Area and Dimensional Requirements. Refer to Table 8-2B and the provisions herein.

1. Building Height shall be measured in Habitable Stories.
2. The minimum Lot Width for all Multiple-family uses shall be 100 ft plus two (2) ft for each Dwelling Unit after the first three (3) Dwelling Units up to a maximum requirement of 300 ft.

Table 8-2B: BN District Area and Dimensional Requirements

	Non-residential and Mixed Use	Multiple-family see §11-20
Max. Building Height	2 Stories	2 Stories
Min. Lot Area	6,000 sf	6,000 sf
Max. Density (DU/ac)	na	10
Min. Lot Width	50 ft	100 ft*
Max. Bldg. Coverage	30%	30%
Max. Impervious Surface Coverage	75%	65%
Min. Front Yard see §6-3	20 ft	20 ft
Min. Rear Yard see §6-3	20 ft	35 ft
Min. Side Yard see §6-3	10 ft	10 ft

	Single-family (detached)	Duplex	Townhouse see §11-3
Max. Building Height	2 Stories	2 Stories	2 Stories
Min. Lot Area	6,000 sf	9,000 sf	§11-4
Max. Density (DU/ac)	7.25	na	§11-4
Min. Lot Width	50 ft	65 ft	§11-4
Max. Bldg. Coverage	30%	30%	30%
Max. Impervious Surface Coverage	50%	50%	65%
Min. Front Yard see §6-3	20 ft	20 ft	§11-4
Min. Rear Yard see §6-3	30 ft	30 ft	30 ft
Min. Side Yard see §6-3	10 ft	10 ft	§11-4
Min. Street Side Yard see §6-3	10 ft	10 ft	§11-4

*Refer to §8-2B for exceptions and modifications.

3. Modifications in the BN FM District. Uses in the BN FM District shall be subject to those area and dimensional requirements of the BN District as shown in Table 8-2B except where modified by Table 8-2C and as provided herein.

   a. Waterfront Setbacks. Encroachments into Waterfront Setbacks up to two (2) ft may be permitted for eaves, cornices, downspouts, gutters, handrails, steps, or architectural embellishments if they do not comprise more than twenty-five (25) percent of the length of the Building face in question. No part of balconies, Accessory Uses, swimming pools, parking lots, and signs shall encroach into the Waterfront Setback. Where the required Waterfront Setback is greater than the required Front Yard, Side Yard or Rear Yard Setback, the Waterfront Setback shall govern.

   b. Waterfront Setback options. For gulf-front Lots, the Waterfront Setback is the CCCL. For all other Lots, the following Setback options are permitted:

      (1) Option 1: Fifty (50) ft from Mean High Tide Line

      (2) Option 2: Twenty-five (25) ft with engineer-improved filtration.

   c. An additional Story, with regard to the maximum height shown in Table 8-2C, shall be permitted for Office and/or retail uses.

   d. The minimum Lot size for a Mixed-use Building shall be 20,000 sf or 4,500 sf per DU, whichever is greater.

   e. There shall be no more than three (3) parking levels under a permitted Non-residential, Mixed-use or Multiple-family residential Building.

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-12 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

   Off-street Parking shall not be located forward of the Front Building Line(s) except in the BN FM District.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18.

Table 8-2C: BN FM District Area and Dimensional Requirements

	Non-residential	**Residential**	**Mixed-use** see also §11-12
Max. Bldg. Height*	3 Stories	3 Stories	3 Stories
Min. Lot Area	20,000 sf	4,500 sf per DU	20,000 sf*
Max. Density (DU/ac)	na	9	9
Min. Lot Width	80 ft	80 ft	80 ft
Max. Bldg. Coverage	30%	30%	30%
Max. Impervious Surface Coverage	35%	35%	35%
Min. Front Yard see §6-3	40 ft	40 ft	40 ft
Min. Rear Yard see §6-3	20 ft	20 ft	20 ft
Min. Side Yard see §6-3	15 ft	15 ft	15 ft
Min. Street Side Yard see §6-3	na	20 ft	na
Max. FAR	125%	125%	125%

* Refer to §8-2B for exceptions and modifications

§8-3. BG General Business District.

A. Use Regulations. Refer to Table 8-3A and the provisions herein.

1. Upper Story Dwellings shall be in accordance with the applicable requirements of §11-12 and shall only be permitted in Buildings in which no less than ninety (90) percent of the first Habitable Story is occupied by Commercial Uses.

2. Drive-in and drive-through facilities. The number of Driveways per Premises shall be minimized. Drive-in/drive-through facilities shall be arranged to minimize conflicts with existing (and proposed) sidewalks and Bicycle Lanes along frontages and to minimize conflicts with pedestrians on-site.

3. Outdoor Storage uses. Outdoor Storage areas shall be exclusively for the temporary keeping of stock merchandise and shall not be used for repair purposes or for the warehousing of goods or equipment not directly associated with the Principal Use, nor for wholesaling or distribution.

   a. Where permitted, Outdoor Storage areas shall be located to the rear of the site, shall be no closer than fifty (50) ft to a Thoroughfare ROW Line. Outdoor Storage areas shall be Screened in accord with §12-2 Screening and shall not project above the required screen nor be visible from any Thoroughfare.

   b. Outdoor Storage areas shall occupy no more than fifteen (15) percent of the site.

4. Uses shall be permitted in the BG-1 FM and BG-2 FM Districts as shown in Table 8-3A except as follows:

   a. The docking only of less than ten (10) boats shall be permitted, subject to Site Plan Review, where no provision of services or dry storage is offered.

   b. In the BG District, Multiple-family Dwellings shall be permitted on property fronting on Highway 59 as part of Mixed-use Developments and when at least twenty-five (25) percent of the overall GFA is devoted to ground floor commercial uses. However, in no case shall this require that more than seventy-five (75) percent of the ground floor GFA be commercial uses.

   c. Multiple-family Dwellings shall be permitted only in Mixed-use Developments with a minimum twenty-five (25) percent GFA devoted to Commercial Uses in BG-1 FM but in no case shall they be permitted in BG-2 FM.

Table 8-3A: BG District Permitted Uses

	BG	BG-1 FM	BG-2 FM
Agricultural Uses			
Plant nurseries and greenhouses	R	CUP	
Farmer's market, supply, produce store	R		
Residential Uses			
Employment Dormitory, §11-9	R		
Interval Occupancy Facility	R	R	
Multiple-family Dwellings, §11-20	R	R	R
Upper Story Dwelling or Live Work, §11-12	R	R	R
Townhouse, §11-3	R	R	R
Lodging Uses			
Bed and Breakfast	R		
Condotel, §11-21	CUP	CUP	CUP
Hotels	R	R	CUP
Rooming/Boarding house, §11-9	R	R	
Accessory Uses			
Athletic facilities, health club, acc to a permitted use	R	R	R
Acc. caterers	R	R	R
Acc. day care	R	R	R
Acc. gasoline sales	R	R	
Acc. lounge	R	R	R
Acc. storage outdoor	R	R	R
Acc. restaurant	R	R	
Acc. Watersports Rentals, §11-13	R	R	
Caretaker Dwelling	R	R	
Incidental Accessory Recreational Uses	R		
Incidental Accessory Retail & Service Uses	R	R	
Boat Docking, acc. to permitted use, §11-8	R	R	R
Offices accessory to a permitted use	R	R	R
Residential Food and Recreation Facilities	R	R	R
Residential Accessory Structures	R	R	R
Structured Parking, acc to permitted use	CUP	CUP	
Institutional Uses			
Low or Medium Intensity Institutional Use	R	R	R
High Intensity Institutional Use	CUP	CUP	
Essential Services Facility, §11-19	CUP	CUP	CUP
Essential Services Installation	R	R	R
Public parks and playgrounds	R	R	R
Telecommunications tower, §11-7	CUP	CUP	CUP
Wildlife sanctuary, nature preserve	R	R	R
Commercial Retail and Service Uses			
Alcohol sales, off-premise only	R	R	R
Ambulance services	CUP	CUP	CUP
Arts and Crafts, Minor	R	R	R
Arts and Crafts, Major	R		
Lounge/Bar	CUP	CUP	CUP
Building, electrical & plumbing contractors	R	CUP	CUP
Building Supply	CUP	CUP	
Caterers	R	R	R
Department/Variety Store	R		

Table continued on following page

Table 8-3A: BG District Permitted Uses (cont.)	BG	BG-1 FM	BG-2 FM
Commercial Retail and Service Uses (cont.)			
Express Shipping Office	R	R	R
Food, Drink and Drug, Minor and Major	R	R	R
Funeral parlor, mortuaries	R	R	R
Car Wash	CUP		
Home & Commercial Improvement Service	R	R	R
Household Goods, Minor and Major	R	R	R
Kennels, §11-16	CUP		
Laundering services	R	R	R
Marina, §11-8		CUP	CUP
Medical Support Service, supply, office	R	R	R
Moving van rental	CUP		
Newspaper/ magazine distribution	R	R	R
Pawn Shop, §11-4	R	R	R
Personal Goods, Minor and Major	R	R	R
Personal Services, health clubs, salon	R	R	R
Radio/TV station w/out transmission tower	CUP	CUP	CUP
Repair Service, Minor and Major	R	R	R
Restaurant, Drive-In/Drive-Through	R	R	R
Restaurant, Standard	R	R	R
Restaurant, Walk-up	R	R	R
Security and patrol services	R	R	R
Specialty School	R	R	R
Veterinary hospital, enclosed boarding only, §11-16	CUP	CUP	
Storage, Indoor, Mini-warehouse, §11-14	CUP		
Amusement and Recreation Uses			
Amusement, Enclosed	R	R	R
Amusement, Unenclosed	CUP	CUP	CUP
Rental of bicycles, scooters, canoes, etc.	R	R	R
Office and Financial Uses			
ATM terminal, freestanding or attached	R	R	R
Banks and financial institutions	R	R	R
Check cashing and title loan establishments, §11-4	R	R	
Bank Drive-thru, Non-accessory	CUP	CUP	CUP
Office, General, Minor and Major	R	R	R
Office or professional supply	R	R	R
Medical Clinic	R	R	
Professional Support Services, Minor	R	R	R
Professional Support Services, Major	CUP	CUP	
Automotive/Vehicle Uses			
Automobile rental	CUP	CUP	CUP
Automotive Repair Service, Minor	R	R	R
Automotive Repair Service, Major	CUP	CUP	
Automotive parts retail sales	R	R	CUP
Gas Station/Convenience Store, §11-2	R	R	
Transportation Uses			
Transit Terminal	CUP	CUP	CUP
Parking, Remote or Structured	CUP	CUP	CUP
Taxi dispatch, excluding garage	R	R	R
Tour bus service, excluding garage	CUP	CUP	
Transit garage (bus, van, taxi, etc.)	CUP		

Table 8-3B: BG District Area and Dimensional Requirements	Non-residential and Mixed-use see also §11-12 for Mixed-use Development	Multiple-family see §11-20	Town-house see §11-3
Max. Bldg. Height	8 stories	4 Stories	2 Stories
Min. Lot Area	5,000 sf	*	§11-3
Max. Density	na	20 DU/ac	§11-3
Min. Lot Width*	50 ft	75 ft	§11-3
Max. Bldg. Coverage	65%	65%	30%
Max. Impervious Surface Coverage	85%	80%	65%
Min. Front Yard see §6-3	20 ft	20 ft	§11-3
Build-to Line	40 ft	30 ft	§11-3
Min. Rear Yard see §6-3	20 ft	30 ft	35 ft
Min. Side Yard see §6-3	na*	10 ft	§11-3
Max. FAR	125-200%*	200%	na

*Refer to §8-3B for additional information, exceptions and modifications.

B. Area and Dimensional Requirements. Refer to Table 8-3B and the following provisions.

1. Building Height shall be determined by counting all Stories, whether partially or wholly above Grade, enclosed, or unenclosed, habitable or uninhabitable, above or below base flood elevation, and whether used for parking, storage, or human occupancy.

2. Lot Area and Width

   a. For Multiple-family complexes, there shall be a minimum Lot Area of 10,000 sf for the first three (3) Dwelling Units plus 2,000 sf per additional Dwelling Unit.

   b. For Mixed-use Buildings and Multiple-family Buildings (one per Lot), the normal minimum Lot Area shall apply subject to the maximum Building Coverage and FAR limitations.

   c. The minimum Lot Width for Multiple-family and Lodging complexes, involving more than one Building per Lot, shall be increased by one (1) ft per Dwelling Unit or rental unit up to a maximum requirement of 300 ft.

d. Lots fronting on Hwy. 59 shall have a minimum Lot Area of 20,000 sf and a minimum Lot Width of 100 ft.

3. Front Yard Setbacks. A minimum twenty (20) ft Setback shall be required along Hwy. 59. However, no Front Setback shall be required along other Thoroughfares where no Off-street Parking is located between the Building and a public sidewalk provided at the Lot Frontage and further provided the streetscape is improved as described in §12-1D.

4. Side Yard Setbacks shall not be required for Non-residential and Mixed-use Developments; however, wherever a Structure is set back from the Side Lot Line, such Setback shall be no less than ten (10) ft and Landscaping as required in §12-1 shall be provided in such area. Separation between Buildings on Abutting Lots shall be in accord with the Building and Fire Code, Buffer requirements, or other applicable requirements of this Ordinance.

5. Floor Area Ratio. For the following uses, the FAR of principal and Accessory Buildings, excluding Parking Structures, shall not exceed:

   a. Mixed-use Buildings including residential uses – 200%

   b. Multiple-family Structures, Commercial and Lodging Uses – 125%

6. Modifications in the BG-1 FM and BG-2 FM Districts. Uses shall be subject to the area and dimensional requirements of the BG District as shown in Table 8-3B except where modified by Table 8-3C and as provided herein.

   a. Waterfront Setbacks. Encroachments into Waterfront Setbacks up to two (2) ft may be permitted for eaves, cornices, downspouts, gutters, handrails, steps, or architectural embellishments if they do not comprise more than twenty-five (25) percent of the length of the Building face in question. No part of balconies, Accessory Uses, swimming pools, parking lots, and signs shall encroach into the Waterfront Setback. Where the required Waterfront Setback is greater than the required Front Yard, Side Yard or Rear Yard Setback, the Waterfront Setback shall govern.

   b. Waterfront Setback options. For gulf-front Lots, the Waterfront Setback is the CCCL. For all other Lots, the following Setback options are permitted:

      (1) Option 1: Fifty (50) ft from Mean High Tide Line

      (2) Option 2: Twenty-five (25) ft with engineer-improved filtration.

Table 8-3C: BG-1 FM and BG-2 FM District Area and Dimensional Requirements

Zoning District	BG-1 FM	
	Residential	Mixed-use see §11-12
Max. Bldg. Height*	3 Stories	3 Stories
Min. Lot Area	4,500 sf per DU	20,000 sf*
Max. Density (DU/ac)	9	9
Min. Lot Width	80 ft	80 ft
Max. Bldg. Coverage	30%	30%
Max. Impervious Surface Coverage	35%	35%
Min. Front Yard see §6-3	20 ft	10 ft
Build-to Line	na	20 ft
Min. Rear Yard see §6-3	20 ft	20 ft
Min. Side Yard* see §6-3	15 ft	0 ft/10 ft*
Max. FAR	125%	125%
Zoning District	**BG-1 FM**	**BG-2 FM**
	Non-residential	
Max. Bldg. Height*	3 Stories	3 Stories
Min. Lot Area	20,000 sf	20,000 sf
Min. Lot Width	80 ft	80 ft
Max. Bldg. Coverage	30%	30%
Max. Impervious Surface Coverage	35%	35%
Min. Front Yard see §6-3	10 ft	10 ft
Build-to Line	20 ft	20 ft
Min. Rear Yard see §6-3	20 ft	30 ft
Min. Side Yard* see §6-3	0 ft/10 ft*	0 ft/10 ft*
Max. FAR	125%	100%

* Refer to §8-3B for exceptions and modifications

   c. In the BG-1 FM District, the minimum lot size for a Mixed-use Building shall be 20,000 sf or 4,500 sf per DU, whichever is greater.

   d. An additional Story, with regard to the maximum height shown in Table 8-3C, shall be permitted for Office and/or retail uses in the BG-1 FM District

   e. There shall be a maximum of three (3) parking levels under a permitted Non-residential, Mixed-use or Multiple-family residential Building.

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-12 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18.

§8-4. BA Arterial Business District.

A. Uses Regulations. Refer to Table 8-4A and the provisions herein.

1. Drive-in and drive-through facilities. The number of Driveways per Premises shall be minimized. Drive-in/drive-through facilities shall be arranged to minimize conflicts with existing (and proposed) sidewalks and Bicycle Lanes along frontages and to minimize conflicts with pedestrians on-site.

2. Marina uses. The docking only of less than ten (10) boats shall be permitted by CUP. Boat service and dry storage are prohibited.

B. Area and Dimensional Requirements. Refer to Table 8-4B and the provisions herein.

1. Lots fronting on Hwy. 59 shall have a minimum Lot Area of 20,000 sf and a minimum Lot Width of 200 ft.

2. The minimum Lot Width for Hotel and Condotels shall be increased by one (1) ft per rental unit up to a maximum requirement of 500 ft.

3. Side Yard Setbacks shall not be required for Non-residential and Mixed-use Developments; however, wherever a Structure is set back from the Side Lot Line, such Setback shall be no less than ten (10) ft and Landscaping as required in §12-1 Landscaping shall be provided in such area. Separation between Buildings on Abutting Lots shall be in accord with the Building and Fire Code, Buffer requirements, or other applicable requirements of this Ordinance.

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-12 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18.

Table 8-4A: BA District Permitted Uses

Agricultural Uses	
Plant nurseries and greenhouses	R
Farmer's market, supply, produce store	R
Residential Uses	
Employment Dormitory, §11-9	R
Lodging Uses	
Condotel, §11-21	CUP
Hotels and Motels	R
Accessory Uses	
Structured Parking, Acc. to permitted use	CUP
Acc. caterers	R
Acc. daycare	R
Acc. gasoline sales	R
Acc. Lounge	R
Acc. Storage, outdoor	R
Acc. Restaurant	R
Caretaker Dwelling	R
Incidental Accessory Retail and Service Uses	R
Offices accessory to a permitted use	R
Institutional Uses	
Low, Medium and High Intensity Institutional Uses	R
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public parks and playgrounds	R
Radio/TV stations excluding transmission tower	R
Radio/TV stations including transmission tower	CUP
Telecommunications tower/support apparatus, §11-7	CUP
Wildlife sanctuary, nature preserve	R
Commercial Retail and Service Uses	
Alcohol sales, off-premise only	R
Ambulance services	CUP
Arts and Crafts, Minor, Major and Industrial	R
Lounge/Bar	R
Building, electrical and plumbing contractors	R
Building Supply	R
Caterers	R
Department/Variety Store	R
Express Shipping Office	R
Food, Drink and Drugs, Minor and Major	R
Funeral parlor, mortuaries	R
Home and Commercial Improvement Service	R
Household Goods, Minor and Major	R
Kennels, §11-16	CUP
Laundering, dry cleaning, and dyeing plants	R
Laundering services	R
Manufactured Home sales, §11-17	R
Marina	CUP
Medical support service, supply, office	R
Medical clinic	R
Monument sales	R
Moving van rental	R
Newspaper/magazine distribution, publishing	R

Table continued on following page

Table 8-4A: BA District Permitted Uses (cont.)	
Commercial Retail and Service Uses (cont.)	
Pawn Shop, §11-4	R
Personal Goods, Minor and Major	R
Personal Services, health club or salon	R
Rental of bicycles, scooters, canoes, kayaks, etc.	R
Repair Service, Minor and Major	R
Restaurant, Drive-In/Drive-Through	R
Restaurant, Standard	R
Security, patrol services	R
Specialty School	R
Veterinary Hospital, indoor or outdoor boarding, §11-16	CUP
Amusement and Recreation Uses	
Amusement, Enclosed	R
Amusement, Unenclosed	CUP
Office and Financial Uses	
ATM Terminal, freestanding or attached	R
Banks and financial institutions	R
Check-cashing/title loan establishments, §11-4	R
Bank, Drive-thru banking, Non-accessory	R
Office, General, Minor and Major	R
Office or Professional Supply	R
Professional Support Services, Minor and Major	R
Automotive/Vehicle Uses	
Automobile, boat and RV sales, §11-17	R
Automobile rental	R
Automotive parts retail sales	R
Automotive Repair Service, Minor and Major	R
Car wash, Non-accessory	R
Gas Station/Convenience Store, §11-2	R
Other Commercial Uses	
Storage, Indoor, Mini-warehouse, §11-14	R
Storage, Outdoor (as principle use)	CUP
Landfill operation, §11-15	CUP
Transportation Uses	
Transit Terminal	R
Heliport	CUP
Parking, Remote or Structured	CUP
Taxi dispatch, excluding garage	R
Tour bus service, excluding garage	CUP
Transit or similar garage (bus, van, taxi, etc.)	CUP
Light Industrial Uses	
Food processing, Wholesale (excl. vinegar and yeast)	CUP
Low Intensity Light Industrial Uses	CUP
Medium Intensity Light Industrial Uses	CUP
High Intensity Light Industrial Uses	CUP
Meat, fish & poultry processing, excluding slaughtering	CUP

Table 8-4B: BA District Area and Dimensional Requirements	
Max. Building Height	8 stories
Min. Lot Area	15,000 sf*
Min. Lot Width	100 ft*
Max. Bldg. Coverage	30%
Max. Impervious Surface Coverage	80%
Min. Front Yard see §6-3	45 ft
Min. Rear Yard see §6-3	20 ft
Min. Side Yard see §6-3	na*
Max. FAR	125%
*Refer to §8-4B for exceptions and modifications.	

§8-5. BT Tourist Business Districts.

The following provisions shall apply to all BT (1-5) Districts, including the BT-1 N and BT-1 FM Districts.

A. Uses Permitted. Refer to Table 8-5A and the provisions herein.

1. Commercial retail uses shall be limited to 50,000 sf per occupant/establishment per Parcel.
2. Marina uses. The docking only of less than ten (10) boats may be permitted upon Site Plan Review. Boat service and dry storage are prohibited.

B. Area and Dimensional Requirements. Refer to Table 8-5B and the provisions herein.

1. Maximum height. In no event shall the height of any Building or Structure exceed the building height provisions as identified in Table 8-5B, excluding those portions and features identified in §6-4 Height Regulation Exemptions. Building Height in Table 8-5B and shown in Design Guideline 35 refers to the Habitable Floors used for Residential or Lodging Uses. Not included are:
   a. Stories principally used for parking; and
   b. Stories of habitable Residential or Lodging Uses added as bonuses awarded pursuant to §10-1 Walking Area Overlay District or §10-3 Beach Area Overlay District.

   For the BT-1N District, the number of floors shall be determined by counting all floors wholly or partially above Grade Level regardless of use.

Table 8-5A: BT (1-5) District Permitted Uses

Residential Uses	
Accessory Dwelling, §6-6	R
Conservation Subdivision, §11-10	R
Cottage Subdivision, §11-11	R
Duplex	R
Employment Dormitory, §11-9	R
Home Occupation (Single-family Dwelling only), §11-5	R
Interval Occupancy Facility	R
Multiple-family Dwellings §11-20	R
Single-family (detached) Dwelling	R
Townhouse, §11-3	R
Upper Story Dwelling or Live-Work, §11-12	R
Lodging Uses	
Bed and Breakfast, §11-1	R
Condotel, §11-21	CUP
Hotels	R
Rooming/Boarding house, §11-9	R

Table continued at right

Table 8-5A: BT (1-5) District Permitted Uses (cont.)

Accessory Uses	
Acc. caterers	R
Acc. athletic facilities, health club	R
Acc. lounge	R
Acc. restaurant	R
Acc. Watersports Rentals, §11-13	R
Boat Docking acc. to permitted use	R
Caretaker Dwelling	R
Incidental Accessory Recreational Uses	R
Incidental Accessory Retail and Service Uses	R
Offices accessory to a permitted use	R
Residential Accessory Structures	R
Residential Food and Recreation Facilities	R
Structured Parking acc. to permitted use	R
Institutional Uses	
Wildlife sanctuary, nature preserve	R
Low Intensity Institutional Use	R
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public parks and playgrounds	R
Telecommunications tower/support apparatus, §11-7	CUP
Commercial Retail and Service Uses	
Alcohol sales, off-premise only	R
Ambulance services	CUP
Arts and Crafts, Minor	R
Lounge/Bar	CUP
Caterers	R
Department/Variety Store	CUP
Express Shipping Office	R
Food, Drink and Drugs, Minor and Major	R
Household Goods, Minor	R
Laundering services	R
Marina, §11-8	CUP
Personal Goods, Minor and Major	R
Personal Services, health clubs, salons	R
Radio/TV stations excluding transmission tower	CUP
Repair Service, Minor	R
Restaurant, Standard and Walk-up	R
Specialty School	R
Amusement and Recreation Uses	
Amusement, Enclosed	R
Amusement, Unenclosed	CUP
Rental of bicycles, scooters, canoes, kayaks, etc.	R
Office and Financial Uses	
ATM terminal, freestanding or attached	R
Banks and financial institutions	R
Office, General, Minor and Major	R
Professional Support Services, Minor	R
Transportation Uses	
Automotive Rental	CUP
Transit Terminal	CUP
Parking, Remote or Structured	CUP
Taxi dispatch, excluding garage	R
Tour bus service, excluding garage	CUP

Table 8-5B: BT (1-5) District Area and Dimensional Requirements						
Zoning District	**BT-1**	**BT-2**	**BT-3**	**BT-4**	**BT-5**	**BT-1 N**
Max. Bldg. Height* in Stories	5	10	15	20	22	6
Min. Lot Area		5,000 sf				
Max. Density (DU/ac)	10.5	21	30	42	44	21
Min. Lot Width		50 ft				
Max. Impervious Surface Coverage	70%	75%	80%	85%	85%	70%
Min. Front Yard see §6-3		10 ft				
Min. Rear Yard see §6-3		20 ft				
Min. Side Yard see §6-3		0-30 ft, See §8-5B4				
Max. FAR	50%	100%	150%	200%	200%	100%
*Refer to §8-5B for exceptions and modifications						
Maximum Building Coverage by Floor Level						
Building Floors		Maximum Building Coverage (per Lot Area)				
Floors 1-5		65%				
Floors 6-10		50%				
Floors 11-15		25%				
Floors 16 and above		20%				

Requirements for Detached Single-Family and Duplex Dwellings			
	Detached Single-family Dwelling		**Duplex**
Max. Bldg. Height	3 Stories		3 Stories
Min. Lot Area	5,000 sf		9,000 sf
Min. Lot Width	50 ft		50 ft
Max. Bldg. Coverage	35%		35%
Max. Impervious Surface Coverage	55%		55%
Min. Front Yard See §6-3	20 ft		20 ft
Min. Side Yard* See §6-3	8 ft		8 ft
Min. Street Side Yard See §6-3E	10 ft		10 ft
Min. Rear Yard See §6-3	30 ft		30 ft

2. Maximum Density. The number of Dwelling Units may be increased above that shown in Table 8-5B through bonuses awarded pursuant to §10-1 Walking Area Overlay District, §10-2 Lagoon Pass Overlay District, or §10-3 Beach Area Overlay District.

3. Front Yard Setbacks. A minimum twenty (20) ft Setback shall be required along Hwy. 59. However, no Front Setback shall be required along other Thoroughfares where no Off-street Parking is located between the Building and a public sidewalk provided at the Lot Frontage and further provided the streetscape is improved as described in §12-1D1 or other applicable standard if more restrictive.

4. Side Yards.

   a. For non-Gulfside Lots, no minimum Side Yard is required. Buildings may be constructed to the Side Lot Lines for the first five (5) Stories. However, Buildings longer than 250 ft, regardless of height, shall be set back from the Side Lot Line. Wherever a Building is set back from the Side Lot Line, the minimum Setback shall be ten (10) ft and Landscaping as required in §12-1 shall be provided in such area.

   b. Gulfside Lots less than 200 ft wide shall have a minimum Side Yard of ten (10) ft for Buildings up to twenty (20) ft in height. The minimum Side Yard, applicable to the Building in its entirety, shall be increased by two (2) ft for each additional ten (10) ft in height. In no case shall a Side Yard of more than thirty (30) ft be required. However, this shall not limit any Buffers required by §12-3 Buffers.

      For Gulfside Lots 200 ft or wider, minimum Side Yards shall be as follows:

      Min. Side Yard = (Lot Width-200 ft)/4 + 30 ft

Figure 8-5B Min. Side Yards for Gulfside Lots		
Lot Width	**Min. Side Yard**	**Buildable width**
200-300 ft	30-55 ft	140-190 ft
300-400 ft	55-80 ft	190-240 ft
Over 400 ft	80 ft (maximum)	+240 ft

      Figure 8-5B, above, provides *examples* of the Setbacks applicable for the ranges of Lot Width shown.

5. Viewshed Management Area. Portions of Buildings in the Viewshed Management Area designated in Design Guideline 15 taller than five (5) stories, measured from the right of way line, shall be set back as shown in Design Guideline 15. A request to modify or eliminate the requirements of the Viewshed Management Area may be considered by the Council in conjunction with Site Plan Review.

6. Floor Area Ratio. Maximum FAR shall be determined as follows:

a. For Buildings that contain fewer than five (5) Habitable Stories, maximum FAR applies to all occupied Building areas that are heated and cooled.

b. For Buildings that contain five (5) or more Habitable Stories, maximum FAR applies to all heated and cooled Building areas used for residential or Lodging.

c. Parking levels excluded from Building Height determination in §8-5B1 are also excluded from calculation of FAR.

d. When a Mixed-use Building in which the predominant use is Multiple-family residential, Interval Occupancy, or Hotel, Building areas devoted to business, entertainment and similar uses are excluded from the calculation of FAR provided that they are directly accessible to sidewalks on surrounding streets.

e. Maximum FAR may be exceeded for projects for which bonus Density, GFA and/or height is awarded pursuant to §10-1 Walking Area Overlay District, §10-2 Lagoon Pass Overlay District, or §10-3 Beach Area Overlay District.

7. Maximum Building Coverage. The maximum Building Coverage percentages in Table 8-5B apply only to the corresponding floors as shown in the table.

8. Modifications in the BT-1 FM District. Uses shall be subject to the area and dimensional requirements of the BT-1 District as shown in Table 8-5B except where modified by Table 8-5C and as provided herein.

a. Existing Lots between 6,000 sf and 9,000 sf are limited to one (1) Single-family or Duplex Structure. Existing Lots less than 6,000 sf may have only one (1) Single-family Dwelling. Otherwise, detached Single-family and Duplex Dwellings shall be subject to the requirements in Table 8-5B.

b. Waterfront Setbacks. Encroachments into Waterfront Setbacks up to two (2) ft may be permitted for eaves, cornices, downspouts, gutters, handrails, steps, or architectural embellishments if they do not comprise more than twenty-five (25) percent of the length of the Building face in question. No part of balconies, Accessory Uses, swimming pools, parking lots, and signs shall encroach into the Waterfront Setback. Where the required Waterfront Setback is greater than the required Front Yard, Side Yard or Rear Yard Setback, the Waterfront Setback shall govern.

c. Waterfront Setback options. For gulf-front Lots, the Waterfront Setback is the CCCL. For all other Lots, the following Setback options are permitted:

(1) Option 1: Fifty (50) ft from Mean High Tide Line

(2) Option 2: Twenty-five (25) ft with engineer-improved filtration.

d. For Non-residential, Mixed-use and Multiple-family Buildings, each Lot shall have a minimum Side Yard of ten (10) ft on each side for Buildings up to twenty (20) ft in height. The minimum Side Yard, applicable to the Building in its entirety, shall be increased by two (2) ft for each additional ten (10) ft in height. In no case shall this require a minimum Side Yard of more than thirty (30) ft; however, this shall not limit any Buffer required by §12-3 Buffers.

Table 8-5C: BT-1 FM District Area and Dimensional Requirements

	Non-residential	Multiple-family	Mixed-use
Max. Bldg. Height*	10 Stories	10 Stories	10 Stories
Min. Lot Area	20,000 sf	3,000 sf per DU	20,000 sf
Max. Density (DU/ac)	na	15*	15*
Min. Lot Width	100 ft	100 ft	100 ft
Max. Bldg. Coverage	30%	30%	30%
Max. Impervious Surface Coverage	35%	35%	35%
Min. Front Yard see §6-3	10 ft	20 ft	10 ft
Build-to Line	20 ft	na	20 ft
Min. Rear Yard see §6-3	30 ft	30 ft	30 ft
Min. Side Yard* see §6-3	0 ft/10 ft*	20 ft	0 ft/10 ft*
Min. Street Side Yard see §6-3E	na	na	na
Max. FAR	150% *	150% *	150% *
* Refer to §8-6B8 for exceptions and modifications			

e. PUDs may receive up to an additional five (5) DU/ac, five (5) Habitable Stories in height and a maximum of 200% FAR.

f. An additional Story shall be permitted for Office and/or retail uses.

g. There shall be a maximum of three (3) parking levels under a permitted Non-residential, Mixed-use or Multiple-family residential Building.

C. Plash Island/Bon Secour River Overlay District. See §10-7.

D. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

E. Outdoor Lighting. See §6-13 Outdoor Lighting Standards.

F. Landscaping, Screening and Buffers. See Article 12.

G. Parking and Loading Regulations. See Article 14.

H. Design Standards for Site Plan Review. See Article 16.

I. Sign Regulations. See Article 18.

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ARTICLE 9: SPECIAL DISTRICT REGULATIONS

§9-1. AG Agricultural District.

The following provisions shall apply unless provided for elsewhere in this Ordinance.

A. Use Regulations. Refer to Table 9-1A and the provisions herein.

Table 9-1A: AG District Permitted Uses	
Agricultural Uses	
Agricultural and farm uses	R
Landing field for crop dusting services	CUP
Aviaries, apiaries	R
Farm, Livestock	R
Farmer's market, supply, produce store	R
Hatcheries, aquaculture	CUP
Plant nurseries and greenhouses	R
Riding academy, stable	R
Residential Uses	
Group homes (for 10 or less residents), §11-23	R
Single-family (detached) Dwelling	R
Accessory Uses	
Accessory Dwellings, §6-6	R
Agricultural Accessory Buildings and Structures	R
Athletic facilities, Health Club accessory to a permitted use	R
Day care, Accessory to a permitted use	R
Home Occupations (Single-family Dwellings), §11-5	R
Incidental Accessory Recreational Uses	R
Residential Accessory Structures	R
Lodging Uses	
Bed and Breakfast, §11-1	R
Business Uses	
Kennels, §11-16	R
Veterinary Hospital, indoor or outdoor boarding, §11-16	R
Institutional Uses	
Animal shelter, §11-16	R
Low Intensity Institutional Uses	R
Medium Intensity Institutional Uses	CUP
Cemetery, mausoleum	CUP
Essential Services Facilities, §11-19	CUP
Essential Services Installations	R
Public parks and playgrounds	R
Telecommunication tower, §11-7	CUP
Wildlife sanctuary, nature preserve	R
Amusement and Recreational Uses	
Amusement, Enclosed	CUP
Amusement, Unenclosed	CUP
Industrial Uses	
Extraction: sand, rock, soil, gravel, etc.	CUP
Oil and gas exploration	CUP
Sawmill	CUP

1. Only Livestock and Fowl as defined by this Ordinance shall be permitted.
2. Only one (1) Accessory Dwelling shall be permitted per Lot. See also §6-6.

B. Area and Dimensional Requirements. Refer to Table 9-1B and the provisions herein:

1. For the purposes of this district, *all* Corner Lots shall be considered as Non-standard Corner Lots, having a Front Yard along each frontage.
2. No corral, stable, pen, hive, or other enclosure intended for the confinement of Livestock shall be located within 200 ft of the residence of any other person other than the owner, nor shall such confinement facilities be located within the Front or Side Yard. Livestock shall be allowed at the rate of one (1) animal per every 6,000 sf of gross Lot Area.

Table 9-1B: AG District Area and Dimensional Requirements	
Max. Building Height, see also §6-4 for height exemptions	3 Stories
Min. Lot Area	3 acres
Min. Lot Area per principal Dwelling	3 acres
Min. Lot Width	165 ft
Max. Building Coverage	20%
Max. Impervious Surface Coverage	40%
Min. Front Yard see also §6-3	40 ft
Min. Rear Yard see also §6-3	40 ft
Min. Side Yard see also §6-3	30 ft
Max. FAR	na

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-12 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18

§9-2. Intracoastal Waterway Districts.

Intracoastal Waterway Districts include the ICW-N and ICW-S Districts and shall be developed in accord with the objectives and general regulations in Subsections A and B following.

A. Objectives. Within the Intracoastal Waterway Districts, the City intends to:

1. Encourage urban scale waterfront development that facilitates walking and pedestrian interaction between neighboring uses.
2. Encourage a logical arrangement of innovative high quality "Mixed-use" developments that include residential, commercial, Marina, and tourist uses.
3. Establish a common maritime theme for all waterfront development.
4. Establish developmental guidelines and land use patterns that serve to preserve property values and enhance the quality of life for residents of both the north and south banks of the Intracoastal Waterway.
5. Lessen the potential impact of north bank development on the residential properties located along the south bank of the Waterway by regulating both Building Heights and Building Setbacks from the north bank of the Intracoastal Waterway.
6. Enhance streetscape treatments along Waterway West Blvd., E. 28th and 29th Ave., E. 2nd St., and Waterway East Blvd. in order to encourage new business development and to encourage the redevelopment of existing sites.
7. Encourage the creation of a linear Greenway along the Intracoastal Waterway for the purpose of preserving its environmental and aesthetic qualities and to encourage active public interaction with this important waterfront asset.

B. General Regulations and Area and Dimensional Modifications for ICW-N and ICW-S Districts.

1. Modifications to the Setbacks required by this Ordinance may be approved by the approving authority when it is clearly demonstrated that the modification is in the best interest of the City, enhances the functionality and aesthetics of the project and would not cause an adverse impact upon Adjacent properties.
2. In no case will any Structure or appurtenances thereto be permitted to violate any provision of the FAA-FAR Part 77 and/or Ordinance 831, as amended. All Structures greater than fifty (50) ft in height shall be required to obtain an official determination from the FAA as to whether the Structure constitutes a hazard to air navigation and results in a detrimental effect on Jack Edwards Airport.
3. All Buildings and parking facilities located upon the site shall be designed to ensure the free and safe flow of pedestrian and bicycle traffic both within and around the site. To this end, pedestrian and/or bicycle interconnections between Building sites shall be provided as an integral element of the overall development plan as well as pedestrian friendly amenities such as benches, pedestrian landings, drinking fountains, bicycle racks, pedestrian lighting, Open Space, etc.
4. Pedestrian Improvements made within the Corps easement Adjacent to the Intracoastal Waterway that are consistent with the recommendations of the *Comprehensive Plan* and the intent of this Section may offset some or all of the customary on-site pedestrian Improvements if such Improvements are deemed by the City to be more desirable or advantageous. All such Improvements are subject to approval by the by the Corps.
5. Each development shall plan for and construct their portion of a multi-use pathway of at least twelve (12) ft in width or as otherwise recommended by applicable AASHTO standards. The pathway shall be located within the Corps' easement Adjacent to the ICW, or along the southern edge of the property where no easement exists, consistent with the recommendations of the *Comprehensive Plan*. The precise location of the pathway will be determined through the Site Plan Review process and it is recognized that for the purpose of maintaining continuity across a site, certain activities may require extreme realignments. Flexibility will also be allowed to address specific site issues, the natural characteristics of the property, and enjoyment of the Adjacent water resource. The design and materials used in the construction of the path should be consistent, to the extent necessary, to maintain a common theme throughout the path and illustrate the paths "public" nature. Enhancements and embellishments will be allowed Adjacent to the path to represent the different developments that the path passes through.
6. All proposed development shall incorporate appropriate Buffering and Screening techniques to minimize the potential for incompatibility between Adjacent uses as may be required in §12-2 Screening and §12-3 Buffers.
7. Lighting for all development shall incorporate design elements that shall prohibit the direct illumination of Adjacent property, ROW or the Intracoastal Waterway in accord with §6-12 Outdoor Lighting Standards.

8. Existing trees and vegetation located within unopened ROWs and the Corps easement shall be preserved to the extent practicable to provide for an appropriate Buffer and to improve the visual aesthetics of the property from the north. The removal of trees shall be allowed in accordance with the City Tree Preservation Ordinance.

9. For determining FAR and Building Coverage, GFA shall:

    a. Include elevated parking floors and parking areas, such as decks and garages, contained entirely within the exterior faces of exterior walls and/or supporting columns of the Principal Building, when located on or above the second Habitable Story of a Structure;

    b. Exclude elevated parking floors and parking areas, such as decks and garages, to the extent contained within the exterior faces of exterior walls and/or supporting columns of the Principal Building, that are located on or below the first Habitable Story; and

    c. Include all elevated parking floors and parking areas, such as decks and garages, or portions thereof, that extend outward from the exterior faces of exterior walls and/or supporting columns of the Principal Building or that are detached from the Principal Building, whether covered or not. Ground level parking lots, above or below the base flood elevation (BFE), shall not be included in the calculation for the GFA; and

    d. Mean that area within the external limits of the "exterior faces of the exterior walls and/or supporting columns of the Principal Building," including but not limited to: habitable space (i.e., guest rooms for rent or occupancy), elevator shafts, stairwells, common walkways, balconies, storage and mechanical rooms, and other related enclosed space.

10. Outdoor activities, including but not limited to outdoor dining, are encouraged but are subject to approval through the Site Plan Review process. Consideration shall be given to proximity to residential development and zoning; the nature of the activity and noise levels related thereto; proposed hours of operation, and any other relevant factor.

11. An engineer-certified Stormwater Management Plan is required for approval by the City. The Stormwater Management Plan shall indicate the specific Best Management Practices that would be required for collecting, filtering and pre-treating all stormwater runoff from the property prior to discharge in order to meet the standards of the state and federal governments, including National Pollution Discharge Elimination System (NPDES) permit requirements.

12. Other Regulations Applicable. Except as otherwise provided in this §9.3, the following general regulations shall also apply:

    a. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

    b. Outdoor Lighting. See §6-12 Outdoor Lighting Standards.

    c. Landscaping, Screening and Buffers. See Article 12.

    d. Parking and Loading Regulations. See Article 14.

    e. Design Standards for Site Plan Review. See Article 16.

    f. Sign Regulations. See Article 18.

C. Intracoastal Waterway-North (ICW-N) District. The ICW-N District is intended to encourage Mixed-use Developments incorporating both residential and commercial activities within the same area. To this end, Mixed-use Buildings are desired. Commercial Structures and activities in close proximity to the Intracoastal Waterway will provide a focus toward the Intracoastal Waterway as an amenity of patrons to use and enjoy. Residential Buildings and developments Adjacent to the Intracoastal Waterway will provide Open Space along the Waterway for the recreation and enjoyment of guests, owners, and residents. All applicable zoning and subdivision regulations shall apply for any development or redevelopment unless specifically exempted by this Section.

1. District Definition. The Intracoastal Waterway District shall be defined as all properties situated between the Intracoastal Waterway and the Waterway West Blvd. (aka West 28th Ave.) from Gulf Shores Pkwy. to West 6th St and those properties situated north of the Intracoastal Waterway, east of Gulf Shores Pkwy., south of East 29th Ave. (to E. 2nd St.), and south of the alignment of East 28th Ave. extended east along the south boundary of the Jack Edwards Airport and the Gulf Shores Business and Industrial Park, to the city limits. The official zoning map should be consulted for actual boundaries.

2. Application. All applicants shall be required to submit to the City the names and addresses of property owners located directly across from the subject site along the south bank of the Intracoastal Waterway for a distance of equal water frontage as the subject site. The Commission shall send certified notice of the proposed development to those south bank property owners at least fifteen (15) days prior to formal consideration of any application.

3. Minimum Site Requirement. Development within this district shall occur within planned areas having a minimum land area of three (3) acres. Such planned areas shall comply with the following requirements:

   a. ICW Development Plans shall be submitted to the Zoning Official and shall conform with any applicable phasing schedule. These plans shall be reviewed and approved in accord with the Zoning Ordinance and Subdivision Regulations. Any required dedications, reservations, or required Improvements shall be made in accord with the phasing schedule and shall be provided with the applicable approval of final subdivision or Site Plans.

   b. Where subdivision is required, an ICW Development Plan shall be submitted as a preliminary subdivision plan as described in §3-3 of the Subdivision Regulations or a Site Plan as described in §3-3 of this Ordinance.

   c. The ICW Development Plan with its supporting infrastructure and phased Improvements shall be presented/submitted for the entire site as a preliminary plan. This plan may be phased in accord with §3-4F of the Subdivision Regulations for final subdivision plats and/or zoning regulations, as applicable.

   In addition, all applications shall be accompanied by a narrative provided by the developer or owner fully describing the character and intended uses of the land areas proposed for development and how the proposed development plan is consistent with the intent of the district as stated in Article 5 and the objectives stated in §9-2A.

4. Use Regulations. Refer to Table 9-3A and the provisions herein.

   a. Marina uses shall only be permitted in accord with §11-8 Marina Uses.

   b. Where permitted, RV parks shall only be permitted as part of a "Mixed-use" plan and at a minimum shall comply with all applicable provisions of §7-2 R-5 District. An RV park shall not be approved as a stand-alone development.

   c. Dredge material disposal sites operated by the Corps or an authorized contractor working for the Corps shall be permitted.

Table 9-3C1: ICW-N District Permitted Uses

Residential Uses	
Accessory Dwelling, §6-6	R
Conservation Subdivision, §11-10	R
Duplex	R
Home Occupation (Single-family detached Dwelling), §11-5	R
Interval Occupancy Facility	R
Multiple-family Dwellings, §11-20	R
Single-family (detached) Dwelling	R
Townhouse, §11-3	R
Upper Story Dwelling or Live-Work, §11-12	R
Lodging Uses	
Bed and Breakfast, §11-1	R
Condotel, §11-21	CUP
Hotels	R
Rooming/Boarding house, §11-9	R

Table continued on following page

Table 9-3C1: ICW-N District Permitted Uses (cont.)	
Accessory Uses	
Acc. Restaurant	R
Acc. Caterer	R
Acc. Daycare	R
Acc. Lounge	R
Caretaker Dwelling	R
Incidental Accessory Retail and Service uses	R
Boat Docking, acc. to permitted use, §11-8	R
Offices accessory to a permitted use	R
Residential acc. Structures	R
Residential Food and Recreation Facilities	R
Structured Parking, accessory to a permitted use	CUP
Institutional Uses	
Low Intensity Institutional Use	R
Medium Intensity Institutional Uses	CUP
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public parks and playgrounds	R
Telecommunications tower/support apparatus, §11-7	CUP
Wildlife Sanctuary, Nature Preserve	R
Commercial Retail and Service Uses	
Alcohol sales, off-premise consumption only	R
Arts and Crafts, Minor	R
Lounge/Bar	CUP
Caterers	R
Express Shipping Office	R
Food, Drink and Drugs, Minor and Major	R
Household Goods, Minor	R
Laundering services	R
Marina, §11-8	R
Personal Goods, Minor and Major	R
Personal services, health club, salon	R
Radio/TV stations excluding transmission towers	CUP
Repair Service, Minor	R
Rental of bicycles, scooters, canoes, kayaks, etc.	R
Restaurant, Drive-In/Drive Through	CUP
Restaurant, Standard	R
Specialty School	R
Amusement and Recreation Uses	
Amusement, Enclosed	R
Amusement, Unenclosed	CUP
Office and Financial Uses	
ATM Terminal, freestanding or attached	R
Banks and Financial Institutions	R
Office, General, Minor and Major	R
Transportation Uses	
Transit Terminal	CUP
Parking, Remote or Structured (non-accessory)	R
Taxi dispatch, excluding garage	R
Tour bus service, excluding garage	CUP

5. Area and Dimensional Requirements. See Table 9-3C2 and the provisions herein.

   a. Building Orientation. To the extent practicable, all primary Buildings proposed adjacent to West 28th Avenue shall be oriented toward the street.

   b. Building Height. Building height shall not exceed eight (8) stories or as allowed by the Jack Edwards Airport Overlay District, which ever is less. In no case will any Structure or appurtenances thereto be permitted to violate any provision of the FAA-FAR Part 77 and/or Ordinance 831, as amended.

   c. The minimum Lot Width for Multiple-family residential complexes, involving more than one Building per Lot, shall be seventy-five (75) ft and increased by one (1) ft per Dwelling Unit up to a maximum requirement of 300 ft.

   d. Front Yards. To ensure a compact, pedestrian-friendly development pattern, Buildings shall be built to within twenty (20) ft of the Front Lot Line except as otherwise required by Table 9-3C2. Street Frontage Landscaping shall be provided as described in §12-1D or other applicable standard if more restrictive.

   e. Side Yards.

      (1) For Buildings including Residential or Lodging Uses, there shall be a minimum Side Yard of ten (10) ft for Buildings up to twenty (20) ft in height. The minimum Side Yard, applicable to the Building in its entirety, shall be increased by two (2) ft for each additional ten (10) ft in height. In no case shall this require a minimum Side Yard of more than thirty (30) ft. However, this shall not limit any Buffers otherwise required by §12-3 Buffers.

      (2) For all other Non-residential Buildings, Buffers, where required in accord with §12-3 Buffers, shall be provided in lieu of Side Yard Setbacks. Where no Buffer is required, Buildings may be built to the Side Lot Line or shall be set back no less than ten (10) ft with Landscaping provided in accord with §12-1 Landscaping. Separation between Buildings on Abutting Lots shall be in accord with the Building and Fire Code or other applicable requirements of this Ordinance.

   f. Rear Yards. For detached Single-family and Duplex Dwellings, the minimum Rear Yard may be reduced to ten (10) ft along the Corps of Engineers easement along the Intracoastal Waterway.

   g. Floor Area Ratio for Non-residential, Mixed-use, and Multiple-family Buildings shall be in accord with Table 9-3C2 and measured as described in §9-2B9.

   h. For Buildings containing Residential and Lodging Uses, the maximum Building Coverage percentages in Table 9-3C2 apply only to those floors corresponding with the heights, as shown in the table.

Table 9-3C2: ICW-N District Area and Dimensional Requirements				
	Detached Single-Family Dwelling	**Duplex**	**Town-house**	**Non-residential, Mixed-Use & Multiple-family**
Max. Bldg. Height in Habitable Stories	3	2	3	8
Min. Lot Area	5,000 sf	9,000 sf	§11-3	5,000 sf
Min. Lot Width	50 ft	65 ft	§11-3	50 ft*
Min. Rear Yard see also §6-3	30 ft	30 ft	§11-3	20 ft*
Min. Side Yard see also §6-3	8 ft	8 ft	§11-3	0 ft/10 ft
Min. Street Side Yard See §6-3E	10 ft	10 ft	na	na
Max. Bldg. Coverage	35%	35%	35%	65%
Max. Impervious Surface Coverage	55%	55%	65%	85%
Front Yard Setbacks and Build-To Lines				
Build-To Line except as provided below				20 ft
Min. Setback from north ROW Line of West 25th Ave. (extended)				10 ft
Build-to Line from north ROW Line of West 25th Ave. (extended)				25 ft
Min. Setback from south ROW Line of West 25th Ave. (extended)				20 ft
Min. Setback from north ROW Line of West 26th Ave. (extended)				20 ft
Min. Setback from south ROW Line of West 28th Ave.				50 ft
FAR and Building Coverage/Density by Height				
Max. FAR for Mixed-use Buildings containing Dwellings				200%
Max. FAR for all other Buildings				125%
For Buildings Containing Multiple-Family Dwellings or Lodging				
Bldg. Height	**Max. Bldg. Coverage**		**Max. Density**	
Up to 20 ft	30.0%		26 DU/ac	
21 to 30 ft	23.0%		30 DU/ac	
31 to 40 ft	19.5%		34 DU/ac	
41 to 50 ft	17.0%		38 DU/ac	
Over 50 ft	16.1%		42 DU/ac	
*Refer to §9-3C6 for exceptions and modifications				

i. Residential Density for Multiple-family and Mixed-use Buildings shall be in accord with the thresholds shown in Table 9-3C2.

6. On-site parking facilities shall not be located between any Principal Building and Waterway East Blvd or West 28th Ave. nor between any Principal Building and the ICW. A waiver of this requirement may be granted by the City approving authority if it is clearly demonstrated by the applicant that another arrangement is preferable and is of benefit to the overall project and will not create an undue hardship on Adjacent property.

7. Landscaping Regulations. See §12-1 Landscaping and the provisions herein.

   a. ROW Landscaping for East and West 28th Ave. and Waterway East Blvd. shall be provided as part of the overall development plan.

   b. All properties immediately Adjacent to West 25th Avenue or the alignment thereof, or the Corps easement, shall provide on-site a minimum ten (10) ft wide frontage landscape area, adjacent to the required multi-use pathway, across the southern edge of the site in accordance with the frontage requirements of §12-1. Where adequate landscape areas would be provided in the Corps easement, this area may be reduced to a minimum of five (5) ft subject to Council approval. The only uses permitted within this landscape area shall be signs, sidewalks and pathways. Buildings and Off-street Parking shall not encroach into this designated area. All properties shall be responsible for landscaping of areas within the Corps easement.

8. Pedestrian and Bicycle Improvements.

   a. A multi-use path shall be required as described in §9-2B5. Off-site pedestrian/bicycle Improvements within the ROWs Adjacent to the subject site shall be connected with those Improvements made on the site to create an overall pedestrian circulation plan.

   b. Pedestrian level lighting is desired for the multi-use pathway.

9. Additional Regulations. All development within this District shall comply with the Noise and Height Overlay Districts for Jack Edwards Airport, including the Federal Aviation Regulations, Part 77.

D. Intracoastal Waterway District - South (ICW-S). The ICW-S District is intended to encourage Mixed-use Developments incorporating both residential and commercial activities within the same area. To this end, Mixed-use Buildings are desired. Commercial Structures and activities in close proximity to the Intracoastal Waterway will provide a focus toward the Intracoastal Waterway as an amenity of patrons to use and enjoy. Residential Buildings and developments Adjacent to the Intracoastal Waterway will provide Open Space along the Waterway for the recreation and enjoyment of guests, owners, and residents. All applicable zoning and subdivision regulations shall apply for any development or redevelopment unless specifically exempted by this Section.

1. Planned Unit Development. Development consisting of three (3) acres or more that provides a unified plan of ownership or control may be considered by the Council for development pursuant to standards of Article 15. All PUD applications shall be accompanied by a narrative provided by the developer or owner fully describing the character and intended uses of the land areas proposed for development and how the proposed development plan is consistent with the intent of the District as stated in Article 5 Establishment of Districts. However, no application for a PUD development within the ICW-S District shall seek an increase in the maximum allowable Building Height, GFA, site Density, or number of Dwelling Units compared to the maximum permitted in the District.

2. Use Regulations. Refer to Table 9-2D1.

3. Area and Dimensional Requirements. Refer to Table 9-2D2 and the provisions herein.

   a. Height.

      (1) Buildings taller than twenty-four (24) ft shall be set back a minimum of thirty (30) ft from the Highway 59 ROW and W.C. Holmes Bridge. Taller Buildings should also be located away from the Intracoastal Waterway and adequately Screened by existing and/or proposed vegetation.

   b. All Structures and uses shall be set back from the Corps easement no less than ten (10) ft.

   c. Build-to Line. Multiple-family, Mixed-use and Non-residential Buildings shall be built to within twenty (20) ft of the Front Lot Line as established in Table 9-2D2. Street Frontage Landscaping shall be provided as described in §12-1D or other applicable standard if more restrictive.

Table 9-2D1: ICW-S District Permitted Uses

Residential Uses	
Accessory Dwelling, §6-6	R
Conservation Subdivision, §11-10	R
Duplex	R
Home Occupation (Single-family detached Dwelling), §11-5	R
Interval Occupancy Facility	R
Multiple-family Dwellings, §11-20	R
Single-family (detached) Dwelling	R
Townhouse, §11-3	R
Upper Story Dwelling or Live-Work, §11-12	R
Lodging Uses	
Bed and Breakfast, §11-1	R
Condotel, §11-21	CUP
Hotels	R
Rooming/Boarding house, §11-9	R
Accessory Uses	
Acc. Caterer	R
Acc. Daycare	R
Acc. Restaurant, Hotel Restaurant	R
Acc. Lounge	R
Boat Docking, Acc. to permitted use	R
Caretaker Dwelling	R
Incidental Accessory Retail and Service uses	R
Offices accessory to a permitted use	R
Residential acc. Structures	R
Residential Food and Recreation Facilities	R
Structured Parking, accessory to a permitted use	CUP
Institutional Uses	
Low Intensity Institutional Use	R
Medium Intensity Institutional Uses	CUP
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public parks and playgrounds	R
Telecommunications tower/support apparatus, §11-7	CUP
Wildlife Sanctuary, Nature Preserve	R
Commercial Retail and Service Uses	
Alcohol sales, off-premise consumption only	R
Arts and Crafts, Minor	R
Lounge/Bar	CUP
Caterers	R
Express Shipping Office	R
Food, Drink and Drugs, Minor and Major	R
Household Goods, Minor	R
Laundering services	R
Marina, §11-8	R
Personal Goods, Minor and Major	R
Personal services, health club, salon	R
Radio/TV stations excluding transmission towers	CUP
Rental of bicycles, scooters, canoes, kayaks, etc.	R
Repair Service, Minor	R
Restaurant, Standard	R
Specialty School	R
Amusement and Recreation Uses	
Amusement, Enclosed	R

Table continued on following page

Table 9-2D1: ICW-S District Permitted Uses (cont.)	
Office and Financial Uses	
ATM Terminal, freestanding or attached	R
Banks and Financial Institutions	R
Office, General, Minor and Major	R
Transportation Uses	
Parking, Remote or Structured	R
Taxi dispatch, excluding garage	R
Tour bus service, excluding garage	CUP
Transit Terminal	CUP

Table 9-2D2: ICW-S District Area and Dimensional Requirements				
	Detached Single-family Dwelling	**Duplex**	**Town-house**	**Non-residential, Mixed-use & Multiple-family**
Min. Lot Area	5,000 sf	9,000 sf	§11-3	5,000 sf
Min. Lot Width	50 ft	65 ft	§11-3	50 ft
Max. Bldg. Height*	3 Stories	2 Stories	3 Stories	8 stories
Max. Bldg. Coverage	35%	35%	35%	65%
Max. Impervious Surface Coverage	55%	55%	65%	85%
Build-to Line*	na	na	§11-3	20 ft
Min. Front Yard* See §6-3	20 ft	20 ft	§11-3	na
Min. Side Yard* See §6-3	8 ft	8 ft	§11-3	0 ft/10 ft
Min. Street Side Yard see §6-3E	10 ft	10 ft	na	na
Min. Rear Yard see §6-3	30 ft	30 ft	§11-3	20 ft
FAR and Building Coverage/ Density by Height				
Max. FAR for Mixed-use Buildings containing Dwellings				200%
Max. FAR for all other Buildings				125%
For Buildings containing Multiple-family Dwellings or Lodging				
Bldg. Height	**Max. Bldg. Coverage**		**Max. Density**	
Up to 20 ft	30.0%		26 DU/ac	
21 to 30 ft	23.0%		30 DU/ac	
31 to 40 ft	19.5%		34 DU/ac	
41 to 50 ft	17.0%		38 DU/ac	
Over 50 ft	16.1%		42 DU/ac	
*Refer to §9-2D3 for exceptions and modifications				

d. Side Yards.

(1) For Buildings including Residential or Lodging Uses, there shall be a minimum Side Yard of ten (10) ft for Buildings up to twenty (20) ft in height. The minimum Side Yard, applicable to the Building in its entirety, shall be increased by two (2) ft for each additional ten (10) ft in height. In no case shall this require a minimum Side Yard of more than thirty (30) ft. However, this shall not limit any Buffers otherwise required by §12-3 Buffers.

(2) For all other Non-residential Buildings, Buffers, if required by §12-3 Buffers, shall be provided in lieu of Side Yard Setbacks. Where no Buffer is required, Buildings may be built to the Side Lot Line or shall be set back no less than ten (10) ft with Landscaping provided in accord with §12-1 Landscaping. Separation between Buildings on Abutting Lots shall be in accord with the Building and Fire Code or other applicable requirements of this Ordinance.

e. Rear Yards. For detached Single-family and Duplex Dwellings, the minimum Rear Yard may be reduced to ten (10) ft along the ICW canal easement.

f. Floor Area Ratio for Non-residential, Mixed-use, and Multiple-family Buildings shall be in accord with Table 9-2D2 and measured as described in §9-2B9.

g. For Buildings containing residential and Lodging Uses, the maximum Building Coverage percentages in Table 9-2D2 apply only to those floors corresponding with the heights, as shown in the table.

h. Residential Density for Multiple-family and Mixed-use Buildings shall be in accord with the thresholds shown in Table 9-2D2.

4. Landscaping Regulations. See §12-1 Landscaping and the provisions herein.

a. ROW Landscaping for W. Canal Dr., East 24th Ave., and E. 2nd St. (Hwy. 180) shall be provided as part of the overall development plan.

b. All properties shall be responsible for the Landscaping of areas within the Corps easement. In addition, a minimum ten (10) ft wide landscape area shall be provided along the southern edge of each property. Where adequate landscape areas would be provided in the Corps easement, this area may be reduced to a minimum of five (5) ft subject to Council approval.

5. Pedestrian and Bicycle Improvements.

a. A multi-use path shall be required as described in §9-2B5.

b. Off-site pedestrian and bicycle Improvements within the ROWs of Adjacent Thoroughfares (W. Canal Dr., East 24th Ave., West 1st St. and East 2nd St.) shall be connected with those Improvements made on the site to create an overall pedestrian circulation plan.

c. Pedestrian level lighting is desired for the multi-use pathway.

6. Building Orientation and Design.

a. To the extent practicable, Principal Buildings should be constructed Adjacent to and oriented toward the Intracoastal Waterway.

b. Commercial Structures and activities in close proximity to the Intracoastal Waterway will provide a focus toward it as an amenity of patrons to use and enjoy. Residential Buildings and developments Adjacent to the Intracoastal Waterway will provide Open Space along the Waterway for the recreation and enjoyment of guests, owners, and residents.

c. Flat roofs are generally prohibited. The Council may approve flat roofs when, in their sole discretion, all roof mounted mechanical equipment is fully Screened from surrounding Thoroughfares, including Hwy. 59 and the W. C. Holmes Bridge and the roof is designed for guest amenities. See also §16-1F Architectural Restrictions applicable to the ICW-S district.

7. Additional Regulations. All development within this District shall comply with the Noise and Height Overlay Districts for Jack Edwards Airport, including the Federal Aviation Regulations, Part 77.

§9-3. ATP Amusement and Theme Park District.

A. Use Regulations. Refer to Table 9-3A. All amusement and recreation service establishments shall be so arranged that noise, vibration, lights, and all other possible disturbing aspects connected with their operation are enclosed, Screened, or otherwise controlled to the extent that the operation of the establishment will not unduly interfere with the use and enjoyment of ROWs and properties in the surrounding area.

Table 9-3A: ATP District Permitted Uses	
Amusement and Recreational Uses	
Amusement, Enclosed	R
Amusement, Unenclosed	R
Rental of bicycles, scooters, canoes, kayaks, etc.	R
Wildlife sanctuary, nature preserve	R
ATM terminal, attached or free-standing	R
Accessory Uses	
Incidental Accessory Retail and Service uses	R
Offices accessory to a permitted use	R
Institutional Uses	
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public parks and playgrounds	R
Telecommunications towers/support apparatus, §11-7	CUP

B. Area and Dimensional Requirements. Refer to Table 9-3B and the provisions herein.

1. Height shall be measured in Habitable Stories, where applicable, or feet, in the case of Structures other than Buildings. Accessory Uses customary to outdoor entertainment and recreational facilities may exceed the maximum Building Height but shall be located internally to the site to avoid incompatibility with neighboring development. No part of any such Structure shall have a height greater than its Setback from the nearest property line, except that if the nearest property line adjoins an industrial district, BA district, body of water or Wetland area under the jurisdiction of the Corps, the height of such Structure shall not be greater than two (2) times its Setback from such property line.

2. Setbacks and Buffers.

a. No Front Setback shall be required except where Non-residential Structures within 150 ft of the subject property are set back. New Structures shall be set back no less than the average of the Setbacks of the existing Structures within 150 ft each side thereof. However, outdoor activity areas shall be set back from property lines as shown in Table 9-3B.

Table 9-3B: ATP District Area and Dimensional Requirements		
	Principal Buildings	**Outdoor uses**
Max. Building Height*	3 Stories or 40 ft	
Min. Lot Area	15,000 sf	
Min. Lot Width	50 ft	
Max. Building Coverage	15%	
Max. Impervious Surface Coverage	40%	
Min. Front Yard* See §6-3	na	20 ft
Min. Side Yard* See §6-3	0 ft/10 ft	20 ft
Min. Rear Yard* See §6-3	20 ft	20 ft
Max. FAR	15%	
*Refer to §9-4B for exceptions and modifications.		

b. Buffers, if required by §12-3 Buffers, shall be provided in lieu of Side Yard Setbacks. Where no Buffer is required, Buildings may be built to the Side Lot Line or shall be set back no less than ten (10) ft with Landscaping provided in accord with §12-1 Landscaping. Separation between Buildings on Abutting Lots shall be in accord with the Building and Fire Code or other applicable requirements of this Ordinance.

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-12 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18.

I. Regulations for Amusement and Theme Parks.

1. Area and Dimensional Requirements.

a. Max. Bldg. Height: No part of any Structure shall have a height greater than its Setback from the nearest property line, except that if the nearest property line abuts a body of water or Wetland area as defined by the City or the Corps, no part of any Structure shall have a height greater than

two (2) times its Setback from such property line.

b. Minimum Lot Area: Twelve (12) acres

c. Max. Bldg. Coverage: 15%

d. Min. Front Yard: 50 ft, refer also to §6-3 Yard Regulations

e. Min. Side Yard: 50 ft

f. Min. Rear Yard: 50 ft

g. Max. GFA: 15%

h. Min. Open Space: Twenty (20) percent of site

i. Buffers and Setbacks. Amusement/Theme Parks and zoo facilities shall be Buffered from Adjacent development as required in §12-3 Buffers except as modified herein:

(1) All Structures, operable facilities, and enclosures for animals shall be set back no less than 300 ft from any buildable land within a residential district (including residential areas within any ICW District).

(2) All outdoor amusement and entertainment facilities shall be set back no less than 100 ft from any Adjacent business district and all enclosures for animals shall be set back no less than 150 ft from any Adjacent business or Lodging district (including business areas within any ICW District). Indoor amusement and entertainment facilities, excluding animal enclosures, shall be set back in accord with required Buffers.

2. Additional Provisions.

a. Emitted noises shall not be audible on any buildable land in a residential district. Outdoor lighting shall be subject to all applicable requirements of §6-12 Outdoor Lighting Standards including the requirements for recreation/sports facilities therein.

b. Required Open Space shall include either natural plant growth or Landscaping, for which appropriate irrigation systems shall be installed as approved by the Community Development Department.

§9-4. OS Open Space and Preservation District.

A. Use Regulations. Refer to Table 9-4A.

Table 9-4A: OS District Permitted Uses	
Amusement and Recreational Uses	
Athletic (outdoor) facilities	R
Country club with associated recreational facilities	CUP
Hiking and nature trails	R
Wildlife Sanctuary, nature preserve	R
Accessory Uses	
Incidental Accessory recreational uses	R
Incidental Accessory Retail and Service uses	R
Offices accessory to a permitted use	R
Institutional Uses	
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public parks and playgrounds	R
Telecommunications towers and support apparatus, §11-7	CUP
ATM Terminal, attached	R

B. Area and Dimensional Requirements. Refer to Table 9-4B.

1. The minimum Yard Setbacks established in Table 9-4B shall apply to Principal and Accessory Uses associated with country clubs and athletic facilities only. Minor Buildings and Structures associated with Essential Services, parks, and passive recreation areas shall be set back as approved by the Zoning Official and other applicable City, state, and federal regulations.

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-13 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18.

Table 9-4B: OS District Area and Dimensional Requirements	
Max. Building Height*	3 Stories
Min. Lot Area	5,000 sf
Min. Lot Width	50 ft
Max. Building Coverage	15%
Max. Impervious Surface Coverage	25%
Min. Front Yard* See §6-3	40 ft
Min. Side Yard* See §6-3	40 ft
Min. Rear Yard* See §6-3	40 ft
Refer to §9-5B for exceptions and modifications.	

§9-5. IND Industrial District.

A. Use Regulations. Refer to Table 9-7A and the provisions herein.

1. Uses shall not emit detectable dust, odor, smoke, gas, or fumes beyond the bounding property lines of the Lot or tract upon which the use is located and shall not generate noises or vibrations at the boundary of the district, which are generally perceptible in frequency or pressure above the ambient level of noise in Adjacent areas.

2. Those Heavy Industrial Uses indicated in Table 9-5A as being permitted by CUP shall only be approved by the Council after the applicant has presented sufficient evidence that such Buildings, Structures, or uses will not adversely affect the resort character of the community; that the public health, safety, morals and general welfare will be properly protected; and that necessary safeguards will be provided for the protection of surrounding property, persons, and areas of critical environmental concern.

3. Outdoor Storage of materials, equipment, and goods shall be located to the rear of the Principal Building and shall not occupy any part of a required Side or Front Yard. Outdoor Storage areas shall be Screened from public view in accord with §12-2 Screening.

4. Repair uses shall be conducted wholly within a fully enclosed Building or Structure or shall be screened from public view in accord with §12-2 Screening.

5. Accessory boat docking outside of a permitted Marina or Boatyard shall be limited to ten (10) boats and shall not include boat service or dry storage.

B. Area and Dimensional Requirements. Refer to Table 9-7B and the provisions herein.

1. No Front Yard is required for Non-residential Uses except where existing Non-residential Structures are set back. Any new Structures shall be set back no less than the average Setbacks of the existing Structures within 150 ft each side thereof.

2. No Side or Rear Yards shall be required except as necessary to provide Buffers where required in accord with §12-3 Buffers. Where no Buffer is required but Buildings are set back from Side or Rear Lot Lines, the minimum Setback shall be ten (10) ft and Landscaping as required in §12-1 Landscaping shall be provided in such Setback.

Table 9-5A: IND District Permitted Uses	
Agricultural Uses	
Plant nurseries and greenhouses	R
Farmer's market, supply, produce store	R
Accessory Uses	
Acc. restaurant	R
Acc. gasoline sales	R
Acc. Storage, outdoor	R
Accessory parking (for a permitted use)	R
Caretaker Dwelling	R
Incidental Accessory Retail and Service Uses	R
Boat Docking, acc. to a permitted use, §11-8	R
Offices accessory to a permitted use	R
Institutional Uses	
Cemetery, mausoleum	R
Animal Shelter, §11-16	R
Low, Medium and High Intensity Institutional Uses	R
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Penal and correctional facilities	CUP
Public parks and playgrounds	R
Telecommunications tower/support apparatus, §11-7	CUP
Wildlife sanctuary, nature preserve	R
Office Uses	
Ambulance services	R
ATM terminal, freestanding or attached	R
Bank, Drive-through	R
Check cashing and title-loan establishments, see §11-4	CUP
Professional Support Services, Minor and Major	R
Security, patrol services	R
Commercial Retail and Service Uses	
Adult Uses	CUP
Arts and Crafts, Industrial	R
Building, electrical and plumbing contractors	R
Express Shipping Office	R
Home and Commercial Improvement Service	R
Marina, §11-8	CUP
Boatyard, §11-8	CUP
Radio/TV stations with and without transmission tower	R
Repair Service, Minor and Major	R
Automotive/Vehicle Uses	
Automotive Repair Service, Minor and Major	R
Automobile sales and rental, §11-17	R
Automotive Service station, §11-2	R
Automotive parts retail sales	R
Boat and RV sales, §11-17	R
Car wash	R
Gas station/Convenience store	R
Building Supply	R
Funeral parlor, mortuaries	R
Heavy equipment sales, service and rental	R
Kennels, §11-16	R
Landfill operation, §11-15	CUP
Manufactured Home sales, §11-17	R
Storage, Indoor, Mini-warehouse, §11-14	R
Monument Sales	R
Moving van rental	R
Newspaper/Magazine distribution and publishing	R
Oil and gas exploration	CUP
Sawmill	R
Storage, Outdoor	R
Other Commercial Uses	
Veterinary Hospital, indoor or outdoor boarding, §11-16	R

Table continued on following page

Table 9-5A: IND District Permitted Uses (cont.)	
Transportation Uses	
Airport	CUP
Transit Terminal	R
Heliport	R
Parking, Remote or Structured	R
Taxi dispatch, excluding garage	R
Tour bus service, excluding garage	R
Transit or similar garage (bus, van, taxi, etc.)	R
Freight Yard with terminal (truck, barge, rail)	R
Light Industrial Uses	
Extraction of sand, rock, soil, gravel, etc.	CUP
Low, Medium, and High Intensity Light Industrial Uses	R
Junk, salvage yard	R
Laundering, Dry-Cleaning or Dyeing Plant	R
Meat, fish and poultry processing (excluding slaughtering)	R
Marine product and offshore drilling byproduct processing	R
Warehousing, wholesale and distribution	R
Wholesale food processing (excluding vinegar and yeast)	R
Heavy Industrial Uses	
Chemical, Petroleum, Coal and Allied Production	CUP
Clay, Stone and Glass Production	CUP
Food and Beverage Production	CUP
Metals Production	CUP
Wood and Paper Production	CUP
Unclassified Industrial Production	CUP

Table 9-5B: IND District Area and Dimensional Requirements	
Max. Building Height for habitable Buildings	3 Stories
Max. Building Height for industrial Structures (towers, stacks, etc.)	na (see also §12-3B)
Min. Lot Area	10,000 sf
Min. Lot Width	100 ft
Max. Building Coverage	na
Max. Impervious Surface Coverage	90%
Min. Front Yard* See §6-3	na
Min. Side Yard* See §6-3	na
Min. Rear Yard* See §6-3	na
Refer to §9-7B for exceptions and modifications.	

C. Supplementary Regulations. See Article 6 for general regulations on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management, and sight distance.

D. Outdoor Lighting. See §6-12 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18.

§9-6. ED Education District.

A. Use Regulation. Refer to Table 9.6A.

1. No other use as listed in Table 9-6A shall be allowed unless and until building permit has been issued and construction has commence don a public or private school and/or public or private college or university.

Table 9-6A: ED District Permitted Uses	
Agricultural Uses	
Hatcheries, aquaculture	CUP
Plant nurseries and greenhouses	R
Residential Uses	
Accessory Dwelling	R
Duplex	R
Employment Dormitory	R
Multi-family Dwelling	R
Single-family (detached) Dwelling	R
Dwelling, Caretaker	R
Mixed Use Development	R
Lodging Uses	
Hotel	R
Motel	R
Rooming Boarding House, §11-9	R
Amusement and Recreational Uses	
Amusement, Enclosed	R
Amusement, Unenclosed	R
Accessory Uses	
Athletic facilities, Health Club, Accessory to a permitted use	R
Caretaker Dwelling, Accessory to a permitted use	R
Day Care, Accessory to a permitted use	R
Incidental Accessory recreational uses	R
Incidental Accessory Retail and Service uses	R
Residential Food and Recreational Facilities	R
Restaurant, Accessory to Hotel or other permitted use	R
Structured Parking, Accessory to a permitted use	R
Institutional Uses	
Essential Services Facility, §11-19	CUP
Essential Services Installation	R
Public Parks and playgrounds	R
Telecommunications towers and support apparatus, §11-7	CUP
Transit Terminal	CUP
School, Public or Private	R
School, Specialty	R
College or University, Public or Private	R
Low Intensity Institutional Use (if not listed above)	R
Medium Intensity Institutional Use (if not listed above)	R
High Intensity Institutional Use (if not listed above)	R
Table continued on following page	

Table 9-6A: ED District Permitted Uses	
Business Uses	
Arts and Craft, Minor (200sf or less production area)	R
Arts and Craft, Major (201-2,000sf of production area)	R
ATM Terminal, freestanding	R
Bank or Financial Institution	R
Food, Drink and Drugs, Minor (4,000sf or less)	R
Food, Drink and Drugs, Major (more than 4,000sf)	R
Laundering Services	R
Lounge	CUP
Medical Clinic	R
Office, General Minor (5,000sf or less)	R
Office, General Major (more than 5,000sf)	R
Personal Goods, Minor (4,000sf or less)	R
Personal Goods, Major (more than 4,000sf)	R
Personal Service, Health Club or Salon	R
Professional Support Srevices, Minor (2,500sf or less)	R
Professional Support Services, Major (more than 2,500sf)	R
Restaurant, Standard	R
Restaurant, Drive-in	CUP
Restaurant, Deliver/Pick-up only	R
Restaurant, Walk-up	R
Retail and Services, General	R
Industrial	
Storage, Outdoor (as a principal Use)	CUP
Low Intensity Light Industrial Uses	CUP

B. Area and Dimensional Requirements. Refer to Table 9-6B.

1. Deviations from strict compliance with Table 9-6B may be allowed after review by the approving authority if such deviations are found to comply with the general purpose and standards of the ED Zoning District.

2. Lots contiguous to or abutting the Foley Beach Express shall maintain a landscaped setback of fifty (50') feet from the right-of-way of the Foley Beach Express for all buildings and structures. Parking lots shall maintain a landscape setback of twenty (20') feet from the right-of-way of the Foley Beach Express.

3. Minimum building spaces between two (2) or more principal buildings on a lot is twenty (20') feet.

Table 9-6B: ED District Area and Dimensional Requirements	
Max. Building Height*	8 Stories
Min. Lot Area	5,000 sf
Min. Lot Width	50 ft
Max. Building Coverage	65%
Max. Impervious Surface Coverage	85%
Min. Front Yard* See §6-3	20 ft
Min. Side Yard* See §6-3	10 ft
Min. Rear Yard* See §6-3	20 ft
Min. Street Side Yard	20 ft
Refer to §9-6B for exceptions and modifications.	

C. Supplementary Regulations. See Article 6 for general regulation on Lots, Yards, Building Height, Accessory and portable Buildings, walls and fences, water access, access management and sight distance.

D. Outdoor Lighting. See §6-13 Outdoor Lighting Standards.

E. Landscaping, Screening and Buffers. See Article 12.

F. Parking and Loading Regulations. See Article 14.

G. Design Standards for Site Plan Review. See Article 16.

H. Sign Regulations. See Article 18.

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ARTICLE 10: OVERLAY DISTRICTS

§10-1. Walking Area Overlay District.

A. Use Regulations. See §8-5 for BT (1-5) Districts and the provisions herein.

1. Residential and Lodging Uses shall only be permitted in Mixed-use Buildings in which at least ten (10) percent of the GFA is reserved for retail or service uses and is directly accessed from sidewalks on or Abutting public ROWs.

2. Drive-through uses shall not be permitted.

B. Area and Dimensional Requirements. All uses shall be subject to the requirements of the applicable underlying district (see §8-5 for BT (1-5) except as modified herein and in §10-1C as applicable.

1. Portions of buildings within the Viewshed Management Area, as defined in the Envision Gulf Shores Design Guidelines, shall not exceed fifty (50) ft in height unless such requirement is modified or waived by the City Council.

2. Maximum Building Coverage. Refer to Table 10-1A. For Buildings containing residential and Lodging Uses, the maximum Building Coverage percentages apply only to those floors as shown in the table.

3. Maximum Impervious Surface coverage. Refer to Table 10-1A.

Table 10-1A: Walking Area Overlay District Area and Dimensional Requirements

Maximum Building Coverage by Floor Level	
Floor Level	**Max. Bldg. Coverage per Lot Area**
Floors 1-5	80%
Floors 6-10	70%
Floors 11-15	35%
Floors 16 and above	25% of Lot Area
Maximum Impervious Surface Coverage	
Principal Use of Parcel	**Max. Impervious Surface coverage**
Residential (less than 8 DU/ac)	60%
Residential (8 or more DU/ac)	75%
Mixed-use including residential or Lodging with commercial	85%
Commercial, Lodging, and other Non-residential uses	75%

C. Incentive Bonus Density and Building Height.

1. Intent. In order to promote the local economy and improve public welfare and convenience, the City desires to promote the private provision of adequate and well-designed public spaces and Improvements that provide additional public beach access, parking, civic spaces, and other public amenities and conveniences for both residents and visitors.

2. Authority. As part of the development of property in BT (1-5) Districts within the Walking Area Overlay District, at its option the Council may grant to the property owner a bonus number of Dwelling Units, GFA, and Stories of Building Height for a proposed development as an incentive to encourage the appropriate location, design, dedication and development of additional public parking spaces and Improvements Adjacent to the Gulf of Mexico that are accessible and convenient to the public. The bonus shall be in addition to the maximum GFA, FAR, Dwelling Units and Stories otherwise authorized by the applicable district in Article 8. Development authorization pursuant to this provision shall be subject to Site Plan Review by the Council as provided in §3-3. The grant of a bonus and the amount of such bonus shall be discretionary with the Council, and there shall be no automatic entitlement or right to any such bonus.

3. In consideration for providing approved public parking and/or Public Improvements and facilities meeting the requirements of this §10-1C3 in conjunction with authorized private development, the Council may, at its option, grant bonuses to the property developer, in accordance with the schedule shown in Table 10-1B. Such bonuses shall be limited to the lesser amounts indicated in accord with the following:

a. The developer must select one of the options listed in Items 1, 2, or 3 to receive any bonus.

b. A developer may claim bonus Density for Item 4, only if he/she has also satisfied all requirements of and received approval from the City for Item 3 for the same property.

c. When more than fifty (50) public parking spaces are provided, all those in excess of fifty (50) spaces shall be part of a parking deck.

d. Bonuses shall not be used to increase the Density in a single project by more than forty-eight (48) Dwelling Units, nor the GFA in a single project by more than 76,800 sf, nor the height of a Building by more than six (6) Stories above that allowed by the Applicable District.

Table 10-1B: Walking Area Overlay District Schedule of Density and Building Height Bonuses				
Item	Improvements provided by Applicant	Max. bonuses receivable		
		Units	GFA	Bldg. Height
1.	Minimum of 50 reserved public parking spaces	8	12,800 sf	1 Story
2.	Minimum of 100 reserved public parking spaces	16	25,600 sf	2 Stories
3.	Minimum of 150 reserved public parking spaces	24	38,400 sf	3 Stories
4.	Cash contribution to the City for public facilities and amenities serving users of public Beaches	8-24	12,800-38,400 sf	3 Stories

4. Approved public spaces and Improvements authorized. To qualify for additional Density and Building Height described in Table 10-1B, the developer must provide one or more of the following:

   a. Regarding Items 1-3 in Table 10-1B. In return for consideration by the City of a request for a bonus, the developer shall provide at his expense reserved and signed public parking areas or spaces in Parking Structures. All such parking spaces shall be accessible within a walking distance of not more than 700 ft along approved public sidewalks and at-Grade street crossings to public beaches on the Gulf of Mexico, with boardwalks or Dune crossovers where appropriate.

   b. Regarding Item 4 in Table 10-1B. In return for consideration by the City of a request for a bonus, the developer shall provide cash contributions made to the City prior to issuance of a Certificate of Occupancy. Such contributions shall be used for construction of public facilities and amenities in the Walking Area Overlay District for residents and visitors using public beaches including, but not limited to: sidewalks, crosswalks, street Improvements, drainage Improvements, utilities, signs, signals, information displays, plazas, viewing platforms, food and drink concession areas, pavilions, fountains, Landscaping, benches, shelters, picnic facilities, outdoor recreation facilities, boardwalks, Dune crossovers, showers, toilets, lifeguard stands, rescue and first aid supplies, bicycle racks, trash receptacles, outdoor lighting, and the related design, engineering and construction of same. (See Design Standards 19 through 21). Cash contributions shall be no less than $77.50 per sf of bonus GFA or $125,000 per additional Dwelling Unit, whichever is greater. At the time of approval of Site Plan as required in §3-3, the City may, at its option, require the developer to provide surety guaranteeing payment in an amount and form determined by the Council. These amounts may be adjusted from time to time by resolution of the Council.

D. Required Pedestrian Improvements. Pedestrian-oriented areas shall be constructed within the front twenty (20) ft of properties along the south side of State Highway 182, or ten (10) percent of the average lot depth, whichever is less, subject to the following:

   1. Average lot depth shall be determined by using the average property depth between the ROW and the CCCL.

   2. A hardscaped area shall be provided, equal to fifty (50) percent of the pedestrian-oriented area, comprised of an eight (8) ft sidewalk and pedestrian amenities such as plazas, fountains and benches. The sidewalk shall be aligned with and connected to that of abutting properties. To assure pedestrian connectivity, additional sidewalk connections to the street pedestrian/bicycle path shall be provided in cases where no sidewalk exists on adjacent properties. The remainder shall contain pedestrian-friendly landscaping, including landscaping buffers from vehicular areas, e.g. streets, driveways and parking areas.

   3. Grade changes within the pedestrian-oriented areas shall be minimized to accommodate pedestrian use. The Commission may approve grade changes within the pedestrian-oriented area where compliance with FEMA, handicap accessibility and/or stormwater requirements necessitate such grade changes.

   4. Walls and fences may be located within required Front Yards provided the height does not exceed thirty (30) inches. Decorative architectural features on walls/fences may extend no more than one (1) ft above the maximum wall/fence height and shall have a minimum eight (8) ft spacing. The Commission may approve taller fences where compliance with FEMA, handicap accessibility or stormwater requirements necessitates a taller wall/fence.

   5. The width of the pedestrian-oriented area may vary and equivalent areas may be grouped along the ROW to encourage creative design and to facilitate site layout.

E. Incidental Accessory Retail and Service Uses. In an effort to promote pedestrian activity, create tourist oriented business opportunities, and encourage a more efficient and interesting land use pattern of mixed uses, incidental accessory retail and service uses may be

constructed at intersections within the Walking Area Overlay District, subject to the following:

1. The accessory retail and service use shall be limited to a maximum area of 1,500 sf.
2. Incidental accessory retail and service uses may not occupy parking or stormwater management areas. A maximum of 5 parking spaces or no more than 10% of the required amount of parking spaces may be removed for the installation of accessory retail uses.
3. A hardscaped area shall connect incidental accessory retail and service uses to all existing sidewalks that abut the property and to the principal building. To assure pedestrian connectivity, additional sidewalk connections to the street pedestrian/bicycle path shall be provided in cases where no sidewalk exists on adjacent properties.
4. Accessory shade structures shall be provided with a minimum seating for 10 persons and may be constructed within five (5) feet of the property line(s).
5. Incidental accessory retail and service uses shall be separated from parking areas by curbing or other methods acceptable to the City.
6. The remainder of the area shall contain pedestrian-friendly landscaping, including landscape buffers from vehicular areas (e.g. streets, driveways and parking areas), amenities such as plazas, fountains, and benches.
7. Incidental accessory retail and service uses shall require a CUP.

§10-2. Lagoon Pass Overlay District.

A. Use Regulations. See §8-5 for BT (1-5) Districts.

B. Area and Dimensional Requirements. All uses shall be subject to the applicable underlying district (see Article 8 for the area and dimensional regulations of the Applicable District, i.e. BT (1-5)) except as modified herein and in §10-2C as applicable.

1. Maximum Impervious Surface Coverage. Refer to Table 10-2A.

Table 10-2A: Lagoon Pass Overlay District Maximum Impervious Surface Coverage

Principal Use of Parcel	Max. Impervious Surface coverage
Residential (less than 8 DU/ac)	45%
Residential (8 or more DU/ac)	65%
Mixed-use including residential or Lodging with commercial	75%
Commercial, Lodging, and other Non-residential uses	65%

C. Incentive Bonus Density and Building Height.

1. Intent. To promote the local economy and improve public welfare and convenience, the City desires to enter into public/private partnerships with property owners to provide adequate, well-designed public spaces and Improvements that provide additional public access and enhancements to the value of existing private and public property Adjacent to Little Lagoon.
2. Authority. As part of the development of property within the Lagoon Pass Overlay District that abuts certain undeveloped public ROW Abutting the Little Lagoon designated by the City, the City may grant to the owner additional site Density and Building Height on the Adjacent property owned by the same Entity as an incentive to encourage the appropriate location, design, dedication and development of public spaces and Improvements Adjacent to the Little Lagoon that are accessible and convenient to the public. All such lands and Improvements shall be subject to Site Plan Review as provided in §3-3 Site Plan Review.
3. Public spaces and Improvements. The City intends to enter public/private partnerships to design and construct, public parking, public pier and shoreline Improvements, public showers, toilets, picnic facilities, benches, shelters, food and drink concession areas; and outdoor recreation facilities such as, Greenways, bicycle or multi-purpose paths; Landscaping, bicycle racks, trash receptacles and outdoor lighting. Additional Improvements include adding pedestrian and bicycle access along Beach Blvd. and below-Grade crossings for pedestrians and bicycles at the Lagoon Pass Bridge. Other Improvements may be determined by the Council. These Public Improvements will provide amenities and conveniences for both residents and visitors. See Design Guideline 36, Envision Gulf Shores Design Guidelines.
4. Interconnected public space network. the public spaces and Improvements described herein, along with other public access ways and ROWs, shall form an interconnected, continuous network providing convenient pedestrian access to areas containing similar features on Abutting property. The design of developments shall provide for maximum connections for pedestrians, bicycles and public transportation to off-site and on-site attractions such as conservation areas, parks, and public facilities such as community centers.
5. Site Density and Building Height bonuses.
   a. At the option of the City, the developer of property that abuts public property along the rear of such property indicated in Exhibit 3 for a

distance of not less than 200 ft, may make application to the City for bonuses as indicated in Item b below. Such increases shall be limited to the lesser of the indicated amounts of additional density, square footage, or Building Height.

b. For providing cash contributions to the City for its use constructing specified public amenities, the developer may receive up to sixteen (16) additional Dwelling Units, 25,600 sf of GFA, and/or two (2) additional Stories of Building Height.

(1) Bonuses may not be used to increase the Density in a single project by more than sixteen (16) Dwelling Units, nor the GFA in a single project by more than 25,600 sf, nor the height of a Building by more than two (2) Stories in excess of that allowed by the Applicable District.

(2) The amount of bonus that may be awarded is at the discretion of the Council and not a matter of automatic right or entitlement.

c. In return for consideration by the City of a request for a bonus, the property developer shall provide cash contributions made to the City prior to issuance of a Certificate of Occupancy for private property development that abuts Improvements described in §10-2C3. Such contributions shall be used solely for design and construction of public facilities and amenities in the Lagoon Pass Overlay District described in §10-2C3. Said cash contributions shall be no less than $50.00 per sf of bonus GFA or $85,000 per additional Dwelling Unit, whichever is greater. At the time of approval of Site Plan as required in §3-3 Site Plan Review, the City may, at its option, require the developer to provide surety guaranteeing payment in an amount and form determined by the Council. These amounts may be adjusted from time to time by Resolution of the Council.

D. Required Pedestrian Improvements. Pedestrian-oriented areas shall be constructed within the front twenty (20) ft of properties along State Highway 182, or ten (10) percent of the average lot depth, whichever is less, subject to the following:

1. Average lot depth on the south side of State Highway 182 shall be determined by using the average property depth between the ROW and the CCCL.

2. A hardscaped area shall be provided, equal to fifty (50) percent of the pedestrian-oriented area, comprised of an eight (8) ft sidewalk and pedestrian amenities such as plazas, fountains and benches. The sidewalk shall be aligned with and connected to that of abutting properties. To assure pedestrian connectivity, additional sidewalk connections to the street pedestrian/bicycle path shall be provided in cases where no sidewalk exists on adjacent properties. The remainder shall contain pedestrian-friendly landscaping, including landscaping buffers from vehicular areas, e.g. streets, driveways and parking areas.

3. Grade changes within the pedestrian-oriented areas shall be minimized to accommodate pedestrian use. The Commission may approve grade changes within the pedestrian-oriented area where compliance with FEMA, handicap accessibility and/or stormwater requirements necessitate such grade changes.

4. Walls and fences may be located within required Front Yards provided the height does not exceed thirty (30) inches. Decorative architectural features on walls/fences may extend no more than one (1) ft above the maximum wall/fence height and shall have a minimum eight (8) ft spacing. The Commission may approve taller fences where compliance with FEMA, handicap accessibility or stormwater requirements necessitates a taller wall/fence.

5. The width of the pedestrian-oriented area may vary and equivalent areas may be grouped along the ROW to encourage creative design and to facilitate site layout.

§10-3. Beach Area Overlay District.

A. Use Regulations. See §8-5 for BT (1-5) Districts and the provisions herein.

B. Area and Dimensional Requirements. All uses shall be subject to the applicable underlying district (see §8-5 for BT (1-5) except as modified herein and in §10-3C as applicable.

1. Maximum Impervious Surface Coverage. Refer to Table 10-3A.

Table 10-3A: Beach Area Overlay District, Maximum Impervious Surface Coverage

Principal Use of Parcel	Max. Impervious Surface coverage
Residential (less than 8 DU/ac)	45%
Residential (8 or more DU/ac)	65%
Mixed-use including residential or Lodging with commercial	75%
Commercial, Lodging, and other Non-residential uses	65%

C. Incentive Bonus Density and Building Height.

1. Intent. To promote the local economy and improve public welfare and convenience, the City desires to promote the private provision of adequate and well-designed public spaces and Improvements that provide additional public beach access, parking, civic spaces, and other public amenities and conveniences for both residents and visitors.

2. Authority. As part of the development of property in the BT (1-5) Districts *outside* the Walking Area and Lagoon Pass Overlay Districts, at its option the Council may grant bonus Density, GFA, and additional Stories of Building Height for a proposed development for Multiple-family or Lodging Uses as an incentive to encourage the appropriate location, design, dedication and development of additional public parking spaces and Improvements Adjacent to the Gulf of Mexico accessible and convenient to the public.

    a. Bonuses shall be in addition to the maximum GFA, FAR, Dwelling Units and Stories otherwise authorized by the Applicable District in Article 8. Development authorization pursuant to this provision shall be subject to Site Plan Review by the Council as provided in §3-3 Site Plan Review. Bonuses and the amounts granted, if any, shall be discretionary with the Council, and there shall be no automatic entitlement or right to any such bonus.

    b. In return for providing approved public land and Improvements meeting the requirements of this Section in conjunction with authorized private development, the Council may, at its option, grant bonuses to the developer, in accordance with the schedule shown in Table 10-3B. Such site Density and Building Height increases shall be limited to the lesser of the indicated amounts.

    c. Bonuses in consideration for these items may be granted either for an individual item or in combination with and in addition to bonuses provided for other Improvements listed herein. However, bonuses shall not be used for a total height increase greater than two (2) Stories, or total site Density increase of sixteen (16) units or 25,600 sf in GFA above the maximum permitted in the applicable zoning district.

3. Approved public spaces and Improvements authorized. To qualify to receive the bonuses described in Table 10-3B, the developer must provide one or more of the following:

    a. Regarding Item 1 in Table 10-3B. In return for consideration by the City of a request for a bonus, the developer of property on the south side of Beach Blvd. shall construct, at his expense, a new point of public access to public beaches on the Gulf of Mexico on a strip of the developers' land that shall be dedicated in fee simple to the City. Such strip of land shall extend from the Beach Blvd. ROW to the Lucido & Oliver Line at least twenty-five (25) ft in width. It shall be improved by the developer to provide a direct, continuous, safe, and convenient pedestrian walkway at least eight (8) ft in width from Beach Blvd. to the Lucido & Oliver Line and shall include boardwalks or Dune Walkovers where deemed appropriate by the City. (See Design Guideline 18). Where feasible, such land shall be accessible for pedestrians originating from property north of Beach Blvd. via approved public, at-Grade or elevated pedestrian street crossings, and include directional signage approved by the City. Within the publicly dedicated strip of land shall be provided public amenities for use by residents and visitors using public beach access ways or parking areas, including, but not limited to: separate showers and toilets for men and women, first aid supply closet, picnic facilities, benches, shelters, viewing platforms, Dune Walkovers, Landscaping, bicycle racks, trash receptacles and outdoor lighting approved by the City. However, no bonus shall be granted for new public beach access that is within 200 ft of an existing public beach access point.

Table 10-3B: Beach Area Overlay District Schedule of Density and Building Height Bonuses

Item	Improvement provided by applicant	Max. bonuses receivable		
		Units	GFA	Bldg. Height
1.	Min. of 25 ft wide public access strip to L & O line and specified Improvements	8	12,800 sf	1 Story
2.	Min. of 25 public parking spaces provided on south side of Beach Blvd.	8	12,800 sf	1 Story
3.	Min. of 25 public parking spaces constructed on private property dedicated to the City on north side of Beach Blvd.	6	9,600 sf	1 Story
4.	Min. of 25 parking spaces constructed on existing public ROW or public property on north side of Beach Blvd.	4	6,400 sf	none
5.	Cash contribution to the City for public facilities and amenities serving users of public Beaches	16	25,600 sf	2 Stories

    b. Regarding Item 2 in Table 10-3B: In return for consideration by the City of a request for a bonus, the developer of property on the south

side of Beach Blvd. shall provide at his expense a minimum of twenty-five (25) parking spaces reserved and signed for public use and directly accessible by pedestrians using the new point of public access constructed pursuant to Item a, above. Such parking may either be set aside on the ground floor of an existing Parking Structure, or provided at Grade on a surface parking lot located on not less than 0.25 acres of private land that has been dedicated in fee simple to the City. All such public parking spaces shall be provided as part of the same property development subject to Item a, above and shall be no farther than 700 ft walking distance from the new point of public access constructed pursuant to Item a above.

c. Regarding Item 3 in Table 10-3B: In return for consideration by the City of a request for a bonus, the developer of property on the north side of Beach Blvd. shall provide at his expense a minimum of twenty-five (25) parking spaces reserved and signed for public use that are within 700 ft walking distance from a public access way extending from the Beach Blvd. ROW to the Gulf of Mexico. Such parking may either be set aside on the ground floor of an existing Parking Structure, or provided at Grade on a surface parking lot located on not less than 0.25 acres of private land that has been dedicated in fee simple to the City.

d. Regarding Item 4 in Table 10-3B: In return for consideration by the City of a request for a bonus, the developer of property on the north side of Beach Blvd. shall provide at his expense a minimum of twenty-five (25) parking spaces reserved and signed for public use that are within 700 ft walking distance from a public accessway extending from the Beach Blvd. ROW to the public beach on the Gulf of Mexico. With approval from the City, such parking spaces may be constructed by the developer on existing ROW or other existing public property.

e. Regarding Item 5 in Table 10-3B: In return for consideration by the City of a request for a bonus, the property developer shall provide cash contributions made to the City prior to issuance of a Certificate of Occupancy. Such contributions shall be used for construction of public facilities and amenities for residents and visitors using public beaches including, but not limited to: sidewalks, crosswalks, street Improvements, drainage Improvements, utilities, signs, signals, information displays, plazas, viewing platforms, food and drink concession areas, pavilions, fountains, Landscaping, benches, shelters, picnic facilities, outdoor recreation facilities, boardwalks, Dune crossovers, showers, toilets, lifeguard stands, rescue and first aid supplies, bicycle racks, trash receptacles, outdoor lighting, and the related design, engineering and construction of same. For bonuses to be applied to property on the north side of Beach Blvd., cash contributions shall be no less than $50.00 per sf of bonus GFA or $85,000 per additional Dwelling Unit, whichever is greater. For bonuses to be applied to property on the south side of Beach Blvd., cash contributions shall be no less than $77.50 per sf of bonus GFA or $125,000 per additional Dwelling Unit, whichever is greater. At the time of approval of Site Plan as required in §3-3 Site Plan Review, the City may, at its option, require the developer to provide surety guaranteeing payment in an amount and form determined by the Council. These amounts may be adjusted from time to time by resolution of the Council.

4. Land dedicated to public use.

   a. Ownership, maintenance and control of public spaces and Improvements. Public spaces and Improvements that are subject to §10-3C3 shall be dedicated in fee simple to the City following final Site Plan approval as a condition precedent to the issuance of a Building Permit for construction on the site. The City may, but shall not be required to, accept such public spaces and Improvements, and will not make such acceptance until such time, as any, as it determines that such acceptance is in the public interest. The requirements of the dedication include:

      (1) Such land must be fully accessible to the public.

      (2) There must be no cost of acquisition imposed on the City.

      (3) The Owner must submit a draft of the proposed conveyance instrument for approval in advance by the City Attorney which conveys to the City a copy of the Deed of Conveyance and a Title Certificate or, at the request of the Zoning Official, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the State of Alabama, assuring unencumbered title for all lands proposed to be conveyed to the City.

   b. Interconnected public space network. Public access ways, walkways, facilities and Improvements described in §10-3C3 will

contribute to an interconnected and continuous network providing convenient pedestrian access to areas containing similar features on Abutting property. The design of developments shall provide for maximum connections for pedestrians, bicycles and public transportation to off-site and on-site attractions such as public parking, conservation areas, parks, and public facilities such as community centers.

c. All land dedicated to the City pursuant to the provisions of §10-3C3 shall be deemed part of the area of the private Lot from which it was subdivided when computing maximum allowable FAR and GFA. However, such land shall not be included in the area of a private Lot for the purposes of establishing minimum Yards and Setbacks and may not be included in the area of a private Lot when computing maximum Building Coverage or maximum Impervious Surface coverage.

D. Required Pedestrian Improvements. Pedestrian-oriented areas shall be constructed within the front twenty (20) ft of properties along State Highway 182, or ten (10) percent of the average lot depth, whichever is less, subject to the following:

1. Average lot depth on the south side of State Highway 182 shall be determined by using the average property depth between the ROW and the CCCL.

2. A hardscaped area shall be provided, equal to fifty (50) percent of the pedestrian-oriented area, comprised of an eight (8) ft sidewalk and pedestrian amenities such as plazas, fountains and benches. The sidewalk shall be aligned with and connected to that of abutting properties. To assure pedestrian connectivity, additional sidewalk connections to the street pedestrian/bicycle path shall be provided in cases where no sidewalk exists on adjacent properties. The remainder shall contain pedestrian-friendly landscaping, including landscaping buffers from vehicular areas, e.g. streets, driveways and parking areas.

3. Grade changes within the pedestrian-oriented areas shall be minimized to accommodate pedestrian use. The Commission may approve grade changes within the pedestrian-oriented area where compliance with FEMA, handicap accessibility and/or stormwater requirements necessitate such grade changes.

4. Walls and fences may be located within required Front Yards provided the height does not exceed thirty (30) inches. Decorative architectural features on walls/fences may extend no more than one (1) ft above the maximum wall/fence height and shall have a minimum eight (8) ft spacing. The Commission may approve taller fences where compliance with FEMA, handicap accessibility or stormwater requirements necessitates a taller wall/fence.

5. The width of the pedestrian-oriented area may vary and equivalent areas may be grouped along the ROW to encourage creative design and to facilitate site layout.

§10-4. Business and Aviation Park Overlay Zone.

A. Definitions.

1. Authority: The Airport Authority of the City of Gulf Shores.
2. Park: The Gulf Shores Business and Aviation Park, which includes the property described in §10-4B hereof.
3. Building Site: Each Lot or the combination of Lots as conveyed by lease or sale by the Authority and which is a part of the Park.
4. Occupant: An Entity, which owns, leases or otherwise occupies and/or uses any Building site or has the right to occupy and/or use any Building site.

B. Property Subject to this Overlay Zone. The property which is subject to these Development Standards is the Commercial/Industrial Subdivision known as the "Gulf Shores Business and Industrial Park, Phases I and II", and any subsequent amendments thereto (excluding lots 34, 35, and 36), located on the south side of the Jack Edwards Airport in Gulf Shores, Alabama.

C. District Regulations. It is the intent of these provisions that all properties within said business and aviation park comply with all applicable provisions and development regulations of the City, including the Zoning Ordinance, the Jack Edwards Noise Overlay District, the Jack Edwards Height Zoning Overlay District, and the provisions of this overlay zone unless modified by the approving authority.

D. Permitted Uses. All uses shall have a principal building. The specific uses allowed and their definitions are listed below:

1. Lots 31-33 and 37-50 shall be restricted to Aviation Related uses only: Businesses that require the core use of aircraft to conduct commerce or that provide services related to the production, operation, maintenance, or repair of aircraft.
2. Lots 1-30 shall be restricted to the following uses:
   a. Aviation
   b. Technology & Research: Businesses engaged in science, engineering, and technology including but not limited to computer technologies, software development, communications, electronics, biotechnology, and educational research businesses.
   c. Wholesaling: Places of business primarily engaged in the selling of goods in large quantities to retailers; to industrial, commercial, institutional, or profession business users; to other wholesalers.
   d. Warehouse: A building used for the reception and storage of raw materials and/or manufactured goods before their export or distribution for sale or warehousing accessory to a permitted use.
   e. Manufacturing: Businesses whose primary purpose is the assembly, fabrication or processing of goods or materials predominantly from previously prepared materials into other finished products including medical equipment and biotechnology companies.
   f. Commercial Services: Businesses whose primary purpose is to provide commercial services to the general public and other businesses including but not limited to landscaping, building, plumbing and electrical contractors; pest control companies; Laundering, Dry-cleaning or Dyeing Plants; printing, engraving or other reproduction services, medical services; and other similar uses but excluding all retail uses.
   g. Professional Office: Corporate offices, data centers, businesses providing commercial services that require special or advanced education and skill; i.e. law, engineering, surveying, title abstract.

E. Prohibited Uses.

1. The discharge, burial, or other unlawful disposal of any liquid waste, solid waste, fumes, gases or airborne particulate matter, defined as hazardous by federal, state, county, or local law is prohibited. The occupant shall not, or permit any person to, bring any pollutants, contaminants, toxic or hazardous waste, or any other substance regulated by law or which might create a hazard to health and safety onto the property; except any such hazardous substances that are used in the ordinary course of the contemplated businesses to be conducted on the property and that are handled, stored, used and disposed of in accordance with applicable Building and Fire Codes of the City and applicable environmental laws.
2. Outdoor storage as a principal use. Outdoor storage is only allowed as an accessory to a principle use in accordance with §10-4 G.
3. Personal storage and mini-storage facilities.
4. The occupant shall restrict the height of Structures, objects of natural growth, and other obstructions on the property to such a height so as to comply with Federal Aviation Regulations, Part 77.
5. The occupant shall prevent the use of the property, which would interfere or adversely affect the operation

or maintenance of the airport, or otherwise constitute an airport hazard.

6. The occupant shall be subject to any ordinances, rules or regulations that have been, or may hereafter be adopted by, the Authority or City pertaining to the airport, park, or both.

F. Specific Development Standards. All sites shall receive Site Plan Review as required by §3-3 Site Plan Review except as stated herein. Those lots with direct frontage onto the Jack Edwards Airport (lots 31-33 and 37-50) as shown on the most recent recorded plat and as may be amended hereinafter, shall receive Administrative Site Plan Review and approval through the CDD. The final decision of the CDD in performing this review shall rest with the Zoning Official. The applicant may choose at any time, via written request, to waive the Administrative Site Plan Review process in favor of Site Plan Review as required by §3-3 Site Plan Review or appeal such review to the Council.

1. Building/Site Plans:

a. At a minimum all Building sites shall meet requirements of the IND Zoning District. Setback requirements shall be as listed below:

Table 10-4: Setbacks for Business and Aviation Park

	Min. Front Setback	Min. Rear Setback	Min. Side Setback
Lots 1-10	35 ft	70 ft	15 ft
Lots 11, 20-30	35 ft	30 ft	15 ft
Lots 12-19	30 ft	30 ft	15 ft
Lots 31-33, 37-50	35 ft	70 ft*	15 ft

* Aviation-related Lots may have Rear Setback reduced upon written approval of the Airport Authority.

b. Building Façades and external materials shall be governed as stated in this Ordinance. For Buildings located on Lots identified as "aviation related" and located more than 300ft from a Thoroughfare ROW Line, such Façades shall not be mandatory, but may be required through the approval process.

c. Bay doors and Loading docks shall be located and/or reasonably Screened so as to minimize adverse visual impact from public Thoroughfares.

d. Color schemes shall be harmonious and compatible with Adjacent developments; accent colors shall be compatible with the main color theme. In all cases, bright, neon, or fluorescent colors shall be prohibited. Earth tone colors are encouraged.

e. Colored elevations and representative floor plans shall be submitted for Site Plan Review. Elevations shall identify external materials and colors for all sides of each Structure.

2. Parking.

a. All required parking spaces, Driveways, aisles, and any other parking areas shall be paved as required in §14-1 Required Off-street Parking except as modified herein. Such parking areas are intended to be sited forward of the Principal Building and any Screening or security fences.

b. Parking areas or parking lots provided above and beyond what is required by this Ordinance may have the paving requirement waived at the discretion of the approving authority if the parking area is located behind any required fencing and/or is not visible from any public ROWs. In these instances, an all-weather, non-dust surface is required.

For Lots designated as aviation-related, parking areas shall be paved as required by in §14-1 Required Off-street Parking unless modified by the Airport Authority.

c. No parking or vehicular areas, exclusive of Driveways, shall be permitted within ten (10) ft of the Front Lot Line and within five (5) ft of the Side and Rear Lot Lines except as noted herein. This requirement shall extend to the entire Lot.

For Lots designated as aviation-related, parking or vehicular areas located behind fencing will not be required to observe the above Setback requirements.

d. Airplane hangars accessory to a Principal Use of the site will not be required to provide parking spaces for the hangar.

e. Airplane hangars serving as the Principal Use of the site shall provide two (2) parking spaces per plane stored in the hangar.

3. Lighting. Parking and site lighting shall be Shielded so as not to illuminate Adjacent property or public Thoroughfares. No lighting shall interfere with or disrupt the operation of the airport. A lighting plan including typical light pole(s) and fixture detail(s) and a photometric plan in accordance with §6-12 Outdoor Lighting Standards shall be submitted and approved by the Airport Authority.

4. Landscaping. All portions of a site not occupied by Buildings or other Structures and all required parking lots and maneuvering spaces, irrespective of location, shall be landscaped according to the regulations of §12-1 Landscaping except as noted herein.

a. Areas proposed for Outdoor Storage of materials or vehicles, or similar non-public uses may at the discretion of the approving authority have the Side and Rear Perimeter Landscaping requirement modified to require the planting of trees only, so long as the area is not visible from a public Thoroughfare or Adjacent property.

b. The minimum Landscape Setback requirement of ten (10) ft along any Thoroughfare ROW shall not be allowed to be reduced as provided in §12-1 Landscaping.

c. For Lots designated as aviation-related, the Landscape requirements stated in §12-1 Landscaping will not be required for areas located behind required fencing.

5. Fences.

a. No fence shall be located forward of the front Façade of the Building or behind the required ten (10) ft Setback line.

b. The location of fences to the rear and side of the forward-most Building located on the Building site are not subject to Setback lines and may be located on the Rear and Side Lot Lines.

c. Perimeter fencing Adjacent to public Thoroughfares shall be opaque and of wood or masonry construction. Materials and treatments used should complement the primary Building and contribute to the appearance of the park. Details and/or elevations that identify the materials of the perimeter fencing shall be submitted for the Administrative Site Plan or the Site Plan Review.

d. For Lots designated as aviation-related, all fencing, vehicle and personnel gates, and gate mechanisms are subject to approval by the Airport Authority and must be compatible with Airport Security. Elevations and detail drawings of all proposed fences, gates, and gate mechanisms shall be submitted to them for approval.

e. Airport Authority approval and approved details and/or elevations of required fencing shall be submitted for the Administrative Site Plan or the Site Plan Review. Fences will not be allowed to be constructed until approved by the Airport Authority.

6. Signs.

a. A Master Signage Plan shall be included as part of the Site Plan submittal. Individual freestanding signs shall be consistent in material and design with the entry signs used to identify the Park.

b. Freestanding signs within the park shall be "monument" or "low profile" in style and limited to one (1) sign per Building site. Maximum Sign Area shall not exceed thirty-two (32) sf and be restricted to a maximum height of six (6) ft.

c. Signs shall use universal symbols to provide information to emergency personnel in regards to chemicals stored and used on site and other hazardous conditions.

d. All exterior lighting shall be Shielded and directed away from Adjacent Thoroughfares and property.

e. Attached signs facing the airport which are not visible from a public right-of-way shall be reviewed and approved by the Airport Authority.

7. Drainage.

a. Applicable Best Management Practices (BMP's) to prevent discharge of polluted storm water shall be implemented by the developer of each Lot.

b. The drainage plan is subject to approval by the Public Works Department. For Lots designated as aviation-related, additional approval is required by the Airport Authority.

8. Permits: All outside agency approvals and permits, as applicable, shall be submitted to the CDD prior to issuance of a Building Permit.

G. Storage. The right of an owner or lessee or occupant to use any Building shall not be construed to permit the keeping of articles, goods, materials, incinerators, storage tanks, dumpsters or like equipment in the open or exposed to public view. If it shall become necessary to store or keep such materials or equipment in the open, said storage shall be limited to the Rear Yard and Screened from public view or incompatible uses with an opaque fence or wall of permanent construction per §10-F5 above and of a design and of materials approved through the Site Plan Review process.

§10-5. Airport Overlay Districts.

A. Jack Edwards Airport Noise Overlay District. It is the intent of the Jack Edwards Airport Noise Overlay District to legislate minimum noise attenuation construction standards for all Structures located within the district boundaries which will serve to minimize the operational noise impacts of the airport on surrounding development, thus ensuring to the extent possible, land use compatibility and the continued prosperity of the Jack Edwards Airport.

1. District Definition. The Jack Edwards Airport Noise Overlay District shall be defined as those lands lying within the bounds of said District as delineated on the Jack Edwards Airport Land Use Map adopted as part of Ordinance No. 823, June 26, 2000. The District boundaries shall also appear on the official City of Gulf Shores Zoning Map.

2. District Regulations. All Structures located within the bounds of the Jack Edwards Airport Noise Overlay District shall be subject to the provisions of Ordinance No. 823 or to the provisions of any superseding ordinance or amendment thereto.

B. Jack Edwards Airport Height Zoning Overlay District. It is the intent of these district regulations to establish height restrictions for all Buildings, Structures, and trees located within the district boundaries of the Jack Edwards Airport Height Zoning Overlay District to prevent the creation, establishment, or maintenance of any obstructions deemed hazardous to air navigation, thus ensuring to the extent possible land use compatibility and the continued prosperity of the Jack Edwards Airport.

1. District Definition. The Jack Edwards Airport Height Zoning Overlay District shall be defined as those lands lying within the bounds of said district as delineated on the Jack Edwards Airport Height Zoning Map as adopted as a part of Ordinance No. 831. The District boundaries shall also appear on the official City of Gulf Shores Zoning Map.

2. District Regulations. All Buildings, Structures and trees located within the bounds of the Jack Edwards Airport Height Zoning Overlay District shall be subject to the provisions of Ordinance No. 831 or to the provisions of any superseding ordinance or amendment thereto.

§10-6. Ft. Morgan Peninsula Overlay District.

Within the Ft. Morgan Peninsula, defined as those areas previously within Baldwin County Zoning District 25 west of The Peninsula development, the following regulations shall apply.

A. Use Provisions. Uses shall be permitted in accord with the use provisions for each FM District in Article 7 Residential Districts and Article 8 Business and Lodging Districts.

B. Area and Dimensional Regulations. Area and dimensional regulations shall be in accord with the requirements for each FM District in Article 7 Residential Districts and Article 8 Business and Lodging Districts.

C. Habitat Protection. Prepare a Beach Mouse Habitat Protection Plan and obtain approval from the governmental authority responsible for enforcing habitat regulations and issuing waivers and Incidental Take Permits (ITPs). Such approvals should illustrate how the project complies with state and federal regulations and include actions to accomplish the following:

1. Identify potential Beach mouse habitat on the property;

2. Avoid the Beach mouse habitat to the maximum extent possible;

3. Minimize disturbance of Beach mouse habitat; and

4. Mitigate the impacts of disturbance of Beach mouse habitat.

D. Land Use Transitions and Buffers. Refer to §12-3 Buffers and the provisions below.

1. Wetlands. Provide a minimum ten (10) ft pervious area between any Building, Structure, parking lot, or other impervious improvement and the Wetland.

2. Undeveloped and undisturbed areas should be left in a natural, undisturbed state. Pervious areas that have been disturbed may be required to be re-landscaped.

E. Design Criteria. All Building design statements included in the Envision Gulf Shores Design Guidelines shall be applied to similar developments within the Ft. Morgan Peninsula Overlay District.

F. Signs. Signs shall be permitted as per the underlying district.

G. Parking. Uses not specifically listed herein will provide parking as otherwise listed in Article 14.

1. Multiple-family, Lodging, and business uses shall provide parking as required in the Beach Area Overlay District.

2. Parking requirements for retail and Restaurant uses may be reduced if publicly accessible boat slips are provided within walking distance of the Commercial Use. “Walking distance” shall be determined by the City.

H. Traffic.

1. Traffic studies shall be provided as required in the City of Gulf Shores Traffic Circulation Standards.

2. Traffic mitigation measures including, but not limited to, shared access Driveways, deceleration/acceleration and left turn lanes, secondary Driveways, cross access easements, etc., may be needed along Ft. Morgan Road based on the findings of the traffic impact study and the requirements of the City and the ALDOT.

§10-7. Plash Island/Bon Secour River Overlay District.

The following provisions shall apply in addition to those of the applicable base zoning district. Wherever a conflict exists between the provisions of this Overlay District and any applicable regulation of this Zoning Ordinance or any other applicable regulation, the more restrictive shall govern.

A. Use Provisions.

1. Permitted Uses.

a. Residential uses: conservations subdivisions; duplexes, home occupations; independent living facilities, interval occupancy facilities; multi-family dwellings; single-family (detached) dwellings; townhouses; and upper story dwellings or live-work units.

b. Neighborhood commercial service and retail uses: personal services, health clubs and salons; day care facilities; standard restaurants; general office (less than 5,000 sf per establishment); food, drink and drugs; boat sales and service, alcohol sales (for off-premises consumption), laundering services, minor household goods, minor personal goods (4,000 sf or less per establishment); and other similar uses that are related to needs of residents and employees in the area as approved by the Commission.

c. Institutional uses: public facilities; essential services facilities and installations; assisted living facilities and other homes for the aged, medical clinics, public parks and playgrounds, and any low intensity institutional uses, including but not limited to, places of assembly and schools.

d. Amusement and recreational uses: country club, golf courses, hiking and nature trails.

e. The following uses shall be permitted when accessory to a permitted use: athletic facilities; caretaker dwelling; parking (including structured parking); residential food facilities; residential accessory structures; incidental accessory recreational uses; incidental accessory retail and service uses; fuel sales for automobiles or boats; and marina boat docking.

2. Prohibited Uses. Outdoor storage; industrial uses of any type or intensity; adult entertainment; building supply; pawn shops, check-cashing and title-loan establishments; automotive sales, parts and repair services of any intensity; car washes; enclosed amusement and any outdoor amusements not specifically permitted above.

B. Area and Dimensional Regulations. See Table 10-7 and the following:

1. Minimum lot size: The minimum lot size requirement of the base zoning district may be modified through Conservation Subdivision or PUD approval.

2. Waterfront Setbacks. Where the required minimum Waterfront Setback is greater than the required minimum Front Yard, Side Yard or Rear Yard Setback, the Waterfront Setback shall govern.

Table 10-7 Plash Island/Bon Secour River Overlay District Area and Dimensional Regulations

Maximum gross density	15 DU/acre
Max. GFA (non-residential uses)	20,000 sf
Max. Building Height	15 stories
Max. Impervious Surface Coverage	40%
Min. Waterfront Setbacks	• for Gulf-front lots, the CCCL • for all other lots, 50 ft from the Mean High Tide Line OR 25 ft with engineer-improved filtration

C. Buffer requirements. Buffers shall be required as provided in §12-3 Buffers and as follows:

1. There shall be a ten (10) ft undeveloped, pervious buffer around all wetlands.

2. Buffer areas shall not be cleared or otherwise disturbed during construction except as necessary to provide any landscaping, fencing or walls required as a part of the buffer.

D. Provisions for PUDs.

1. A minimum area of ten (10) contiguous acres shall be required for any Planned Unit Development. Land separated by CR 4 or CR 6 shall not be considered contiguous.

2. The Council, upon a favorable recommendation by the Commission, may approve additional density, up to twenty-five (25) DU/ac, and additional height, up to twenty-two (22) habitable stories when a combination of the following are provided in the master development plan:

a. Low impact design features, such as pervious pavement or paver systems, are included to

reduce impervious surface coverage well below the maximum allowed.

b. The development is designed for convenient, safe pedestrian access, internally and externally. For example:

(1) Buildings, building entrances, pedestrian paths, and parking areas are laid out so as to avoid or minimize the need for pedestrians to cross parking areas to access buildings from public or private streets.

(2) Shopping and dining uses are directly accessible from public sidewalks.

(3) Pedestrian-level lighting is provided along most sidewalks and paths at a maximum average spacing of forty (40) ft.

c. Bicycle parking is provided beyond that otherwise required by this Ordinance and/or is sheltered.

d. Street trees are provided, at a maximum average spacing of forty (40) feet along internal streets and any public streets on which the development will front.

e. Utilities are located underground or above-ground in easements or alleys to the rear of development.

f. Public water access is provided on-site or land is reserved for such purpose.

3. Through the master development planning process, residential densities, based on underlying zoning, may be shifted from one portion of the site to the other, except that no density may be transferred across CR 4 or CR 6, including transfers toward or away from the waterfront.

E. Parking shall be provided as required in Article 14 except that parking requirements for shopping and dining uses may be reduced by one parking space per publicly accessible boat slip within 1,000 ft of the public entrance to the use.

F. Landscaping shall be provided as required in Article 12 except that, the case of impervious surface parking areas, at least twenty (20) percent of the parking lot shall be landscaped. And, at least fifty (50) percent of landscaped areas in or along the perimeter of parking lots shall be depressed below the paved surface and shall be designed to receive and allow infiltration and treatment of stormwater runoff.

§10-8. Single Family and Duplex Tourist Rental Overlay District

A. Purpose. The purpose of the Single Family and Duplex Tourist Rental Overlay District is to allow Tourist Rental Dwellings within the overlay district and establish minimum standards for their use, while minimizing incompatibility with surrounding residential areas.

B. Applicability.

1. The boundary of the Single Family and Duplex Tourist Rental Overlay District includes all R-1 and R-2 zoned land west of Hwy. 59 and south of Stanton Creek and/or West 2nd Avenue, and south of Little Lagoon west of West 7th Street (extending west to and including Laguna Key Subdivision) and all waterfront R-1 zoned properties which abut the north side of the Little Lagoon and Highway 180 (Fort Morgan Road) west of West Brigadoon Trail and east of the boundary of the Bon Secour Wildlife Refuge.

2. The following regulations shall apply to all Tourist Rental Dwellings located in the Single Family & Duplex Tourist Rental Overlay District.

3. Tourist Rental Dwellings are prohibited in all R-1 and R-2 Zoning Districts or areas that are designated as such in a Planned Unit Development (PUD) outside of this Overlay District including Single Family subdivisions, throughout the City.

4. Notwithstanding the provisions of §10-8B3 above, a Single Family or Duplex Dwelling that (a) is located outside of the Overlay District in an R-1 or R-2 District or in an area designated as such in a PUD, (b) was rented as a Tourist Rental Dwelling during the calendar year 2009 prior to August 31, 2009, and (c) was duly licensed for such rental on August 31, 2009 with all rental income having been duly reported for the computation and timely payment of business license fees and lodging taxes in calendar year 2009 shall be permitted and regulated as a Tourist Rental Dwelling. The continuing use of said Tourist Rental Dwellings for tourist rental purposes shall be regulated as legal nonconforming uses pursuant to Article 13 Nonconformities.

C. Permitting and Taxation.

1. As a condition of the issuance of a business license, the owner of a Single Family or Duplex Dwelling intended to be used as a Tourist Rental shall apply for and receive a Tourist Rental Permit from the City Revenue Department prior to using the dwelling unit for said purposes.

2. A Tourist Rental Permit shall be valid for a time period as determined by the Revenue Department but not to exceed one year. A permit may be revoked by the Revenue Department for noncompliance with the requirements herein. Decisions of the Revenue Department may be appealed to the Council.

3. A copy of the Tourist Rental Permit shall be supplied to the rental agency, if applicable, and displayed on

the premises. The property owner and rental agency shall be required to present this permit upon request of the City. The property owner shall be responsible for complying with all requirements of this Section.

4. Lodging in Tourist Rental Dwellings shall be subject to any applicable lodging and resort taxes normally levied in the City.

D. Uses Permitted.

1. Uses as listed in Table 7-1A for the applicable Residential District;
2. Customary accessory buildings or structures conforming to all requirements of §6-6 Accessory Buildings and Structures .
3. Temporary building or use in connection with residential or other construction subject to §6-7 Temporary Buildings and Uses, except as follows:
   a. Said temporary building or use shall be permitted for a period of not more than one (1) year; provided, such building or use shall be removed immediately after such construction is concluded or after such construction has been discontinued for any reason for a period of six (6) months.
4. Tourist Rental Dwellings.

E. Area and Dimensional Requirements.

1. All Tourist Rental Dwellings shall be subject to the area and dimensional requirements of the underlying district as provided in Table 7-1B.
2. A pre-existing legal or grandfathered encroachment or deficiency regarding the area and dimensional regulations of the underlying district shall not prevent the conversion of an existing Single Family or Duplex Dwelling from being issued a Tourist Rental Permit, so long as the encroachment or deficiency is not increased in any way.

F. Occupancy. Occupancy shall comply with the following requirements:

1. Occupancy of a Tourist Rental Dwelling by more than one (1) family, as defined in Article 4 Definitions, for longer than thirty (30) consecutive days shall be considered a violation of this Ordinance and prohibited.
2. Tourist Rental Dwellings shall be limited to a maximum rental of 180 days or it shall be deemed a long term rental and exempt from the regulations of this Overlay District.

G. Parking, Access, and Circulation.

1. Parking spaces may be provided on driveways or within a parking lot specifically designed for such use. Required parking, maneuvering areas, and driveways shall be covered with a surface suitable for parking as approved by the City Public Works Director or his designee. The use of gravel, rock, or any other similar material that is not similar in color to beach sand is prohibited.
2. Parking within public street rights-of-way is prohibited and subject to the enforcement actions and penalties as specified in Chapter 21 of the Code of Ordinances.

H. Signage.

1. No signage, other than that permitted in the underlying district, shall be permitted.
2. All Tourist Rental Dwellings shall display their address prominently so that it is clearly visible and readable from the right-of-way, and, in the case of a Tourist Rental Dwelling located on a gulf front lot, the address shall also be displayed consistent with the requirements of Chapter 20 of Code of Ordinances and Section 20-4 therein.

I. Garbage. The collection of garbage and the provision of garbage containers shall be in accordance with Chapter 14, Article III of the Code of Ordinances, as amended.

§10-9. Waterway Village Overlay District

A. Definitions

Certain terms used herein shall have the meanings defined by this Article. In the event that a term is not listed in this Article; or is not defined in the Zoning Ordinance or Subdivision Regulations of the City of Gulf Shores or elsewhere in the Gulf Shores City Code, or in The Latest Illustrated Book of Development Definitions, New Expanded Edition (Moskowitz and Lindbloom, 2004, Center for Urban Policy Research, Rutgers University), words used are intended to have the commonly accepted definitions contained in the Merriam-Webster Dictionary. The figures found within this article graphically illustrate the definitions.

Allee: A regularly spaced and aligned row of trees usually planted along a Thoroughfare or Path.
Arcade: a Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Façade at Sidewalk level remains at the Frontage Line.
Bicycle Lane (BL): A dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.
Block Face: The aggregate of all the building Facades on one side of a Block.
Colonnade: Similar to an arcade but supported by vertical columns without arches.

Common Yard: A planted Private Frontage wherein the Facade is set back from the Frontage line. It is visually continuous with adjacent yards.

Configuration: The form of a building, based on its massing, Private Frontage, and height.

Cottage: An Edgeyard building type. A single-family dwelling, on a regular Lot, often shared with an Accessory Building in the back yard.
Courtyard Building: a building that occupies the boundaries of its Lot while internally defining one or more private patios.

Design Speed: The velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed.

Disposition: The placement of a building on its Lot.

Elevation: An exterior wall of a building not along a frontage line

Edgeyard Building: A building that occupies the center of its Lot with Setbacks on all sides.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Enfront: To place an element along a Frontage, as in "porches enfront the street."

Expression Line: A line prescribed at a certain level of a building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony.

Extension Line: A line prescribed at a certain level of a building for the major part of the width of a Facade, regulating the maximum height for an Encroachment by an Arcade frontage.

Facade: The exterior wall of a building that is set along a Frontage Line. *See* Elevation.

Forecourt: A Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back.

Form Based Code: A method of regulating development to achieve a specific and predictable public realm by primarily controlling physical form with a lesser focus on land use.

Frontage: The area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage.

Frontage, Private: The privately held Layer between the Frontage Line and the Principal Building Facade.

Frontage, Public: The area between the Curb of the vehicular lanes and the Frontage Line.

Frontage Line: A Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines.

Frontage Percentage: The percentage of the width of a lot that is required to be occupied by its building's primary facade.

Gallery: A Private Frontage conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk.

Green Space: Green spaces are commonly owned open spaces that are strategically placed to serve a specialized community function. An urban green space is for active use and may be configured as a formal green, square, plaza, park, playground, or community garden. A preserve green space allows only passive recreational uses and may be a project boundary buffer or above-ground stormwater management area or a natural area worthy of preservation.

Layer: A range of depth of a Lot within which certain elements are permitted.

Liner Building: A building or portion of a building constructed specifically designed to conceal large expanses of blank wall area and to face the street space with a facade that has ample doors and windows opening onto the sidewalk.

Live Work Unit: An attached or detached building that can accommodate permitted residential uses, commercial uses, or a combination of the two.
Neighborhood Activity Center: complete neighborhoods providing a choice of habitats, a diversity of dwelling types, and a mix of uses within a pedestrian walking shed.

Parking Structure: A building containing one or more stories of parking above grade.

Pedestrian Shed: An area that is centered on a common destination and extends approximately ¼ mile from the destination. Its size is related to average walking distances people will travel to a destination within a neighborhood.

Planting Strip: A grassed strip of land with a row of street trees that is located between a sidewalk and a travel or parking lane. In urban areas, planting strips are often replaced by street trees planted in tree pits, wells, or vaults that are recessed into a sidewalk that extends to the curb.

Principal Entrance: The main point of access for pedestrians into a building.

Principal Frontage: On corner Lots, the Private Frontage designated to bear the address and

Principal Entrance to the building, and the measure of minimum Lot width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot.

Public Water Access: The availability of opportunities to utilize the navigable waters of the City, County, State or Country for visual, recreational, and commercial purposes.

Rearyard Building: A building that occupies the full Frontage Line, usually leaving the rear of the Lot as the sole yard.

Regulating Plan: A Zoning Map or set of maps that shows the Transect Zones, Green Spaces, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by the WV-O District.

Rowhouse: A single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line.

Secondary Frontage: On corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated.

Shopfront: A Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade.

Sidewalk: The paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Sideyard Building: A building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house.

Stepback: A building Setback of a specified distance that occurs at a prescribed number of stories above the ground.

Stoop: A staircase on the facade of a building that leads either to a small unwalled entrance platform or directly to the main entry door.

Streetscreen: A freestanding wall or landscape hedge along the Frontage Line, or coplanar with the Facade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

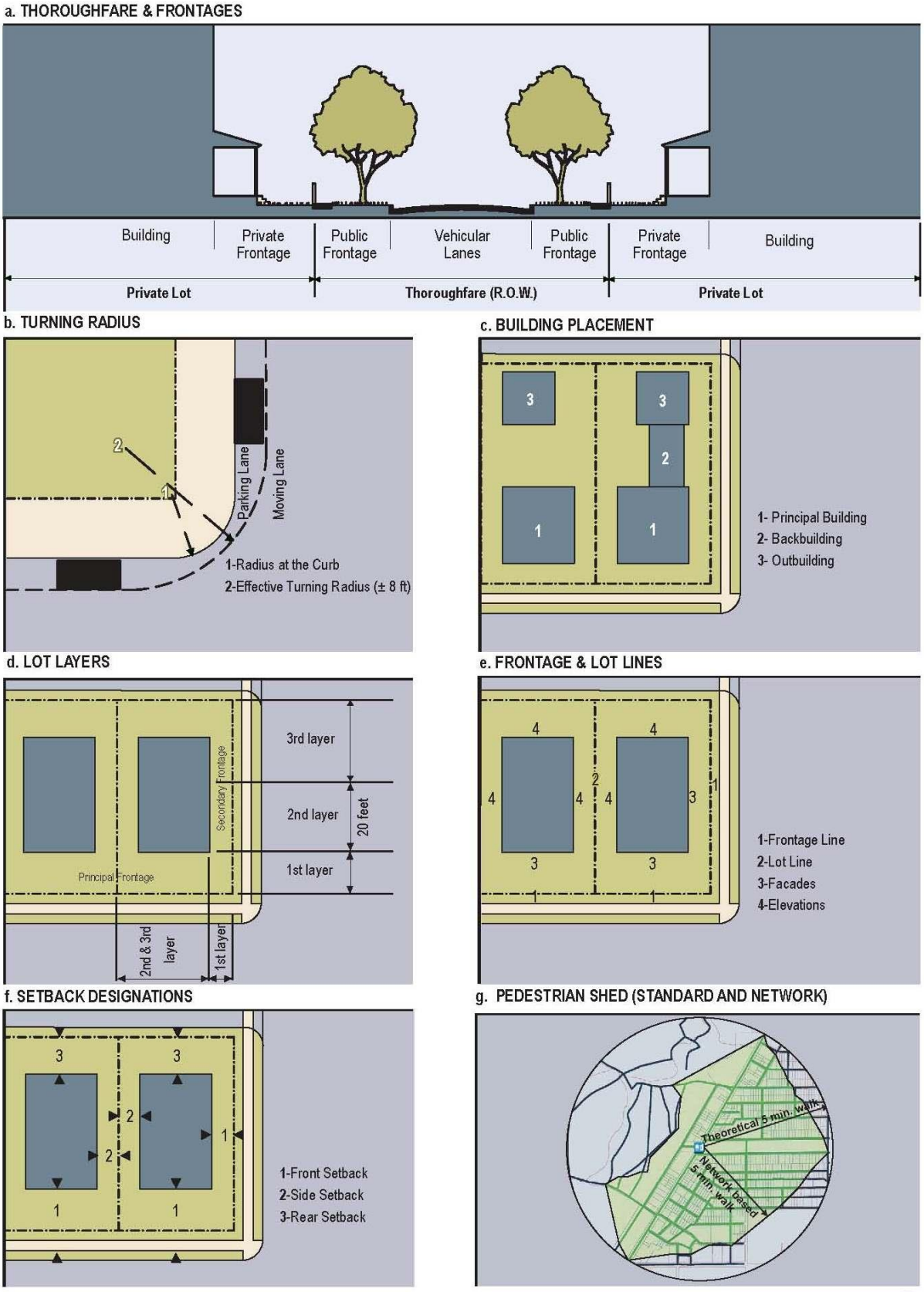
Transect Zone: One of several areas on a Zoning Map regulated by the WV-O District. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage.

Water-dependent Use: Activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water.

Water-related Use: Activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

Working Waterfront: recreational and commercial water-dependent facilities consisting of docks, wharves, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, seafood markets, commercial fishing facilities, boat construction facilities, public accesses and other support structures over the water. Hotels and motels may be considered a recreational or commercial working waterfront, but seaports are specifically excluded.

Figure 10-9A 1: Definitions Illustrated



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B. Purpose.

The purpose of the Waterway Village Overlay District (WV-O) is to evolve and transform these areas of Gulf Shores into two (2) neighborhood centers.

1. Objectives. Within the WV-0 district the City intends to:

   a. In accordance with the City's Land Use Plan, the WV-O district is intended to encourage the development of two neighborhood centers that are designed to meet the daily convenience goods and service needs of residents in adjacent neighborhoods.

   b. Regulate the form and design of development, in order to achieve a compact pedestrian scaled built environment, which preserves, protects, and advances the traditional commercial and recreational working waterfront culture and character of the area.

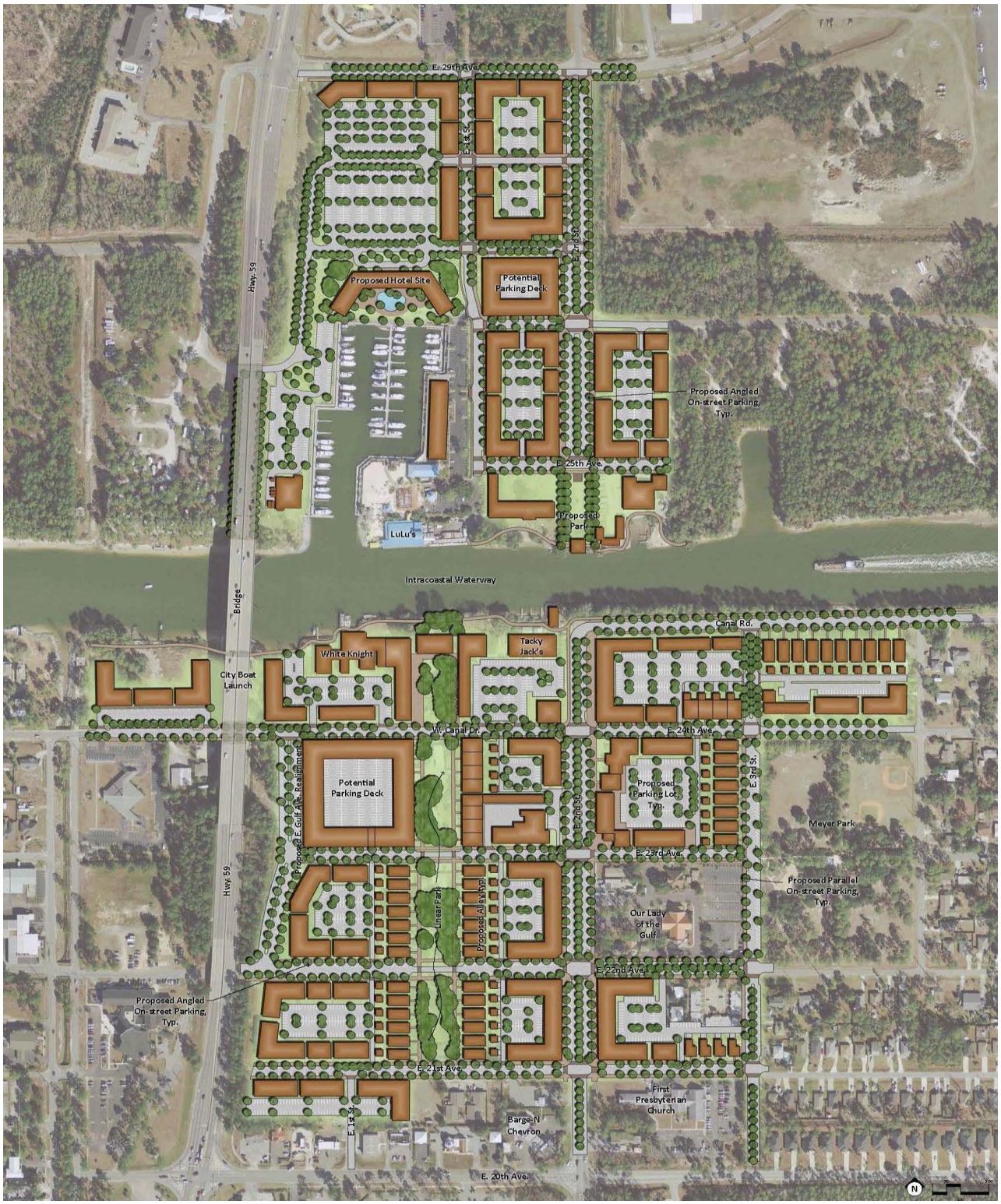
   c. Ensure an active, vibrant waterfront neighborhood by encouraging mixed use, a range of housing types and diversity, within walking distance of one another.

   d. Provide a variety of waterfront and neighborhood green ways and open spaces for active/passive recreational uses and to link together the adjacent residential neighborhoods.

   e. Create a comprehensive incentive program to promote new development within these neighborhoods.

Figure 10-9B 1: WV-O Illustrative Master Plan

The illustrative version of the Waterway Village-Overlay Plan demonstrates a possible future pattern of development specific to the existing conditions and opportunities in the area. Specific details of this illustrative plan may change over time but the fundamental character, qualities, and intentions will remain intact.



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C. Organization

The WV-O District is divided into 5 transect zones which stipulate specific regulations for certain areas of the WV-O District. The transect zones are described and graphically displayed on the Regulating Plan Section 10-9F. The regulations prescribed herein regulate the form, design, scale, intensity and performance of public spaces, building form and private parking standards to ensure that new developments exhibit the highest standards of urban design, architecture, and streetscape standards at the scale of the neighborhood, block, lot and building.

1. Public Space Standards Public space standards address thoroughfares and green spaces. Thoroughfares are intended for use by vehicular, bicycle and pedestrian. Thoroughfares generally consist of vehicular lanes and public frontages. Thoroughfares should be designed to be walkable with pedestrian comfort and safety as critical goals along with the safe and efficient flow of traffic, accommodations of emergency vehicles, parking, utilities and storm water.

   Green Spaces are intended primarily for pedestrians and bicyclists. Refer to Section10-9 Public Space Standards, for the Thoroughfare and Green Space Standards.

2. Building Form Standards Building form standards consist of building placement, frontage types and architectural design guidelines. Building placement relates to the scale of buildings in relation to lot size and dimensions (e.g. location and size of facades, required yard locations and size, setbacks, etc.) Refer to Section 10-9I & J, Building Form Standards, for building placement standards for each transect zone.

   Frontage is the specific way that a building or structure addresses a thoroughfare. Frontage types combined with building placement strengthen urban character and support a pedestrian oriented environment. Refer to Section 10-9I and 10-9J Building Form Standards, for building frontage standards for each transect zone.

   Design guidelines are evaluation criteria of building massing and modulation, façade composition, fenestration, and architectural elements and detail. Refer to Section 10-9I and 10-9J Building Form Standards, for architectural design standards for each transect zone.

3. Private Parking Placement. Private parking placement standards establish performance measures for the type, number of spaces, and access to parking areas. By regulating private parking, quality of place and walkable neighborhoods are achieved. Refer to Section 10-9D 4, 10-9I and 10-9J for the Private Parking Standards for each transect zone.

D. Applicability

The provisions contained herein shall apply to all lands as identified on the Official City of Gulf Shores Zoning Map as being within the WV-O.

1. Performance Regulations. The text standards, tables and figures are an integral part of the WV-O regulations. The diagrams that accompany the text and tables should be considered guidelines and where in conflict, text and tables shall take precedence over graphic diagrams.

2. Conflicting Provisions. The WV-O functions separately from the regulations of Zoning Ordinance. Zoning Ordinance regulations are relied upon in limited and special circumstances as noted throughout the WV-O District. Except where explicitly provided to the contrary, whenever the requirements of the WV-O regulations are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirements of the WV-O District shall govern.

3. Maximum Density. Maximum Density shall be allowed pursuant to the underlying Zoning District or a maximum of 20 units per acre, whichever is greater. Mixed use developments shall be allowed a maximum 10% bonus density above the standard requirements.

4. Parking Standards. In an effort to promote compact pedestrian development the WV-O District is designed to provide extensive public parking and reduced on-site parking for individual uses. Public parking facilities, mixed-use development, and shared parking between uses will allow a smaller parking supply meet the combined peak parking demands of the district. The following parking requirements apply in the WV-O District.

   a. Requirements

      (1) Minimum parking space requirements shall be calculated at a rate of fifty percent (50%) of the standard rate as established by Article 14 of the Zoning Ordinance.

      (2) Maximum parking space requirements shall be calculated utilizing the standards as established by the Required Minimum Off-street Parking Spaces Table in Article 14 of the Zoning Ordinance.

(3) Restaurants, Lounges/Bars, and Lodging Uses, required parking spaces shall be calculated utilizing the minimum parking space standards established by the Required Minimum Off-street Parking Spaces Table in Article 14 of the Zoning Ordinance. A maximum 50% of parking spaces shall be constructed on-site. Minimum on-site parking shall be determined via the review process.

On street parking spaces immediately adjacent to the frontage line shall be counted as required parking.

b. On a case-by-case basis parking reductions may be allowed by the approving authority in accord with the following provisions or a combination thereof:

(1) Local Parking Demand Study. In accordance with Article 14 or Table 14-2B of the Zoning Ordinance, reduced parking requirements supported by a parking demand study, may be approved if the parking demand study determines acceptable levels of parking exist within 750 feet of the subject site.

(2) Public Parking Credits. The approving authority may reduce the required parking spaces for all uses when public parking credits have been purchased from the City towards spaces in a public parking facility within 750 ft of the subject sit and in conformance with Article 14 of the Zoning Ordinance.

5. Storm Water Management Standards. Due to the mixed-use infill development of the WV-O District, best management practices for stormwater management differ from suburban practices. Compact development creates fewer pollutants by reducing expansive lawns and parking lots. This subsection allows the use of a variety of best management practices to meet stormwater management standards. The use of these practices and their functional equivalents are presumed to comply with the stormwater management standards contained in Chapter 7, Article 5 of the Code of Ordinances Erosion and Sedimentation Control.

Innovative and urban stormwater management designs and techniques may be considered for addressing stormwater treatment requirements, including but not limited to porous pavement, treatment inlet boxes with skimmers or traps, subsurface basins for infiltration or detention, prefabricated multi-chamber water quality devices, green roofs, stormwater treatment mitigation, rain gardens, bioswales, etc. All stormwater management designs and techniques must be certified by an Alabama professional engineer or other appropriate professional who is competent in the fields of hydrology, drainage, and flood control.

Drainage plan submittals shall include at a minimum the requirements of Chapter 7, Article 5 of the Code of Ordinances Erosion and Sedimentation Control, a proposed maintenance schedule for each technique, identifying the timing of inspections and the maintenance activities that will be taken such as removing debris from inlet boxes, replacing filters, pumping out accumulated sediment, mechanical sweeping, etc. and any other submittal requirements of the Director of Public Works.

Stormwater attenuation requirements may be waived for sites provided that post-development conditions do not exceed the maximum predevelopment discharge rate or whereby runoff retention/detention is part of a regional stormwater management facility. This consideration is granted provided that the site provides stormwater treatment for 150 percent of the site and adequate downstream capacity exists for the proposed discharge rate when considered within the context of the total watershed discharge and its timing.

6. Landscaping. The landscape, screening, and buffering provisions of Article 12 of the Zoning Ordinance do not apply to properties within the WV-O District with the exception of the following sections of the Zoning Ordinance.

a. 12-1 E. Parking Lot Landscape Standards

b. 12-1 G. Landscape Plan Submittal Requirements

c. 12-1 H. Minimum Plant Specifications

d. 12-1 K. Tree Credits, and

e. 12-1 M. Tree Protection Methods

7. Supplementary Regulations. See Article 6 for supplementary regulations. These regulations apply to the WV-O District unless waived by the approving authority.

8. Outdoor Lighting. See Article 6-12 Outdoor Lighting Standards

9. Sign Regulations. See Article 18

E. Use Regulations

1. The allowable uses shall be determined by the underlying Zoning Districts with the following exceptions:

Restaurant Drive-in/Drive through are not allowed in the WV-O District.

2. Uses permitted "by right" are indicated with an "R" and uses permitted by Conditional Use Permit are indicated with a "CUP" and are subject to the procedures of Section 3-5 Conditional Use Permit.

   a. R – Bed and breakfast
   b. CUP – Farmer's market, supply, produce store
   c. CUP – Seafood Market/Seafood exchange
   d. R – Transit Terminal
   e. R – On-Street Parking
   f. CUP – Parking Structures
   g. R – Public Water Access
   h. R – Mixed-Use/Live-Work
   i. CUP – Marina
   j. CUP – Commercial Fishing Facilities
   k. CUP – Boat Construction Facilities
   l. CUP – Boat Docks & Wharves

F. General Procedure

1. The use, form, design, scale, intensity and performance regulations for the WV-O Zone are pre-determined as set forth in this Article. Once these determinations have been incorporated into a plan, then projects shall be processed in accordance with the procedures of Article 3 Site Plan Review. The Planning Commission shall review the application and make a recommendation of compliance, noncompliance, or compliance with conditions. The application shall be forwarded to the City Council for final approval; the Council may approve the application, approve with conditions, or deny the application.

   Site Plans submitted in accordance with the WV-O District shall show the following, in compliance with the standards described in this Section:

   a. Use
   b. Building Placement
   c. Building Frontage
   d. Building Design (including color-rendered elevations)
   e. Parking Location Standards
   f. Landscape Standards
   g. Erosion and Sedimentation Control
   h. Signage Standards
   i. Special Requirements, if any

2. Deviations from strict compliance with the WV-O regulations may be allowed after review and approval of the City Council if such deviations are found to comply with the general purpose and standards of the WV-O District.

   Special Districts. Special Districts do not have provisions within this Code shall be governed by the standards of the pre-existing zoning. Conditions of development for existing Special Districts shall be determined in public hearings as required by Section 15-6 PUD Master Plan approval. The establishment of new Special Districts shall be in accordance with the minimum PUD size and review and approval procedures as set forth by Section 15 Planned Unit Development. Special Districts are intended to comply with the general purpose and design of the WV-O District.

G. Public Space Standards

WV-O Thoroughfare Plan The illustrative version of the WV-O Plan demonstrates a possible future patter of thoroughfare development specific to the existing conditions and opportunities in the area. Specific details of this illustrative plan may change over time but the fundamental character, qualities, and all intentions will remain intact.

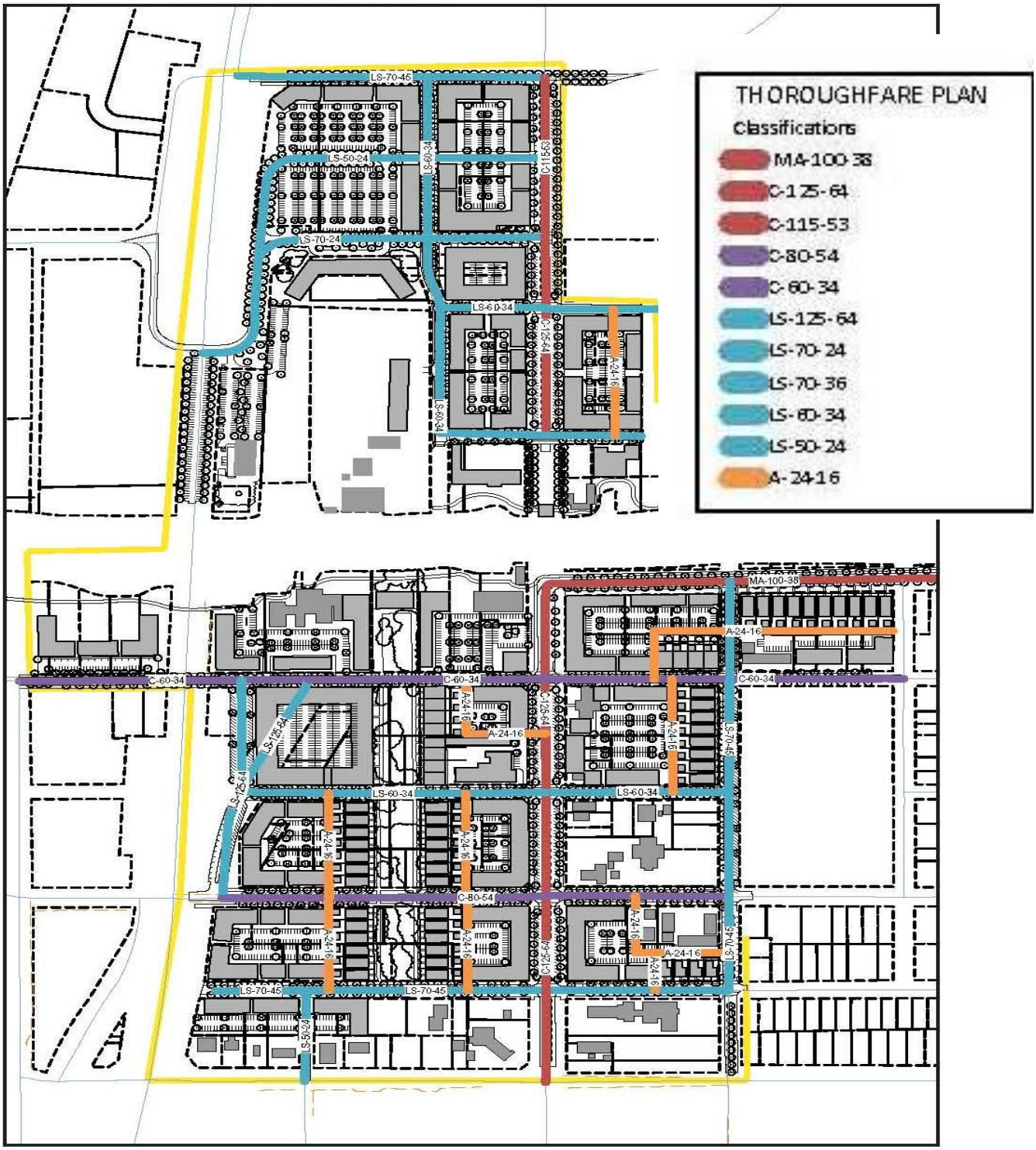

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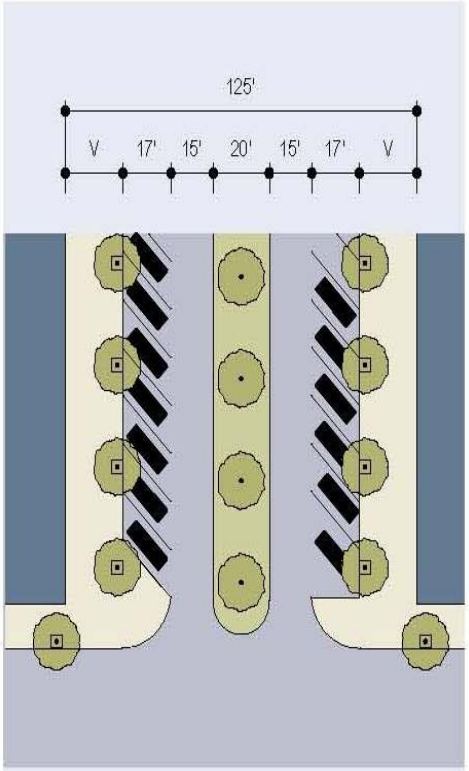
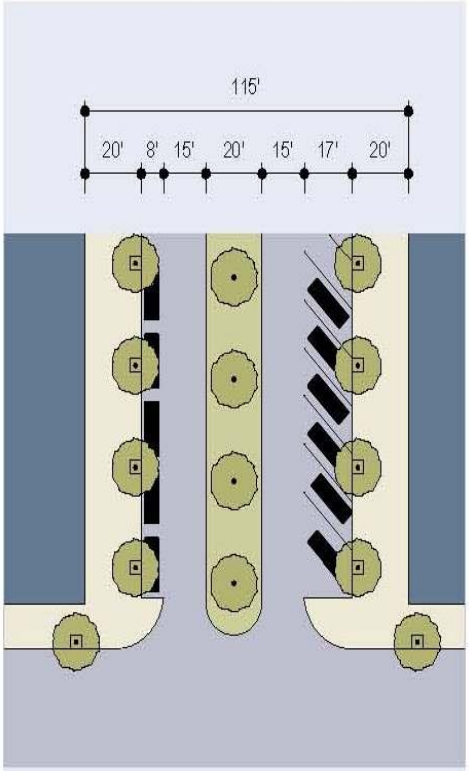
Table 10-9G 1 & 2: Thoroughfare Assemblies The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

KEY	LS-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	

THOROUGHFARE TYPES	
Principal Arterial:	PA
Minor Arterial:	MA
Collector:	C
Residential Collector:	RA
Local Street:	LS
Alleys:	A





	MA-125-64	C-115-53
Thoroughfare Type	Minor Arterial	Collector
Transect Zone Assignment	T5	T5
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	5.7 seconds	5.7 seconds
Traffic Lanes	2 lanes with Median	2 lanes with Median
Parking Lanes	Both sides / Angled / Striped	Parallell / Angled / Striped
Curb Radius	10 feet	10 feet
Walkway Type	Sidewalk Varies	20 foot Sidewalk
Planter Type	Allee	Allee
Curb Type	Vertical	Vertical
Landscape Type	Medium Street Trees at 30' o.c. - Large Street Trees at 40' o.c.	Medium Street Trees at 30' o.c. - Large Street Trees at 40' o.c.
Bicycle Lane Type	n/a	n/a

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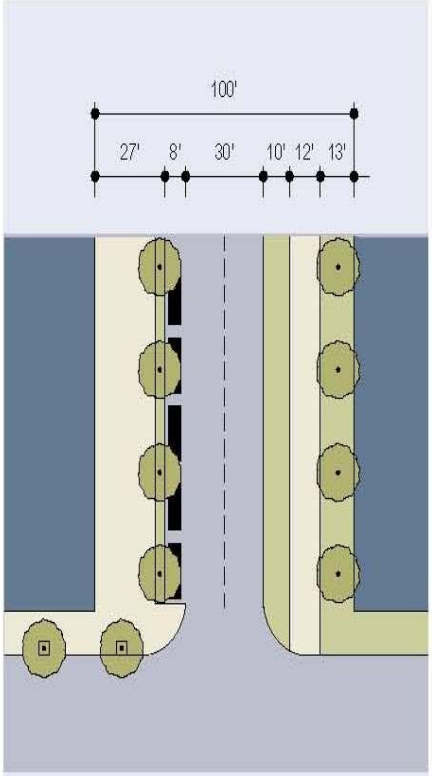
Table 10-9G 3 & 4: Thoroughfare Assemblies The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

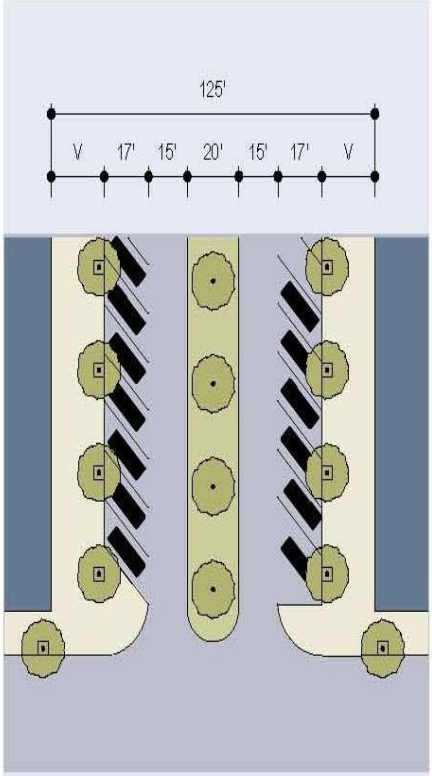
KEY LS-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Principal Arterial:	PA
Minor Arterial:	MA
Collector:	C
Residential Collector:	RA
Local Street:	LS
Alleys:	A





	MA-100-38	C-125-64
Thoroughfare Type	Minor Arterial	Collector
Transect Zone Assignment	T4, T5	T5
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	7.4 seconds	5.7 seconds
Traffic Lanes	2 lanes	2 lanes with Median
Parking Lanes	Parallel / One-side / Striped	Angled / Both sides / Striped
Curb Radius	10 feet	10 feet
Walkway Type	Sidewalk / Multi-use Trail	Sidewalk, varying width
Planter Type	10 foot min. continuous Planter	Allee
Curb Type	Vertical	Vertical
Landscape Type	Medium Street Trees at 30' o.c. Avg.	Medium Street Trees at 30' o.c. - Large Street Trees at 40' o.c.
Bicycle Lane Type	n/a	N/A

Credit NNC v1.0 adapted by Sandy Sorlien Illustrations by DPZ & Co. from SmartCode 2010

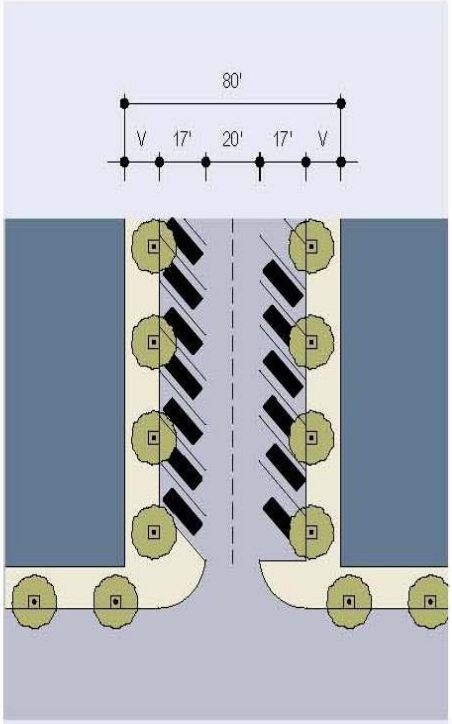
Table 10-9G 5 & 6: Thoroughfare Assemblies The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

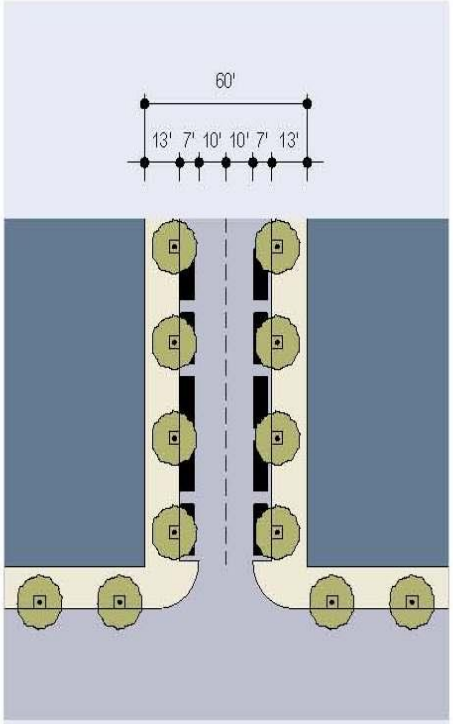
KEY LS-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Principal Arterial:	PA
Minor Arterial:	MA
Collector:	C
Residential Collector:	RA
Local Street:	LS
Alleys:	A





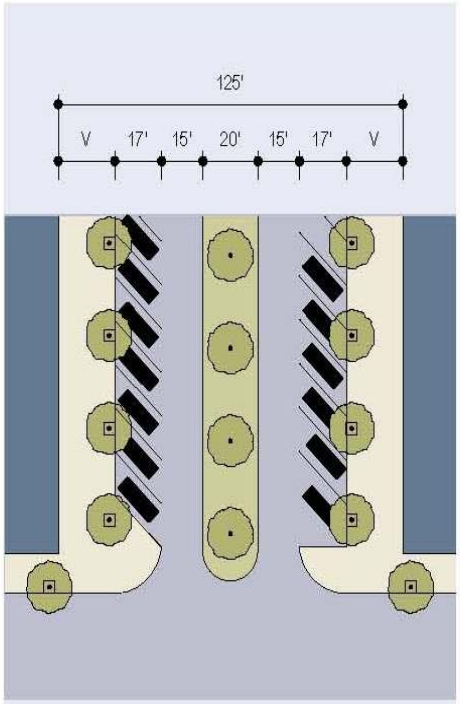
	C-80-54	C-60-34
Thoroughfare Type	Collector	Collector
Transect Zone Assignment	T4, T5	T5, T5a
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	7.6 seconds	7.4 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides / Angled / Striped	Parallell / Both Sides / Striped
Curb Radius	10 feet	10 feet
Walkway Type	Sidewalk Varies	Sidewalk 13' Both Sides
Planter Type	Allee	Allee
Curb Type	Vertical	Vertical
Landscape Type	Medium Street Trees at 30' o.c.	Medium Street Trees at 30' o.c.
Bicycle Lane Type	n/a	n/a

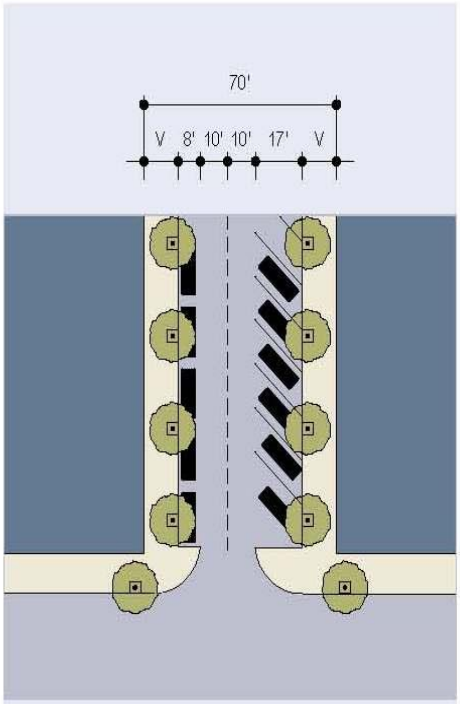
Credit NNC v1.0 adapted by Sandy Sorlien Illustrations by DPZ & Co. from SmartCode 2010

Table 10-9G 7 & 8: Thoroughfare Assemblies The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

KEY	LS-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	

THOROUGHFARE TYPES	
Principal Arterial:	PA
Minor Arterial:	MA
Collector:	C
Residential Collector:	RA
Local Street:	LS
Alleys:	A





	LS-125-64	LS-70-36
Thoroughfare Type	Street	Local Street
Transect Zone Assignment	T4	T5
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	5.7 seconds	7.6 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Angledl / Both Sides / Striped	Parallell / Angled / Striped
Curb Radius	10 feet	10 feet
Walkway Type	5 foot Sidewalk	Sidewalk Varies
Planter Type	7 foot continuous Planter	Allee
Curb Type	Vertical	Vertical
Landscape Type	Medium Street Trees at 30' o.c. - Large Street Trees at 40' o.c.	Medium Street Trees at 30' o.c.
Bicycle Lane Type	n/a	n/a

Credit NNC v1.0 adapted by Sandy Sorlien Illustrations by DPZ & Co. from SmartCode 2010

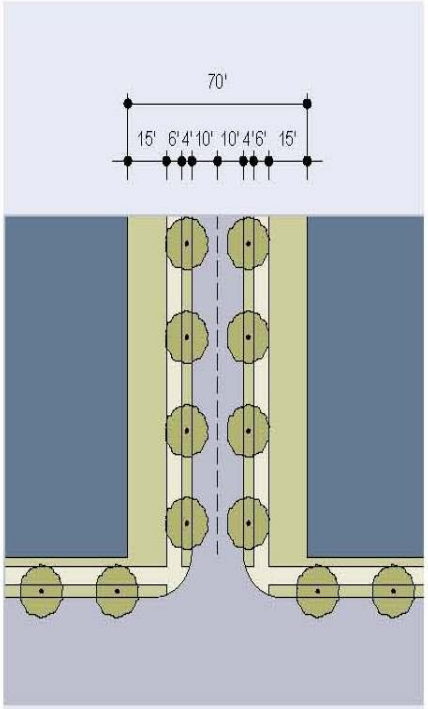
Table 10-9G 9 & 10: Thoroughfare Assemblies The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

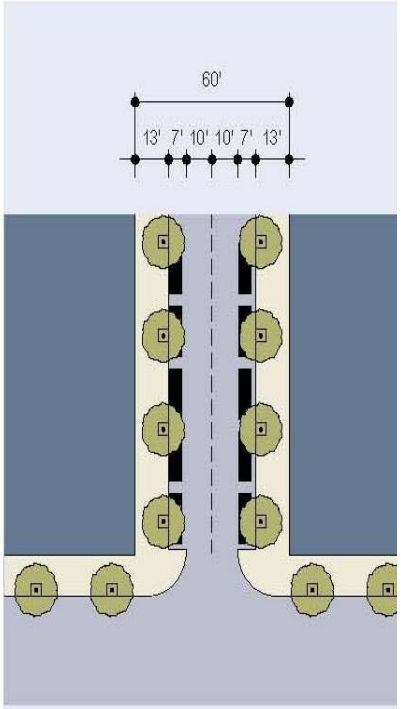
KEY LS-57-20-BL

- Thoroughfare Type
- Right of Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Principal Arterial:	PA
Minor Arterial:	MA
Collector:	C
Residential Collector:	RA
Local Street:	LS
Alleys:	A





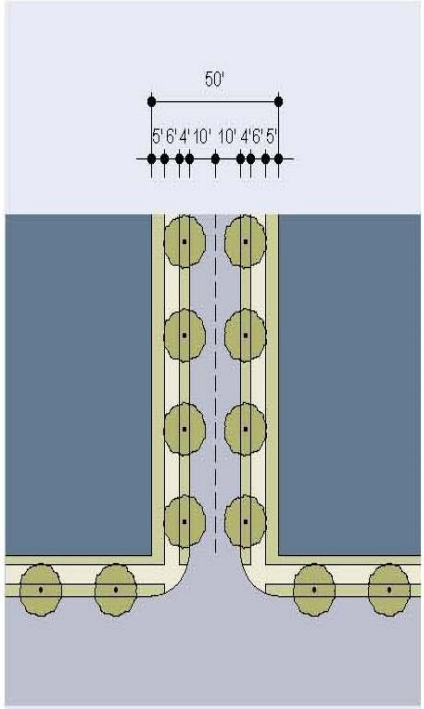
	LS-70-24	LS-60-34
Thoroughfare Type	Local Street	Local Street
Transect Zone Assignment	T5	T4, T5
Design Speed	20 MPH	20 MPH
Pedestrian Crossing Time	7.4 seconds	7.6 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	One side @ 8 feet marked	Both sides @ 8 feet unmarked
Curb Radius	10 feet	10 feet
Walkway Type	Sidewalk / 6 foot / Both Sides	Sidewalk / 10 foot / Both Sides
Planter Type	7 foot continuous Planter	6 foot continuous Planter
Curb Type	Vertical	Vertical
Landscape Type	Medium Street Trees at 30' o.c.	Medium Street Trees at 30' o.c.
Bicycle Lane Type	n/a	n/a

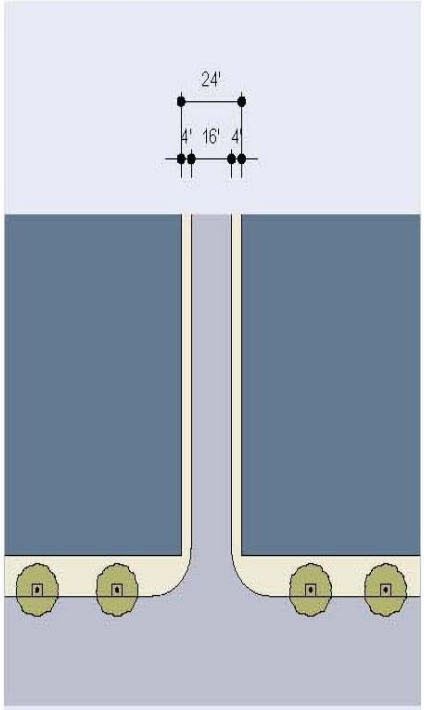
Credit NNC v1.0 adapted by Sandy Sorlien Illustrations by DPZ & Co. from SmartCode 2010

Table 10-9G 11 & 12: Thoroughfare Assemblies The key gives the Thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability.

KEY	LS-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	

THOROUGHFARE TYPES	
Principal Arterial:	PA
Minor Arterial:	MA
Collector:	C
Residential Collector:	RA
Local Street:	LS
Alleys:	A





	LS-50-24	A-24-16
Thoroughfare Type	Local Street	Rear Alley
Transect Zone Assignment	T5	T4, T5
Design Speed	20 MPH	15 MPH
Pedestrian Crossing Time	7.4 seconds	7.6 seconds
Traffic Lanes	2 lanes	2 lanes / No Striping
Parking Lanes	n/a	N/A
Curb Radius	10 feet	10 feet
Walkway Type	6 foot Sidewalk	n/a
Planter Type	4 foot continuous Planter	n/a
Curb Type	Vertical	n/a
Landscape Type	Medium Street Trees at 30' o.c.	n/a
Bicycle Lane Type	n/a	n/a

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Figure 10-9G 1: Public Frontages – Specific This table assembles prescriptions and dimensions for the Public Frontage elements – curbs, walkways and planters – relative to specific thoroughfare types within Transect Zones. Table 2D-a and the Complete Thoroughfares Module assemble all of the elements for the various types. Locally appropriate planting species should be filled in to the calibrated code.

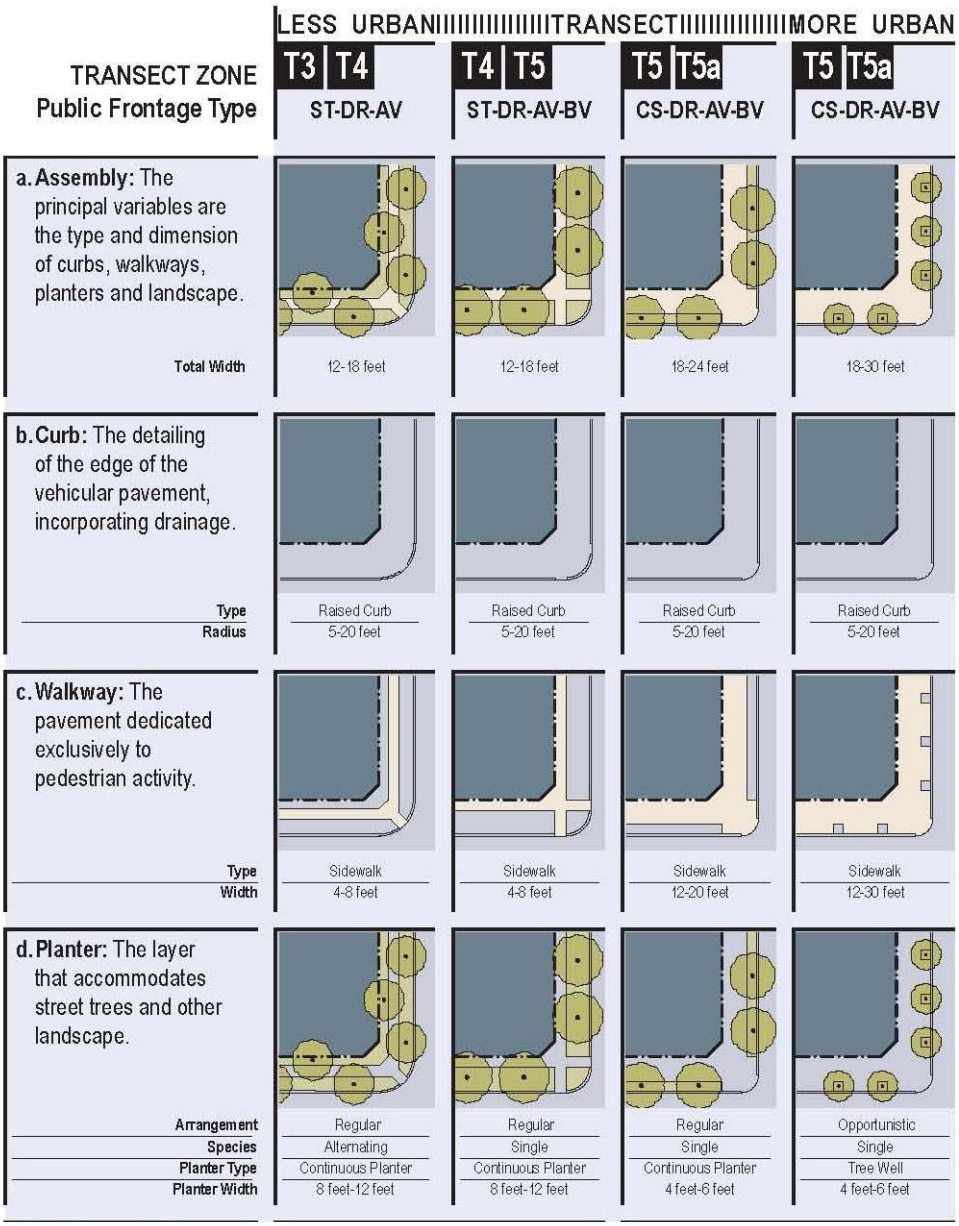

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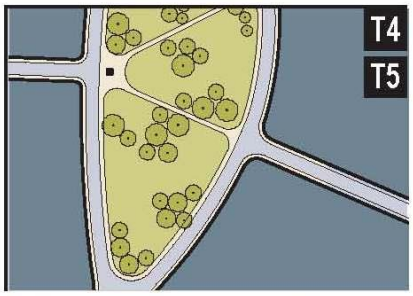
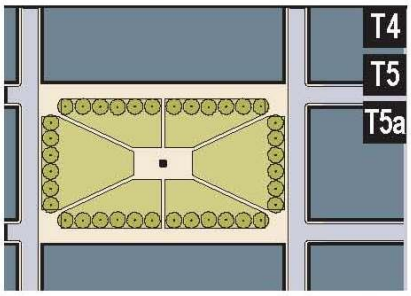
Figure 10-9G 2: Green Space This table indicates the general character of public open space appropriate for each Transect Zone and some basic standards.

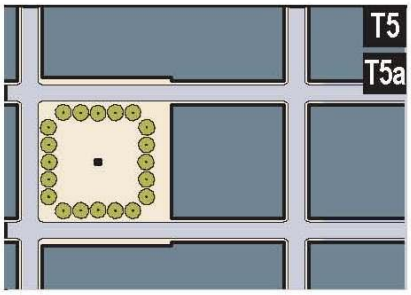
b. Green: An open space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.



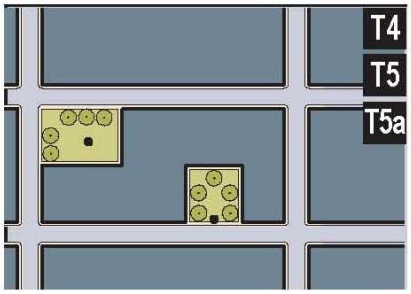
c. Square: An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares should be located at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



d. Plaza: An open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.



e. Playground: An open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.



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H. WV-0 DISTRICT REGULATING PLAN:

The regulating plan sets the standard for development in the WV-O District by regulating the shape and form of the build environment. The transect zone designations are illustrated and described by the Regulating Plan. The zones are established to affect the desired intensity and building scale for specific areas.

1. Transect Zone Descriptions

T5a Waterfront Commercial – The purpose of this zone is to build upon the historical working waterfront character and evolve and transform this district into a vibrant, pedestrian oriented area, which will serve as the social and recreational focal point for the neighborhood. Ground level businesses with residential lodging and offices above are the dominate use and the physical form is regulated to reflect the commercial waterfront character of this neighborhood.

T5 Neighborhood Commercial - The purpose of this zone is to preserve and enhance the existing character of locally serving retail and commercial uses along East 2nd Street. The physical form varies to represent the mixed commercial use of the area with buildings broken down into separate volumes, designed to form part of a larger composition of the area. Shared on-street parking, thoroughfare landscape plantings and pedestrian and bicycle paths are used to re-enforce the pedestrian scale of this neighborhood.

T4 Neighborhood General – The purpose of this zone is to evolve and transform this area into a multi-family district, with limited single family, duplex, mixed use, and live work uses to compliment, reinforce and transition from the commercial uses located along the Intracoastal Waterway and East 2nd Street. The physical form shall be architecturally scaled buildings designed to complement the character of the nearby commercial areas and to add to the pedestrian oriented nature of the district.

GS Green Space – The purpose of this zone is to develop a well designed and strategically placed open space system which function as an organizing element within the neighborhood structure, provides access the outdoors, serves as public gathering places for members of the community, and are essential for health vibrant neighborhoods.

SD Special District – Special Districts designations shall be assigned to an area that, by their intrinsic size, function, or form, cannot conform to the specific requirements of the above transect zones. Special Districts are intended to comply with the general purpose and design of the WV-O District regulations.

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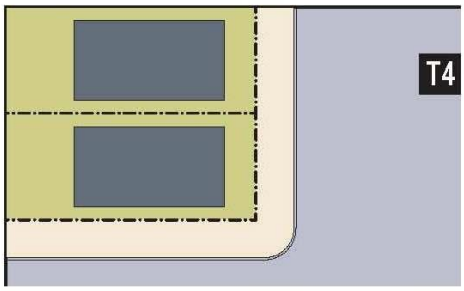
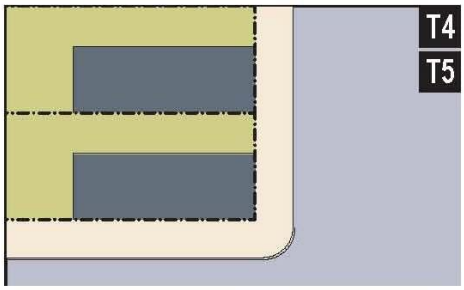
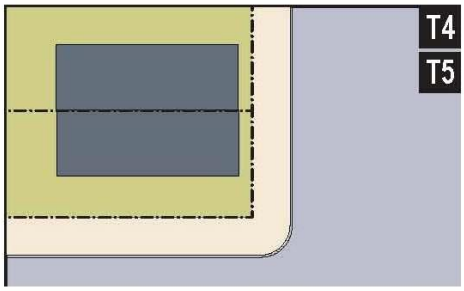
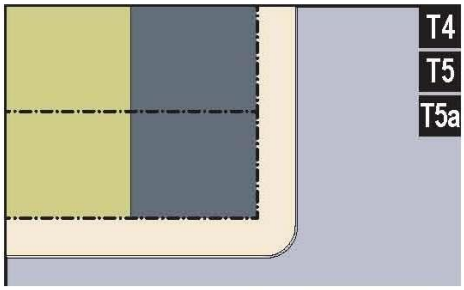
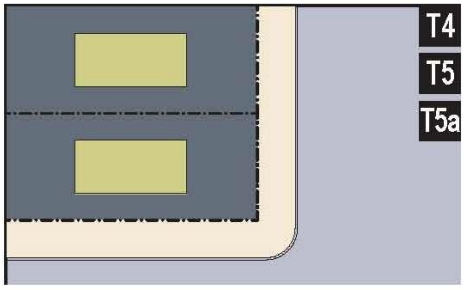
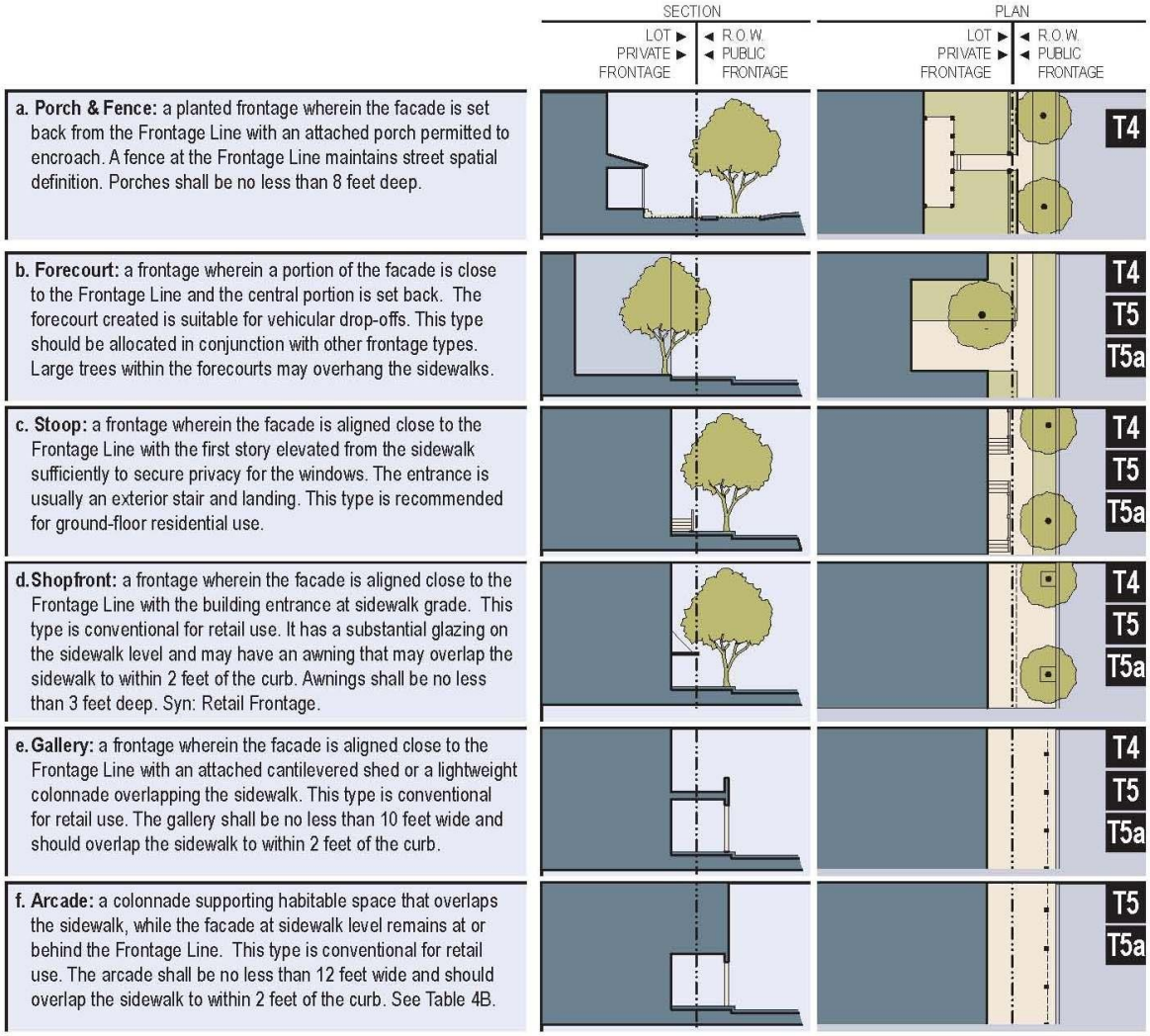
I. Building Form Standards

Figure 10-9 I1: BUILDING FORM STANDARDS This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

a. Edgeyard: Specific types - single family house, detached dwelling, cottage, villa, estate house, urban villa. A building that occupies the center of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage, while the side yards weaken the spatial definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed backbuilding and/or outbuilding.	
b. Sideyard: Specific types - Charleston single house, zero lot line house. A building that occupies one side of the lot with the setback to the other side. A shallow frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze.	
c. Sideyard (variant): Specific types - double house, twin, duplex. If a Sideyard house abuts a neighboring Sideyard house, the type is known as a twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall.	
d. Rearyard: Specific types - townhouse, rowhouse, live-work unit, loft building, apartment house, mixed use block, flex building, perimeter block. A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous facade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse. For its commercial form, the rear yard can accommodate substantial parking.	
e. Courtyard: Specific types - courtyard house, courtyard apartment building, patio house. A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.	

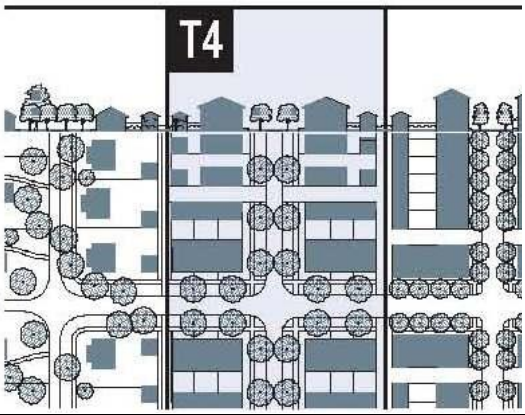
Credit NNC v1.0 adapted by Sandy Sorlien Illustrations by DPZ & Co. from SmartCode 2010

Figure 10-9 I2: Private Frontage The Private Frontage is the area between the building facades and the lot lines.



Credit NNC v1.0 adapted by Sandy Sorlien Illustrations by DPZ & Co. from SmartCode 2010

TABLE 1-9 I11: T4 BUILDING FORM AND PARKING PLACEMENT STANDARDSTABLE

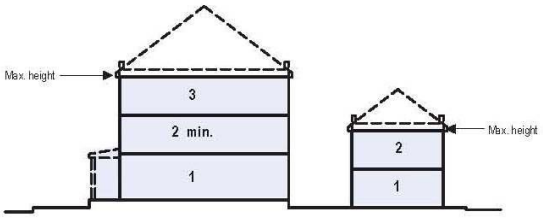


ARCHITECTURAL DESIGN - HEIGHT	
Principle Building	4 stories max, 2 min
Accessory Building	2 stories max
SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback	10 ft min, 15ft max
(g.2) Side Setback Street	5ft min, 10ft max
(g.3) Side Setback, Int.	0ft min, 0ft max
(g.4) Rear Setback	5ft min *
Frontage Buildout	40% min at front setback
SETBACKS - ACCESSORY BUILDING	
(h.1) Front Setback	20ft min + bldg. setback
(h.2) Side Setback	5ft min or 3 ft at corner
(h.3) Rear Setback	5ft min
PARKING PROVISIONS	
Street Setback	Rear 80% of lot depth,
Side Street Setback	5ft min with alley / 20ft min without alley
Side Yard Setback	5ft min
Rear Yard Setback	5ft min
PARKING REQUIREMENTS	
	See Article 10-9 D. 4

*of 15 ft. from center line of alley
"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

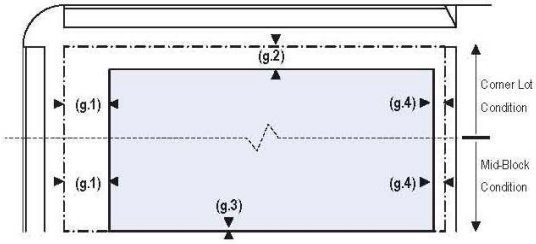
ARCHITECTURAL DESIGN - HEIGHT

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minumum of 9 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck.



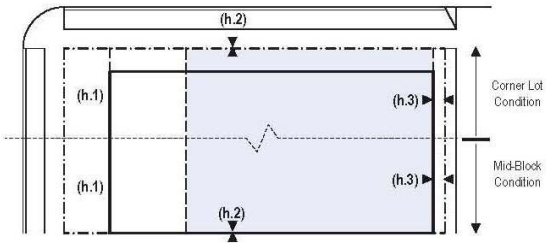
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - ACCESSORY BUILDING

1. The Elevations of the Accessory Building shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram
2. Covered parking shall be provided within the third Layer as shown in the diagram
3. Trash containers shall be stored within the third Layer.

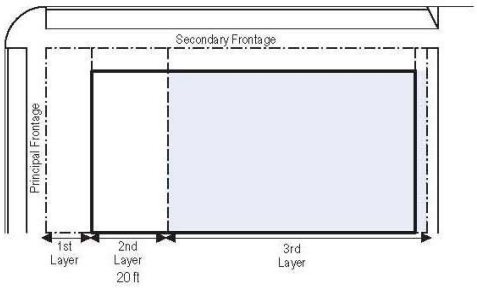


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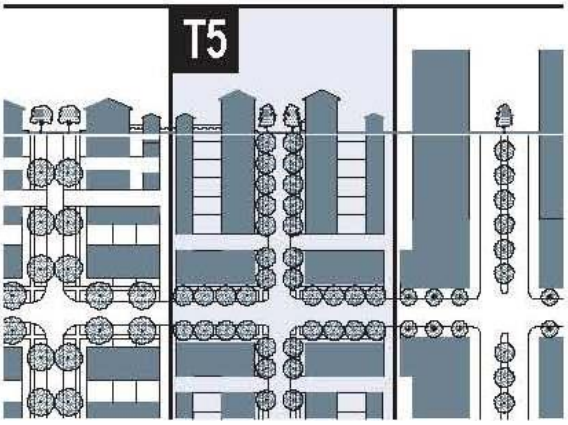
TABLE 1-9I2: T5 BUILDING FORM AND PARKING PLACEMENT STANDARDS TABLE

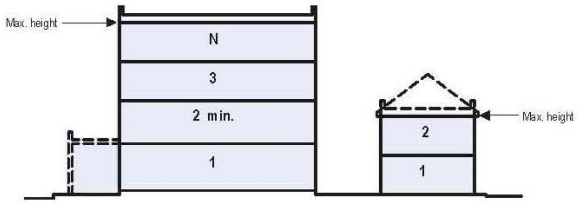


ARCHITECTURAL DESIGN - HEIGHT	
Principle Building	4 stories max, 1 min
Accessory Building	2 stories max
SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback	0 ft min, 5ft max
(g.2) Side Setback Street	0ft min, 5ft max
(g.3) Side Setback, Int.	0ft min, 0ft max
(g.4) Rear Setback	5ft min *
Frontage Buildout	75% min at front setback
SETBACKS - ACCESSORY BUILDING	
(h.1) Front Setback	40ft max from rear property line
(h.2) Side Setback	0ft min or 2 ft at corner
(h.3) Rear Setback	3ft max
PARKING PROVISIONS	
Street Setback	Rear 80% of lot depth,
Side Street Setback	5ft min with alley / 20ft min without alley
Side Yard Setback	5ft min
Rear Yard Setback	5ft min
PARKING REQUIREMENTS	
	See Article 10-9 D. 4

*of 15 ft. from center line of alley
"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

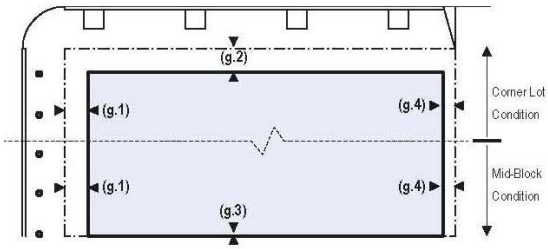
ARCHITECTURAL DESIGN - HEIGHT

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minumum of 12 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck.



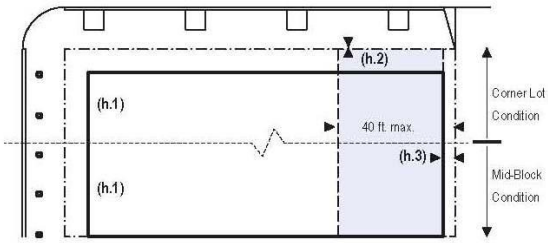
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - ACCESSORY BUILDING

1. The Elevations of the Accessory Building shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d).
3. Trash containers shall be stored within the third Layer.

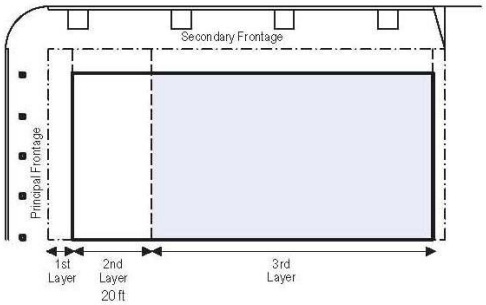


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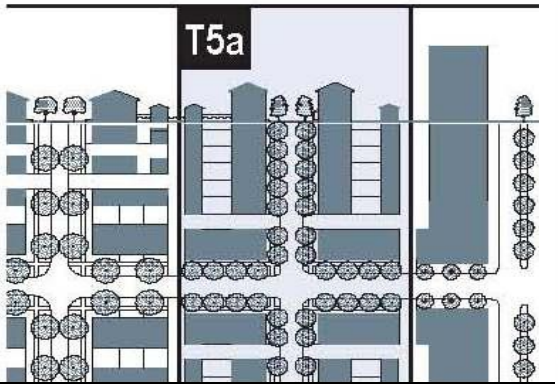
TABLE 1-9I3: T5A BUILDING FORM AND PARKING PLACEMENT STANDARDS TABLE

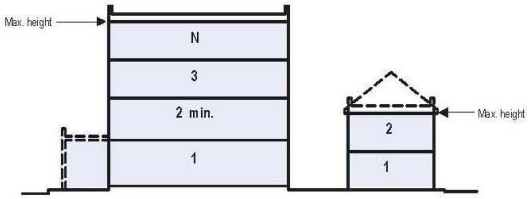


ARCHITECTURAL DESIGN - HEIGHT	
Principle Building	4 stories max, 1 min
Accessory Building	2 stories max
SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback	10 ft min
(g.2) Side Setback Street	5ft min, 10ft max
(g.3) Side Setback, Int.	0ft min, 5ft max
(g.4) Rear Setback	0ft min, 5ft max *
Frontage Buildout	75% min at rear setback
SETBACKS - ACCESSORY BUILDING	
(h.1) Front Setback	10ft min
(h.2) Side Setback	0ft min or 2 ft at corner
(h.3) Rear Setback	0ft
PARKING PROVISIONS	
Street Setback	Front 80% of lot
Side Street Setback	5ft min with alley / 20ft min without alley
Side Yard Setback	5ft min
Rear Yard Setback	5ft min
PARKING REQUIREMENTS	
	See Article 10-9 D. 4

*of 15 ft. from center line of alley
"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

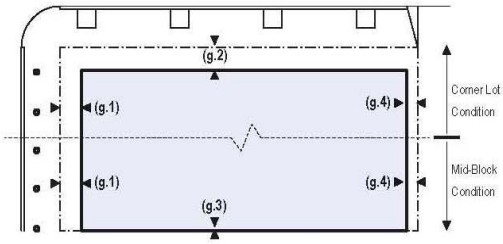
ARCHITECTURAL DESIGN - HEIGHT

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minumum of 12 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck.



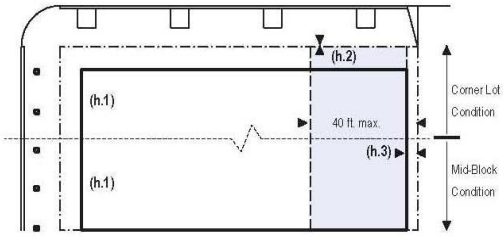
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



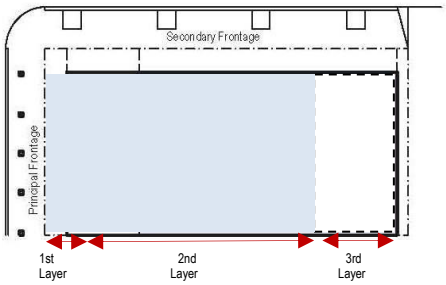
SETBACKS - ACCESSORY BUILDING

1. The Elevations of the Accessory Building shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the 1st & 2nd Layer as shown in diagram.
2. Covered parking shall be provided within the 1st & 2nd Layer as shown in the diagram.
3. Trash containers shall be stored in the 1st & 2nd Layer.



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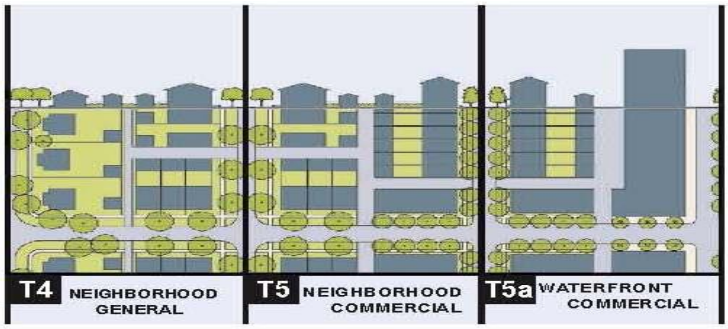
J. Code Summary



THOROUGHFARES (see Section 10-9 G)			
Highway	Not Permitted	Not Permitted	Not Permitted
Boulevard	Permitted	Permitted	Permitted
Avenue	Permitted	Permitted	Permitted
CS	Not Permitted	Permitted	Permitted
Drive	Permitted	Permitted	Permitted
Street	Permitted	Permitted	Not Permitted
Road	Not Permitted	Not Permitted	Not Permitted
Rear Lane	Permitted	Not Permitted	Not Permitted
Rear Alley	Recommended	Recommended	Recommended
Path	Permitted	Not Permitted	Not Permitted
Passage	Permitted	Permitted	Permitted
Bicycle Trail	Not Permitted	Not Permitted	Not Permitted
Bicycle Lane	Permitted	Not Permitted	Not Permitted
Bicycle Route	Permitted	Permitted	Permitted
GREEN SPACES			
Green	Permitted	Permitted	Not Permitted
Square	Permitted	Permitted	Permitted
Plaza	Not Permitted	Permitted	Permitted
Playground	Permitted	Permitted	Permitted
LOT COVERAGE			
Impervious Lot Coverage	70% max.	80% max.	80% max.
SETBACKS			
Front Setback (Principal)	10ft min, 15 ft max	0ft min, 5ft max	10ft min
Side Setback, Interior (Principal)	0ft min, 0ft max	0ft min, 0ft max	0ft min, 5ft max
Side Setback, Street Side (Principal & Accessory)	5ft min, 10ft max	0ft min, 5ft max	5ft min, 10ft max
Rear Setback	5ft min	5ft min	0ft min, 5ft max
Rear Setback, Adjacent to Residential	N/A	15ft	N/A
Accessory Bldg Setback	3rd Layer	3rd Layer	10ft min
% BUILDING FAÇADE AT MINIMUM FRONT SETBACK			
Front, Principal Bldg	40%	75%	75% at rear setback
Side Street, Principal Bldg	40%	75%	50%
Rear, Principal Bldg	N/A	N/A	75%
BUILDING DISPOSITION			
Distance between Principal and Accessory Buildings	5ft	10ft	10ft
Only 1 Principal and 1 Accessory Bldg per Lot	X	N/A	N/A
Street facades must be built to min setback within x' of street corner	10ft	5ft	5ft
Where existing adjacent buildings are in front of the regulated minimum front setback, the building may be set to align with the façade of the front most immediately adjacent building	X	X	N/A
Min setback must be defined by a building or minimum 3ft to 5ft streetscreen	N/A	X	X

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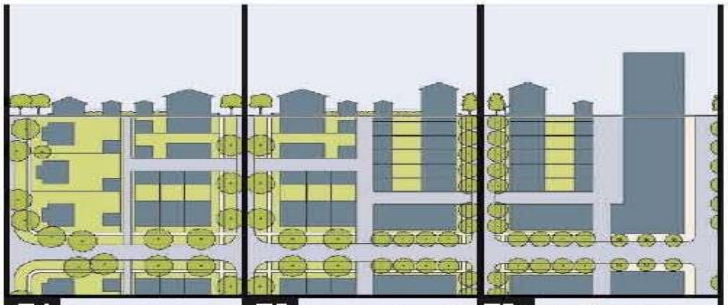
Code Summary (Continued)



ARCHITECTURAL DESIGN - HEIGHT			
Principal Building, Stories (Max/Min)	4/1	4/2	4/1
Principal Building, Corner Lot,Stories (Max/Min)	4/2	5/2	5/2
Ground Story Minimum Ceiling Height	9ft	12ft	12ft
Upper Stories Minimum Ceiling Height	8ft	8ft	8ft
ARCHITECTURAL DESIGN NOTES			
All floors must have a primary entrance along the front façade	X	X	N/A
Functioning doors shall be provided along ground story facades at interals not greater than linear 75 ft	X	X	N/A
Entrances to distinct portions/uses abovethe ground story shall be through a street level lobby directly accessible from the street	X	X	N/A
Any bldgs wider than x' must be designed to read as a series of buildings no wider than x' each	60ft	30ft	N/A
Fenestration shall comprise a minimum of 25% and a maximum of 75% of ground level facades (measured as a percentage of the facades between stories	X	X	X
Blank walls shall not constitute more than 40% of any façade above the first floor	X	X	X
Horizontal massing and modulation is required as stipulated in Article 16-1 of the Zoning Ordinance	X	X	X
Multi-storied buildings shall be composed of a base, middle, and cap as stiplated in Article 16-1 of the Zoning Ordinance	X	X	X
Flat roofs shall be concealed by a horizontal parapet wall no less than 3.5' in height	X	X	X
Postal numbers shall be placed on the front and rear facades when facing an alley or the Intracoastal Waterway	X	X	X
Garage Doors facing a frontage shall be a minimum of 10ft wide	X	X	X
Frontage fences shall be of masonry, ornamental metal, durable wood, or a combination thereof as approved by the reviewing authority	X	X	X
PARKING NOTES			
Parking Drive Medium Width	20ft	24ft	24ft
On lots with alleys or corner lots, all drives shall be located on the alley or sidestreet	X	X	X
Shared drives are encouraged between adjacent lots to minimize curb cuts along the street	X	X	X
No parking spaces are required for Accessory Bldgs ≤500sf	X	X	X
All surface parking areas that are not behind buildings must be screened by a 4' tall fence, or wall in character with the development	N/A	X	X

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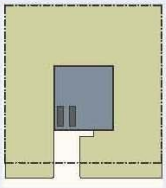
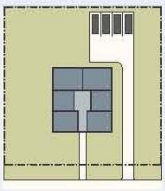
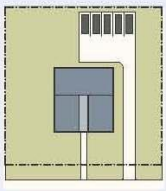
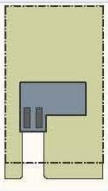
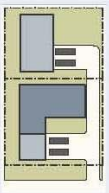
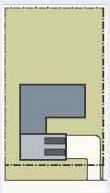
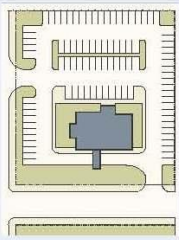
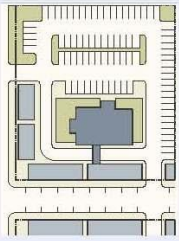
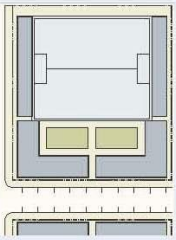
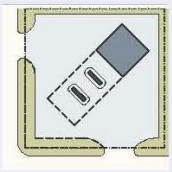
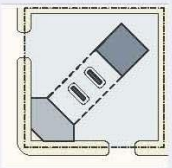
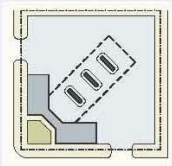
K. Lot and Building Retrofit

This table provides descriptions of the necessary tools to change sprawl building types into neighborhood building types that comport with this code.

SPRAWL BUILDING TYPES		TECHNIQUES	REPAIRED BUILDING TYPES			
McMANSION		• Subdivide mansion into multiple bedrooms • Design a common living/ dining/ entertainment area • Subdivide mansion into three or more flats • Organize parking behind the building	SENIOR / STUDENT HOUSING	T4 	APARTMENTS	T4 
FRONT-LOADED HOUSE		• Subdivide the Lot into a duplex • Add to the house in the front Setback, creating Live-Work, garage, family room, bedroom, etc.	DUPLEX	T4 	LIVE-WORK	T4 
DRIVE-THRU		• Add liners in front of building to create a main street • Keep drive-thru • Replace buildings with perimeter block	LINERS / MAIN STREET	T4 T5 	NEIGHBORHOOD STORES	T5 
GAS STATION		• Keep gas station and pumps and build a corner store at the intersection • Eliminate gas station; keep the pumps and increase them, plus build a corner store on both sides of intersection	CORNER STORE	T4 	CORNER STORES	T4 T5 

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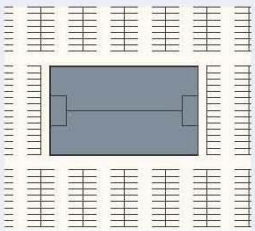
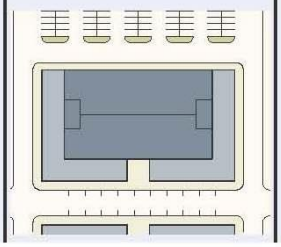
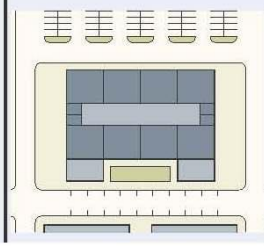
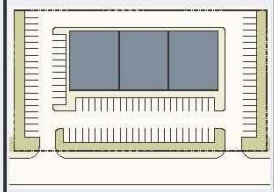
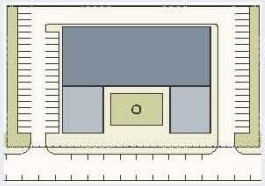
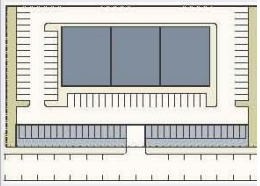
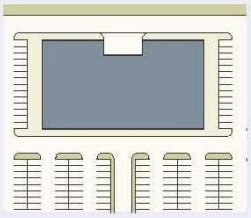
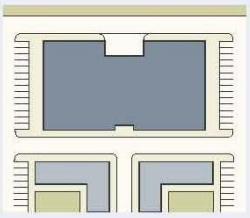
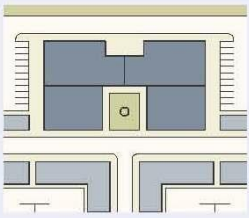
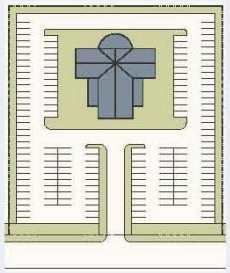
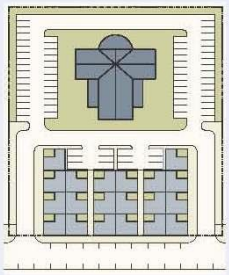
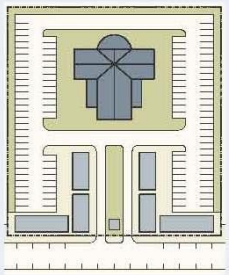
Lot and Building Retrofit (Continued)

SPRAWL TYPES		TECHNIQUES	REPAIRED TYPES			
PARKING GARAGE		• Wrap the garage with a Liner Building • Convert the garage into lofts or Offices • Create a street • Reorganize parking; create on-street parking •	LINERS	T5 T5a 	LOFTS / OFFICES	T5 T5a 
STRIP CENTER		• Convert the strip center into a recycling center • Convert the building into Offices with liners in the front	RECYCLING CENTER	T4 T5 	LINERS	T4 T5 
BIG BOX		• Create a main street terminating on building • Convert building into Civic, Office, industrial • Add lined or underground garages along the main street	LINERS	T5 T5a 	CIVIC INSTITUTION	T5 T5a 
RELIGIOUS BUILDING		• Infill the parking lot in front of religious building with Senior Courtyard Housing • Create a main street with Liner Buildings terminating on building	SENIOR HOUSING CAMPUS	T4 	CIVIC GREEN AND LINERS	T4 T5 

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ARTICLE 11: SPECIFIC USE REGULATIONS

§11-1. Bed and Breakfast.

A. Use Regulations.

1. Intensity of Use. A minimum of 500 sf of interior floor area is required for each guest room. Therefore, the maximum number of allowable guest rooms shall be determined by dividing the gross interior floor area of the Structure (excluding garages) by 500 sf. Additionally, no more than fifty (50) percent of the GFA (excluding garages) of the Principal Structure shall be utilized for guest accommodations. All guest rooms shall be located within the Principal Structure.

2. Length of Stay. The maximum length of stay shall be limited to thirty (30) consecutive days and guests shall be prohibited from staying at the same Bed and Breakfast establishment for more than sixty (60) days within any one (1) year period.

3. No more than two (2) persons shall be allowed to occupy any one guest room at any time, except in the case where an infant child less than five (5) years of age occupies the same room. In no case shall any Bed and Breakfast be allowed to exceed its total occupancy limit as established by the City at the time of approval.

4. The only meal provided to guests shall be breakfast, and it shall be served only to guests Lodging in the facility. Additionally, individual guest rooms shall contain no cooking facilities, and no food preparation or cooking shall be allowed.

B. Parking. For each and every guest room as approved by the City, there shall be provided one (1) parking space, which is in addition to all other required parking spaces. Such additional required parking spaces shall be properly situated on site, shall be properly Screened from Adjacent properties, and shall be arranged so that each space has direct access to a Driveway, whether from a public Thoroughfare or Alley. Such parking areas should not detract from the residential character of the neighborhood. Recreational Vehicle parking shall be prohibited.

C. Building Design Standards.

1. Interior. Only minimal interior modifications shall be allowed whenever it is necessary to meet Building Code or Health Department requirements.

2. Exterior. Aside from any alterations necessary to ensure the safety of the Structure, no exterior modifications shall be allowed (other than provision for a separate entrance) unless approved by the City Council as a part of the Condition Use Permit approval process. Approved exterior modifications should not detract from the residential character of the Structure or the neighborhood.

D. Spacing Requirements. In order to prevent the proliferation of Bed and Breakfast establishments within residential neighborhoods, all such uses shall maintain a minimum spacing distance of 1,000 ft (radius).

§11-2. Automotive Service Stations.

A. Use Limitations. The following uses shall be prohibited: painting, body work, major repair, dismantling for recovery of parts, and sales or rental of motor vehicles or trailers.

B. Area and Dimensional Requirements.

1. Min. Lot Size: 15,000 sf

2. Min. Lot Frontage: 100 ft

3. All oil drainage pits and hydraulic lifts shall be located within an enclosed Structure and shall be located no closer than fifty (50) ft to an Abutting residential district Lot Line and no closer than twenty-five (25) ft to any other Lot Line.

4. All permitted mechanical repair work shall be conducted within an enclosed Structure and shall be located no closer than fifty (50) ft to any Abutting residential district Lot Line and no closer than twenty-five (25) ft to any other Lot Line.

5. Fuel pumps, pump islands and other service facilities may occupy Required Yards; however, such shall be set back at least twenty (20) ft from any Front Lot Line and thirty (30) ft from any other Lot Line.

C. Additional Regulations.

1. No storage of vehicles shall be permitted for periods in excess of thirty (30) days.

2. There shall be no outdoor storage or display of tires or automotive parts.

3. Screening shall be provided as required by §12-2 Screening, which shall also apply to storage areas for vehicles being serviced on the premises.

4. Buffers. See §12-3 Buffers.

5. Access Standards. See §6-11 Access Standards.

6. Lighting. See §6-12 Outdoor Lighting Standards.

§11-3. Townhouses.

Townhouses shall conform to all regulations of the district in which they are located unless specifically exempted or modified by this Section.

A. General Requirements.

1. Townhouses shall be served by public water and sewer.

2. No Townhouse site shall share the same Block Frontage with detached Single-family Dwellings.
3. Required Open Space may be included on each Lot, preferably in a Rear Yard, or in a Common Open Space, accessible to all residents of the Townhouse development.
4. The overall Density shall not exceed the maximum permitted in the Applicable District.
5. Each Townhouse Lot shall have access to a public Thoroughfare; except in the case of a planned unit development wherein up to ten (10) percent of Townhouse units may front on a Common Open Space.
6. No less than three (3) nor more than eight (8) Townhouses shall be located within a continuous Building group and no interconnection or overlapping between individual Dwelling Units shall be permitted.
7. The design of Townhouse developments must provide for internal traffic circulation and appropriate access for service and emergency vehicles.
8. Off-street parking shall be provided at the rear of each unit, in a central parking area behind the units, or in individual garages accessible from the rear of each Dwelling, whether attached to the Townhouse Building group or not. In no case, shall off-street parking be permitted between the Front Building Line and the Front Lot Line.

B. Area and Dimensional Requirements. Refer also to Figure 11-4.

1. Min. Site Area – 14,000 sf
2. Min. Lot Area - 2,500 sf
3. Min. Lot Width - 20 ft
4. Max. Building Height - 3 Stories
5. Min. Open Space – 30%

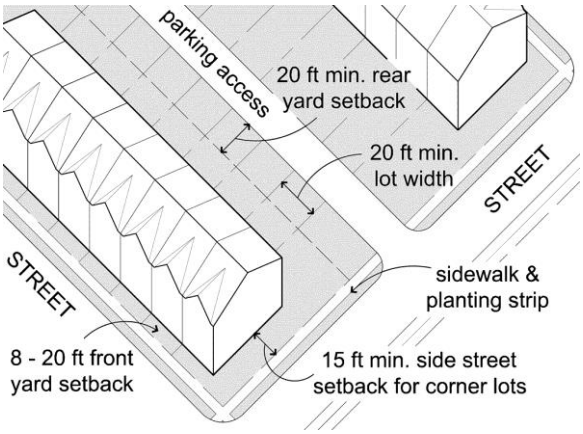


Figure 11-4: Townhouse dimensional requirements

6. Front Yard Setback. Townhouses shall be set back no less than eight (8) ft and no more than twenty (20) ft from the nearest edge of a required sidewalk. Where the Front Yard is less than twelve (12) ft, the ground floor of the unit shall be no less than two (2) ft above Grade Level.
7. Setbacks for Corner Lots. There shall be a minimum Street Side Yard of fifteen (15) ft from the nearest edge of a required sidewalk.
8. For Principal Buildings, the minimum Rear Yard Setback shall be twenty (20) ft. Where an Alley is present at the rear of the Lot, the minimum Rear Yard Setback for Accessory Buildings shall be twelve (12) ft from the Alley centerline. See also §12-3 Buffers.
9. The maximum Building Coverage shall not exceed that permitted by the Applicable District.
10. Separations between Building groups shall comply with the spacing requirements in §6-2D Buildings per Lot. Side Yard requirements are waived so that individual housing units within a group can share common walls, however, no Building group shall be nearer to the side lines of the overall Lot than the required Side Yard Setback for the applicable district.

C. Additional Requirements. Townhouse developments, in addition to complying with all applicable sections of this Ordinance, shall comply with one (1) of the following methods of land transfer and ownership:

1. The subdivision of the whole tract into individual Parcels in accordance with this Ordinance, together with the platting of the property of record in accordance with the Subdivision Regulations; or
2. Providing for the development of the entire tract in accordance with this Ordinance, retaining, however, title to all of the lands in the name of the Condominium owners, and providing for all other usual Condominium documents and procedures; or
3. Providing for the development of the entire tract in accordance with this Ordinance, retaining, however, title to all of the lands in a single ownership by recording a duly executed declaration of restrictions in the office of the Baldwin County Probate Judge, thereby stipulating that said tract shall not be eligible for further subdivision.

§11-4. Pawn Shops, Collateral Loan/Exchange, Payday Loan and Check-Cashing Establishments.

Because of their very nature, pawn shops and collateral loan/exchange, payday loan and check-cashing establishments are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon Adjacent areas. Therefore, not more than two such uses shall be

permitted within 1,000 ft of each other. Nor shall any such use be located closer than 1,000 ft to the nearest boundary of any Single-family residential district boundary, as measured from the nearest Lot Line of the property on which the use is contemplated.

§11-5. Home Occupations.

A. General Restrictions. Home Occupations shall be clearly incidental to the residential use of the Dwelling and shall not change the essential residential character of the Dwelling or adversely affect the uses permitted in the Applicable District. No Home Occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other conditions, which would constitute an objectionable use of residentially zoned property.

B. Application. Any person desiring to operate a Home Occupation shall submit an application to the Zoning Official. The applicant shall present evidence of ownership of the property in question, or a signed and notarized letter from the owner authorizing the application. The Zoning Official shall have ten (10) days in which to act on an application.

C. Approval. Final approval shall be contingent upon the applicant obtaining a valid business license from the City.

D. Limitation on Type of Home Occupation.

1. No more than one (1) Home Occupation shall be approved in any residential Dwelling Unit.
2. Area used for a Home Occupation shall not exceed twenty (20) percent of the GFA in the Principal Building, up to a maximum of 500 sf.
3. Employment shall be limited to members of the Family residing in the Dwelling, and there shall be no employment of help other than members of the resident Family.
4. No internal or external addition, alteration of the Dwelling is permitted to accommodate the Home Occupation.
5. The operation of a Home Occupation shall not create any nuisance such as an increase in traffic, On-street Parking, excessive noise, vibration, Glare, odor, fumes, dust, heat, fire hazards, electrical interference (including radio, television, and telephone interference) or fluctuation in line voltage.
6. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the Home Occupation; nor shall the operation of a Home Occupation be present or noticeable beyond the property boundaries of the Home Occupation Premises.
7. Only articles made on the Premises may be sold on-premises; except that nondurable articles (consumable products) that are incidental to a service, which service shall be the Principal Use in the Home Occupation, may be sold on the Premises. Other on-site sales, excluding those by phone, fax, mail, internet and similar remote methods, shall be prohibited.
8. Instruction in music, dancing and similar subjects shall be limited to two students at a time.
9. The activity carried on as a Home Occupation shall be limited to the hours between 7 a.m. and 10 p.m.
10. One professional or announcement sign may be used to identify the customary Home Occupation. Such sign shall not exceed two (2) sf in area exposed to view and must be mounted flat to the main wall of the Principal Building. No such sign shall be Directly Illuminated.
11. Home Occupations shall not include the following:
    a. Uses which do not meet the provision listed above
    b. Automobile and/or body and fender repairing
    c. Barber shops and beauty parlors
    d. Food handling, processing or packing
    e. Repair, manufacturing and processing uses; however, this shall not exclude the Home Occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution
    f. Restaurants
    g. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds, or other animals
    h. Rental of vehicles or equipment of any kind
    i. Tattoo Parlor and Body Piercing Studios.

E. Expanded Home Occupation Uses Permitted within the AG District. The expanded Home Occupation uses as follows shall apply only to those properties within and which meet the minimum Lot size requirements of the AG District and except as otherwise specified within this section, the limitations on Home Occupations as outlined in Paragraph D above shall apply:

1. The Home Occupation may occupy all or a portion of an approved Accessory Building subject to §6-6 Accessory Buildings and Structures.
2. Employment shall be limited to members of the Family residing in the Dwelling except for laborers associated with permitted agricultural activities on the Premises.

3. The open display of produce grown on the Premises or other consumable products produced on the Premises shall be allowed from an approved Accessory Use subject to §6-6 Accessory Buildings and Structures.

4. Instruction in music, dancing, quilting, dressmaking, horse riding, cooking and similar subjects shall be limited to ten (10) students at a time and shall not occur more frequently than three (3) days per week.

§11-6. Sale of Personal Vehicles and Vessels.

The parking of personal vehicles or vessels on property within a business, Lodging or industrial district for the purpose of display for casual sale in accordance with the provisions of this Section shall not be deemed a "use" of the property otherwise subject to this Ordinance.

A. For purposes of this Section, "vehicle" shall mean a motor vehicle, including automobiles, busses, trucks, campers, motorcycles and Recreational Vehicles. "Vessel" shall mean a recreational watercraft, including power boats, sailboats, canoes, jet skis, and waverunners.

B. A maximum of two (2) personal vehicles, two (2) personal vessels, or one (1) personal vehicle and one (1) personal vessel may be parked on property within a Business, Lodging or Industrial district by the owner or exclusive lessee of such property for the purpose of display for casual sale. The maximum applies to each site under common ownership or leasehold regardless of the number of Parcels or Lots of which the site may be comprised and regardless of the overall size of the site. To be included within the coverage of this Section, a vehicle or vessel must be the personal property of the owner or exclusive lessee of the property on which it is displayed, and the owner of the vehicle or vessel must not otherwise be in the business of the sale of such types of vehicles or vessels.

C. No vehicle or vessel shall be displayed:

1. in areas of improved property designated by Site Plan or otherwise as required parking or Landscaping areas;

2. in any manner so as to impede the circulation of traffic on, to, or from the property; or

3. so as to block or reduce the visibility of traffic to vehicles entering, exiting, or passing the property or to otherwise create a hazardous or unsafe condition.

D. Any vehicle or vessel displayed for sale under this Section must be identified with a sign or signs not exceeding two (2) sf in total area on which the name and telephone number of the owner are clearly indicated.

E. This Section shall not be construed to permit the parking of personal vehicles or vessels for display for casual sale within any portion of any opened or unopened public right of way.

F. This Section shall not be construed to permit the parking of personal vehicles or vessels for display for casual sale on any property having multiple occupants, tenants, or lessees, including, without limitation, shopping centers, office complexes, and Condominiums.

G. This Section shall not be construed to expressly or impliedly repeal or preempt any provision of the Code of Ordinances as now or hereinafter in effect, including, without limitation, Section 14-20 of the Code of Ordinances prohibiting the parking or storing of abandoned, wrecked, dismantled, inoperative, rusted, Junked, or partially dismantled motor vehicles in the City.

§11-7. Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities shall comply with Chapter 7, Article IX of the Code of Ordinances.

§11-8. Marina and Marina Facilities.

A. Intent: It is the intent of these Marina and Marina Facilities Development Criteria to establish minimum regulations for the operation of Marinas in order to allow for Marina activities while protecting the public peace and welfare, preserving property values, and mitigating environmental impacts to waters and lands within the City.

B. Applicability. These regulations shall apply to all Marina operations. In unusual circumstances and for good cause shown, these requirements may be waived or modified through the required Conditional Use Permit (CUP) public hearing process.

The docking only of fewer than ten (10) boats as an Accessory Use to a permitted Principal Use where no provision of services or dry storage is offered shall not be considered a Marina. However, any such facility that is deemed to have potential negative effects on Adjacent lands and waters may be made to comply with the Marina regulations of the City.

C. Required Approvals. Where permitted, a Marina and all associated activities shall be allowed only by Conditional Use Permit (CUP) process in accordance with §3-4 Conditional Use Permit. All Marinas within the City shall comply with the provisions of this Section and Article 13 of the Code of Ordinances (and any amendment thereto). At the discretion of the City, the applicant may be required to submit and receive approval as required by Article 13 of the Code of Ordinances prior to or commensurate with the CUP process.

D. The City shall render its decision on the CUP Application after a public hearing and upon a finding that the proposed use is consistent with the CUP procedures, not hazardous to surrounding property, is in accordance with the spirit and purpose of this Section, consistent with federal, state, and county requirements, and other applicable regulations.

E. State & Federal Jurisdiction. All state and federal agency approvals and/or permits from the Alabama DCNR, ADEM, the State Lands Department, and the US Army Corps of Engineers, and any other relevant agency shall, unless granted relief from the Zoning Official, be provided at the time of application. In the event of conflict between these City regulations and state/federal rules or laws, the state or federal or law shall apply to the extent that these standards have been preempted; otherwise, the more stringent regulations shall apply.

F. Compliance with Regulations. Marinas shall comply with all City regulations including, but not limited to, this Ordinance and Building construction codes, as applicable.

G. Proximity to Other Uses. For Marina Facilities located Adjacent to residential districts, no fueling or launching facilities shall be located within fifty (50) ft of any residential property line.

H. Location of Exits and Entrances. Entrances and exits for vehicles to and from Marinas shall not be closer than 100 ft to the intersection of street ROW Lines or as otherwise required by §6-11 Access Standards.

I. Lot Size. Marinas shall be located on a Lot of not less than one acre (43,560 sf) and have a minimum frontage of 200 ft.

J. Location of Activities.

1. All oil drainage pits and hydraulic lifts shall be located within an enclosed Structure and shall be located no closer than fifty (50) ft to any Abutting residential district Lot Line and no closer than twenty-five (25) ft to any other Lot Line. No fuel storage facility or sanitary pump-out station holding tank shall be located over water.

2. All mechanical repair work shall be conducted within an enclosed Structure and shall be located no closer than fifty (50) ft to any Abutting residential district Lot Line and no closer than twenty-five (25) ft to any other Lot Line. Only minor repairs involving the replacement of small parts may be performed outdoors or while vessels are in the water.

3. Gasoline pumps shall be set back a minimum of twenty (20) ft from any Front Lot Line and thirty (30) ft from any other Lot Line. Fuel station design shall facilitate easy clean up and the prevention of spilled fuel.

K. Hours of Operation. No fueling or servicing of boats shall occur after 9:00 p.m. or prior to 6:00 a.m. Sanitary pump-out stations shall be available to Marina users twenty-four (24) hours a day.

L. Storage of Boats. Boats may be stored outdoors if adequately Screened from public view and other use areas by opaque fencing and Landscaping, in accordance with §12-2 Screening. Dry storage Buildings for storing boats shall meet the area and dimensional regulations for the Applicable District. Such Buildings must be visually enhanced with architectural treatments. Modifications to architectural requirements in Article 16 may be approved through the CUP process. Dry storage Buildings are limited to a maximum height of thirty-five (35) ft.

M. Public Education. Education/outreach/training programs should be instituted for boaters, as well as Marina owners and operators, to prevent improper disposal of polluting materials. “Clean Marina” and environmental boating tips signs shall be displayed in conspicuous places.

N. General Criteria. The following additional requirements shall be complied with:

1. Dry storage, charter fishing services, boat tours, and Boatyards may be authorized as an Accessory Use in an approved Marina when specifically requested and approved by the City.

2. A pre-development water quality and habitat assessment may be required by the City to serve as a baseline for future analyses.

3. Adequate spill containment measures shall be taken and equipment shall be conspicuously signed and conveniently available to Marina users.

4. The Marina shall post no hazard or obstruction to navigation, as determined by the City or any state/federal agency.

5. The Marina shall not adversely affect the environment, including both onshore and offshore natural resources including, but not limited to, shellfish, Wetlands, aquatic and riparian habitat.

6. Direct discharge or run-off from parking lots or paved areas to water bodies is prohibited. Efforts must also be made to prevent the infiltration of harmful substances into the groundwater.

7. Shoreline stabilization may be required to control runoff or to prevent nonpoint source pollution.

8. Trash and recycling receptacles shall be provided at all gangways, restrooms, and elsewhere as required

by the City. At least one (1) dumpster and recycling station shall be provided on shore for the entire Marina. Sufficient lavatories and water closets shall be provided in public spaces.

9. Appropriate Open Space facilities, such as picnic grounds, gathering areas, shaded areas, and swimming pools shall be provided for patrons.

10. Marinas shall provide fish clean-out stations and display signs prohibiting the dumping of fish and other animal wastes into water bodies.

11. Appropriate design considerations shall be incorporated that will allow for adequate tidal or current flushing of the Marina.

12. Rear Yard (water body) Setbacks may be reduced or eliminated upon approval of a CUP. Buildings constructed over water are subject to City and state/ federal permitting.

13. Signage identifying and directing patrons to pump-out stations, gas pumps, dump stations, spill containment equipment, fish clean out areas, etc., shall be clearly displayed.

14. Marina parking shall be provided as specified in Article 14.

§11-9. Rooming/Boarding Houses and Employment Dormitories.

A. General Requirements. Rooming/Boarding Houses and Employment Dormitories shall comply with the following provisions:

1. The subject property shall have access to and be served by public sewer and water.

2. Meals may be served for compensation only to boarders or residents; in no case shall meals be served for compensation to persons who do not reside on the premises. No cooking facilities shall be permitted in any boarding or dormitory room.

3. Boarding and dormitory rooms shall not be rented on an annual basis but may only be rented on a weekly or monthly basis.

4. Other than an approved driveway, no off-street parking shall be permitted forward of the Front Building Line. At least one and one-half (1.5) off-street parking spaces shall be provided per two (2) boarding or dormitory rooms.

5. Rooming/Boarding Houses and Employment Dormitories shall comply with all State and County requirements for such uses.

B. Specific Requirements for Rooming/Boarding Houses.

1. Rooming/Boarding Houses shall only be permitted in Single-family detached Dwellings and shall be operated by the owner and primary occupant of the Dwelling.

2. Occupancy shall not exceed four (4) boarding rooms.

C. Specific Requirements for Employment Dormitories.

1. Dormitory rooms shall not be considered separate dwelling units for the purposes of this Ordinance.

2. Employment Dormitories shall be limited to a height of three (3) stories or the maximum height of the applicable district, whichever is more restrictive.

3. For determining landscaping, screening and buffer requirements in Article 12, Employment Dormitories shall be subject to the same requirements as Multiple-family Dwellings.

§11-10. Conservation Subdivisions.

A. Intent.

1. To provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards, environmentally sensitive areas or environmental regulations, which may limit the amount or type of development on such properties;

2. To enhance quality of life by promoting the creation of accessible greenspace throughout the community;

3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;

4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation;

5. To encourage interaction within the community by allowing clustering of homes and orienting them closer to the street, thereby providing gathering places and encouraging the use of parks as focal points within the community;

6. To encourage street systems that tend to reduce traffic speeds and reliance on main arteries.

7. To promote construction of convenient walking trails, bike paths, and Greenways within new developments that are connected to Adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and

8. To reduce perceived Density by providing a maximum number of Lots with direct access to and views of Open Space.

B. Applicability. The Conservation Subdivision option is available as a use by right in any zoning district in which Single-family detached Dwellings may be permitted. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except

those which may be modified as specified within this Section.

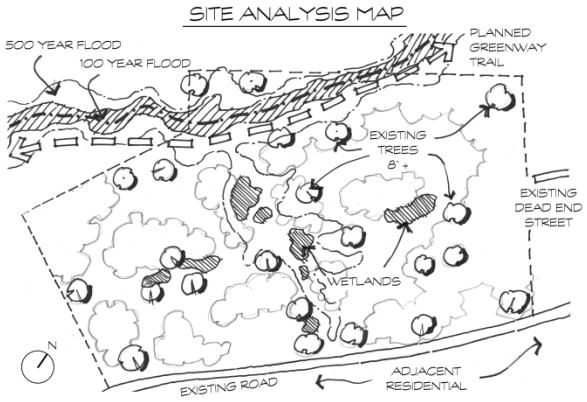
C. Ownership of Development Site. The tract of land to be subdivided and/or developed may be held in single, separate, and multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

D. Density Determination. The maximum number of Lots shall be determined by the minimum Lot size of the Applicable District, the minimum Lot size as required by City or County Health Department Standards for septic tank use (or similar Density limitation where applicable), or the maximum Density of the Applicable District, whichever is most restrictive. Furthermore, density determination shall also take into account the amount of land necessary for internal streets and other subdivision requirements. In making this calculation, the following shall not be included in the total acreage of the Parcel:

1. Bodies of open water over 5,000 sf of contiguous area; and
2. Wetlands, as defined by the City or by the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act.

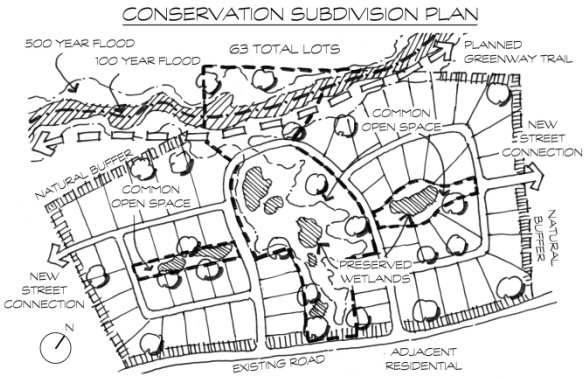
E. Application Requirements.

1. Site Analysis Map Required. Concurrent with the submission of a subdivision plat, the Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this Section. The site analysis map shall include those items required by the CDD for Conservation Subdivision Preliminary Site Plans.



Site Analysis Map

2. Conservation Subdivision Plan. The developer shall prepare a Conservation Subdivision plan which yields no more Lots than identified under §11-10D. The Conservation Subdivision plan shall identify Open Spaces to be protected in accord with §11-10F and may include Lots which do not meet the size and Setback requirements of the Applicable District. The Conservation Subdivision Plan shall include an Open Space management plan, as described in §11-10E and shall be prepared and submitted prior to the issuance of a land disturbance permit.



Conservation Subdivision Plan

3. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in this §11-10F, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
4. Other Requirements. The Applicant shall adhere to all other applicable requirements of the Applicable District and the Subdivision Regulations.

F. Open Space Management Plan. For the purposes of Conservation Subdivisions, Open Space is defined as the portion of the conservation development or subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.

1. Standards to Determine Open Space.
   a. The minimum restricted Open Space shall comprise at least twenty-five (25) percent of the gross tract area.
   b. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
      (1) Riparian zones of at least 75 ft width on each side from the centerline of every perennial and intermittent stream shown on the United

States Geological Survey (USGS) quadrangle topographic maps.

(2) Slopes above twenty-five (25) percent of at least 10,000 sf contiguous area;

(3) Wetlands determined to be jurisdictional by the Corps pursuant to Section 404 of the Clean Water Act;

(4) Land seaward of the Coastal Construction Control Line

(5) Beach mouse habitats and populations of endangered or threatened species, or habitat for such species;

(6) Existing and planned trails that connect the site to neighboring areas; and

(7) Total area of jurisdictional wetlands filled within the five (5) years prior to application submittal.

c. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:

(1) The 100-year floodplain;

(2) Non-jurisdictional wetlands that meet the definition of a wetland given in the 1987 Corps Wetlands Delineation Manual;

(3) Important historic sites, archaeological sites, cemeteries and burial grounds;

(4) Existing healthy, native forests of at least one (1) acre contiguous area;

(5) Beach access in coastal areas;

(6) Individual existing healthy trees greater than eight (8) inches Caliper; and

(7) Other significant natural features and scenic viewsheds, particularly those that can be seen from public Thoroughfares.

d. Utility rights-of-way and small areas of Impervious Surface may be included within the protected Open Space but cannot be counted towards the twenty-five (25) percent minimum area requirement (exception: historic Structures and existing trails may be counted). Large areas of Impervious Surface, such as streets and parking lots shall be excluded from the Open Space.

e. At least thirty-three (33) percent of the Open Space shall be suitable for passive recreational use.

f. At least seventy-five (75) percent of the Open Space shall be in a contiguous tract, which may be divided by a local Thoroughfare whose area shall be excluded from the Open Space. The Open Space shall adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

g. The Open Space shall be directly accessible to the largest practicable number of Lots and/or Buildings within the site. Non-Abutting Lots shall be provided with safe, convenient access to the Open Space.

2. The following uses shall be permitted within the Open Space:

a. Conservation of natural, archeological or historical resources;

b. Meadows, woodlands, Wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

c. Boardwalks or walking or bicycle trails constructed of porous paving materials;

d. Passive recreation areas, such as open fields;

e. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include Impervious Surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.

f. Landscaped Stormwater Management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;

g. Easements for drainage, access, and underground utility lines;

h. Other conservation-oriented uses compatible with the purposes of this Ordinance.

3. The following uses shall be prohibited within the Open Space:

a. Golf courses;

b. Roads, parking lots and similar Impervious Surfaces, except as specifically authorized in this §11-10F;

c. Agricultural and forestry activities not conducted according to accepted Best Management Practices;

d. Impoundments; and

e. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

4. Ownership and Management of Open Space. Ownership and maintenance of the Common Open Space and any facilities thereon shall be as provided for in §6-14 Ownership and Management of Common Open Spaces.

5. Legal Instrument for Protection of Open Space. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this §11-10, as well as any further restrictions the Applicant chooses to place on the use of the Open Space. The instrument shall be one of the following:

a. A permanent conservation easement in favor of either:

(1) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*

(2) a governmental Entity with an interest in pursuing goals compatible with the purposes of this Ordinance, and if the Entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.

b. A permanent restrictive covenant for conservation purposes in favor of a governmental Entity.

c. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

G. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the Open Space, the applicant may request the County Tax Assessor to reassess the Open Space at a lower value to reflect its more limited use.

§11-11. Cottage Subdivisions and Developments.

A. Intent. To promote the development of multiple single family and duplex dwellings in the BT zoning districts whose impacts are equivalent or substantially less than the impacts of conventional multi-family development and which reinforce and support the human scale, pedestrian orientation and character of the existing single family and duplex development located in Gulf Shores.

B. Applicability. Cottage Subdivision/Developments are permitted by Right in all BT zoning districts. As used in this Section, "Subdivision Parcel" shall mean the entirety of the land occupied by the Cottage Subdivision/Development and "Cottage Lot" shall bean an individual buildable lot within the Cottage Subdivision.

C. Maximum Number of Cottage Lots in a Cottage Subdivision. The maximum number of Cottage Lots and/or units shall be determined by the maximum density allowed in the Applicable District.

D. Frontage Conditions. Lots within Cottage Subdivisions are exempt from the frontage requirement of §6-2B Street Access and §6-2E Required Lot Width and Lot Frontage.

E. Area and Dimensional Requirements.

1. Minimum Subdivision Parcel Size: 10,000sf

2. Minimum Cottage Lot Size: 1,000sf

3. Minimum Cottage Lot Width: 20ft

4. Setbacks. The minimum building setbacks from the exterior property lines of the subdivision parcel shall be 5ft.

5. Minimum Spacing Between Buildings: Minimum building spacing shall be as required by §6-2D Buildings per Lot.

6. Minimum Common Open Space: 20% of the Subdivision Parcel.

7. Maximum Building Height: Two (2) Habitable Stories.

8. Buffering. Cottage Subdivisions are classified as a multi-family use and are required to have buffering in accordance with Buffer Class A in Table 12-3 Minimum Buffer Requirements by Use.

F. Parking and Driveways. A Cottage Lot or unit must have one (1) private dedicated parking space for each Bedroom contained or to be contained in any dwelling constructed or to be constructed on the Cottage Lot and demonstration that this condition is met shall be a condition precedent to the issuance of a building permit with respect to the Cottage Lot or unit. Parking shall be accessed by a common Driveway or Alley of a width

sufficient to accommodate turning into parking spaces and emergency vehicle access. All Driveways and alleys shall be private and insure access to all units and/or lots from a public right-of-way. Cottage developments may request permeable paving surfaces for driveways and parking spaces so long as an all-weather surface is provided. Parking spaces shall:

1. be clustered together, be provided individually at the rear of each home, or underneath each structure, or a combination thereof;
2. be Screened from Thoroughfares and Adjacent residential uses by Landscaping, wall or architectural screen.

G. Pedestrian Connectivity. Pedestrian access ways shall link all buildings to the public right-of-way, common open space, and parking areas.

H. Architecture. Cottage Subdivisions/Developments may contain only single family and duplex dwellings and shall establish a consistent building design by incorporating similar building styles, architectural features, colors and site design elements as approved by the City. Documents requiring consistency of design under covenants running with ownership of a Cottage Lot or unit shall be approved by the City and recorded with the Cottage Subdivision Plat instrument in the probate records of Baldwin County.

I. Ownership, Management and Maintenance of Cottage Subdivisions. Cottage Subdivisions and Developments may be structured so as to characterize the land constituting the Cottage Lots it contains simply as lots conveyable and owned in fee simple or as land conveyable and owned as a private element in a condominium. Each structure to be constructed on a Cottage Lot must be structurally independent with no shared foundations or common walls, with the exception of duplexes, and must conform to all requirements of the Building Code applicable to single family and duplex dwellings. Ownership and maintenance of the Common Open Space and any facilities thereon and common driveways and common parking areas shall be as provide for in §6-14 Ownership and Management of Common Open Spaces. Documents associated with the ownership and management of common spaces, facilities, and improvements shall be approved by the City and recorded with the Cottage Subdivision Plat instrument in the probate records of Baldwin County.

J. Process For Approval And Construction of Cottage Subdivision. Approval of a Cottage Subdivision/Development shall require Site plan Review by the Planning Commission. Upon approval of the Cottage Subdivision and completion and City approval of all common are improvements and infrastructure, a Cottage Subdivision Plat Instrument shall be executed by the developer and may thereafter be recorded in the probate records of Baldwin County. Following such recordation Cottage Lots in the Cottage Subdivision may be conveyed. No Building Permit for the construction of any structure on any Cottage Lot in the Cottage Subdivision shall be issued until all common area improvements and infrastructure have been completed and approved and the Cottage Subdivision Plat Instrument has been recorded.

K. Modification of Standards. Deviations from the strict compliance with these regulations may be allowed after review and approval of the approving authority if such deviations are found to comply with the general purpose and standards of the Cottage Subdivision and Development regulations.

§11-12. Mixed-use Development.

Mixed-use Development is permitted in certain zoning districts, including ICW-N, ICW-S, BT (1-5), ED and BG. Limited forms of Mixed-use Development are also permitted in the BN District, primarily "live-work" Dwellings. All Mixed-use Developments shall be served by public water and sewer.

A. Residential Uses. Upper Story Dwellings shall be permitted in approved Mixed-use Developments in accord with the following requirements:

1. No Upper Story Dwellings shall have a GFA of less than 600 sf.
2. Upper Story Dwellings in Mixed-use Buildings shall be located on a floor level above a use of another type (i.e. Institutional, Office, retail or service, etc.) and no Non-residential use shall be located on the same floor.
    a. Multiple-family Dwelling Units in Mixed-use Buildings shall not be accessible directly from another unit or use within the Building.
    b. "Live-work" Dwellings are primarily intended for the occupancy of the owner or manager of the associated use(s) within the Building. In such cases, the Dwelling Unit may be accessible from within the associated use. In all other cases, access to the Single-family Dwelling shall be from the exterior of the Building or other entrance separate from the use(s) within the ground floor of the Building. If the Dwelling is to be occupied by other than the owner of the associated use, the Dwelling shall have an entrance separate from the associated use.

B. Walking Area Overlay District Requirements. Within the Walking Area Overlay District and in BT (1-5), Residential and Lodging Uses shall only permitted as part of a Mixed-use Development when complying with §10-1 Walking Area Overlay District.

C. Mixed-use Development Standards. Mixed-use Development shall be designed to the extent practicable (as determined by the size and scale of the development) in a manner consistent with the standards established for planned developments in §15-4 Use, Intensity and Design. It is the intent of these standards that Mixed-use Development be located, arranged, and designed to further the intents of the Comprehensive Plan by encouraging reinvestment in downtown Gulf Shores and other of the City's existing commercial and neighborhood activity centers and by encouraging development of compact, walkable activity centers in newly developing areas of the City.

§11-13. Accessory Watersports Rental.

Accessory Watersports Rentals shall be permitted as an incidental use to a permitted principal use in zoning districts specified by the Table of Use Regulations for Non-Residential Districts and pursuant to the regulations found in Chapter 8 of the Code of Ordinances.

§11-14. Mini-Storage.

In addition to any other review required by this Ordinance, mini-storage facilities shall be permitted, in accord with the following requirements:

A. Area and Dimensional Requirements.

1. Storage Buildings shall be subdivided by permanent partitions into individual storage compartments with no single storage compartment exceeding 300 sf in floor area.
2. Building Coverage shall not exceed forty (40) percent of the total Lot Area.

B. Site Design and Improvements.

1. Buffers, screens, fencing and outdoor lighting shall be in accord with the applicable requirements of Article 6 and Article 12.
2. No part of any fence enclosure shall be located within any required Front Yard. The entire site shall be enclosed by security fencing of eight feet minimum height. Fence shall be composed of materials designed for such use, including: masonry, iron, steel, chain link (vinyl-coated only), wood or a combination of these.
3. The design of Façades and Landscaping shall be compatible with the purposes and intent of the Applicable District.

C. Other Requirements.

1. Each storage compartment shall have an independent entrance under the exclusive control of the tenant thereof. All storage space shall be served by a paved Driveway of eleven (11) ft minimum width for each direction of travel.
2. The use of storage compartments shall be limited to the storage of personal property and no other use shall be permitted within such compartments.
3. Outdoor Storage of goods and materials, other than vehicles, shall be prohibited. Vehicles may be stored on site only if fully Screened from public view by buildings, fences, walls, landscaping, or a combination thereof.

§11-15. Landfill.

All landfill operations shall conform to all rules and regulations of the City, County and State Health Departments and other governmental agencies having jurisdiction. Landfills may only be permitted as Conditional Uses in the Applicable Districts according to the following requirements:

A. Permitted wastes for dumping.

1. Materials dumped within the landfill shall include only nonputrescible rubbish such as solid waste from construction sites, paper, rags, cartons, metal, wood, concrete, broken pavement, rubber, plastic, glass, crockery, trimmings from Yards and trees, and similar materials.
2. Materials which shall not be dumped within a landfill include: any putrescible animal and vegetable wastes such as household garbage, wastes from the handling and sale of produce and other food products, and hazardous wastes such as toxic materials, explosives, radioactive materials, and pathologic wastes.

B. Conditions of Approval.

1. The Council may limit the length of time that a landfill operation may continue.
2. The Council has the right to inspect operations and to suspend or terminate such operations if they threaten injury to the public health, safety or welfare.
3. The Council may require Screening consistent with that otherwise required in §12-2 Screening or greater where necessary to minimize public views of the operation.

§11-16. Kennels, Veterinary Hospitals and Animal Shelters

A. Outdoor runs shall be set back no less than fifty (50) ft from all property lines.

B. Outdoor runs shall be located to the rear of the Building and all such areas visible from a public ROW shall be enclosed with a wooden privacy fence or similar weather-resistant, durable, and opaque material. Fences (or walls) shall be no less than four (4) ft nor

greater than eight (8) ft in height and shall be subject to the applicable regulations of §12-2 Screening.

C. All waste material shall be stored in closed containers and Screened from all Thoroughfares and adjoining properties by a fence, wall or plant screen at least as high as the containers.

D. Emission of any offensive odors, beyond the Lot Line, shall not be permitted at any time.

§11-17. Vehicle, Manufactured Home and Boat Sales and Rentals.

A. Unscreened and unenclosed display of vehicles, Manufactured Home and boats shall not be placed within ten (10) ft of any Thoroughfare ROW Line.

B. All vehicles, Manufactured Homes and boats located in places other than an enclosed Building or a Front Yard shall be Screened from public view by a fence or similar screen not less than eight (8) ft in height and approved by the Zoning Official. Such screen shall be designed in accord with §12-2 Screening.

C. Open display areas shall be landscaped in accord with the requirements for Street Frontage and Perimeter Landscaping in §12-1 Landscaping, as applicable.

D. Portions of the display area, which are not landscaped, shall be provided with pavement or other all-weather surface acceptable to Zoning Official.

§11-18. Day Care Facilities.

Day Care facilities, including Family Day Care Homes and Day Care Centers, shall be subject to the following:

A. Application of Regulations. Day care facilities, operated within a Single-family residence, are not subject to the requirements for Home Occupations but shall comply with the requirements of this Section. The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24) hour day for children under sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). This Section does not apply to baby-sitting or child day care service furnished in places of assembly during religious services or related activities.

B. General Provisions.

1. All day care facilities shall comply with all applicable State regulations. The facility must have a current State registration certificate. Proof of registration renewal must be supplied to the City every two (2) years.

2. The Building Inspector shall have the right to enter and inspect the Building and/or Accessory Buildings for compliance purposes following advance notice to the property owner.

3. Hours of outside activity shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in any Yard abutting a public Thoroughfare; except that upon provision of an adequate fence or wall, as accepted by the Zoning Official as a barrier, such outdoor area may be permitted for Day Care Centers.

4. Day care facilities utilizing, or proposing to utilize, an on-site sewage disposal system shall obtain a written statement from the Baldwin County Health Department certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure.

5. Play equipment shall be located at least ten (10) ft from all Lot Lines.

6. Fencing shall be provided to restrict children to the property and away from hazardous areas, such as open drainage ditches, wells, holes, and roadways. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.

C. Family Day Care Homes. Any individual proposing a Family Day Care Home shall submit an application for a Family Day Care Home Permit to the Zoning Official who will review the application for compliance with this Ordinance. If the application demonstrates compliance with this Ordinance, the Zoning Official shall grant the permit.

In addition to the other provisions of this Section, Family Day Care Homes shall comply with the following:

1. There shall be no external signage permitted.

2. Family Day Care Homes shall only be permitted in Single-family detached Dwellings.

3. Any outdoor play area shall not be located in the Front or Street Side Front Yard.

4. The expansion of a Family Day Care Home to a Day Care Center shall require rezoning to a District in which a Day Care Center is permitted. When applying for rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, Adjacent Thoroughfares, Adjacent hazardous land uses, on-site hazardous areas, merchandise delivery areas, on-site sewage disposal facilities, parking spaces, and the drop-off circulation pattern.

D. Day Care Centers. In addition to the provisions of §11-18B above, Day Care Centers shall comply with the following:

1. A fence with a minimum height of four (4) ft shall physically contain children within the outdoor play area.
2. If the facility has access to Thoroughfares of different classifications, access shall be provided using the Thoroughfare of lesser functional classification.
3. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable Glare on Adjacent properties.

§11-19. Essential Services Facilities.

A. General Provisions. Essential Services Facilities shall only be approved by Conditional Use Permit.

B. Location. Essential Services Facilities shall be situated on the site so as to minimize visibility from Adjacent businesses and Dwellings through the use of existing topography and vegetation and further situated to maximize distance between any Buildings on adjoining Lots.

C. Landscaping Buffer and Screening.

1. A landscaped Buffer or Screen shall effectively obscure views of the facility in accord with §12-2 Screening and/or §12-3 Buffers.
2. For sites within 1,000 ft of a Single-family or Duplex Dwelling, Screening shall include a decay-resistant, solid wood fence, brick or masonry walls, or a combination thereof.
3. All fencing and Landscaping shall be maintained by the owner.
4. In locations where the visual impact of the facility would be minimal, such as remote, agricultural or rural locations, or developed Heavy Industrial areas, the Landscaping requirements may be reduced or waived by the Council.
5. Existing mature tree growth on the site shall be preserved to the maximum extent possible. In some cases, such as facilities located on large, wooded Lots, preservation of substantial natural growth around the property perimeter may be a sufficient Buffer.

D. Access. Driveways and parking shall be provided, as deemed necessary on a case-by-case basis, to assure access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining Alley or Off-street Parking area.

§11-20. Governmental Uses.

A. General Provisions. Governmental Uses shall be processed in accordance with the procedures of Article 3 Site Plan Review. Generally, Governmental Uses shall comply with all regulations and requirements otherwise applicable under the Zoning Ordinance but due to their essential functions of promoting and improving the general health, safety, convenience and general welfare of the residents', deviations to the regulations may be granted by the City Council.

§11-21. Multiple-family Dwellings.

Multiple-family Dwelling developments shall comply with the area and dimensional regulations of the Applicable District except as otherwise indicated herein.

A. Requirements applicable to all Multiple-family Dwelling Types.

1. Parking areas for tenants shall be set back behind the Front Building Line and shall be set back no less than fifteen (15) ft from any Dwelling Building. A sidewalk of no less than five (5) ft in width shall be provided between the Building and parking area.
2. All utilities shall be placed underground; all Multiple-family Dwellings shall be served by public water and sewer.
3. Min. Front Yard Setback: as required by the Applicable district except when Abutting a Single-family Dwelling or Duplex or a property zoned for such uses. In such case, a Contextual Setback shall be provided (§6-3G2).
4. Min. Side Yard Setback: as required by the Applicable district or by §12-3 Buffers, whichever is greater
5. Min. Rear Yard Setback: as required by the Applicable district or by §12-3 Buffers, whichever is greater

B. Requirements for Apartment and Condominium Buildings. The following shall apply only to Multiple-family developments with no more than one (1) Dwelling Building constructed on the lot.

1. Entrances to individual units shall be from the interior of the Building. Mailboxes and laundry rooms (if provided) shall also be within the same Building.
2. No less than fifteen (15) percent of the site area shall be improved and maintained as Open Space for the recreational use of tenants.

C. Requirements for Apartment Complexes. The following shall apply to any Multiple-family developments with

more than one (1) Dwelling Building to be constructed on the lot.

1. Two (2) or more Principal Buildings shall be permitted per Lot.
2. Spacing shall be provided between Buildings in accord with §6-2D Buildings per Lot.
3. No less than thirty (30) percent of the site area, and not less than 2,500 sf, shall be improved and maintained as Open Space for the recreational use of tenants. Such Open Space shall be located so as to be accessible to the largest number of tenants.

§11-22. Condotels.

See also §6-13 General Provisions for Lodging Uses. A Condotel shall be subject to all requirements and limitations applicable to Hotels or Motels in the applicable District and further shall:

A. Be permanently dedicated in its entirety to the complete control and management of a single Hotel or Motel operator for operation as a Hotel or Motel;

B. Contain no Dwelling Units and contain only individual Sleeping Units that are permanently dedicated to rental to the public for transient occupancy on a full time basis by the Hotel operator; provided, however, that an owner of an individual Sleeping Unit in a Condotel may be permitted to occupy the owned unit without rental charge for up to fourteen (14) days in any calendar year;

C. Contain and maintain standardized furniture, furnishings, and décor in all individual Sleeping Units;

D. Be advertised and appropriately marked with signage as a “Hotel” or “Motel”;

E. Be served by singly metered utility services, and with a central telephone system and central cable television system installed in all individual Sleeping Units;

F. Contain no individual Sleeping Unit that contains washer/dryer equipment or connections or any lockable storage closet or cabinet unless access to such closet or cabinet is automatically and uniformly provided to each member of the public who rents the unit;

G. Be created, sold, and maintained under documentation, including Condominium declaration, bylaws, sales brochures, and pre-construction agreements, in form and content approved by the attorney for the City that adequately discloses and ensures that the facility will in all respects be permanently and exclusively operated as a Hotel or Motel and will not be occupied as a Multiple-family Dwelling.

§11-23. Group Homes.

Group Homes shall comply with all applicable State and Federal Regulations. Group homes, pursuant to the Alabama Fair Housing Act, Federal Fair Housing Act Amendments of 1988, and Alabama State Code 11-52-80.1, shall be permitted in accordance with the following:

A. Group homes shall not be considered nor regulated as a home occupation as otherwise provided for in this Ordinance.

B. Group homes, providing care for no more than four (4) residents by no more than two (2) caregivers, shall be permitted by right in any R-1 or R-2 District. Parking shall be provided and located as otherwise required for single-family and duplex dwellings.

C. Group homes, providing care for no more than ten (10) residents by no more than two (2) caregivers, shall be permitted by right in any R-3 or R-4 District subject to administrative site plan review and by Conditional Use Permit in any R-1 or R-2 District. Parking shall be provided and located as otherwise required for single-family and duplex dwellings except that one additional space shall be provided for each caregiver or for each caregiver per shift, if applicable.

D. Group homes, providing care for more than ten (10) residents regardless of the number of caregivers, if not specifically listed, shall be considered Low Intensity Institutional Uses and shall be permitted as such in the applicable district. Parking shall be provided at a rate of one space per three (3) residents at max. capacity plus one space per two (2) employees on largest shift.

E. Any required review, including administrative site plan review, shall assure that parking, loading and unloading, traffic and access are properly addressed to abate any potential negative impacts on adjacent properties.

§11-24. Tattoo Parlor and Body Piercing Studio. Because of their very nature tattoo parlors and body piercing studios are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas. Therefore, such uses shall be located a minimum of five hundred (500) feet from the State Highway 59 right-of-way, and two (2) such uses shall not be located within one thousand (1,000) feet of each other, and shall not be located closer than five hundred (500) feet to the nearest boundary of any residential district, school, or park, as measured from the nearest lot line of the property on which the use in contemplated.

§11-25. Brewpubs and Micro-Brewery.

All breweries shall be properly licensed by all federal or state regulatory agencies with jurisdiction over the facility, including the Alabama Alcoholic Beverage

Control Board and the meet the following regulations:

A. Brewpubs. A brewpub must be located in a building designated as a historic building, located in a historic district, or located in any economically distressed area designated as suitable by the municipal governing body. Brewpubs may not sell any alcoholic beverages if it is not actively and continuously engaged in the manufacture of brewing of alcoholic beverages on the brewpub's licensed premises and may not produce greater than 10, 000 barrels of beer in any one (1) year. The brewpub must contain and operate a restaurant or otherwise provide food for consumption on the premises.

B. Micro-Brewery. A Micro-Brewery shall contain a floor area of 10,000 feet or less, not produce more than 10,000 barrels in any one (1) year, and may include a tasting room. All manufacturing shall take place wholly inside the building and outdoor storage is prohibited. The Manufacturing, processing and packaging of wine and other alcoholic beverages except beer, by the Micro-Brewery is prohibited.

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ARTICLE 12: LANDSCAPING, SCREENING, BUFFERS

§12-1. Landscaping.

These regulations establish minimum standards for the provision, protection, installation and maintenance of landscape plantings. In some cases, minor deviations from the literal requirement of these provisions may be permitted as specified herein.

A. Applicability. These regulations shall apply to all new Buildings and developments in all zoning districts, including: Multiple-family, commercial, industrial and Public Uses (not within a ROW), and new Collectors and Arterials within, or existing Thoroughfares Adjacent to, a new PUD, or subdivision. Single-family and Duplex uses (on an individual Lot or Parcel; i.e., not a Condominium) are exempt from the provisions of this Section. In the case of conflict with any other Section of this Ordinance, the more restrictive requirements shall prevail.

B. General Requirements.

1. Landscape Plans shall take into account the presence of existing vegetation and natural features. Unless determined by the approving authority to be unfeasible, existing trees shall be preserved and integrated into the landscape design. No Protected Tree may be cut down, or any Lot or Parcel cleared without the issuance of a permit from the City in accordance with Chapter 7, Article VIII, Tree Protection, of the Code of Ordinances. Preserved trees may be eligible for credits toward the planting requirements of this Ordinance.

2. Unless otherwise approved by the City authority having the responsibility for Site Plan approval, the minimum Landscaping requirements for any Parcel or site, exclusive of street ROW, shall be as follows:

   a. Industrial Districts: 15% of the Developed Site

   b. All Other Districts: 20% of the Developed Site

   For the purposes of calculating the required percentage of a Lot that is required to be landscaped, the Lot Area of properties having Gulfside Yards shall be deemed to extend five (5) ft south of the CCCL. In no case shall the percent minimum landscape requirement listed above be reduced by more than five (5) percent.

3. Properties having Gulfside Yards intersecting the CCCL shall provide a continuous five (5) ft deep landscape strip south of and Adjacent to the CCCL. Such landscape strip shall be credited towards the minimum percentage of such Lots that are required to be landscaped. Landscape materials shall be approved by the City from the Gulf Coast Plant List in Exhibit 5 of the Envision Gulf Shores Overlay Districts Design Guidelines or as otherwise approved by the City.

4. All proposed Open Space configurations shall be subject to Site Plan approval, where applicable. Any part of a development site not approved or used for Buildings, parking, Driveways, sidewalks, etc., shall be landscaped, including Hardscape or Softscape, or returned to a natural or near-natural condition after development. This requirement may be modified by the approving authority where that portion of the site not developed will be developed at a future date. In such case, the City may place conditions on the approval to require appropriate maintenance of the undeveloped portion until such time that it is developed.

5. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

6. An automatic irrigation system shall be provided to all landscaped areas requiring water. This requirement may be modified by the reviewing authority where native, drought-tolerant vegetation is used.

7. Landscaped areas shall be protected from vehicular encroachment by the use of vertical curbing, wheel stops, or by placing plant materials away from the edge of the vehicular overhang area as needed to prevent damage to required plantings. If curbing or similar vertical barriers are used, inlets shall be provided to allow stormwater to drain into landscaping areas

8. The perimeter landscape requirement for industrial/commercial sites with Outdoor Storage of materials or equipment within the IND District may be modified, reduced, or waived through the Site Plan Review process if properly Screened and Buffered in accord with §12-2 Screening and §12-3 Buffers. All other requirements of this Ordinance shall apply to industrial sites.

9. Subject to approval by the appropriate State, County, or City authority, ROW Adjacent to development sites shall be suitably landscaped at the time of development. Areas disturbed by construction activities, whether on private property or within ROWs, and whether by private construction of work performed by public or private utility companies, shall be restored to pre-construction or better condition.

10. Landscape materials within the required Clear Sight Triangle shall be maintained in accordance with §6-10 Sight Distance Requirements so as to ensure unobstructed visibility for motorists.

11. Landscape areas Adjacent to ROWs may include ground Berming and swales to enhance the appearance of landscaped areas.

C. Common Area Landscaping. In any Multiple-family project within BN, R-3 or R-4, that portion of the site required to be developed as Open Space shall be landscaped as follows:

1. One-half (½) tree per Dwelling Unit shall be provided within the Open Space area, exclusive of Street Trees and Perimeter Landscaping. A minimum of twenty-five (25) percent of required trees shall be large/Medium Trees. The number of trees may be adjusted by the approving authority.
2. Active recreation areas shall not be used for any retention or drainage purpose. Active recreation areas shall contain amenities such as swimming pool, basketball court, playground, sports field, etc.
3. Portions of Wetlands and other natural areas may be considered toward satisfying this requirement provided that they contain boardwalks, gazebos, and other Improvements conducive for passive recreation. Such Improvements shall be approved by all appropriate state or federal agencies. Such areas may at the City's discretion be used for limited drainage or retention purposes so long as their suitability for passive recreation is preserved.

D. Street Frontage Landscape Standards.

1. Landscaping shall be provided along the Lot Frontage between the Thoroughfare and any Buildings, parking areas, Loading or storage areas in accordance with the following standards:
   a. All property subject to this Ordinance shall provide a minimum ten (10) ft planting strip on-site, immediately Adjacent to any Thoroughfare ROW with the exception of properties Adjacent to Highway 59, north of the Intracoastal Waterway, which shall provide a minimum twenty (20) ft planting strip on-site, immediately Adjacent to this roadway.
   b. Landscape areas described in this Section shall not be encumbered by parking areas, Buildings, or other Improvements, except for approved Driveways and permitted freestanding signs. Any Driveway approved shall be perpendicular to the Thoroughfare ROW and is subject to all applicable City regulations.
   c. Unless otherwise approved through Site Plan approval, the minimum landscape Setbacks specified in Item 1a, above, shall be provided. In no case shall these requirements be reduced by more than fifty (50) percent through the Site Plan Review process, except where a zero-Lot Line development pattern is intended in accord with the Comprehensive Plan and wherein the Building is built to the Front Lot Line and/or public sidewalk. However, this exception shall only apply to those portions of the Street Frontage bounded by Building Façade.
2. The following Landscaping planting schedule shall be required along all Thoroughfares:
   a. Required plantings shall be calculated at the rate of one (1) tree for every twenty-five (25) lf of Lot Frontage. Trees may be planted every twenty-five (25) ft or clustered, so long as the intent of the planting requirement for Screening is maintained. Excessive clustering may result in the need for additional tree plantings. Required tree plantings shall be divided evenly between large/medium and Small Trees.
   b. Shrubs with a minimum size as specified in this §12-1D shall be planted in appropriate numbers to complement the placement of trees, but in no case shall there be less than six (6) Shrubs per twenty (20) lf of Lot Frontage. When Adjacent to a vehicular area, Shrubs shall be spaced to create a continuous hedge.
   c. Street Trees and Shrubs should be chosen to provide variety in landscape materials, coloration and to accentuate seasonal changes. Plant material shall be indigenous to, or compatible with, the area and have demonstrated an ability to survive in the coastal Alabama climate (see Table 12-4 Recommended and Prohibited Plants). A minimum of two (2) different tree and three (3) Shrub species shall be planted within the landscape Setback.
   d. Palm trees meeting the minimum height specified in 12-1H. Minimum Plant Specifications shall be allowed if planted in clusters of three (3) for every one (1) shade tree. All three (3) trees must be planted within a ten (10) ft. radius and have a minimum height of ten (10) ft.

E. Parking Lot Landscape Standards.

1. A minimum of ten (10) percent of all parking lots shall be landscaped, exclusive of Street Frontage and Perimeter Landscaping. Such Landscaping shall consist of landscape islands located within the parking lot and Building Foundation Landscaping.
2. Required trees shall be planted within the parking lot. Fifty (50) percent of the required trees shall be a minimum of twelve (12) ft high.

3. Parking Lot Landscape islands. Islands shall be installed at least every twelve (12) consecutive parking spaces; such islands shall be a minimum of nine (9) ft wide (including curbing) and a minimum of 150 sf in area. Parking Lot islands for mature trees being preserved may require wider landscape islands. A minimum of one (1) tree shall be planted for every 150 sf of Parking Lot Landscape island area. Each such island shall be suitably landscaped with a variety of plant materials including but not limited to Ground Covers, Shrubs, flowering plants, and Mulch. Islands shall be placed at the end of parking rows.

4. All parking lots shall be separated from Adjacent residential uses or districts by a minimum five (5) ft landscaped strip planted with a minimum of one (1) large or medium evergreen tree per every twenty-five (25) lf (no clustering of trees is permitted). Designated "Buffer" trees and a minimum six (6) ft wall or fence may also be required. Where a buffer is required by §12-3, the more restrictive requirements shall apply.

5. All parking lots shall be Screened from public Thoroughfares by walls, vegetative hedges or Berms, or a combination thereof, constructed at least three (3) ft above the Grade Level of the parking lot or Adjacent Thoroughfare, whichever is higher in elevation. Said Improvements shall not create a visibility hazard.

6. Foundation Landscaping. Unless otherwise waived through Site Plan approval, a minimum three (3) ft wide landscape area shall be provided for the purpose of separating parking lots from Buildings, walls and fences.

7. Palm trees meeting the minimum height specified in §12-1H Minimum Plant Specifications shall be allowed as parking lot trees if planted in clusters of three (3) for every one (1) Shade Tree. All three (3) trees shall be planted within a ten (10) ft radius and have a minimum height of ten (10) ft.

8. Modifications to the spacing of parking lot islands as prescribed in §12-1E3 above may be approved through the Site Plan Review process by the approving authority, provided such adjustment will result in the preservation of a Protected Tree or trees that would otherwise not fall within a planned landscape area and the overall effect of the alteration will be to improve the aesthetic appearance of the project.

F. Perimeter Landscape Standards.

1. All Multiple-family, commercial and industrial sites shall provide a minimum five (5) ft wide landscape strip along all interior property boundaries unless a modification is approved by the reviewing authority. Where a buffer is required by §12-3, the more restrictive requirements shall apply. This area shall be landscaped with a minimum of one (1) tree and four (4) Shrubs per every twenty-five (25) lf.

   a. Trees should be equally chosen to represent, at a minimum, species from the Medium and Small Tree lists. The clustering of trees shall not be allowed.

   b. Modifications or waivers may be approved by the reviewing authority where a zero-Lot Line development pattern is intended in accord with the Comprehensive Plan and, similarly, where parking areas on Abutting Lots may be joined by cross-access, wherein the joined parking areas may be considered as one parking lot in meeting the requirements of this Subsection.

      (1) For parking areas located between the Building and Front Lot Line, the modification shall be the minimum necessary.

      (2) For parking areas located between the Building and Side or Rear Lot Lines, substantial modification or a complete waiver may be approved.

G. Landscape Plan Submittal Requirements.

1. All requests for Site Plan approval as required by §3-3 Site Plan Review shall be accompanied by a Landscape Plan that complies with the provisions of this Section. Said Landscape Plan shall be prepared by a registered landscape architect, architect, engineer, or a state certified landscape designer.

2. Landscape Plans submitted for approval shall be drawn at the same scale as the Site Plan and shall include those materials prescribed by the CDD. The Zoning Official, in accordance with the provisions of §3-3 Site Plan Review, may waive any of said requirements upon a determination that the items are not critical to the completeness of the review.

H. Minimum Plant Specifications.

1. Large and Medium Trees required by this Section are full-bodied trees with a shape characteristic of the species, a minimum height of twelve (12) ft, and a minimum three (3) inch Caliper measured at six (6) inches above Grade Level at planting. Palms, when permitted as substitutes, shall have a minimum height of fourteen (14) ft.

2. Small Trees required by this Section shall have a minimum height of eight (8) ft, with a minimum of one and one-half (1 ½) inch Caliper measured at six (6) inches above Grade Level at planting. Multi-trunk trees must have at least three (3) trunks; each with a minimum Caliper of three-fourths (3/4) inches and be a minimum of eight (8) ft high. Palms, when permitted

as substitutes, shall have a minimum height of ten (10) ft.

3. Palm Trees.

   a. Palm trees planted north of Little Lagoon and east of the Bon Secour Wildlife Refuge shall:

      (1) not account for more than fifty (50) percent of the required Street Frontage or Parking Lot Landscape trees

      (2) not be counted as one (1) of the two (2) required species

      (3) must be planted in groups of not less than three (3).

      Palm trees are permitted in any number and size when planted above and beyond the minimum tree requirement.

   b. Palm trees planted south of Little Lagoon and west of the Bon Secour Wildlife Refuge shall:

      (1) include a minimum of two (2) species of palms

      (2) be planted in groups of not less than three (3) when using *Sabal palmetto* (Cabbage Palm) or *Washingtonia robusta* (Washington Palm)

4. All Shrubs required by this Section shall comply with the most current American Standard for Nursery Stock at the time of planting.

5. Ground Covers are intended to provide a continuous "blanket" covering for an area and as such should be planted in groups and at a spacing no greater than eighteen (18) inches on center.

6. Grass or Mulch should be used to cover bare soil areas not otherwise planted with trees, Shrubs or Ground Covers.

7. Native vegetation shall be used where practicable and Landscaping plans submitted for review shall identify plants that are native species. Table 12-4 Recommended and Prohibited Plants include species recommended and prohibited for planting within the City of Gulf Shores. Other species that are recognized as suitable for this area may be used if approved. For areas within the beach mouse habitat, refer to the current Native Plant List for Alabama Beach Mouse Habitat areas provided by the U.S. Fish and Wildlife Service.

I. Minor Deviations. Prior to construction or alteration that will deviate from the approved Landscape Plan, a revised plan shall be submitted to the CDD for review and approval. Revised landscape plans incorporating all approved modifications shall be prepared and submitted to the City prior to issuance of a permanent Certificate of Occupancy.

J. Maintenance.

1. It shall be the responsibility of both the owner and occupant of the property, jointly or severally, to ensure that landscape areas are reasonably maintained as to pruning, trimming, mowing, watering, weeding, removal of refuse and debris or other requirements so as to present a healthy, neat, and orderly appearance at all times.

2. Installed plant material shall be permitted, except for necessary pruning or shaping, to grow to a height and in a manner consistent with the species of the plant in order to achieve the Screening and Buffering effects considered at the time of plan approval. Excessive pruning shall not be permitted.

3. Installed plant material, fencing, Screening walls, irrigation or other Improvements made in accordance with the approved plans shall be maintained in good condition, and any such improvement shall be replaced or repaired within thirty (30) days of its demise.

4. The maintenance of Landscaping in the public ROW shall be the responsibility of the Adjacent property owner, whether an individual, corporation, or homeowner's association unless otherwise approved by the City.

K. Tree Credits.

1. Any existing Protected Tree, proposed to be preserved, may be eligible for credit against the number of trees otherwise required to be planted by this section. Whether a tree is accepted for credit rests solely in the discretion of the approving authority, during the Site Plan Review or subdivision process. The credit schedule in Table 12-1 may be applied to preserve Protected Trees.

2. Those seeking Tree Credits shall specifically identify on the landscape plan those trees to be preserved and their Caliper, and include a table summarizing the number and type of trees preserved and credits requested. DBH shall be rounded up or down to the nearest whole inch.

Table 12-1: Preserved Tree Schedule	
DBH of Preserved Tree	Max. No. of Tree Credits that may be Earned per Tree
36 inches or greater	7
30 - 35 inches	6
26 - 29 inches	5
20 - 25 inches	4
13 - 19 inches	3
8 - 12 inches	2
2 - 7 inches	1

L. Drainage Area.

1. All private retention/detention basins in Multiple-family, commercial, or industrial projects shall be landscaped. Such basins may not occupy more than fifty (50) percent of any landscaped area fronting on a public Thoroughfare; unless a modification is approved through the Site Plan Review process.
2. The tops and slopes of retention basins shall be Sodded. The bottom of basins shall be Sodded, seeded, or planted with water or bog plants as approved by the City.
3. Stormwater Management and drainage controls required by the City Engineer shall be coordinated with Landscaping Improvements and integrated into the overall site design.
4. Detention/retention areas shall be placed a minimum of fifteen (15) ft from any entrance of a Multiple-family development.

M. Tree Protection Methods. The following provisions are to be incorporated into the site preparation and construction methods utilized on the site:

1. Prior to the issuance of a Building, Land Disturbing Activity, or other City Permit that would destroy, injure or otherwise have an adverse affect on existing vegetation, a Tree Protection Plan identifying methods proposed for the protection of preserved or Protected Trees shall be submitted to the CDD for review and approval.
2. Said plan is subject to review and approval by the City's Public Works Director or his/her representative.
3. The following shall be addressed or identified on the plan. Where applicable, the name and phone number for the party responsible for each action shall be identified.
   a. Tree Protection Zones will be identified and the method for identifying and protecting them in the field (fencing, etc.) throughout all phases of construction;
   b. Tree Protection Zones must remain unpaved and open. The use of perforated pavers or grates may be allowed subject to written approval;
   c. No vehicles shall be parked or driven over the Tree Protection Zone, nor shall any construction material be stored or any substances poured, disposed or placed within the Tree Protection Zone at any time during clearing or construction;
4. No change of Grade within the Tree Protection Zone shall be allowed around existing trees except for a maximum of two (2) inches of Mulch or Sod unless otherwise approved by the City.

N. Certificate of Occupancy. Once approved, all landscape plants, materials, and Improvements shall be installed in accordance with the final approved Landscape Plan prior to issuance of a permanent Certificate of Occupancy. The landscape architect shall be responsible for the supervision of all plantings. Upon completion, the landscape architect shall certify in writing to the City that the submitted, approved landscape plan has been implemented and is in compliance with the provisions of this Article. The Zoning Official may authorize the issuance of a temporary Certificate of Occupancy in accordance with established City policy prior to the completion of all required landscape Improvements.

§12-2. Screening.

A. Generally. Screening is intended to visually separate conflicting uses between Adjacent properties and shall be designed to be compatible with the surrounding environment. For the purposes of this section, “fences” and “walls” shall have the same meaning.

B. Applicability. For all developments subject to Conditional Use or Site Plan Review, the following shall require Screening:

1. Garbage collection, including dumpsters, recycle bins and/or refuse handling areas
2. Service entrances, maintenance areas or utility Structures associated with a Building or development
3. Water meters, gas meters, electric meters and air conditioners/mechanical units
4. Loading docks or spaces
5. Outside runs for veterinary clinics, animal shelters, and Kennels
6. Outdoor vehicle, Manufactured Home, farm equipment, and similar sales Lots

7. Outdoor Storage of materials, stock, equipment, and vehicles (such as those stored for repair)
8. Any other uses for which Screening may be required by the reviewing authority

C. Safety Provisions.

1. Screening shall not compromise safety by obstructing any required Clear Sight Triangle.
2. Screens shall not Block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.
3. Screens shall not impede or divert the flow of water in any drainage way.

D. Design Requirements. The method of Screening, including height and materials, shall be that which is sufficient to visually screen the use. The minimum height needed is preferred. Fences, Berms, or Landscaping used for other purposes, but that are proposed as part of a required screen and that meet the requirements of this section, may count toward Screening requirements. The design of Screening shall be in accord with the following and as approved during any applicable review:

1. Location of uses. Location on site should be the first consideration in Screening the uses listed in §12-2B above. The reviewing authority may lessen the requirements of this subsection, as applicable, where the location of the use to be Screened reduces its visibility to the public and to neighboring properties to which the use would be objectionable, by reason of views, noise, or odors.
    a. Uses requiring Screening, when co-located, may be Screened together.
    b. Uses that produce objectionable noise or odors shall be located so as to minimize such impacts to the public and Abutting properties.
2. Fences. All fences used for required Screening shall comply with the following:
    a. Fences shall be of masonry, ornamental metal, vinyl, durable wood, or a combination thereof. Untreated wood, chain-link, plastic or wire shall not be permitted. No more than twenty-five (25) percent of the fence surface, required as part of a Screen, shall be left open. The finished side of the fence shall face Abutting property.
    b. Where fences required for Screening are longer than fifty (50) ft in one direction, evergreen Landscaping shall be placed along the exterior side. Where such fences are longer than 100 ft in one direction, required Landscaping shall include both trees and Shrubs and the fence shall have columns of wood or masonry which project outward from the fence surface. Such columns shall be spaced no greater than fifty (50) ft oc.
    c. Fences located forward of the Front Building Line shall not exceed six (6) ft. Fences located in a required rear or Side Yard shall not exceed eight (8) ft in height. Fences used to screen service or Loading areas shall not exceed eight (8) ft in height, however, fences used to screen dumpsters shall be higher than the container.
3. Berms. Berms shall be landscaped and stabilized to prevent erosion and shall be a minimum height of four (4) ft with a maximum slope of three to one (3:1). Berms in excess of four (4) ft shall have a maximum slope of four to one (4:1) measured from the Lot Line.
4. Shrubs and trees. Except as herein provided, plantings installed toward Screening requirements shall be in accord with the general requirements and minimum planting specifications set forth in §12-1H Minimum Plant Specifications. Landscaping shall be maintained in accord with §12-1J Maintenance.
    a. Shrubs shall be evergreen and spaced no more than five (5) ft oc.
    b. Trees shall be evergreen and, when used in the absence of a fence, should have a low understory and/or be used in combination with Shrubs that together provide an effective Screen.
    c. Screening requirements for specific uses.
    d. Dumpsters, trash refuse, and recycling containers should not be located forward of the Front Building Line. Such containers shall be Screened by the combination of opaque fence or masonry wall and plant material on three (3) sides. Opaque gates, designed to complement the screen, shall be installed for access.
    e. For Restaurants, enclosures shall be sized, as needed, to accommodate the storage of grease containers.
    f. Mechanical equipment on roofs or on site shall not be visible from public ROWs or Adjacent properties and shall be totally Screened. The Screening of Building-mounted mechanical equipment shall be an integral component of the Building design. Mechanical equipment installed on site shall be adequately Screened by plant materials and/or fences and shall blend in with site Landscaping.

g. Outdoor vehicle, Manufactured Home, farm equipment, and similar sales Lots shall be Screened by providing Street Frontage and Perimeter Landscaping requirements, in accord with §12-1 Landscaping.

h. Outdoor Storage, where permitted, shall be effectively controlled according to the following requirements:

(1) Outdoor Storage areas are prohibited in required Front Yards.

(2) Uncovered and unscreened areas used for storage of live, vegetative products shall be designated on the Site Plan.

(3) Screening shall be a minimum of six (6) ft high or two (2) ft taller than the material or equipment to be Screened, whichever is greater.

(4) Loading berths shall be within the Building or concealed by means of a Screening wall of material similar to and compatible with that of the Building.

(5) No designated or required parking spaces, fire lanes, sidewalks, landscape areas, retention/detention areas, or traffic lanes shall be used for Outdoor Storage.

i. Service areas, Loading docks, work Yards, and similar uses should be located to minimize their visibility to the public and to any Abutting properties to which such uses would be objectionable. Where their location is insufficient to effectively screen the use, required Screening shall be at least six (6) ft in height.

§12-3. Buffers.

Buffers shall be provided in accord with the requirements of Table 12-3 and as described in this Section. In cases where Buffers are required or deemed necessary for the protection and/or separation of uses on Abutting Lots, the following provisions shall constitute the minimum requirements for each unless otherwise specified by the reviewing authority in individual cases. For the purposes of this Section, “fences” and “walls” shall have the same meaning, but shall not include the term “retaining wall”. Where Buffers are not required by this Section, the landscape requirements per §12-1 Landscaping shall be provided.

A. General Requirements. Except as otherwise provided herein, Buffers shall be required based on the developing use and the existing, abutting use, regardless of whether the concerned properties are in the same or different zoning districts.

1. 100 percent of the applicable Buffer requirements shall be the responsibility of the developing land use, except when the new use is developed Abutting an existing more intensive use developed prior to the adoption of these standards and for which no Buffer is in place. In this case, the new use shall be responsible for providing a minimum of fifty (50) percent of the required Buffer width as follows:

a. Required Yards, where corresponding with the Buffer area, may overlap and may be counted toward the Buffer width requirement.

b. The developer shall preserve existing vegetation within the Buffer width, which may be credited towards the Buffer requirement, or replace such vegetation with equivalent Landscaping. Equivalency of replacement Landscaping, if existing vegetation is removed, shall be determined by the reviewing authority.

2. Any required Buffer Abutting a park or Greenway may be reduced, if the property owner dedicates land to be set aside for all or part of the required Buffer width to the City as part of the park or Greenway. Such land dedication shall be deemed acceptable only upon approval of the City.

3. Buffer requirements may be modified by the approving authority as follows:

a. Whenever the proposed use abuts an existing (nonconforming) use on a property that is designated for another use within the Comprehensive Plan *and* is zoned accordingly with the Comprehensive Plan, the required Buffer may be modified to be consistent with the projected use of the neighboring land.

b. If the use relationships between two (2) Abutting Lots changes so that a lesser Buffer would be required, the width of the previously provided Buffer may be reduced accordingly.

c. If the required Buffer abuts a public Alley, up to one-half (1/2) of the Alley width may be counted toward the Buffer width requirement but the Landscaping requirements shall not be reduced.

4. Whenever the proposed use abuts vacant land, Buffer requirements shall be based on the zoning of the Abutting property or the use projected by the Comprehensive Plan, whichever requires a lesser Buffer. When determining Buffer requirements based on the zoning or projected use of Abutting vacant land, the Zoning Official shall consider the range of possible future uses and base the requirement on the use(s) that require a lesser Buffer.

When the proposed use and Abutting vacant land both lie in the same zoning district and such

district permits uses of greater intensity or Density than the proposed use, the proposed development shall provide half of the Buffer width that would normally be required between the proposed use and the projected use of the vacant land.

5. Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; Buildings, dumpsters, and Outdoor Storage are prohibited in required Buffers.

6. Where desirable, the approving authority may permit a Pedestrian Access Way through a required Buffer.

B. Height Buffers. Wherever a developing site, within one district, abuts another district with a more restrictive height allowance, the development shall be subject to a Height Buffer as described herein:

1. Along the Lot Line Abutting the district with the more restrictive height allowance, the subject Building or Structure shall be set back in accord with any required Side Yard or Buffer. At such distance from the applicable Lot Line, only a Building of such height as would be allowed in the Abutting district may be permitted except as provided in Item 2, below. (See Figure 12-3B)

2. For each foot the Building, or portion thereof, is set back from the Required Yard or Buffer, the Building, or portion thereof, may be increased in height two (2) ft up to the maximum height allowed in the Applicable District. (See Figure 12-3B)

3. For developments six (6) Stories or taller that abut a district whose maximum height is two (2) Stories or less, the Density of the required Buffer Landscaping shall be increased to that of the next more restrictive Buffer class (see Table 12-3) in addition to providing the additional height Buffer width as required herein.

C. Design Requirements.

1. Trees and Shrubs shall be evenly spaced in accord with the densities shown in Table 12-3.

2. The Buffer width and Density of Shrubs may be reduced as shown in Table 12-3 when a fence is provided that meets the following standards:

a. Fences shall be of masonry, ornamental metal, durable wood, or a combination thereof as approved by the reviewing authority. Untreated wood, chain-link, plastic or wire shall not be permitted. No more than twenty-five (25) percent of the fence surface, required as a part of a Buffer, shall be left open. The finished side of the fence shall face Abutting property.

b. Fences shall be a minimum of six (6) ft high and no taller than eight (8) ft.

c. For fences longer than fifty (50) ft in one direction, evergreen Landscaping shall be placed along the exterior side. Where such fences are longer than 100 ft in one direction, required Landscaping shall include both trees and Shrubs and the fence shall have columns of wood or masonry which project outward from the fence surface. Such columns shall be spaced no greater than fifty (50) ft oc.

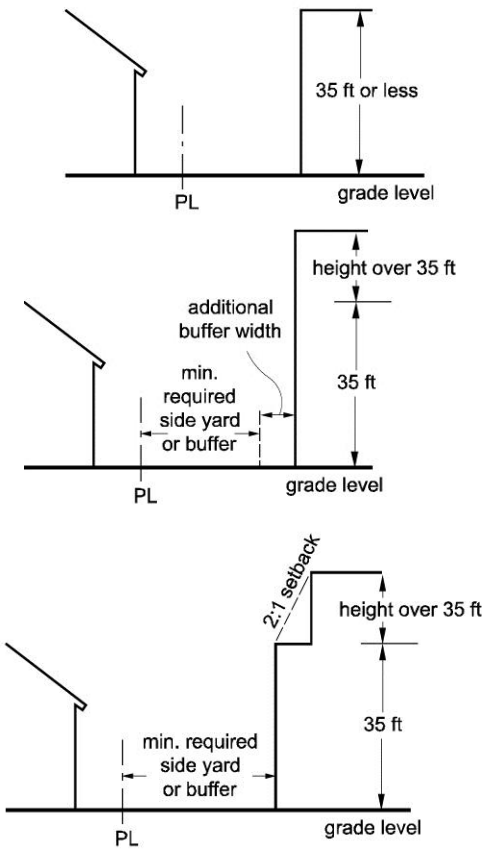

Figure 12-3B: Height Buffers

Example: A developing site is located within a district with a maximum Building Height of 50 ft. Along its west Lot Line, the site abuts a district with a 35 ft maximum Building Height. A Buffer of 25 ft is required along its west Lot Line. Those portions of the Building set back 32.5 ft or more from the west Lot Line are allowed a maximum height of 50 ft (35 ft based on the Abutting district plus 15 additional ft for those portions of the Building set back 7.5 ft from the required 25 ft Buffer). Even if the Building were set back further, it would not be allowed to exceed the 50 ft height limit of its own district.

D. Planting Requirements. Required Landscaping materials (plantings, walls, fences, pavers, etc.) shall be installed before a Certificate of Occupancy may be approved. Except as herein provided, plantings installed toward Buffer requirements shall be in accord with the general

requirements and minimum planting specifications set forth in §12-1H Minimum Plant Specifications.

1. Existing natural vegetation, which meets, in whole or in part, Buffer planting requirements, may be applied toward the requirements of this Section.
2. No less than seventy-five (75) percent of required Shrubs shall be evergreen. No more than twenty-five (25) percent of the required Shrubs may be deciduous.
3. Stormwater Management and drainage controls required by the City Engineer shall be coordinated with Landscaping Improvements and integrated into the overall site design.
4. Maintenance. Buffers shall be maintained in perpetuity by the owner in accord with the maintenance requirements set forth in §12-1J Maintenance. Failure to comply with these maintenance requirements shall constitute a violation of this Ordinance and shall be subject to the remedies and penalties provided in Article 3.

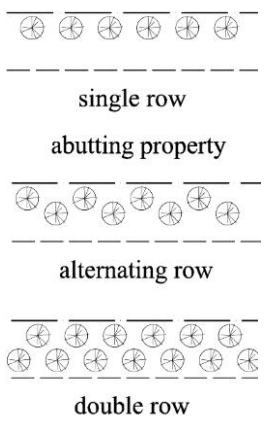

Figure 12-3C: Buffer Landscaping Rows

Table 12-3 Minimum Buffer Requirements By Use

Proposed Uses	Existing Abutting Uses or Zoning								
	Single-family Dwellings		Multiple-family Dwellings	Lodging	Institutional Use			Business	Parks & green-ways
	detached	attached			low/medium/high				
Residential and Lodging	**Type of Buffer Required**								
Detached, Single-family Dwellings	na	na	A	A	A			A	na
Attached, Single-family Dwellings	A	na	A	A	A			A	na
Multiple-family Dwellings	B	A	na	na	na			na	na
Lodging	B	B	A	na	na			na	na
Manufactured Home and RV parks	B	B	B	B	A			B	A
Institutional									
Low Intensity	A	A	na	na	na	na	na	na	na
Medium Intensity	A	A	A	na	A	na	na	na	A
High Intensity	B	B	B	A	B	na	na	na	A
Business/Commercial									
Clinics/Offices up to 50,000 sf	A	A	A	na	A	na	na	na	A
Clinics/Offices greater than 50,000 sf	B	B	B	A	B	A	na	na	A
Indoor and small outdoor amusements	B	B	B	A	B	A	na	na	A
Amusement Parks, zoos, and similar large outdoor amusements	C	C	C	A	B	B	A	A	A
Retail, shopping centers, and Restaurants up to 50,000 sf	B	B	A	A	A	A	na	na	A
Retail, shopping centers, and Restaurants greater than 50,000 sf	B	B	B	A	B	A	na	na	A
Heavy commercial, including repair, contractor and automotive/vehicle uses	B	B	B	A	B	A	na	na	A
Light Industry									
Low Intensity	B	B	B	B	B	B	B	A	B
Medium Intensity	C	C	C	C	C	B	B	B	B
High Intensity	D	D	D	D	D	D	D	C	C
Warehousing, Storage, Telecommunications Towers and Public Utility Facilities	C	C	C	C	C	B	B	A	B
Other Industrial Uses	C	C	C	C	C	C	C	B	B

Requirements by Buffer Class

(see also §12-3B for additional Buffer widths based on height of development)

	Width		Required trees per 100 lf		Required Shrubs per 100 lf	
Buffer Class	With fence	Without fence	Small Trees	Large or Medium Trees	With fence	Without fence
A	10 ft	15 ft	9 in single row	3 in single row	15 in single row	20 in single row
B	15 ft	20 ft	10 in single row	6 in single row	20 in single row	30 in alternating or double rows
C	22 ft	30 ft	12 in single row	9 in alternating rows	25 in alternating or double rows	40 in double rows
D	30 ft	40 ft	15 in alternating rows	12 in alternating rows	30 in alternating or double rows	50 in double rows

Table 12-4: Recommended and Prohibited Plant List	
Beach Area – South of 2nd Avenue	
Dunes -	
Beach Elder	*Iva imbricata*
Beach Morning-Glory	*Ipomoea pes-caprae*
Beach Sunflower	*Helianthus debilis*
Bitter Panicum	*Panicum amarum*
Blanket Flower	*Gaillardia x grandiflora*
Gulf Bluestem	*Schizachyrium maritimum*
Inkberry	*Scaevola plumieri*
Saltmeadow Cordgrass	*Spartina patens*
Sea Oats	*Uniola paniculata*
Palm Trees -	
Cabbage Palm	*Sabal palmetto*
Canary Island Date Palm	*Phoenix canariensis*
European Fan Palm	*Chamaerops humilis*
Medjool Date Palm	*Phoenix dactylifera*
Pindo Palm	*Butia capitata*
Sylvester Date Palm	*Phoenix sylvestris*
Washington Palm	*Washingtonia robusta*
Trees –	
Claudia Wannamaker Magnolia	*Magnolia grandiflora 'Claudia Wannamaker'*
Lilac Chaste Tree	*Vitex agnus-castus*
Long Leaf Pine	*Pinus palustris*
Sand Pine	*Pinus clausa*
Tree Form Ligustrum	*Ligustrum recurvifolium*
Shrubs –	
Dwarf Palmetto	Sabal minor
False Rosemary	Conradina canescens
Elaeagnus	Elaeagnus pungens
Indian Hawthorn	Rhaphiolepis indica
Juniper	Juniperus ssp.
Lantana	Lantana spp.
Oleander	Nerium oleander
Ornamental Grasses	
Pittosporum	*Pittosporum tobira*
Prickly Pear Cactus	*Opuntia spp.*
Pygmy Date Palm	*Phoenix roebelenii*
Saw Palmetto	*Serenoa repens*
Spanish Bayonet	*Yucca aloifolia*
Wax Myrtle	*Myrica cerifera*
Yaupon Holly	*Ilex vomitoria*
Ground Cover –	
Juniper	*Juniperus spp.*
Lantana	*Lantana spp.*
Sea Lavender	*Limonium latifolium*
Sod: Celebration Bermunda	*Cynodon dactylon 'Celebration'*
Sod: Empire Zoysia	*Zoysia 'Empire'*

Table 12-4: Recommended and Prohibited Plant List	
Citywide – North of 2nd Ave	(Including plants from the Beach Area list.)
Large Trees –	
American Hornbeam	*Carpinus carolina*
American Snowbell	*Styrax americanum*
Bald Cypress	*Taxodium distichum*
Black Walnut	*Juglans nigra*
Carolina Silverbell	*Halesia carolina*
Chestnut Oak	*Quercus prinus*
Elm	*Ulmus spp.*
Live Oak	*Quercus virginiana*
Overcup Oak	*Quercus lyrata*
Red Maple	*Acer rubrum*
River Birch	*Betula nigra*
Southern Magnolia	*Magnolia grandiflora*
Southern Red Cedar	*Juniperus silicicola*
Small/Medium Trees –	
American Holly	*Ilex opaca*
American Olive	*Osmanthus americanus*
Cherry Laurel	*Prunus caroliniana*
Chinese Fringe Tree	*Chionanthus retusus*
Chinese Pistache	*Pistacia chinensis*
Crape Myrtle	*Lagerstroemia indica*
Florida Maple	*Acer floridanum*
Japanese Maple	*Acer palmatum*
Red Bay	*Persea borbonia*
Southern Red Cedar	*Juniperus silicicola*
Two-Winged Silverbell	*Halesia diptera*
Shrubs –	
Acuba	*Aucuba japonica*
African Iris	*Dietes iridioides*
Azalea	*Azalea spp.*
Camellia	*Camellia spp.*
Century Plant	*Agave americana*
Holly Fern	*Cyrtomium falcatum*
Leatherleaf Mahonia	*Mahonia japonica 'Bealei'*
Oleander	*Nerium oleander*
Southern Shield Fern	*Thelypteris kunthii*
Yeddo Hawthorne	*Raphiolepis umbellate*

Table 12-4: Recommended and Prohibited Plant List	
Perennials –	
Blue Wild Indigo	*Baptisia australis*
Butterfly Weed	*Asclepias tuberose*
Canna	*Canna spp.*
Cape Plumbago	*Plumbago auriculata*
Coreopsis	*Coreopsis spp.*
Daylily	*Hemerocallis spp.*
Dusty Miller	*Senecio cineraria*
Four O'Clock	*Mirabilis jalapa*
Guara	*Guara lendheimeri*
Mexican Daisy	*Erigeron karvinskianus*
Mexican Marigold	*Tagetes lucida*
Perennial Hibiscus	*Hibiscus moscheutos*
Purple Cornflower	*Echinacea purpurea*
Purple Heart	*Setcresea pallida*
Red Hot Poker	*Kniphofia uvaria*
Rudbeckia	*Rudbeckia spp.*
Sage	*Salvia spp.*
Showy Stonecrop	*Sedum spectabile*
Society Garlic	*Tulbaghia violacea*
Stoke's Aster	*Stokesia laevis*
Swamp Sunflower	*Helianthus angustifolius*
Scarlet Rose	*Hibiscus coccineus*
Verbena	*Verbena canadensis &tenuisecta*
Yarrow	*Achillea millefolium & ageratum*
Prohibited Plants	
Trees –	
Camphortree	*Cinnamomum camphora*
Chinese Parasoltree	*Firmiana simplex*
Chinese Tallowtree/Popcorn Tree	*Triadica sebifera*
Mimosa	*Albizia julibrissin*
Tree-of-Heaven	*Ailanthus altissima*
Shrubs –	
Chinese Privet	*Liqustrum sinense*
Nonnative Lespedeza	*Lespedeza bicolor*
Tropical Soda Apple	*Solanum viarum*
Vines –	
Beach Vitex	*Vitex rotundifolia*
Climbing Yams	*Dioscorea spp.*
Japanese Honeysuckle	*Lonicera japonica*
Kudzu	*Pueraria spp.*
Grasses –	
Cogangrass	*Imperata cylindrica*
Golden Bamboo	*Phyllostachys aurea*
Japenese Stiltgrass	*Microstegium vimineum*
Johnson Grass	*Sorghum halepense*
Ferns –	
Japanese Climbing Fern	*Lygodium japonicum*

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ARTICLE 13: NONCONFORMITIES

§13-1. Purpose and Scope.

The purpose of this Article is to regulate and limit the development and continued existence of uses, Improvements and Structures, which do not conform to the requirements of the Zoning Ordinance.

A. Continuance of Nonconformities. Any Nonconforming Use or Structure which otherwise lawfully exists and which has become nonconforming as a result of the adoption of this Ordinance, as a result of any subsequent reclassification of zoning districts or other amendment to this Ordinance, or as a result of subsequent annexation of the use or Structure into the corporate limits of the City may be continued or maintained only in accordance with the terms of this Article.

B. Effective Date of Nonconformity. For purposes of this Article, the "effective date of nonconformity" shall mean the latest of (a) the effective date of the Zoning Ordinance, (b) the effective date of the amendment to the Zoning Ordinance which first rendered the Structure or use nonconforming, or (c) the effective date of annexation of the Structure or use into the corporate limits of the City.

§13-2. Nonconforming Uses.

A. Expansion of Nonconforming Use. A Nonconforming Use shall not be expanded or extended beyond the floor area or Lot Area that is occupied on the effective date of nonconformity.

B. Nonconforming Use of Structures and Premises. Except as otherwise provided herein, the lawful Nonconforming Use of a Structure or Premises existing at the effective date of nonconformity may be continued thereafter, although such use does not conform to the provisions hereof. If no Structural Alterations, other than alterations permitted under §13-5 Alteration of Nonconforming Structures, are made, such Nonconforming Use may be changed to another Nonconforming Use of the same or a less nonconforming classification.

1. Whenever a Nonconforming Use has been changed to a less Nonconforming Use or to a conforming use, such use shall not thereafter be changed to a less conforming use or Nonconforming Use, respectively.

2. The Nonconforming Use of a Structure may be hereafter extended throughout those parts of a Building, which were lawfully and manifestly arranged or designed for such use at the effective date of nonconformity.

3. The Nonconforming Use of a Premises may be hereafter extended throughout those parts of a Premises, which were lawfully and manifestly arranged or improved for such use at the effective date of nonconformity.

§13-3. Discontinuation of Nonconformities.

A. Nonconforming Uses. If a Nonconforming Use is abandoned or discontinued for a continuous period of one (1) year, then that use shall not be renewed or re-established and any subsequent use of the Lot or Structure shall conform to the use regulations of the Applicable District.

B. Nonconforming Improvements. In the event the use of a property, on which nonconforming Improvements exist, including but not limited to, parking areas, Driveways, lighting, sidewalks, Buffers and Screening, and other Landscaping, becomes discontinued for a continuous period of one (1) year, such nonconforming Improvements shall be brought into conformity with the applicable provisions of this Ordinance prior to the issuance of a Certificate of Occupancy or Business License.

§13-4. Repair or Reconstruction of Nonconforming Structures.

A. Ordinary Repairs and Maintenance. Ordinary repairs and maintenance may be made to a nonconforming Structure.

B. Reconstruction.

1. If a nonconforming Structure is destroyed or damaged by any cause, and the cost of reconstructing the Structure to a condition comparable to its condition immediately prior to the destruction or damage does not exceed fifty (50) percent of the value of the entire Structure before the destruction or damage, then the Structure may be restored to a condition comparable to its nonconforming condition prior to the destruction or damage, provided that a Building Permit is secured and that reconstruction is started within one (1) year from the date of the destruction or damage, and such reconstruction is diligently pursued to completion. Under no circumstances may a nonconforming Structure be enlarged in any exterior dimension or be otherwise made nonconforming to a greater extent or in a differing manner in the process of repair or reconstruction under this subsection.

2. If a nonconforming Structure is destroyed or damaged by any cause, and the cost of restoring the Structure to a condition comparable to its condition immediately prior to the destruction or damage exceeds fifty (50) percent of the value of the entire Structure before the destruction or damage, the Structure shall not be restored unless the Structure as restored, and the use thereof, will thereafter conform to all requirements of the zoning district and applicable flood zone requirements in which it is located and to all

applicable requirements of the Alabama Coastal Area Management Plan.

C. Determining Value of Structures. For the purposes of this subsection, the value of an entire Structure before destruction or damage shall be determined as follows:

1. The value of an entire Structure before destruction or damage shall be determined by the Building Official by reference to the most current SBCCI Building Valuation Data Table (Mobile, Alabama Regional Modifier)(the "Data Table"), giving due consideration to any and all relevant documentation provided by the applicant that supports an upward adjustment of the value otherwise indicated by reference to the Data Table.

2. The square foot area and Type of Construction of the affected Structure utilized in the determination shall be established by the Building Official by reference to the original Building Permit issued for the Structure, if available; by reference to the Building description contained in any casualty insurance policy covering the Structure in effect at the time of the casualty; or by such other method or combination of methods deemed appropriate in the good faith discretion of the Building Official. In determining the applicable average construction cost per square foot from the Data Table, the Occupancy Category "Good" shall be utilized.

D. Documentation Required for Restoration. For the purposes of this subsection, the cost of restoring the Structure to a condition comparable to its nonconforming condition prior to the destruction or damage shall be determined as follows:

1. At the time application for a Building Permit referable to the restoration work is made, the applicant shall submit, in addition to the documentation otherwise required for the issuance of a Building Permit, the following documentation:

   a. A certification by the licensed contractor or contractors who will be performing the restoration work, or if there is no contractor on the project, by the permit applicant, that the cost of the restoration work described in the permit application will not exceed the cost declared in the permit application.

   b. A copy of all documentation relating to pending or final claim settlement payments by insurers referable to the casualty damage incurred by the Structure.

2. The certified cost declaration contained in the permit application will be accepted as the cost of restoration unless the Building Official determines that such declaration is materially inconsistent with the Data Table, damage claim settlement payments, or both. In such event, the Building Official shall prepare a written determination of the cost of restoration for purposes of this subsection specifying the basis on which such cost of restoration has been determined.

3. In the event changes in the scope of the restoration work necessitated by the discovery of unanticipated damage elements or expense results in an increase in the cost of the restoration work after the submission of a certified cost declaration, a revised certified cost declaration must be filed with the Building Official. If the Building Official determines on the basis of the revised certified cost declaration or on the basis of other information coming to his attention deemed reliable that the cost of the restoration work exceeds sixty (60) percent of the value of the entire Structure before destruction or damage, the Building Official shall order the suspension of any Building or other permits issued for the restoration work.

§13-5. Alteration of Nonconforming Structures.

A. Alteration or Enlargement. No alteration to or enlargement of a nonconforming Structure shall be allowed unless such modification conforms to the area and dimensional requirements for the Applicable District, except that at no time shall any such alteration or enlargement be allowed if the modification creates any other nonconformity with respect to these regulations. In addition, any such alteration or enlargement must be made in compliance with all other requirements of this Ordinance including specifically by without limitation Article 14 Off-street Parking and Loading and §3-3 Site Plan Review.

B. Relocation. A nonconforming Structure shall not be moved in whole or in part to any other location unless every portion of such Structure and the use thereof is made to conform with all requirements for the zoning district to which such Structure is moved.

§13-6. Appeals.

Any person aggrieved by any decision or determination by the Zoning Official in the enforcement of this Article shall have the rights of appeal provided in Article 17 Board of Zoning Adjustment.

ARTICLE 14: OFF-STREET PARKING AND LOADING

§14-1. Required Off-street Parking.

At the time of: 1) erection of any new Building; 2) establishment of any new use; 3) enlargement, expansion, or increase in capacity of any Principal or Accessory Building or use; or 4) conversion of a site or Building from one type of use or occupancy to another, such that the change or action creates a new or increases the previously existing parking demand for the site, Building, or use according to this Article, the site shall be improved as necessary to meet all of the requirements herein; including, but not limited to, required parking spaces, paving, layout and dimensions.

A. Amount of Off-street Parking Spaces Required/Permitted.

1. Minimum required. The minimum parking ratios in Table 14-1B apply to each use on a site. The minimum parking shall be provided for every separate use on the site. In calculating minimum required parking, a fractional result shall be rounded down to the next whole number; however, when multiple uses are proposed on the same site, the fractional requirement for each use is added together prior to rounding.

2. Maximum permitted. To prevent the unnecessary creation of Impervious Surfaces and to further support compact, pedestrian-oriented development, uses shall not provide more than 125 percent of the parking required as a minimum in Table 14-1B within surface parking areas. This limitation shall not apply when the additional spaces are located in a Parking Structure. Furthermore, surface parking provided in excess of the minimum required shall be of an impervious paving as approved in accordance with §14-1D6.

For uses not specified, the Zoning Official shall determine the required parking based on the most similar use in the Table subject to the following.

B. General Standards and Modifications.

1. Location.

a. Parking spaces for all uses or Structures shall be located on the same Lot with the Principal Use unless a Conditional Use Permit is approved for off-site parking. Remote Parking shall not be located more than 500 ft from the Lot on which the Principal Use to be served is located and the zoning classification of the property on which the Remote Parking is located shall be the same or a less restrictive classification. A written agreement assuring the continued availability of such off-site facilities shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the Building Permit application.

b. Driveways shall be designed and located such that the necessary or desired parking space shall not extend into a public right-of-way nor obstruct a public sidewalk.

c. For all residential uses, the keeping of recreational vehicles, boats and trailers for more than forty-eight (48) hours shall only be permitted behind the Front Building Line.

2. Collective Provision of Parking Spaces. Two (2) or more Non-residential or mixed-uses may collectively provide Off-street Parking if the following conditions are met:

a. Cumulative parking space requirements for Non-Residential or Mixed-use occupancies may be reduced where it can be demonstrated that the peak requirements of several occupancies occur at different times. Such reductions may be considered by the approving authority if supported by parking demand study.

3. On-street Parking. On-street public parking may be counted towards the required parking spaces for Abutting Non-residential uses. Only parking spaces fully contained within the Lot Frontage (as extended into the parking lane) may be counted. On-street Parking spaces that extend in front of two separate properties may not be counted toward either.

4. Public Parking and Parking Credits. The Zoning Official may reduce the required parking for a Non-residential or Mixed-use development when public parking credits have been purchased from the City toward spaces in a public parking facility within 500 ft of the subject use and in accord with the following:

a. One and one-half (1.5) parking credits may be sold by the City per space in a public parking facility.

b. The purchase of a parking credit does not reserve any parking space for purchasers, their employees or customers. The City shall have the right to charge individuals for use of public parking to assure turnover and maximize parking availability for the general public and for the uses that have purchased parking credits.

c. The cost of a parking credit shall be established from time to time by the Council. Funds accumulated under the parking credit program are to be used by the City to create new or expand existing public parking facilities, and/or

improve pedestrian and bicycle facilities in the area to support use of public parking.

C. Permit. A parking area permit approved by the Public Works Director shall be required for any parking area.

D. Design Standards and Improvement Requirements.

1. Space Dimensions. Parking space dimensions shall comply with the provisions of Table 14-1D and as shown in Figure 14-1D1.

   a. Compact car spaces may be provided but shall not exceed a ratio of one (1) compact car space: three (3) standard spaces. Compact car spaces shall be a minimum size of eight (8) ft in width by sixteen (16) ft in depth.

   b. Handicapped spaces shall be provided as required by the Building Code.

2. Parking Area Dimensions. The design and dimensions of the parking area shall be in accordance with Table 14-1D and as shown in Figure 14-D1.

   a. Up to two (2) ft of vehicle overhang over a wheel stop may count toward the required length of a parking space. However, in such cases, the City Engineer may require additional aisle width. Vehicle overhang shall not project over a Lot Line, public ROW, sidewalk, required landscaped area, or internal walkway.

   b. The City Engineer may prescribe such traffic markers and or signs as deemed necessary to safely and efficiently manage traffic flow. Parking spaces, except those serving Single-family Dwellings and Duplexes, shall be demarcated with painted lines and/or signs or other markings accepted by the City Engineer. Stacking Spaces shall not be individually marked but instead shall be clearly demarcated to direct traffic, as necessary.

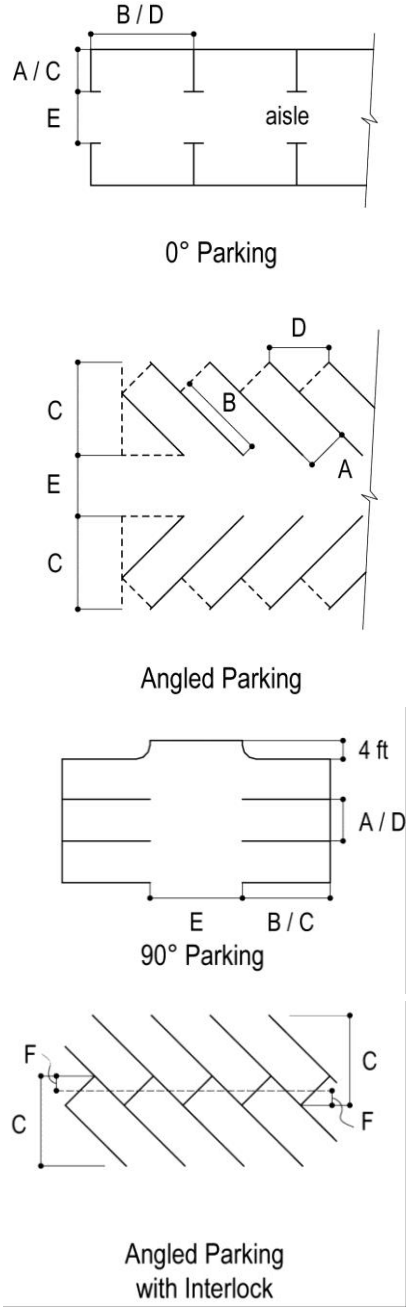


Figure 14-1D1 (See also Table 14-1D)

3. Landscaping. The design and appearance of parking areas are intended to be compatible with the beach resort character of the community. Toward this objective, Off-street Parking areas of six (6) or more parking spaces shall be subject to §12-1 Landscaping.

4. Dead End Parking. Driveways and areas for internal circulation for parking of vehicles shall be designed to provide for safe and convenient circulation within the site. All parking lots must provide flow-through Driveways and dead end parking is prohibited. Ten

(10) or less consecutive parking spaces shall not be considered dead end parking.

In extenuating circumstances when all other design options have been exhausted, the City may approve a striped area measuring a minimum of fifteen (15) ft by the full length of the parking aisle to be used as a vehicular turnaround area. "No Parking" and "Tow Away Zone" signage must be provided in vehicular turnaround areas in order to discourage vehicular parking.

5. Parking Lot lighting shall be provided within all parking lots and a lighting plan shall be provided by a qualified lighting provider. Light poles and fixtures shall be of the minimum height, type and number necessary to satisfactorily illuminate the parking lot. Lighting fixtures shall be designed to safely light parking areas without creating nuisance or hazardous situations for Adjacent property or Thoroughfares in accord with §6-13 Outdoor Lighting Standards. An exemption to the lighting requirement may be approved by the Council if it is demonstrated by the applicant that the lighting of the parking lot is unnecessary or undesirable and that such an exemption will not create a safety problem.

6. Paving Standards. All parking spaces, Driveways and maneuvering areas shall be paved with asphaltic concrete, concrete, paving stone or masonry in compliance with standards adopted by the City Engineer. However, alternative paving may be approved pursuant to Paragraph 7 following. Required parking spaces shall be permanently marked and maintained and shall be accessible from a Driveway or aisle such that all vehicles approach the adjoining Thoroughfare in a forward motion. Restrictions and exceptions include:

   a. Detached Single-family Dwellings and Duplexes may substitute a ribbon-type Driveway (see Figure 141D6) or an unpaved all-weather surface, in compliance with standards adopted by the City Engineer, in place of a solid-paved surface. Vehicles may approach a Thoroughfare in either a forward or backing motion. This shall not apply to shared Driveways serving more than one such residences.

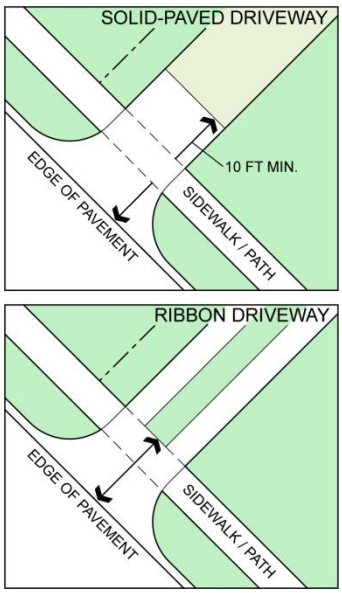


Figure 14-1D6: Solid-paved and Ribbon Driveways

   b. All Driveways that cross an existing sidewalk or bike path shall be paved from the edge of pavement of the Thoroughfare to at least ten (10) ft from the back of the sidewalk or path, regardless of whether the parking on-site is required to be paved or not. See Figure 141D6. Ribbon-type Driveways shall be solid-paved from the back of sidewalk to the edge-of-pavement.

   c. In addition to Item b, above, all uses, whether required to provide paved parking or an unpaved all-weather surface, shall be required to pave all turn-outs and portions of Driveways located within any public or private rights-of-way up to a maximum of twenty-five (25) ft. In areas with unusually large ROW widths or where Driveways must cross extensive State or other governmental lands (such as Fort Morgan Road) for property access, Driveways shall be paved for their entire length within the ROW or state or governmental land.

7. Alternative Paving Standards. The reviewing authority may approve, following a recommendation by the City Engineer and Zoning Official, permeable paving surfaces in areas susceptible to flooding, and/or in zoning districts with restrictive impervious coverage standards. Pervious parking areas shall allow stormwater to percolate into the ground as designed as part of an overall stormwater management system in accordance with an approved site plan and the City of Gulf Shores Erosion Control, Sedimentation, Stormwater Runoff and Applicable Retention/Detention Ordinance. Permeable paving standards are as follows.

a. All parking drive aisles, including ingress/egress aprons, shall be paved in accordance with the provisions of the Paragraph 6 Paving Standards above.

b. Sub-surface soil testing shall demonstrate the manufacturer's specifications will be met to allow for percolation and other stormwater functions.

c. Permeable paving shall have at a minimum the following components; a durable load bearing pervious surface, a base course for stormwater storage and recharge, and a filter fabric. Permeable parking materials and installation procedures shall be in compliance with the manufacturers and/or industry standards.

d. Gravel permeable paving shall be encapsulated by a minimum six (6) inch ribbon curb.

e. Any stormwater piping associated with the permeable parking area, including pipe materials, sizes, slopes, and invert elevations at every bend or connection.

f. Inspections. A state of Alabama registered professional engineer is required to design, make initial construction and annual inspections and tests as necessary to certify that construction of the permeable paving is consistent with the approved plans as well as the manufacturer's standards. If maintenance is required the owner shall submit the following documentation:

(1) Removal of visible surface sediment accumulations, and

(2) Test results verifying the infiltration rate through the permeable pavement and base course materials system is in accordance with the approved permeable paving design and specifications.

g. Repaving of pervious parking areas is prohibited unless approved by the reviewing authority.

8. Paving and Landscape Exemptions for Industrial Areas. Parking areas within the IND District may have the paving and Landscaping requirements contained in this Ordinance reduced subject to approval of a Conditional Use Permit by the City Council. Modifications may include permitted use of substitute paving materials or reduced Interior or Perimeter Landscaping. Street Frontage Landscaping may only be reduced by the BZA when properties facing from across the Thoroughfare are also zoned as IND.

9. Drainage. Off-street Parking facilities shall be drained to prevent damage to Abutting property and streets and to prevent pollutants from draining onto the beach. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas, if provided, shall leave openings for the flow of water onto unpaved areas.

§14-2. Parking and Loading in Specified Overlay Districts.

A. General Provisions for Overlay Districts. Off-street Parking in the Lagoon Pass, Beach Area, and Walking Area Overlay Districts shall be as otherwise required in this Article, except as provided in §14-2B.

1. Limitation on surface parking. No surface Off-street Parking shall be located forward of the front Building Façade.

2. Lighting. All parking decks and any surface parking lots with more than ten (10) spaces shall be Illuminated in accord with §6-13 Outdoor Lighting Standards (and Turtle Lighting Ordinance 1461, as referenced therein).

B. Parking Reductions in Overlay Districts. Off-street Parking and Loading in the Lagoon Pass, Beach Area, and Walking Area Overlay Districts shall be as otherwise required in this Article 14, except as provided herein.

1. Subject to approval by the Commission, minimum parking requirements for a Mixed-use Development may be reduced by calculation of Shared Parking Requirements for the development utilizing the Shared Parking demand information in Table 14-2B (or as otherwise provided in §14-2B3). These parking reductions shall not be available to Lodging Uses and Multiple-family residential uses unless such uses are part of a development also including non-Lodging, Non-residential uses.

2. Parking reductions may be allowed as part of Site Plan approval only if it is demonstrated to the satisfaction of the Commission that a combination of the following factors or measures are proposed by the development plan, including but not limited to:

a. There are no material adverse impacts on parking conditions in the immediate vicinity.

b. The development plan mitigates vehicular traffic impacts by proposing limited access to and from public Thoroughfares.

c. The development plan proposes the creation of new or upgraded sidewalks or bikeways to help foster non-vehicular movement within, around and to the site.

d. Public/private Open Spaces are provided with pedestrian and bikeway amenities (i.e., bicycle

racks, benches, open and landscaped areas, pedestrian landings, lighting, etc.).

e. Additional landscape measures are taken beyond minimum City requirements to foster a high-quality beach attraction for tourists and further encourage pedestrian and bicycle access to the use or Premises.

f. Safety signs, traffic signals, and crosswalks are implemented to help reduce any potential conflicts between pedestrians and vehicles.

The Commission may also require a covenant be executed guaranteeing that the owner will provide additional spaces directly or by purchase of parking credits, if the City, upon investigation of the actual use of parking within two years of initial occupancy, finds there is insufficient parking, which must be proven by showing occupancy rates over 98 percent for a least two consecutive hours on at least three separate days within a single month.

3. Local Parking Demand Study. At their option, the developer may prepare a local parking demand study to generate parking demand figures more suited to the proposal, its combination of uses, and location than that provided in Table 14-2B. The study shall be prepared by a qualified parking or traffic consultant, licensed architect, city or urban planner or civil engineer. The study shall prove to the satisfaction of the Zoning Official the alternative parking demand figures it generates. The Commission may require the owner/developer to pay a fee to be applied towards the cost of a parking study of actual parking accumulation to be carried out within one to two years of occupancy.

Table 14-1B: Required Minimum Off-street Parking Spaces

Residential Uses	
1. Single-family Dwelling, attached or detached	2 spaces; or for Dwellings zoned BT or within the Single Family & Duplex Tourist Rental Overlay District – 1 space for each Bedroom
2. Duplex	2 spaces per unit; or for Duplexes zoned BT or within the Single Family & Duplex Tourist Rental Overlay District – 1 space for each Bedroom
3. Multiple-family Structure not exceeding 8 DU/ac • 1-BR or efficiency unit • 2-BR unit • 3-BR unit • 4+BR unit	• 1.5 space • 1.75 spaces • 2.0 spaces • 3.0 spaces
4. Multiple-family Structure(s) where densities exceed 8 DU/ac • 1-BR or efficiency unit • 2-BR unit • 3-BR unit • 4+BR unit	• 1.4 space • 1.6 spaces • 2.0 spaces • 3.0 spaces
In the BT Districts, Beach Area Overlay, Walking Area Overlay, and Lagoon Pass Overlay District, any parking spaces which are to be enclosed and/or reserved for any persons (with the exception of handicapped spaces) are to be provided in addition to the number of required parking spaces per Dwelling Unit listed above.	
Lodging Uses	
5. Hotels/Motels. Off-street Parking spaces for Accessory Uses such as Restaurants, Lounges, shops and offices, except meeting rooms, shall be provided as otherwise required under this Article.	1 space per Sleeping Unit without kitchen facilities 1.5 spaces per Sleeping Unit with kitchen facilities
6. Hotel/Motel meeting rooms. Off-street Parking spaces for meeting rooms within Hotels/Motels shall be determined by the Hotel meeting room parking factor (HMP). The Hotel meeting room parking factor (HMP) is defined as the total meeting room square footage (MSF) divided by the total number of Sleeping Units (SU's).	0-20 HMP = 0 20-40 HMP = 1 space/400 sf 40-60 HMP = 1 space/200 sf 60-80 HMP = 1 space/150 sf 80-100 HMP = 1 space/100 sf 100+ HMP = 1 space/80 sf
Institutional Uses	
7. Places of assembly	1 space per 4 fixed seats in the largest assembly area or per 40 sf of floor area available for the accommodation of moveable seats in the largest assembly room
8. Libraries, art museums and similar cultural facilities	1 space per 400 sf of GFA
9. Private clubs, country clubs, and lodges	1 space per 250 sf of GFA

Table 14-1B: Required Minimum Off-street Parking Spaces	
10. Day care and residential care facilities • Day care or nursery • Assisted living facility • Independent living facility	• 1 space per employee on the greatest shift plus 1 space per 10 children based on maximum design capacity • 1 space per 3 residents at max. capacity plus 1 space per 2 employees on largest shift • 1 space per 2 residents at max. capacity plus 1 space per 2 employees on largest shift
11. Funeral home	1 space per 4 seats or bench seating spaces in chapel
12. Medical Offices, dental offices and clinics	4 spaces per doctor plus 1.0 spaces per employee
13. Schools. Parking requirements for schools may be modified upon review by the Zoning Official using the corresponding standards as a baseline. • Elementary and Junior High Schools • High School	• 2 spaces per classroom, or 1 space per 5 seats in the primary assembly area, whichever is greater • 5 spaces per classroom, or 1 space per 4 seats in the primary assembly area, whichever is greater
Commercial Uses	
14. Retail stores up to 50,000 sf GFA	1 space per 200 sf NFA
15. Retail stores of at least 50,000 sf and up to 90,000 sf GFA	1 space per 225 sf of NFA
16. Retail stores over 90,000 sf GFA	1 space per 250 sf NFA
17. Retail, Bulk Merchandise or wholesale establishment	1 space per 300 sf NFA
18. Retail automobile, boat, Manufactured Home, Recreational Vehicle, and similar sales establishments	1 space per 300 sf of floor area dedicated to showroom and office use, plus 1 space per service bay, plus 1 space per 5,000 sf of display area; or 10 spaces, whichever is greater
19. Service stations, car wash	5 spaces per bay and 2 spaces per wash rack
20. Restaurants, Lounges, and other eating and drinking places. Public floor area equals the GFA (including outdoor dining areas not excluded from parking requirements) less all areas used for kitchen, storage, office and other non-customer areas	1 space per 3 seating accommodations, plus 1 space per 2 employees on shift of greatest employment; or 1 space per 40 sf of public floor area, whichever is the greater
21. Hotel Restaurants, Lounges, and other Accessory eating and drinking places. The Hotel Restaurant parking factor (HRP) is defined as the total Restaurant square footage (RSF) divided by the total number of Sleeping Units (SU's).	0-10 HRP = 20% of requirement 10-30 HRP = 40% of requirement 30-50 HRP = 60% of requirement 50-70 HRP = 80% of requirement 70+ HRP = 100% of requirement
22. Bank, savings and loan or other financial institution • with drive-thru • without drive-thru	• 1 space per 500 sf GFA plus 3 Stacking Spaces per drive-thru lane • 1 space per 400 sf GFA
23. Professional and business Offices, excluding real estate rental offices	1 space per 200 sf GFA
24. Real Estate Rental Offices	1 space per 150 sf GFA
25. Commercial recreational and amusement establishments	1 space per 200 sf GFA
26. Personal service establishments	1 space per 250 sf GFA
27. General service or repair establishment, printing, publishing, plumbing, heating, broadcasting	1 space per 500 sf GFA
28. Laundromat	1 space per 250 sf GFA
Industrial, Storage and Transportation Uses	
29. Manufacturing or industrial establishment, research or testing laboratory, bottling plant, wholesale, warehouse or similar establishment	1 space per 800 sf GFA
30. Marina. All Accessory Uses which may be located within a Marina complex including but not limited to Lodging facilities, Restaurants and retail stores shall each separately provide parking at a rate prescribed within this ordinance for each corresponding use.	1 space per 3 boat berths whether wet slip or drystack

Table 14-1B: Required Minimum Off-street Parking Spaces	
31. Self (Mini) Storage Facilities	1 space per 10,000 sf GFA plus 2 spaces for caretaker's Dwelling plus 2 spaces per 1,000 sf of incidental office space
Entertainment and Recreational Uses	
32. Bowling Alley or pool room	2 spaces per bowling lane or billiard or pool table.
33. Outdoor amusement facilities	1 space per 300 sf in use plus 1.0 spaces per 2 employees
34. Mini-golf courses	1 space per hole plus 4 spaces per 18 holes plus 1 space per 2 employees
35. Golf Courses	45 spaces per 9 holes
36. Stadium	1 space per 5 seats (one seat is equal to two ft of bench length)

Table 14-1D: Parking Lot Dimensional Requirements							
Parking Angle	**Stall Width (A)**	**Stall Length (B)**	**Stall Depth (C)**	**Curb Length (D)**	**Aisle Width (E)**		**Interlock (F)**
					One-Way	**Two-Way**	
0°	9 ft	22 ft	8 ft	22 ft	12 ft	20 ft	na
30°	9 ft	20 ft	17.4 ft	17 ft	15 ft	20 ft	3.9 ft
45°	9 ft	20 ft	20.2 ft	12 ft	15 ft	20 ft	3.2 ft
60°	9 ft	19 ft	21 ft	10.4 ft	20 ft	24 ft	2.3 ft
90°	9 ft	19 ft	19 ft	9 ft	20 ft	24 ft	na

Table 14-2B: Typical Shared Parking Demand by Use and Time of Day*						
Parking Demand by Use	Weekday 8am-5pm	Weekday 6pm-12am	Weekday 12am-6am	Weekend 8am-5pm	Weekend 6pm-12am	Weekend 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%
* Different parking demands may be used than the typical shown here if documented in a parking demand study.						

§14-3. Off-street Loading.

A. Commercial or Industrial Loading or Unloading Berths. All commercial and industrial uses involving the receipt or distribution of goods by trucks, there shall be provided Off-street Loading or unloading berths as indicated in Table 14-3 unless modified or waived by the Zoning Official.

Loading berth(s) should be approximately twelve (12) ft in width, thirty (30) ft in length, and fourteen (14) ft in height, and may occupy all or any part of any Required Yard except for a required Front Yard or water Front Yard. Loading berth(s) shall be Screened as required in §12-2 Screening.

Table 14-3: Recommended Number of Berths

Gross Floor Area (GFA)	No. of Berths
4,000 – 25,000 sf	1 berth
25,001 – 40,000 sf	2 berths
40,001 – 60,000 sf	3 berths
For each additional 50,000 sf	1 berth

1. To the maximum extent possible, Off-street Loading and servicing shall take place during off-peak hours, such as between 11 PM and 6 AM.
2. Off-street Loading and servicing areas shall be located to the rear of all Buildings or Screened from public view in accord with §12-2 Screening.
3. Access ways and Loading areas used for delivery trucks, service vehicles, and Driveway and Loading areas for garbage trucks shall provide safe means of access and egress from public Thoroughfares such that delivery vehicles and garbage trucks are not allowed to back on to Ft. Morgan Road (State Hwy. 180), Beach Blvd. (State Hwy. 182), Gulf Shores Pkwy., (State Hwy. 59), and all other state and county roads. Excessive and unusual backing and turning movements shall be prohibited. All access ways and Loading areas shall provide a minimum horizontal and vertical clearance of fourteen (14) ft at all points.

B. Dumpster/Garbage - Trash Disposal.

1. For any commercial, industrial or Multiple-family development there shall be provided and maintained proper trash/garbage disposal. Dumpsters shall be provided unless the applicant can demonstrate that roll out trash containers are adequate for waste removal. Dumpsters shall not be located on a site until approval of the location is granted by the City. Dumpsters shall be placed on a concrete pad of sufficient size and strength to support service vehicles without failure. All dumpsters located on site shall be Screened in accord with §12-2 Screening. An appropriate gate shall be provided.
2. The owner, tenant, and/or agent, if any, shall be jointly and severally responsible for proper maintenance of required Screening, keeping lids closed at all times, and sanitizing dumpsters after each pickup.
3. A permit approved by the Building Inspector shall be required for the location of any dumpster located subsequent to Site Plan approval.

§14-4. Bicycle Parking.

Bicycle Parking shall be provided for all new developments witn fifteen (15) or greater required vehicle parking spaces. A rate of one (1) bicycle parking space shall be provided per every twenty five (25) vehicle spaces greater than fifteen (15) spaces, within a minimum of four (4) required bicycle spaces.

A. Applicability. Bicycle Parking shall be provided for any Multiple-family, Non-residential, or Mixed-use Development in the R-3, R-4, BN, BG, BT (1-5), ATP, ICW-N, and ICW-S Districts.

B. Design Standards. Bicycle Parking shall be provided through bicycle racks manufactured according to industry standards, as approved by the Zoning Official, subject to the following:

1. Bicycle Parking spaces should be in one or more convenient locations within 100 ft of the uses or principal entrances of Buildings they are intended to serve.
2. For Non-residential uses, Bicycle Parking shall be on a two (2) ft by six (6) ft minimum (per bike) concrete pad, or equivalent surface as approved by the Zoning Official. Bicycle Parking shall be in a location visible and easily accessible from a primary entrance to the Building and accessible from off-site bicycle paths, on-street Bicycle Lanes, or sidewalks, as appropriate.

ARTICLE 15: PLANNED UNIT DEVELOPMENT

§15-1. Purpose.

The purpose of Planned Unit Development, hereinafter referred to as "PUD", regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to implement the goals of the Land Use Plan; to encourage Mixed-use developments; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas. The procedure is intended to permit diversification in the location of Structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare both in the use and occupancy of Buildings and facilities in planned groups.

§15-2. Applicability.

Minimum site size for PUDs shall be as provided in Table 15-1.

Table 15-1: Minimum Size of Planned Unit Developments	
R-1, R-2, R-3 & R-4 Districts	10 ac
BN, BT, BA, ED, IND Districts	10 ac
BG, ICW-N & ICW-S Districts	3 ac
BT-1N district	None
Single-family PUDs in Fort Morgan Peninsula Overlay District	2 ac
Non-residential Districts in Fort Morgan Peninsula Overlay District	10 ac

A. Applicability within Overlay Districts. Subject to the approval of the Council after a review and report by the Commission and after a public hearing, PUDs are a permitted use in any district except any district located partially or entirely within the Beach Area Overlay, Walking Area Overlay or Lagoon Pass Overlay District.

B. Applicability within the BT-1N District. PUDs may encompass multiple tracts of land provided all Parcels are contiguous for at least fifty (50) ft, or the only separation is a body of water that measures less than 200 ft between the closest property corners of the separated tracts. However, all the Parcels joined in a PUD application shall be under the same ownership at the time of application or said approval shall be conditioned upon the presentation to and acceptance by the City of a legal instrument demonstrating unified control of all properties included in the PUD.

§15-3. Method.

For Planned Unit Developments, the existing zoning classification shall be retained or may be changed to another zoning classification concurrently with approval of a PUD Master Plan. The PUD, then, serves as an overlay to the base zoning classification, in which modifications to the use, intensity and design regulations of the base zoning district may be considered as a part of the PUD Master Plan approval, to the extent permitted in this Article. PUD developments may extend across multiple zoning districts or, if the concerned property includes only one zoning designation, it may be divided into multiple zoning districts, which may be approved concurrently with the PUD Master Plan. In any case, the uses and zoning designations requested shall only be approved if found to be consistent with the City's Comprehensive Plan and Land Use Plan component.

Development standards, including but not limited to yards and setbacks, building design criteria, parking and loading requirements, trip generation factors, landscaping and buffer requirements, and thoroughfare standards, may be modified by one of the following methods, subject to the limitations of and upon review of the criteria outlined in §15-4 Use, Intensity and Design:

A. with approval of a PUD Master Plan or amendment thereto;

B. with approval of preliminary subdivision/Site Plans by the Commission.

C. by phase in accordance with §15-6 Review and Approval Procedures and/or Article 5 of the Subdivision Regulations.

§15-4. Use, Intensity, and Design.

The following criteria will be considered in reviewing a PUD plan:

A. Uses. The uses permitted in a PUD shall be those uses permitted in the base zoning district(s), except to the extent modified by the PUD subject to conformity with the City's Land Use Plan. Uses that normally require approval as Conditional Uses, within the base zoning district(s), may be approved concurrently with the PUD Master Plan. When not approved at the time of Master Plan approval, such uses shall be subject to the normal procedures for Conditional Uses or an amendment to the PUD. Mixing of uses in PUDs is encouraged and therefore PUDs, which incorporate multiple uses and zoning districts are appropriate. The following are guidelines against which PUD applications shall be reviewed, as appropriate to the uses permitted and the size of the PUD:

1. PUDs should include, at a minimum, housing, recreational amenities, community facilities and Open Spaces. Large PUDs should incorporate workplaces, shops and Restaurants that are accessible internally and externally. Availability of jobs, shops, dining and recreational activities within walking distance can reduce traffic within the development, support community interaction and add to the development's vitality.
2. Activity centers are the primary locations for integrating Non-residential and Mixed-use development into PUDs. In addition, activity centers may include Multiple-family developments, which can be incorporated into Mixed-use Buildings, and be surrounded by higher Density Single-family housing. Where justified by the number of homes to be included, the development may be asked to donate or reserve land for a school, fire station, or other community facilities.
3. For large PUDs with a mix of uses, uses placed at the periphery of the development should be compatible with, if not the same as, existing or planned uses in Adjacent areas of the community.
4. Uses should be laid out within a PUD so that "like faces like" across Thoroughfares. For example, Mixed-use or non-residential development on one side of a street should face similar uses on the other side of the street; residential uses should face residential uses of similar density; etc. Exceptions may be appropriate when the associated Thoroughfare is of higher classification (i.e. Arterial or Collector).

B. Intensity and Density. Intensity and Density of uses permitted within a PUD are based on the area and dimensional regulations of the base zoning classification. Where the base zoning classification permitted specified Density increases or Building Heights, such increases shall generally be available within that portion of the PUD. However, such increases may be limited in certain base zoning classifications, as follows:

1. Approval of a PUD development within the BG, BT-1N, ICW-N, or ICW-S districts shall result in no net increase in the Building Height, Gross Floor Area (GFA), or residential Density otherwise permitted by the regulations of the applicable zoning district that are in effect at the time of such approval.
2. For all other districts, no increase in density shall be considered in a request for a PUD unless specifically authorized by the base zoning district.
3. Refer to §15-5 for special provisions for PUDS in the Ft. Morgan Peninsula Overlay District.

C. Center-Oriented.

1. PUDs larger than twenty-five (25) acres should be designed as one or more neighborhoods arranged around an activity center(s) such as a "village center" or "neighborhood center" that is designed as a functional and visual focus point within the development. These centers will generally include higher-Density residential uses, a park/commons, and a community facility (recreational facilities, churches, libraries, schools, Day Care Centers, etc.) at a minimum and may include other uses.
2. For smaller developments, orientation around an existing, Adjacent activity center may be acceptable. This is achieved when the majority of the PUD site is located within one-quarter (1/4) mile of an activity center designated in the Gulf Shores Land Use Plan, as amended.

D. Integrating PUDs into the Community. PUDs should not be designed as enclaves isolated from surrounding neighborhoods and activity centers, but should be designed integrally to the larger community.

1. PUDs should not be gated.
2. Development along the perimeter of the PUD site should front on existing Abutting roads. Only when the external road is a high speed Arterial or when another functional reason exists that discourages frontage development, should Lots be allowed to "back up" to an Abutting Thoroughfare. Single-family and Duplex dwellings are not permitted to front on Arterial Thoroughfares.

E. Housing Diversity.

1. PUDs should include a range of housing choices to serve the needs and desires of different market segments, for example, affordable housing and senior housing.
2. Where appropriate given the applicable zoning and land use planning for the location, a variety of housing types should be provided in addition to conventional Single-family detached homes. Other residential types that should be considered are: Accessory Dwellings on Single-family Lots, Cottage Subdivisions (small Lots which front on a common green), Townhouses, live-work Buildings, lofts, and "urban" Multiple-family Buildings (within or Adjacent to Mixed-use or Non-residential areas).
3. The arrangement and design of the residential portions of a PUD shall be considered with regard to providing an appropriate balance between visual interaction with the street and privacy for residents. For example, front porches establish visual interaction while also maintaining a physical transition between

the more public nature of the street and sidewalk and the more private nature of the dwelling.

F. Improvement Standards. A PUD shall conform with the Subdivision Regulations and this Ordinance, except where variations are approved by the Council, and with all other applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required physical Improvements including but not limited to Thoroughfares, drainage, water supply and sewage collection. The following design criteria shall be considered by the Council with regard to any modification or waiver to the general requirements of this Ordinance and the Subdivision Regulations.

1. Accommodations for Walking and Bicycling.

   a. The following components should be included to provide "walkability": small Block sizes; sidewalks and trails; Complete Street environments; and a variety of destinations (neighborhoods, business areas, parks and Open Spaces) within a five-minute walking distance (or ¼ mile radius) of every home.

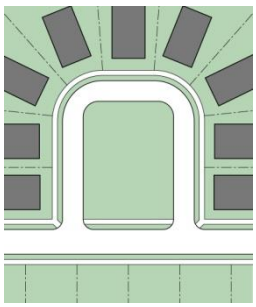
   b. At a minimum, an activity center or neighborhood park should be within one-quarter (¼) mile of every home (as measured along connecting sidewalks, not in a straight line), although homes in low-Density residential areas may be excluded.

   c. Bike lanes should be considered for inclusion on Arterials and Collectors. To this extent, driveway access and on-street parking along higher classification Thoroughfares may be restricted, if in conflict, with provision of suitable walking and bicycling facilities.

2. Connectivity. The street network should be designed with many internal and external connections to provide route options for motorists and to ensure best access for emergency services.

   a. *Internal Connectivity***.** The internal street network should be designed to disperse internal traffic evenly throughout the neighborhood(s) rather than funneling most traffic onto only a few major Thoroughfares within the development.

      (1) Cul-de-sacs should be avoided wherever possible. Where it is necessary to terminate the internal street network, circles and closes (loops) should be used rather than cul-de-sacs.



Close or Loop Street

      (2) If a Cul-de-sac is used, its diameter should be increased to accommodate a landscaped open space at its center, no less than 20 ft in any dimension, *and* a pedestrian and/or bicycle path should be provided at the head of the cul-de-sac which provides access to Adjacent Blocks, neighborhoods, open spaces, or pedestrian/bicycle ways. These connections should be in an easement of at least ten (10) ft in width.

   b. *External Connectivity*. The internal street network should include multiple access points to the surrounding street network to avoid or minimize traffic congestion at entrances/exits to the development. This is also advantageous for emergency access.

      (1) Where Adjacent to vacant, developable land, stub streets should be provided for future external connections.

      (2) Where Adjacent to existing stub streets, the PUD shall incorporate and connect the existing stub street into the planned street network.

      (3) Where located Adjacent to an existing or proposed transit line, the development should incorporate access to the existing or proposed service, including a new stop where applicable.

      (4) Trails, greenways and similar paths shown on the City Land Use Plan and/or Master Sidewalk and Bikeway Plan shall be incorporated into a PUD Master Plan where it passes through the PUD, or if adjacent to the PUD, connections to such paths should be provided.

3. Complete Streets. Internal streets should be designed to be safe and attractive and to accommodate automobiles, pedestrians and bicyclists, and the handicapped in accord with the street design standards in the Subdivision Regulations and as described below:

a. Lot Frontage and Access.

(1) Lots should front on and may have access along most Thoroughfares within a PUD. However, where higher classification thoroughfares (Collectors or Arterials) are called for, either by the PUD or by the City's Master Street Plan, specific planning and design treatments may be necessary to provide the desired function of the proposed Thoroughfare (i.e. capacity) while balancing said vehicular function with appropriate design speeds and accommodation of walking and bicycling facilities. Though properties are generally permitted to front on Collectors, vehicular access may be required by Local Streets or Alleys.

(2) Double-frontage lots and single-tiered blocks should be avoided, although such conditions may be acceptable along higher classification Thoroughfares, but only on a case-by-case basis.

b. *Narrow lanes*. Vehicular lanes should be narrow to calm traffic while including adequate width for access by emergency vehicles. Vehicular lanes should be eleven (11) ft in width for most local streets and other Thoroughfares where a speed limit of twenty-five (25) miles per hour is intended.

c. *On-street Parking*.

(1) Local streets serving activity centers and high-Density residential areas should include On-street Parking on both sides.

(2) On-street Parking on one side of the road should be included in medium-Density residential areas, at a minimum.

(3) Local streets serving low-Density residential areas should only include On-street Parking on one side at a maximum.

(4) Higher speed roads with little or no fronting development are not appropriate for On-street Parking.

d. *Planting Strips*. Planting Strips should be provided along the edges of the roadway for Landscaping purposes and should be five (5) ft in width at a minimum. In activity centers, these Planting Strips will be Hardscaped and act as an extension of the sidewalk, while including regularly spaced tree wells and other landscape areas. In residential areas, Planting Strips will be grassed and include regularly spaced Street Trees. In low Density residential areas, Planting Strips are replaced by vegetated swales or by lawn area.

e. *Street Trees*. Street Trees are placed within the Planting Strip at the edge of the roadway to provide shade and enclosure to ensure a properly scaled environment. In higher Density areas, Street Trees should be uniformly placed within the street environment; while in lower Density areas, tree types and placement may be more varied to accentuate the more natural characteristics of such neighborhoods.

f. *Sidewalks*.

(1) Residential sidewalks should be wide enough (five (5) ft at a minimum) to allow two pedestrians to pass one another or for two pedestrians to walk side-by-side comfortably. Sidewalks should be provided on both sides of the street in medium and high density residential areas. Low Density residential areas may not require sidewalks but should be connected, at a minimum, to activity centers by trails or paths.

(2) In activity centers, sidewalks should be eight (8) ft wide at a minimum plus the Planting Strip. Sidewalks should be located on both sides of the street.

(3) All development areas, including recreational open space, within a PUD should be connected to activity centers (whether internal or not) either by sidewalks or by off-road trails, greenways or other paths.

g. *Bicycle Facilities.* Collectors and Arterials within or along the perimeter of a PUD should accommodate on-street Bike Lanes or off-road Multi-Purpose Trails. On-street facilities are more appropriate in non-residential, mixed-use and dense residential areas, while off-road facilities are more appropriate in low density residential areas. Designated bike lanes are generally not necessary on Local Streets.

h. *Curbs and Drainage*. In activity centers and medium and high-Density residential areas, curb and gutter is required to capture runoff and to direct drainage into storm sewers. In lower Density residential neighborhoods, valley curbs or vegetated swales are sufficient. In no case shall a valley curb be placed within five (5) ft of a sidewalk.

i. *Lighting and Utilities*. Street lighting should be attractively designed and should provide lighting for vehicular traffic and lower-scaled lighting for pedestrians. There shall be no overhead utility

lines along any Street Frontage. All utilities shall be placed underground.

j. *Frontage conditions.* Streets should be visually enclosed by the Buildings alongside them. However, where Buildings can not be used to enclose a street, such as in the instance of open spaces and parking lots, low walls, trees and Shrubs should be included to define the edge of the public street environment from the private space or open space bordering it.

(1) Parking lots may be permitted to abut rights-of-way only in activity centers and only when designed as described herein.

(2) Off-street Parking in residential areas shall not be permitted forward of the Building Line with the exception of Driveways which shall not be wider than twelve (12) ft at the ROW Line and for a depth of at least twenty (20) ft. Driveways wider than twelve (12) ft should be located to the side or rear of the Dwelling and never forward of the Front Building Line.

(3) Enclosed garages of detached Single-family Dwellings should be set back at least five (5) ft behind the Front Building Line. Enclosed garages of attached Single-family Dwellings should only be located at the rear of the Dwelling, accessed from an Alley or similar joint access.

G. Screening and Buffers. Screening for individual uses and Structures shall be consistent with the requirements of §12-2 Screening. Buffering of uses along the perimeter of a PUD shall be consistent with §12-3 Buffers. Buffers between uses within the interior of a PUD may be waived or modified by the approving authority during Master Plan approval.

§15-5. Special Provisions for PUDs in the Ft. Morgan Peninsula Overlay District.

In addition to the other requirements of this Article, the following criteria shall further guide the consideration of PUDs within the Ft. Morgan Peninsula Overlay District.

A. Multiple-family, Mixed-use PUDs.

1. A Mixed-use, Multiple-family, or commercial PUD must have a minimum of ten (10) or more contiguous acres that are not separated by Fort Morgan Road.

2. PUDs within the BT Districts may increase their Density by a maximum otherwise allowed by the base zoning district; and may increase their maximum height by up to five (5) Habitable Stories above the maximum otherwise allowed by the base district.

3. PUDs within the BN District will not receive increases in Density.

4. Subject to the discretion of the Council, all or a portion of the Commercial Uses may be required to be located Adjacent to Ft. Morgan Road.

5. Most, if not all, required parking is to be located under the Building.

6. The maximum Impervious Surface area should be thirty-five (35) percent.

7. No Density transfers shall be permitted across Fort Morgan Road. This includes transfers toward the waterfront or away from the waterfront.

B. Single-family PUDs.

1. A Single Family PUD must have a minimum of two (2) or more contiguous acres that are not separated by any ROW.

2. Must be zoned R-1 or R-2.

3. Condominium PUDs may request common Driveways for access and non-traditional paving surfaces so long as an all-weather surface is provided. Post-storm clean-up issues and impacts on endangered species will be considered in reviewing alternative paving requests.

4. PUDs will not increase Density but should attempt to create larger and more significant Open Spaces through the Conservation Subdivision approach (§11-10).

5. PUDs should provide exceptional amenities and common areas Adjacent to water bodies and other natural areas.

C. Permitted Uses. The uses permitted shall be those uses permitted by the base zoning district, except as modified through Master Plan approval, and as limited by §15-5D Prohibited Uses.

D. Prohibited Uses. Outdoor Storage, heavy commercial, industry, adult entertainment, motion picture theaters, Building materials, pawn shops, auto body shops, auto sales, parts and services, car washes, and Junkyards.

§15-6. Review and Approval Procedures.

A. Submission Requirements; PUD Master Plan. To provide an expedited method for processing a PUD Master Plan all procedures for approval or disapproval of a Master Plan, and the continuing administration thereof, shall be subject to following provisions:

1. An application for a Master Plan shall be filed by or on behalf of the landowner with the Zoning Official. The purpose of the Master Plan is to provide the City with information in respect to the type, character, scale and intensity of development as well as the time

phasing of the proposed PUD for the City to evaluate the impact of the development upon the City.

2. The application for Master Plan approval shall include a written statement describing fully the character and intended use of the PUD and setting forth the reasons why the PUD would be in the public interest and would be consistent with the City's statement of purposes on PUD.
3. The applicant shall provide a written narrative specifically calling out all zoning relaxations being requested through the PUD. These may include clustering of units, reduced Lot size and Setbacks, use considerations, Building Height Variances, design considerations, etc., and shall also identify the private and public benefits of the PUD, including but not limited to:
    a. Public Benefits: Traffic and utility Improvements, regional and local bicycle/pedestrian Improvements, Buffering from Adjacent sites, aesthetic Improvements, dedication of school or park sites, enhancement of property values, sign enhancements, preservation of natural areas and views, creating public access to water or other popular sites.
    b. Private Benefits: Amenities for site users, Open Space and recreation, clustering of uses, creation of neighborhoods, Landscaping, traffic circulation, multi-modal circulation (including bicycle and pedestrian elements), private space for units, parking, tree preservation, preserving unique views and natural areas in common areas for the use and enjoyment of all residents/guests (such as water fronts), enhanced architecture and site layout.
4. The PUD Master Plan shall consist of a site plan, preliminary landscape plan, building elevations, design guidelines, residential lot layout, open space plan, bicycle/pedestrian circulation plan, and other plans applicable to the project. The use and development of the property in a PUD shall substantially conform to the development plan approved by the Council as an exhibit to the Ordinance for approval of the PUD.
5. Applications shall be accompanied by additional narratives, drawings, and other information as required by the CDD.

B. Review Procedure. An application for a Master Plan shall be filed with the Zoning Official. Upon receipt of said application, the Zoning Official shall review said application to determine its appropriateness and completeness and accept or reject the application. Upon acceptance of a completed application, a PUD proposal shall be reviewed and approved as required for rezoning requests in Article 3, unless modified herein.

During the review process, the City may retain consultants to assist in the review. The cost of retaining said consultants shall be borne by the applicant.

C. The Findings.

1. The Council shall, by ordinance, either (1) grant approval of the Master Plan as submitted, (2) grant approval subject to specified conditions not included in the Master Plan as submitted, or (3) deny approval to the plan.
    a. In the event approval is granted, the Council shall, as part of its ordinance, specify the drawings, specifications and form of performance and maintenance bonds that shall accompany an application for final approval.
    b. In the event approval is granted subject to conditions, the applicant shall within forty-five (45) days after receiving a copy of the written resolution of the Council notify the Council in writing of his acceptance or refusal of all said conditions.
    c. In the event that applicant refuses to accept all said conditions or fails to reply within forty-five (45) days, the Council shall be deemed to have denied approval of the plan.
2. The grant or denial of approval by Ordinance shall include not only conclusions but also findings of fact related to the specific proposal, including a finding that the public and private benefits generated from the PUD, as proposed, equal or exceed the benefit granted to the applicant through any modifications or waivers of this Ordinance, and shall set forth the reasons for the grant, with or without conditions, or for denials, and said Ordinance shall specify in what respects the plan would not be in the public interest, including but limited to findings of fact and conclusions of the following:
    a. In what respect the plan is or is not consistent with the statement of purpose for PUDs;
    b. The extents to which the PUD is consistent with and achieves goals of the Comprehensive Plan.
    c. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property.
    d. The purpose, location and amount of the Common Open Space in the PUD, the reliability of the proposals for maintenance and conservation of the Common Open Space, and the adequacy or inadequacy of the amount and

purpose of the Common Open Space is related to the proposed Density and type of development.

e. The physical design of the plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and parking and further the amenities of light and air, recreation and visual enjoyment.

f. The relationship, beneficial or adverse, of the proposed PUD to the neighborhood in which it is proposed to be established.

g. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the PUD in the integrity of the plan.

3. In granting approval, the Council may apply any conditions deemed necessary to protect Adjacent property, the public interest or to ensure that the public/private benefits generated by the application are adequately balanced against the benefits granted to the applicant. To this end, the Council may attach conditions to an approval including, but not limited to, the following:

a. On-site improvements and off-site improvements within public ROWs or off-road trails, greenways or paths;

b. Development standards;

c. Design guidelines;

d. Conditions on uses;

e. Dedication of land for public purposes or reservation of land for future public acquisition;

f. Granting of utility easements;

g. Granting of easements for public trails and open spaces; and

h. Requirements for establishment of a homeowners' or property owners' associations or other mechanism to assure continued maintenance of commonly owned land and facilities.

D. Status of Plan after Master Plan Approval. Within seven (7) days after the adoption of the ordinance provided for in §15-6C, a copy of the ordinance shall be mailed to the applicant. Where approval of a Master Plan has been granted, the same shall be noted on the Official Zoning Map. A Master Plan, upon approval, as provided herein, is defined as running with the land subject to the limitations specified in Paragraphs G and H following; provided, however, that an applicant may apply for an amendment to said Master Plan in accordance with the procedures set forth in §15-6H. Approval of a Master Plan shall not authorize a plat of the PUD for recording purposes or Site Plan approval, or authorize development or the issuance of any Building Permits. A Master Plan, which has been given approval as submitted or with conditions (and provided that the applicant has not defaulted nor violated any such conditions), shall not be modified, revoked or otherwise impaired by action of the City pending an application for plat approval, without the consent of the applicant, provided an application for plat or Site Plan approval (whichever is applicable) is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the ordinance granting approval of the Master Plan.

Approval of a Master Plan with or without special conditions shall represent the zoning of that area contained within the plan and shall apply to the land in a manner consistent with zoning unaffected by the sale or transfer of ownership of the land. Upon approval, the applicant shall be released to apply for plat or Site Plan approval (whichever is applicable) in accord with the Subdivision Regulations and/or §3-3 Site Plan Review of this Ordinance. The processing of a Site Plan or subdivision plat commensurate with the PUD Master Plan is acceptable so long as the PUD is adopted prior to the other approvals or the subdivision/Site Plan approvals are conditioned on the PUD being approved by the Council. In the case of a subdivision plat it shall not be signed by the City or recorded unless and until said PUD is approved. If said PUD is not approved within sixty (60) days of the subdivision or Site Plan approval they shall become null and void.

E. Multiple Phase PUDS. The Master Plan shall include a Phasing Schedule for any PUD to be developed in multiple phases, which describes when major Thoroughfares, open and recreational spaces, and similar amenities or community facilities will be dedicated, reserved or constructed. The Phasing Schedule shall include the timing of providing all Improvements as proffered. The Phasing Schedule shall also consider the need for future amendments, where necessary or desirable. The Zoning Official may approve minor revisions to the Phasing Schedule where it can be shown to be in the best interest of the PUD and the City.

F. Abandonment After Approval.

In the event that a plan or a section thereof is approved by the Council, and thereafter the applicant abandons said plan or the section thereof and so notifies the Council in writing, or, in the event

the applicant fails to commence construction of the PUD, excluding site grading, within five (5) years of Master Plan approval, such approval shall terminate and be deemed null and void, in which case the property shall revert to the base zoning classification. The Council shall have the authority to extend this period for no more than one (1) year and may only grant such an extension one (1) time for an approved Master Plan.

G. Inactive PUDs.

1. Any approved PUD, or any phase of an approved PUD shall be classified inactive if:

   a. Five (5) years following the date of approval by the Council, there is no valid Building Permit in effect and substantial construction other than site grading has not begun

   b. Less than sixty (60) percent of the floor area has been constructed, and five (5) years have expired since the most recent newly constructed Building received a Certificate of Occupancy; there is no valid Building Permit in effect, and substantial construction to resume construction activity other than site grading has not begun

2. Exception for PUDs with phasing schedules exceeding five (5) years: If the developer provides evidence, and the Zoning Official makes findings, that a multi-phase PUD has adhered to the approved development schedule, and that construction of Buildings and uses has been uninterrupted, then the failure to meet the construction targets of Items 1a and 1b above on one or more individual phases shall not cause said phases to be classified inactive. For purposes of this Subsection, construction is uninterrupted when there is no interval of twelve (12) or more months when a Certificate of Occupancy has not been issued for a newly constructed Building somewhere in the PUD, without regard to phase lines.

3. No Land Disturbing Activity Permit nor Building Permit for new Building construction shall be issued for an inactive PUD, or for any inactive phase(s) thereof, until the PUD is reviewed by the Commission and the Council takes final action as outlined below.

4. Review of an inactive PUD, or any inactive phase(s) thereof, may be performed by the Commission, on its own initiative; upon referral by City Staff; or upon request of the property owner(s) or agent. In such case, the Commission, and any subsequent action by the Council, shall follow the same procedures for meetings and public notice as provided in §3-6 Zoning Amendments except as modified below.

5. Within ninety (90) days, the Commission shall provide recommendations to the Council which reflects its findings on the following:

   a. Whether the PUD or phase(s) thereof under review has become inactive, according to this Subsection

   b. The appropriateness of the continued implementation of the PUD or phase(s) thereof as adopted, based on current conditions and circumstances, including the appropriate base zoning district necessary to implement the PUD as it exists

   c. Any recommendation to amend the PUD Master Plan or individual phase(s) thereof to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the zoning provisions of the Master Plan be removed, in whole or in part, from the area of the inactive PUD or the area of any inactive phase(s).

6. The Council shall take final action to re-authorize the existing PUD Master Plan, amend the PUD Master Plan (if requested or agreed to by the owner(s) or agent), or deem the PUD Master Plan null and void, in which case the property shall revert to the base zoning classification.

H. Amendments. Amendments to the approved Master Plan may be made if shown to be in the best interests of the PUD and the City as follows:

1. The Zoning Official may approve minor revisions to the Master Plan, including but not limited to:

   a. Adjustments to the boundaries of Open Space areas as designated on the Master Plan, provided that the approved overall percentage in an area is not altered and the utility of Open Space areas is not materially changed

   b. Roadway plan adjustments, which occur within areas of like uses and do not significantly alter the overall transportation system

   c. Minor phasing schedule changes, which shall not exceed a change of ten (10) percent of the approved non-residential GFA or approved number of dwelling units from one phase to another

   d. Density shifts between residential areas, which involve no more than a five (5) percent Density increase within the subject phase, provided that the approved Density for the entire Master Plan is not increased.

2. Major amendments to the Master Plan may be made only through the rezoning process in §3-6 and include but are not limited to:

    a. An increase in area of any of the approved land uses shown on the approved Master Plan.

    b. A change that would increase the land use intensity or Density within any phase of the Master Plan without a corresponding decrease in some other phase.

    c. A shift of development Density that would adversely impact on-site or off-site transportation systems.

    d. Major phasing schedule changes, which exceed a change of ten (10) percent of the approved non-residential GFA or approved number of dwelling units from one phase to another

    e. Any adjustment not deemed a minor amendment by the Zoning Official

3. Amendments to an approved Master Plan shall not modify the PUD Abandonment and Inactivity requirements of §15-6F and §15-6G above unless specifically requested and approved by the reviewing authority.

I. Application for Plat or Site Plan Approval. An application for plat or Site Plan approval may be for all the land included in the plan, or to the extent set forth in the Master Plan approval, for a section thereof. The application shall include such drawings, specifications, covenants, easements, conditions and forms of performance and maintenance bonds as set forth by ordinance of the Council at the time of approval of the Master Plan and as required by the Subdivision Regulations or §3-3 Site Plan Review in this Ordinance, whichever is applicable.

J. Requirements. Applications for plat or Site Plan approval of a PUD or portion thereof shall be accompanied by the materials required by the CDD for PUD Plat and Site Plan Approvals, any additional requirements of the Subdivision Regulations or §3-3 Site Plan Review, as applicable, and the following:

1. Agreements, provisions, declarations or covenants which govern the use, maintenance and continued protection of the PUD and any of its common open areas and other amenities.

2. The final plan shall be accompanied by a written agreement, in a form acceptable to the City's legal counsel, on behalf of the owner, or the owner's successors and assigns as follows:

    a. that the proposed development, as shown on the plans and as set forth in specifications, will be completed in every detail within such time period as may be agreed upon by the Council

    b. that all land Improvements intended for the common use of all residents, including drives, walks, parking areas, recreational facilities and equipment and all landscaped or other Common Open Space will be maintained in perpetuity, including such servicing as may be required for the use of such land Improvements

    c. that no future changes in the development shall be made which would encroach upon the land used to comply with the requirements of this article as to Density, Open Space, Yards, courts, vehicular access, automobile parking, Building Coverage or other outdoor requirements

    d. that all easements for private drives, utility lines and similar purposes shall be open at all times for access by publicly employed personnel and equipment for police and fire protection, for inspection of utility systems and for any other public purpose.

K. Compliance with Master Plan Required for Plat Approval. If the Zoning Official finds that said application for plat or Site Plan approval is in substantial compliance with the Master Plan, the application shall proceed in accord with the procedures set forth in the Subdivision Regulations or §3-3 Site Plan Review, as applicable.

A plan submitted for plat or Site Plan approval of a portion of an Master Plan shall be deemed to be in substantial compliance with the approved Master Plan provided any modification by the applicant does not change the Density, Open Space or other provisions of the total PUD and any portion thereof does not:

1. vary the proposed residential Density or intensity of use by more than five (5) percent;

2. involve a reduction of the area set aside for Common Open Space nor the substantial relocation of such area;

3. increase by more than ten (10) percent the floor area proposed for Non-residential use; nor

4. increase by more than five (5) percent the total ground areas covered by Buildings nor involve a substantial change in the height of Buildings.

L. Status of Plan after Plat or Site Plan Approval. Where approval of a Plat or Site plan has been granted, said approvals shall remain active in accordance with the timelines established in the Subdivision Regulations or in §3-3 Site Plan Review of this Ordinance.

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ARTICLE 16: SITE PLAN REVIEW

§16-1. Site Plan Review.

Site Plan Review by the Commission or administrative Site Plan Review by the Community Development Department (CDD) shall be required in accordance with §3-3 Site Plan Review. The following standards shall be used in reviewing any Site Plan. At the time of alterations or enlargement of a nonconforming Structure(s) or site, the entire Structure(s) and site shall be made to conform with the requirements of this Article.

A. Traffic Access Criteria.

1. All proposed access ways are adequate, but not excessive in number; adequate in Grade, width, alignment and visibility; and not located too near street corners or adjacent driveways (in accord with City Access Standards), places of public assembly and other similar considerations.
2. Driveways, unless they provide through access to an Abutting street, shall not be aligned to an intersection, whether signalized or not.

B. Circulation and Parking Criteria.

1. There shall be adequate, safe and convenient arrangement of Thoroughfares, Driveways, Off-street Parking, Loading space and pedestrian circulation facilities. To this end, pedestrian walkways shall be provided within all developments and shall be arranged in a manner that allows for safe and efficient pedestrian travel both in and around the site, separating pedestrian use areas from parking lots, Loading areas, Driveways, and roadways.
2. Thoroughfares, pedestrian walks and Open Space shall be designed as integral parts of the overall site design. They shall be properly related to existing and proposed Buildings and appropriately landscaped.
    a. To properly accommodate pedestrian circulation, logical connections shall be provided between on-site and off-site walkways.
    b. In the event that off-site walkways are not provided but where the subject site is situated along an identified segment of the Master Bikeway and Sidewalk Plan for the City, it shall be the responsibility of the developer to provide for these off-site walkways and such provision shall become an integral part of the overall site development plan.
3. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, and signs shall be of good appearance, easily maintained and appropriate to their function.
4. Parking facilities shall be designed with careful regard to orderly arrangement, landscaping, drainage, ease of access, adequacy and shall be developed as an integral part of an overall site design.
    a. In other than the BA and Industrial Districts, Off-street Parking should be located to the rear or side of Buildings, rather than in front of them. However, it is understood that this may not be practicable in all cases, such as previously subdivided or developed lands
    b. In the BA District, Off-street Parking in front of Buildings should be limited to a depth (from the Front Lot Line to the Front Building Line) of one double-loaded parking bay, or about sixty (60) to seventy (70) ft. However, a deeper parking area is acceptable when the access way separating the parking area from the main Building entrance is designed as a “Complete Street” with sidewalks on each side, on-street parking (where possible), street trees, and marked pedestrian crossings.

C. Design and Arrangement of Buildings.

1. Adequate provision shall be made for light, air, access and privacy in the arrangement of Buildings to each other. Each living space shall have sufficient exterior exposures.
2. All Buildings in the layout and design shall be an integral part of the development and have convenient access to and from Adjacent uses.
3. Individual Buildings shall be related to each other in design, massing, materials, placement and connections to provide a visually and physically integrated development.
4. The design of Buildings and the parking facilities shall take advantage of the natural features and topography of the project site, where appropriate.
5. All Building walls shall be oriented to ensure adequate light and air exposures to the rooms within.
6. All Buildings shall be arranged so as to avoid undue exposure to concentrated Loading or parking facilities wherever possible and shall be oriented to preserve visual and audible privacy between Adjacent Buildings.
7. All Buildings shall be arranged to be accessible to emergency vehicles.

D. Storm Drainage. The Site Plan must provide for the adequate disposal of storm water runoff in a manner that will not contribute to flooding or erosion of Adjacent properties or streets and will not carry pollutants onto the beaches.

E. Conformity with Provisions of Codes and Ordinances. All development shown on the Site Plan must conform to the requirements of this Ordinance, the Subdivision Regulations, the Building Code, and other applicable ordinances.

F. Architectural Restrictions. The following architectural standards shall apply throughout the City or as otherwise described herein. Upon a showing of special need, critical function, or exceptional design, alternative materials may be approved through the Site Plan approval process.

1. Novelty Architecture. Any use that incorporates Novelty Architecture, regardless of its GFA, shall be considered a Condition Use Permit and require a Conditional Use Permit under Section 3-4.

2. Building Materials. Within the following zoning districts, Building Façades shall be composed of stucco, brick, scored concrete, split-face concrete block, wood, or a combination of these materials:

   a. Any Residential, Business, or planned unit development district

   b. Any Non-residential district; except BA-zoned properties located 500 ft or more from State Highway 59

   c. INST District

   d. ICW-N and ICW-S Districts

   No more than twenty-five (25) percent of any Façade shall be composed of metal siding. On exterior Building walls not facing a Thoroughfare, no more than fifty (50) percent of the wall area shall be composed of metal siding; however, this shall not apply to residential Accessory Structures less than 200 sf in size.

Encouraged use of materials.

Discouraged use of materials.

3. Within the IND District and BA-zoned properties not subject to §16-1F1 above, Buildings shall be designed subject to the following:

   a. All metal Buildings shall, irrespective of location, have an architectural Façade on any elevation Adjacent to a public Thoroughfare or ROW. Façades shall be composed of metal, vinyl, stucco, brick, scored concrete, split-face concrete Block, wood, or a combination of these materials, provided however that not more than forty (40) percent shall be composed of metal siding.

   b. The materials used for Facades shall extend for a minimum of ten (10) ft along building elevations not Adjacent to a Thoroughfare. All other exterior walls shall be composed of metal, vinyl, stucco, brick, scored and/or split-face concrete Block, wood, or a combination of these materials, provided however that not more than seventy (70) percent shall be composed of metal siding.

4. In the ATP District, metal-sided Accessory Buildings are permitted if located within non-public or patron areas and are fully screened from off-site. Any exterior Building walls visible from a public ROW or on-site public or patron area shall be composed of metal, vinyl, brick, scored concrete, split-face concrete Block, wood, or a combination of these, provided however that not more than fifty (50) percent of any exterior wall shall be composed of either metal or vinyl siding.

5. Treatment of the sides and rear of all Buildings within the development shall be comparable in amenity and appearance to the treatment given to their Façades. However, in cases where Buildings are permitted to abut another Building along a Side Lot Line, Building walls erected at the Side Lot Line may have more modest design treatments.

6. Building disposition. See Envision Gulf Shores Overlay District Design Guidelines Illustrations 18, 24, and 25.

   a. To the extent permitted within the district, Non-residential and Mixed-use Buildings should be

located at the back of the public sidewalk aligned lengthwise along the primary frontage.

b. Principle Buildings shall have their primary entrances along a public Thoroughfare or public pedestrian way, such as a boardwalk.

7. Vertical Massing and Modulation. Multi-storied Buildings shall incorporate architectural Modulation of the elevation and Building profile. Such Buildings should have a “base”, “middle”, and “cap” differentiated through changes in material and color, amount and proportion of Fenestration, belt courses and projecting cornices. Additional Modulation shall be achieved through architectural features such as arcades, colonnades, Awnings, canopies and balconies, and through multiple offsets in vertical planes such that a number of upper floors are smaller than floors below. Irregular roof profiles are also encouraged. See Envision Gulf Shores Overlay District Design Guidelines Illustrations 25 and 31.

   a. The base is that portion of the Façade enclosing the lowest floor(s) of the Building and, when containing Non-residential uses, should provide an attractive storefront appearance with a minimum of fifty (50) percent Fenestration (including entrances). Finish materials should appear substantial, giving the impression of being thicker or heavier than that of upper floors. Shade and weather protection should be considered and may be provided through arcades, Awnings, or canopies. See Envision Gulf Shores Overlay District Design Guidelines Illustrations 24, 26 and 27.

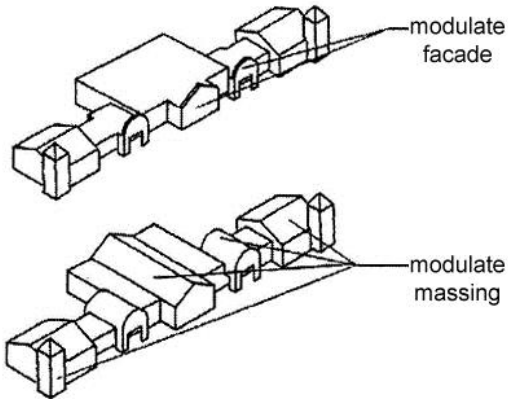
Building with base, middle, and cap composition.

   b. The middle is that portion of the Façade between the base and the uppermost floor or cornice and should generally have vertically-proportioned windows although multiple windows within the same structural opening may have a horizontal proportion.

   c. The cap is that portion of the Façade enclosing the uppermost floor(s) of the Building (for Buildings with pitched roofs) or the uppermost floors and/or cornice (for flat roof Buildings). The cap should be accentuated through a change in masonry patterns, materials, colors, a horizontal band dividing the middle from the cap, or a combination of these. For flat roof Buildings, the cap should include a well-articulated cornice proportionate with the overall size of the Building (see also Item 7 Roofs following).

8. Horizontal Massing and Modulation. See Envision Gulf Shores Overlay District Design Guidelines Illustrations 30.

   a. Building s set back from the street by an Off-street Parking area should incorporate Modulation of the Façade(s) and Massing. Modulation shall be achieved with changes in Building materials and projections and/or recesses and roof profiles every fifty (50) ft or less spacing projections and recesses should be a minimum of two (2) ft, measured in plan view.



Modulation

   b. Buildings built up to a public sidewalk, where permitted, should maintain a consistent edge along the sidewalk and have relatively shallow projections and recesses, although Modulation in upper floors is desirable as well as variety in Façade materials that accentuate the base, middle, and cap elements of the Façade.

Building with entrance(s) oriented to public sidewalk.

9. In the Walking Area Overlay District, the first level of Buildings above base flood elevation (BFE) facing Gulf Shores Pkwy., Beach Blvd., and 1st Ave. shall consist of retail and Commercial Uses directly accessible from sidewalks. No less than forty (40) percent of the Façades of such uses shall consist of clear glass. See Envision Gulf Shores Overlay District Design Guidelines Illustrations 11, 14, 26, and 33.

10. Fenestration. For Buildings over five (5) Stories in height, maximum Fenestration and open balconies on upper floors are encouraged. Blank Walls, as defined in Article 4, may not constitute more than forty (40) percent of any Façade.

Buildings with high percentage of Fenestration and balconies on upper floors

11. Parking Structures shall be reviewed for consistency with Envision Gulf Shores Overlay District Design Guidelines 28 and 29. The Façades of Parking Structures shall either be lined with retail storefronts or finished with masonry Façades that repeat the expression of, (having similar materials, structural elements, and size and proportions of openings) the occupied Stories of the Façade. Parking Structures should be lined with habitable spaces. Retail and Service Uses are recommended at ground level along the street. In upper floors, Office or residential uses are encouraged. Where such liner uses are not practicable, the Parking Structure's Façade should be finished with materials and details consistent with any occupied portions of the Building or neighboring Buildings. Openings in the Façade of the Parking Structure shall be filled with decorative panels or louvers that allow natural ventilation but screen the view of parked automobiles within. See Envision Gulf Shores Overlay District Design Guidelines Illustrations 28 and 29.

Parking deck with liner Building along street

12. Roofs.

    a. Pitched roofs are encouraged. Pitched roofs should be constructed with textured shingles of fiberglass composition, wood shingles, or standing seam metal or other materials approved by the Approving Authority.

    b. Flat roofs are acceptable but should incorporate distinctive cornice features or similar architectural articulation of the roof. The height and depth of such element should increase with the height of the Building.

13. The above provisions of this Subsection are intended to serve as a guide to prospective developers or builders and are not intended to be all-inclusive. Additional design considerations may be generated through the Site Plan Review.

§16-2. Additional Site Plan Requirements in Specified Districts

Site Plan applications within the Beach Area Overlay District, Walking Area Overlay District, Lagoon Pass, and Plash Island/Bon Secour River Overlay Districts shall be subject to the following additional requirements.

A. Contents of Application. All Site Plan applications shall be accompanied by materials required by the CDD for Site Plan Review.

B. Multi-modal Access Plan. The Multi-modal Access Plan shall be submitted along with the required Site Plan. The Multi-modal Access Plan shall be a plan drawn at a scale of 1"= 50' and shall include the subject property along with Adjacent Thoroughfares, intersections and Buildings located on Parcels on the same Block. The Multi-Modal Access Plan will indicate pedestrian and vehicular connections from Thoroughfares, sidewalks and multi-use paths surrounding the subject property to the entrances of all occupied Buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along Thoroughfares to each Building entrance, including designated pedestrian access routes across parking lots and between Adjacent Buildings within the same development. Where an existing or planned multi-use path is located within 700 ft of the

subject property, the access plan shall show how safe, continuous and convenient bicycle access may be provided to the subject property.

C. Traffic Impact Study. A Traffic Impact Study is required for developments with more than 200 PM peak hour trips according to the most recent edition of the ITE *Trip Generation Handbook*. The traffic impact study shall be submitted along with the required Site Plan and the scope and analysis of the Traffic Impact Study shall follow the procedures of the APA Planning Advisory Service Report Number 387, *Traffic Impact Analysis* and other requirements of the City Department of Public Works.

D. Master Signage Plan (MSP). For all multi-tenant or multi-owner developments, a MSP shall be submitted, reviewed and approved at the time of review of the required Site Plan.

ARTICLE 17: BOARD OF ZONING ADJUSTMENT

§17-1. Board of Zoning Adjustment.

The Board of Zoning Adjustment, hereinafter referred to as the "BZA", consists of five members and two supernumerary members appointed by the Council. Each member is appointed for a term of three (3) years. Members of the BZA may be removed for cause by the Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

§17-2. Procedure.

A. Rules. The BZA shall establish rules for its operation not inconsistent with applicable state statutes or this Ordinance.

B. Officers. The BZA shall elect a chairman and vice-chairman from among its members. The chairman shall be the presiding officer of the board and the vice-chairman shall be the presiding officer in the chairman's absence or disqualification. The terms of all officers shall be for one (1) year, with eligibility for reelection.

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

D. Meetings Open to Public. All meetings of the BZA shall be open to the public, and shall be held and publicized in accord with the standards for public notice.

E. Public Notice. See §3-7 Public Hearings and Notice

§17-3. Powers and Duties.

The BZA shall have the following powers and duties when considering matters within its jurisdiction as defined by state statutes and this Ordinance:

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

B. Authorize upon appeal in specific cases such Variances 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 will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

§17-4. Appeals.

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

A. Procedure. Upon receipt of said appeal, the CDD may forthwith examine such appeal or request application and endorse a recommendation thereon together with all documents, plans, papers or other materials constituting the record to the City Attorney for his review and opinion. The CDD shall present the City Attorney's opinion to the BZA as to whether or not the subject of the appeal falls within the jurisdiction of the BZA, all accompanying information, and a recommendation for action prior to a decision being made by the BZA.

B. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the BZA, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA or by a court of record on application of notice to the officer from which the appeal is taken and on due cause shown.

C. Decision. The concurring vote of four (4) members of the BZA shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the appellant in respect to any matter upon which the BZA can legally act.

D. Hearing on Appeal. Before rendering a decision upon an appeal, the BZA shall hold a public hearing in accord with §17-2D Meetings Open to Public for which a reasonable time shall be set. Public notice of the hearing shall be given as well as due notice to the parties in interest. The BZA may require the person appealing to send certified mail receipted notice to the property owners within a reasonable area not to exceed a distance of 1,000 ft from the property involved. The guide for the mailing requirement to owners may be the most current city or county assessment role. At the hearing, any party may appear in person or by agent or by attorney. With respect to Condominiums or cooperatives, notices required by this section may be sent to each, the secretary and the president of the

Condominium or cooperative association, unless such offices are not filled in which event notice to the agent designated for the service of process will be sufficient for compliance with the notice requirements of this section.

§17-5. Variances.

A. Limitation of Variances. Establishment or expansion of a use otherwise prohibited shall not be allowed by Variance, nor shall a Variance be granted because of the presence of non-conformities in the zoning district or uses in an Adjacent zoning district.

B. Requirements for Issuance of Variances. To authorize any Variance from the terms of this Ordinance, the BZA must hold a public hearing in accord with §17-2D Meetings Open to Public and shall find that **all** of the following conditions exist/apply:

1. That the granting of the Variance will not be contrary to the public interest;
2. That the literal enforcement of the Ordinance will result in unnecessary hardship by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions;
3. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, Buildings, or Structures in the same zoning district;
4. That the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
5. That the Variance granted is the minimum Variance that will make possible the reasonable use of the land, Building or Structure;
6. That granting the Variance shall not permit a use in a zoning district which prohibits that use; and,
7. That the granting of the Variance will be in harmony with the general intent and purpose of this Ordinance, and that such Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

C. Burden of Proof. The burden of proving to the BZA that the foregoing conditions have been met is upon the applicant.

D. Conditions. In granting any Variance, the BZA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Ordinance.

E. Effect of Variances. Variances, unless specifically conditioned by the BZA, shall run with the land. In certain cases, the BZA may grant a Variance that is conditioned upon construction being initiated or completed within a set period of time. In such cases and where construction has not been initiated or completed within the time limit established by the BZA, the Variance shall become null and void and the application shall be reheard, with any new information or findings as appropriate, prior to approval.

§17-6. Judicial Remedy by Circuit Court.

Any party aggrieved by any final judgment or decision of the BZA, or by a decision of the City Attorney that the BZA has no jurisdiction, may apply to the Circuit Court for judicial relief within the time period as provided in Title 11-52-81, Code of Alabama, as amended.

ARTICLE 18: SIGN REGULATIONS

§18-1. Purpose.

A. The purpose of these regulations is to provide minimum control of signs to promote the health, safety and general welfare; to avoid congestion on the public streets and roads; and to preserve property values: by preventing unsightly and detrimental development that would detract from the tourist resort appeal of the community and lead to economic decline and blight, by preventing signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned and by securing certain fundamentals of design that would strengthen the community's economic base.

§18-2. General Sign Regulations.

A. Except as otherwise specifically provided in this Article, signs shall be permitted only as accessory or appurtenant to an existing or approved Principal Use or Structure on the same property. The following regulations apply generally to all signs and are in addition to the regulations established for each District or the regulations contained elsewhere in this Ordinance.

B. Permit Required. No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated until a permit has been issued by the Community Development Department (CDD) Before any permit has been issued, an application shall be filed together with such drawings and specifications as may be necessary to fully advise and acquaint the Zoning Official with the location, height, size, construction, materials, manner of illuminating, and securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign. Information shall be provided for existing as well as proposed signs. Changing the copy on a bulletin board, poster board, display encasement, or marquee, including the substitution of non-commercial messages for existing commercial messages, shall not require a permit.

C. Staff review. The Zoning Official shall review all sign permit applications for compliance with this Ordinance. Because signs are so nearly a part of the premises to which they are attached or pertain, the Zoning Official shall assure, through the review process, that signs are appropriately fit to, and are not incompatible with, their host premises. Only upon finding that all proposed signs are in conformance with the provisions of this Ordinance shall the Zoning Official cause to be issued a sign permit upon payment of the appropriate fee.

D. Fees. Each sign permit application shall be accompanied by payment of a permit fee, as established by resolution of the City Council. This fee shall defray the cost of processing sign permit applications, and shall be charged in addition to any building permit fee, electrical permit fee, or any other fee associated with the approval of a proposed or existing development.

E. Time limitation, sign permit. If the work authorized under a sign permit has not been completed within six (6) months following the date of issuance, such permit shall become null and void and any partial construction removed by the permittee.

F. Revocation. The Zoning Official is authorized and empowered to revoke any sign permit upon failure of the permit holder to comply with any provision of this Ordinance.

G. Exempt Signs. The following signs may be erected or constructed without a Sign Permit but shall be in accordance with the structural and safety requirements of the Building Code, the provisions herein, and the provisions for the Applicable District where specified.

1. Official signs of the State of Alabama, Baldwin County, City of Gulf Shores, or other political subdivision, including but not limited to, informational and warning signs, or signs required to be erected by a governmental agency.

2. Temporary, non-Illuminated construction signs, announcing a new business (e.g. “Coming Soon”) or identifying the developer and/or contractor, not more than fifty (50) sf in area erected in connection with new construction work. A “Coming Soon” sign may be erected following Site Plan approval and may be displayed as long as the Site Plan is valid. Other such signs may be displayed on the Premises during such time as the actual construction work is in progress (following issuance of a Building Permit). A maximum of three (3) such signs may be erected for each Street Frontage. These signs shall be removed upon issuance of the Certificate of Occupancy or discontinuation of construction, whichever occurs first.

3. Non-Illuminated Signs, not exceeding six (6) sf in area with letters not exceeding eight (8) inches in height, painted, stamped, perforated, or stitched on the surface area of a permitted opaque Awning, Canopy, roller curtain, or umbrella but not in any R-1 or R-2 zoning district.

4. Street address with numbers not exceeding eight (8) inches in height when located on the front Building Façade.

5. Sign affixed to the exterior body of a truck, bus or other vehicle while in use in the normal course of a business and pertaining only to the business being conducted. Vehicles shall be parked to the rear or side of businesses when possible. When rear and

side parking is not possible vehicles shall be parked at a minimum of 100 feet from all thoroughfares.

6. An attached Name Plate, no more than two (2) sf in area, to identify the owner or occupant of a Dwelling or Building, one per occupant/establishment.

7. Symbolic flag or award flag of an Institution or business (house flag, including a flag of a bona fide civic, charitable, fraternal or welfare organization), provided the Institution or business is the sole occupant of the Premises. Said flags may not exceed fifteen (15) sf and may not equal or exceed the size or height of any governmental flag displayed on the same Premises.

8. Weather flags displayed by or as required by a governmental agency, for providing information on weather conditions, one (1) set for each Premises.

9. Real Estate Signs.

   a. Real estate signs, temporary in nature, non-Illuminated, , advertising real estate for sale or lease or rent, or announcing contemplated Improvements of real estate, and located on the same Premises which they advertise, a maximum of one real estate sign for each Street Frontage in addition to all other permitted signs. Real estate signs for developed and vacant property shall be subject to the following signage area:

      (1) On properties zoned or developed with Single-family or Duplex uses: maximum six (6) ft in area; maximum six (6) ft in height.

      (2) All other properties zoned or developed with Business, Multi-family, AG, ATP, ICW, IN, OS, and major subdivisions: maximum thirty-two (32) sq ft in area; maximum eight (8) ft in height. Signs exceeding these dimensional requirements shall require a Sign Permit and be subject to the dimensional requirements of Table 18-3A.

   b. Shared real estate signs for self-contained Multiple-family developments and Single-family residential subdivisions, containing limited entrances to the Dwellings therein, shall be permitted, as provided herein, in addition to the individual real estate signs in (a) above. A maximum of one shared sign per principal entrance to the development displaying a message similar to “For sale in (name of development)” and containing no more than five (5) hanging plates with the unit number, address of the property for sale, owner/agent phone number, etc. Signs shall be installed and maintained by the Homeowners’ Association and displayed in a common area at the aforementioned entrances when in compliance with sight distance requirements. The maximum height of such signs shall be six (6) ft, top panel dimensions maximum two (2) x one (1) ft, and individual panel dimensions two (2) ft by four (4) inches.

10. Non Illuminated Window Signs.

11. Illuminated Window Signs, located within the interior of a Building, where permitted, shall be limited to ten (10) percent, or no more than four (4) square feet, of the glass area of the window in which they are placed (as framed by wall opening). This shall include any such internal, Illuminated Signs if located not more than five (5) ft from the window (measured perpendicularly from the window/wall plane toward the interior of the Building) such that the Illuminated Sign is visible from the exterior of the Building. Window signs may not rotate, scroll and/or display intermittent light.

12. Temporary decorative flags and bunting for conventions and commemorations erected or sanctioned by the City, County, State or U.S. Government.

13. Incidental or Directional Signs, whether Illuminated or not, including entrance/exit; open/closed; credit cards accepted; and similar types of informational, non-advertising signs. Each Directional Sign shall be limited to two (2) sf in area and a height of three (3) ft in any case. Directional Signs shall not include logos or any other form of Commercial Speech or Message. Where an Entry Identification Sign is provided at the main entrance to a residential or non-residential development, no Directional Signs shall be installed at such entrance. However, internal Directional Signs may be permitted elsewhere within the development..

14. Political signs and all other temporary non-illuminated signs containing only personal or non-commercial speech. Political signs may be displayed only during the duration of a campaign. All such signs shall be removed within five (5) days after the election and are subject to a maximum aggregate area of fifteen (15) sf per property. Such signs, when located in residential districts, shall not exceed four (4) sf in area.

15. A national flag or a flag of a political subdivision of the United States, provided that not more than one (1) flag shall be displayed on any single Premises representing any one government and not more than a total of two flags, and provided further that the maximum size of the flag shall not exceed five (5) ft in height (hoist) and ten (10) ft in length (fly). The maximum flag pole height for Non-residential and Multiple-family property shall be thirty (35) ft. The Council may authorize the display of additional flags of the United States of America or State of Alabama on private and public property during specified national Holiday periods.

16. For commercial properties, one sign not exceeding three (3) sf in area or twenty-four (24) inches in height for listing the business providing site landscape maintenance, security or other similar information.

17. For Lodging Uses in the Beach Area Overlay District, one (1) sign not exceeding four (4) sf in area nor three (3) ft in height listing the managing and/or leasing company.

18. Signs erected upon lands owned in fee by the State of Alabama, in execution or direct furtherance of a governmental function of the State or its political subdivisions or agencies.

19. For Lodging Uses in the Beach Area Overlay District with Direct Frontage on the Gulf of Mexico,one (1) flat, non-Illuminated Identification Sign per Premises, placed on the gulf side façade of the building , in accordance with the area and dimensional requirements established in Chapter 7of the Code of Ordinances.

20. Yard sale signs, subject to the following:

    a. Yard sale signs shall not exceed four (4) sf in area or three (3) ft in height and shall be located on private property and not within any public ROW.

    b. Signs may be posted for no more than three (3) days and shall be removed by the responsible party at the end of the end of the sales event.

H. Erection of Signs in Special Cases. The Zoning Official shall have the authority to grant permits for certain signs in special cases, normally prohibited under §18-2 I., below. A "Special Case" shall be defined as an event associated with:

1. Temporary carnivals, festivals, fairs, and sporting events,

2. Educational and cultural events,

3. Charitable, school, and church events,

4. Reunions, grand openings & closings, auctions

5. Official City, or State of Alabama notices,

6. Any other similar events, requiring or not requiring an assembly permit, or

7. Private sales

Special case signs shall be approved by the Zoning Official for a maximum of fourteen (14) days annually. Special case signs associated with non-profit organizations are limited to a maximum of fourteen (14) consecutive days per event with no limitation on the number of signs per year.

One sign is permitted per Street Frontage and is limited to thirty-two (32) square feet in area. All signs shall be placed on-premise only and shall not be permitted within a public ROW. Requests for posting for longer than fourteen (14) days or for signs placed on a public ROW may only be approved by the Council. Signs erected for Special Cases shall be summarily removed upon expiration by the Zoning Official.

I. Sign Placement Restrictions.

1. No sign of any character shall be suspended across any public Thoroughfare, Alley or Waterway; nor shall any sign of any description be painted on or applied to any curb, sidewalk, tree, light standard, utility pole, hydrant, bridge, wall, fence, bench, trash receptacle, or any Structure, unless specifically permitted by this Ordinance, except on a temporary permit basis as provided in §18-3H. Erection of Signs in Special Cases.

2. Intersection Visibility. No sign is to be placed or located in conflict with the sight distance requirements of §6-10 Sight Distance Requirements of the Zoning Ordinance.

3. A minimum clear height of eight (8) ft shall be maintained between the surface of any sidewalk or similar pedestrian passage and any portion of a sign, other than a flat sign, that projects into or above the pedestrian passage.

4. No sign shall extend or project over any portion of any sidewalk, Thoroughfare ROW, Alley ROW, Waterway or any other public way or any public property.

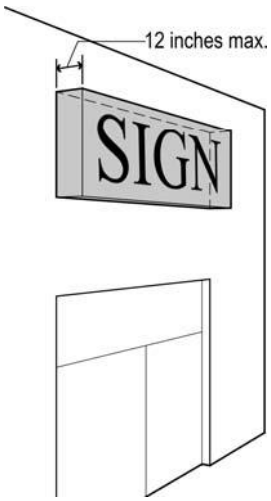
J. Signs and Sign Devices Prohibited. The following signs and sign devices shall be prohibited:

1. Right-of-Way Signs. No detached, moveable, or temporary sign of any kind are permitted to be erected or located at any time on or within a public right-of-way except for official signs of the United States, State of Alabama, Baldwin County, or the City of Gulf Shores, including, without limitation traffic control, warning, informational, and directional signs erected by such governmental entities or their agents.

2. Signs which are of a rotating nature and/or display either intermittent light and/or light of such intensity that it either constitutes, because of its location, hazardous condition to motorists, or simulates lights customarily associated with those used by police, fire, ambulance, or similar emergency vehicle.
3. Signs that use light or other features to display or simulate motion or movement unless specifically permitted by this Ordinance
4. Flood or spot lights, or similar lighting, including but not limited to motion, trailing, or other light effects, used for sign purposes.
5. Signs which use the words "stop" or "danger" so as to imply the need or requirement for stopping, or the existence of danger, or which is an imitation of an Official Sign. This provision does not apply when the words are part of an attraction title for a theater or similar event or purpose.
6. Snipe Signs, including signs applied to trees, utility poles, bus benches, trash receptacles, or any other unapproved Structures.
7. Moveable Sign, sidewalk, and sandwich signs and other temporary, portable signs (including signs carried or worn by a person, e.g. a costume) except where specifically permitted by this Ordinance.
8. Off-premise signs, unless expressly permitted by this Ordinance.
9. Pennants, Banners, streamers, balloons, flags not otherwise permitted by this Ordinance and all other fluttering, spinning or similar type signs and advertising devices, visible from any public ROW.
10. The use of any type of vehicle solely for the purpose of advertising one or several businesses shall not be permitted.
11. Any sign whose content is determined to be obscene, incites violence or is without protection of the First Amendment of the United States Constitution.

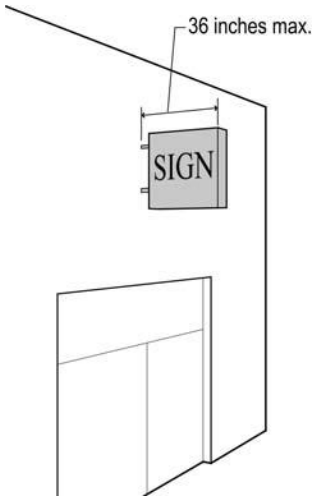
K. Attached Signs. Attached Signs include Flat or Projecting Signs attached to a Building subject to the following general restrictions.

1. Flat Signs shall not extend more than twelve (12) inches from the plane of the Building surface to which they are attached.



Maximum projection of Flat Sign

2. Projecting Signs shall not extend more than thirty-six (36) inches from the plane of the Building surface to which they are attached. Projecting Signs shall only be permitted to project into a ROW when they are located in a district which permits Buildings to be built up to a Front Lot Line and only when such sign is oriented to pedestrian traffic along the sidewalk on which the Building fronts.



Maximum projection of Projecting Sign

L. Detached Signs. Where more than one detached sign is erected on a Premises, each detached Sign shall be assigned a separate segment of Lot Frontage for the purpose of determining maximum permitted Sign Area.

M. Fence or Fence Identification Signs. Permanent signs attached to fences or walls, where permitted, shall not exceed the height of the wall or fence on which it is located and the total square footage shall not exceed that which is otherwise permissible for an individual detached sign on the premises. The size of any detached sign on the premises shall be reduced by the total square footage of all fence signs on the premises.

N. Sign Illumination. Illuminated Signs shall only be permitted as provided in Table 18-3A Sign Regulations by Zoning District.

O. Traffic Control Devices to Conform to State Law. All traffic control signs and devices on private property used by the public for vehicular travel and parking for the use of customers, tenants or employees shall be erected and maintained in accordance with the Alabama Manual of Uniform Traffic Control Devices.

P. Changeable Copy and Electronic Changeable Copy Signs. All Changeable Copy Signs shall be permitted as a form of Detached Sign and shall meet all of the requirements of Detached Signs. In addition, Changeable Copy and Electronic Changeable Copy Signs shall comply with the following regulations.

1. General Regulations

a. Location. The sign must be located on the site of the business or use identified or advertised by the sign. In the case of a real estate office, the sign may display information on properties that are off-premises and are offered for sale by the business on-premises.

b. Static Display. Display of message must be static with the following exceptions; on Nationally recognized patriotic holidays (Martin Luther King, Jr. Day, President's Day/Washington's Birthday, Memorial Day, Flag Day, Independence Day, Labor Day, Election Day, Veteran's Day) on which American patriotic symbols such as a waving American flag may be displayed. When the display of an Electronic Changeable Copy Sign changes, it must change as rapidly as is technologically feasible with no phasing, rolling, scrolling, flashing, twirling, blending, or in any manner which imitates movement.

c. Duration. Electronic Changeable Copy Signs shall change no more than one (1) time per ten (10) seconds. The City shall conduct bi-annual reviews of electronic changeable copy signs to determine the duration is not creating hazards to vehicular safety and/or negatively affecting community character.

d. Number of Lines. Changeable Copy Signs and Electronic Changeable Copy Signs may display up to a maximum of four (4) lines of characters at one time.

e. Brightness. Electronic Changeable Copy Signs must have a maximum illumination of 325 foot candles during daylight hours and a maximum illumination of 50 foot candles between dusk to dawn as measured from the sign's face at maximum brightness. Prior to issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the specified levels. Illuminated signs within the Marine Turtle Conservation Zone shall comply with the requirements of Ordinance 1461 and Article Six of the Zoning Ordinance.

f. Dimmer Control. Electronic Changeable Copy Signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise. In addition, it must also be able to respond to lighting level changes occurring due to atmospheric conditions.

g. District Limitations. Changeable Copy and Electronic Changeable Copy Signs shall not be located within any residential district. Any non-residential use existing within a residential district may only erect a Changeable Copy or Electronic Changeable Copy sign after rezoning to an applicable non-residential zoning district.

h. Setback from Residential. A Changeable Copy or Electronic Changeable Copy Sign, located in any district, must be a minimum distance of 100 ft from an Abutting residential district boundary.

i. Visibility. Changeable Copy and Electronic Changeable Copy Signs may not face an Abutting residential district. Adequate Landscaping shall be provided to ensure that the view of the sign is obscured from Abutting R-1 and R-2 districts.

j. Setback from Other Electronic Changeable Copy, Electronic Graphic Display or Video Display Signs. Electronic Changeable Copy Signs must be separated from other Electronic Changeable Copy Signs by at least fifty (50) ft.

k. Color. Text message shall be composed of one (1) color with the background composed of one (1) color. Pictures, logos, images, graphics, and symbols may be displayed from one color to full color.

l. Maintenance. All Changeable Copy Signs will be maintained in proper working order. Any dead zones or non-Illuminated portions of the signs shall be replaced or repaired within thirty (30) days or the use of the sign shall be discontinued.

2. Detached Signs:

    a. Number of Signs. No more than one (1) Changeable Copy Sign or Electronic Changeable Copy Sign with a maximum of two (2) sides is permitted per Lot of Record. The sides of two-sided signs shall be parallel to each other.

    b. Integrated Sign. Changeable Copy and Electronic Changeable Copy Signs shall only be permitted as a portion of an on-premise Detached Sign. The Changeable Copy Sign portion may be separated from the remainder of the sign. If the electronic message center portion of the sign is being utilized after sunset, the existing static portion of the sign must be functioning, Illuminated, and readable.

    c. Area. The area of the Changeable Copy or Electronic Changeable Copy Sign may comprise no more than forty (40) percent of the surface area of the Detached Sign of which it is a part. Neither shall any portion of the Changeable Copy or Electronic Changeable Copy Sign project above the height of the permanent Detached Signage. Changeable Copy Signs are secondary to the permanent non-changeable portions of the sign and should be designated in this regard.

    d. Calculation of Area. A Changeable Copy Sign shall be included in the calculation of the total permitted Sign Area of the Detached Sign of which it is a part.

3. Attached Signs. Changeable Copy and Electronic Changeable Copy Signs attached to Buildings shall only be permitted as follows:

    a. A maximum of one (1) sign per Building or Premises, whichever is less, may be permitted if such Building or Premises does not contain any other Changeable Copy Sign, detached or wall mounted.

    b. Such signs may not exceed twenty (20) sf in area and will be counted toward the calculation for maximum signage for the Building.

    c. Such signs shall comply with all other applicable provisions of this Ordinance.

Q. Multiple-family Building Signs. Multiple-family Building signs shall be limited in information to the name of the Structure, complex and/or Building number, address and the name, address and phone number of its management

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Table 18-3A Sign Regulations by Zoning District

Zoning Districts	Sign Types	Sign Area (Sq.Ft. or % Of Bldg Façade)	Sign Height	Number of Signs/ Frontage	Spacing Between Signs	Regulations by Districts
AG	Detached Sign	32	8'	2	300'	1. Monument Sign per main entrance to identify any residential development, including subdivisions and multi-family complexes, or to identify any other permitted public or semi-public use.
	Attached Sign	32 or 10%	N/A			
R	Detached Sign	32	8'	2	300'	1. Monument Sign per main entrance to identify any residential development, including subdivisions and multi-family complexes, or to identify any other permitted public or semi-public use. 2. Neon tubing, outlining a sign or window and which is visible from the exterior of the Building, shall be prohibited. 3. Projecting signs shall be prohibited.
	Detached Sign	32	N/A			
BN	Detached Sign	32	8'	1	300'	1. Neon tubing, outlining a sign or window and which is visible from the exterior of the Building, shall be prohibited.
	Attached Sign	32 or 10%	N/A			
BG, BA	Detached Sign	32	25'	1	800'	1. The area of a detached sign may be increased 3/4ths sq ft for each foot of frontage in excess of 50' up to a maximum sign area of 96 sq ft. 2. Multi-tenant developments with greater than 150' of thoroughfare frontage are allowed a monument sign not to exceed a maximum 150 sq ft of sign area, and not more than 15' of sign height. 3. Aggregate attached signage within a shopping center may exceed 125 sq ft as long as the attached sign area for each tenant space is limited to the percentage and size as allowed within the zoning district. 4. Neon tubing, outlining a show window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises.
	Attached Sign	125 or 20%	N/A	N/A	N/A	

Zoning Districts	Sign Types	Sign Area (Sq.Ft. or % of Bldg Façade)	Sign Height	Number of Signs/ Frontage	Spacing Between Signs	Regulations by Districts
BT	Detached Sign	32	25'	1	300'	1. The area of a detached sign may be increased 3/4ths sq ft for each foot of frontage in excess of 50' up to a maximum sign area of 96 sq ft. 2. Multi-tenant developments with greater than 150' of thoroughfare frontage are allowed a monument sign not to exceed a maximum 150 sq ft of sign area, and not more than 15' of sign height. 3. Aggregate signage within a shopping center may exceed 125 sq ft as long as the attached sign area for each tenant space is limited to the percentage and size as allowed within the zoning district. 4. Permitted Sign Area for a flat sign may be increased in area by 10 sq ft for each Story that it is elevated above the fourth floor level of the Building to which it is attached. 5. Neon tubing, outlining a window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises.
	Attached Sign	125 or 20%	N/A			
IND	Detached Sign	32	6'	1	N/A	
	Attached Sign	200 or 20%	N/A	N/A	N/A	
ATP	Detached Sign	32	25'	1	150'	1. The area of a detached sign may be increased 3/4ths sq ft for each foot of frontage in excess of 50' up to a maximum sign area of 96 sq ft. 2. There shall be no limitations on the size or type of signs, pennants, Banners, and similar devices, which are not visible from any Thoroughfare ROW or from any buildable land area beyond the Premises on which such devices are place. 3. Pennants and Banners, visible from a public ROW, are permitted when complying with the following: Pennants and Banners shall not be located nearer than 300' to any public ROW; the total Sign Area of Pennants and Banners which are visible from any public Thoroughfare shall not exceed 110 sq ft for each 75' of Lot Width at a distance of 300' from such public Thoroughfare provided that such width is measured along a line parallel to the Thoroughfare ROW Line; and the maximum height at which Pennants and Banners can be displayed shall be 20' above Grade Level or 20' above the Principal Building or Structure on which they are mounted. 4. Neon tubing, outlining a window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises.
	Attached Sign	125 or 20%	N/A			
OS	Detached Sign	32	6'	1	450'	1. Neon tubing, outlining a sign or show window and which is visible from the exterior of the Building, shall be prohibited.
	Attached Sign	32 or 5%	N/A			

Zoning Districts	Sign Types	Sign Area (Sq.Ft. or % of Bldg Façade)	Sign Height	Number of Signs/ Frontage	Spacing Between Signs	Regulations by Districts
ICW	Detached Sign	32	8'	1	N/A	1. Neon tubing, outlining a window and which is visible from the exterior of the Building, shall be permitted and the area so enclosed shall count toward the allowable Attached Sign Area for the Premises. 2. All uses Adjacent to the Intracoastal Waterway that provide a pedestrian path consistent with the ICW-E District shall be allowed adjacent to said pathway: one (1) Detached Sign per 50 lf of frontage along the ICW, maximum height of 5', maximum area of 8 sq ft, Indirectly Illuminated for placement Adjacent to the ICW and said pedestrian path. 3. One (1) Attached Sign, maximum area of 16 sq ft, non-illuminated for placement on the south face of the Principal Building.
	Attached Sign	125 or 20%	N/A			

§18-3. Master Signage Plan.

A. A Master Signage Plan (MSP) is designed to benefit the community in administering its sign regulations. The purpose of such a plan is twofold. (1) It provides a *Master Plan* for all signs on a Premises; and (2) It provides a *Master Record* of all signs on a Premises This provides the Zoning Official with information about existing signs on a site when considering a permit application for a new sign and also eliminates the need to recompute permitted Sign Area and numbers for a property every time a sign administration or enforcement question arises. By requiring planning and coordination of signs on a property, the streetscape will improve though strict and detailed substantive requirements are not imposed.

It is, in a sense, a PUD for signs and imposes minimum area requirements so that it will only apply to large developments where a large number of signs will be present. It can be used as an incentive by rewarding developers who prepare and follow coordinated signage plans for the property. The provisions of the plan impose no maximum amounts of signage on the Premises as a whole and also provides for a common Detached Sign, which could be larger than is normally allowed. The standards for signage in the applicable zoning districts shall be used as a guideline during the approval process, but certain deviations may be made depending upon the intensity and scope of the development if it is determined by the Zoning Official that the deviations are in keeping with the intent of this Section. The intent of the MSP is to develop a creative approach to satisfying reasonable sign needs and not simply a means of requesting or receiving greater sign area or larger signs.

B. Criteria for Consideration of a MSP. The provisions as set forth in this section may be used in lieu of the provisions for signage in the BG, BA, IND, ICW, ATP and PUD Districts only when all of the following criteria apply:

1. The development area for which a MSP is filed shall be at least ten (10) acres.
2. The use for which a MSP is filed shall be characterized as either a campus, industrial park, office park, Amusement Park, shopping center, Mixed-use development, planned residential community, public or semi-public use, or a phase thereof.
3. The Premises has at least 200 ft of Lot Frontage along a public Thoroughfare.

C. Sign Permits. No Sign Permit shall be issued for any signs within a proposed MSP-designated area or a phase thereof unless and until a MSP for the Premises has been submitted to the Zoning Official and approved as conforming with this section.

D. MSP Submission Requirements. For any project or property wishing to take advantage of this section, the owner(s) shall submit to the Zoning Official an MSP application containing the following:

1. An accurate plot plan of the Premises at such a scale as the Zoning Official may reasonably require, showing:
   a. Location of Buildings, parking lots, Driveways and landscaped areas;
   b. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, unless exempted by the Zoning Official;

c. Computation of the total Sign Area, the area of each individual sign, the height of signs, and an outline of the Building Façades for which signs will be mounted. This shall include all signs permitted for the applicable district and any additional signage area requested through the MSP.

E. Master Signage Plan Review. A Master Signage Plan application may be submitted with any Site Plan, PUD plan, or other Official plan required by the City (excluding Building Permits, Land Disturbing Activity Permits, etc.) for the proposed development and shall be processed simultaneously with such other applications. For developments containing more than one phase, site or Premises, a MSP shall be required for each site or Premises upon development.

F. Amendment. A Master Signage Plan may be amended by filing a new Master Signage Plan with the Council that conforms with all requirements of the ordinance then in effect.

G. Binding Effect. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Ordinance.

§18-4. Administration.

A. Generally. The provisions of this Ordinance shall be administered and enforced by the Zoning Official, who may be provided with the assistance of such other person(s) as the City Council may direct.

B. Enforcement. If a violation of any provision of this Ordinance specified in a written notice from the Zoning Official to the owner, agent, lessee, tenant, contractor, or any other person using the land upon which the sign is located is not remedied by the time specified in the notice, the Zoning Official shall use all available means to remedy the situation in accordance with §3-9 Enforcement of this ordinance. Any reasonable expenses incident to such removal shall be paid by the owner of the property to which such sign is located.

C. Inspection. The Zoning Official shall be responsible for inspection of all signs to determine compliance with the provisions of this Ordinance.

D. Maintenance of Signs and Removal of Illegal Signs.

1. Maintenance. All signs shall be maintained in good condition and appearance. The Zoning Official may cause to be removed under the procedures described herein any sign which shows gross neglect or becomes dilapidated or where the area around such sign is not well maintained.

2. On Vacated Premises. Any Accessory sign previously associated with a vacated Premises shall be either removed from the Premises by the owner or lessee not later than thirty (30) days from the time such activity ceases to exist, or said sign(s) shall be altered or resurfaced by the owner or lessee within the same thirty (30) day time period, so that the sign will not display letters, numerals, symbols, figures, designs, or any other device for visual communication that would pertain to the activity formerly associated with the vacated Premises or any other unapproved activity. Any sign not removed, altered or resurfaced in accordance with this paragraph shall be subject to removal in accordance with this Section

3. On Demolished Premises. On any property upon which the Principal Building or Structure is demolished or removed, for any reason, all Signs shall also be demolished or removed.

E. Removal of Signs.

1. Signs Subject to Summary Abatement. Any sign erected or maintained in violation of §18-2 I. Sign Placement Restrictions or §18-2 J. Signs and Sign Devices Prohibited of the Zoning Ordinance that are deemed dangerous, offensive, and/or a public nuisance and shall be subject to summary removal by the Zoning Official, his authorized agent or by any other law enforcement officer of the City of Gulf Shores without prior notice to any party. In the event the identity and address of the owner or lessee of the sign is disclosed on the removed sign itself, a notice of removal advising of the removal of the sign will be deposited in the United States mail first class postage prepaid addressed to such owner or lessee at the address indicated by the Zoning Official or his authorized agent.

2. Signs Subject To Removal on 24 Hour Notice. Any sign erected or maintained in violation of §18-2 I. Sign Placement Restrictions or §18-2 J. Signs and Sign Devices Prohibited of the Zoning Ordinance that is not deemed dangerous, offensive, and/or a public nuisance shall be subject to summary removal by the Zoning Official, his authorized agent or by any other law enforcement officer of the City of Gulf Shores acting on the authority of a search warrant or other appropriate judicial order if the condition of violation is not corrected within 24 hours after written notice. In the event the identity and address of the owner or lessee of the sign is disclosed on the sign itself prior to removal, a copy of the written notice shall be delivered to such owner or lessee by the Zoning Official or his authorized agent by leaving it at the address indicated if located within the City limits of Gulf Shores or deposited in the United States mail first class postage prepaid addressed to such owner

or lessee at the address indicated if located outside the City Limits of Gulf Shores.

In the event a sign erected or maintained in violation of subsection 9 2D or subsections 9 2H4 or 5 of the Zoning Ordinance is removed or the condition of violation is corrected after written notice by the Zoning Official and the sign or a comparable sign is subsequently re-erected by or at the direction of the owner or lessee of either the site or the sign in violation of the same provision of §18-2 I. or §18-2 J. of the Zoning Ordinance citied in the original Notice such re-erected sign or comparable sign shall be summarily removed by the Zoning Official, his authorized agent or by any other law enforcement officer of the City of Gulf Shores acting on the authority of a search warrant or other appropriate judicial order without prior notice to any party in the event the identity and address of the owner or lessee of the sign is disclosed on the removed sign itself a notice of removal advising of the removal of the sign will be deposited in the United States mail first class postage prepaid addressed to such owner or lessee at the address indicated by the Zoning Official or his authorized agent.

3. Signs Subject To Removal On Seven Days' Notice. Except as otherwise provided in Section §18-4E. 1. & 2. Above any sign erected or maintained in violation of the Zoning Ordinance shall be subject to summary removal by the Zoning Official, his authorized agent or by any other law enforcement officer of the City of Gulf Shores acting on the authority of a search warrant or other appropriate judicial order if the condition of violation is not corrected within seven (7) days after a written notice by the Zoning Official or his authorized agent. In the event the identity and address of the owner or lessee of the sign is disclosed on the sign itself prior to removal, a copy of the written notice shall be delivered to such owner or lessee by the Zoning Official or his authorized agent by leaving it at the address indicated if located within the City limits of Gulf Shores or deposited in the United States mail first class postage prepaid addressed to such owner or lessee at the address indicated if located outside the City Limits of Gulf Shores.

F. Impoundment and Disposition of Removed Signs. Except as otherwise provided in Subsection G below, any sign removed by the Zoning Official or by any other law enforcement officer of the City pursuant to the authority of this Section shall be impounded by the City for a period of fifteen (15) days. During such period, the owner or lessee of the sign may reclaim such sign upon presentation of satisfactory proof of ownership or lease rights and upon payment to the Zoning Official of the cost of removal of the sign and a storage fee of $10.00 per day for each day of impoundment or a flat storage fee of $100.00, whichever fee is greater. In the event an impounded sign is not reclaimed prior to the expiration of such period, such sign shall be deemed abandoned property and shall thereafter be subject to disposal by the City as abandoned property.

G. Issuance of Judicial Orders in Aid of the Removal of Signs. The Municipal Judges of the City shall have authority to issue search warrants and other appropriate orders within the jurisdiction of the Municipal Court in aid of the enforcement of this Section. Any sign removed under the authority of a search warrant or other judicial order shall be held and disposed of in accordance with the instructions of the Municipal Judge.

H. Appeal Rights. Any person aggrieved by a written notice of violation or by the removal of a sign shall have appeal rights to the Board of Zoning Adjustment, the filing of an appeal shall not stay the removal of the affected sign unless a restraining order against such removal is granted by the Board of Zoning Adjustment or by a court of record on application and notice to the Zoning Official and for good cause shown and provided, further, that the filing of an appeal from the removal of a sign pursuant to this Section shall not necessitate the return of the sign to the appellant except upon the terms otherwise provided by this Ordinance or by the order of the Board of Zoning Adjustment or a court of record.

I. Enforcement Provisions Cumulative. The provisions of this Section are cumulative with and not in derogation of any other provisions of the City Code pertaining to sanctions for violation of this Ordinance.

§18-5. Nonconforming Signs.

A. Effective Date of Nonconformity. For purposes of this Section, the term "effective date of nonconformity" with respect to a sign shall mean:

1. May 10, 1982, for any sign existing within the corporate limits of the City as such limits existed on May 10, 1982, which was rendered nonconforming by the enactment of Ordinance No. 235;

2. the effective date of this Ordinance (No# 1584) and any subsequent amendment thereto, for any sign first rendered nonconforming by this Ordinance or such amendment thereto;

3. the effective date of annexation, for any sign first rendered nonconforming by the annexation of its site into the corporate limits of the City on a date subsequent to May 10, 1982.

B. Limitations on Continuance. Except as otherwise provided, all legally existing Nonconforming signs (except Moveable Signs), which lawfully existed prior to the effective date of nonconformity may continue to lawfully exist; provided, however, signs which are

determined by the Zoning Official to have been structurally damaged or deteriorated by any cause including age to the extent of more than fifty (50) percent of their current cost of replacement shall be either removed or altered so as to comply with the provisions of this Ordinance. The continued use of legally existing nonconforming signs shall further be limited according to the following provisions:

1. A nonconforming sign shall not, after the effective date of this Ordinance, be enlarged, structurally altered, or extended unless such sign shall be made to comply with all the provisions of this Ordinance. Another nonconforming sign may not replace a nonconforming sign. Minor repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted. However, no changes in the location, size, or shape of any nonconforming sign shall be permitted except to make the sign comply with all provisions of this Ordinance.
2. If not sooner removed or altered in accordance with Item 1 above, any legally existing nonconforming sign (other than a movable sign) shall be either removed or altered so as to comply with the provisions of this Ordinance within ten (10) years after its effective date of nonconformity.
3. All legally existing nonconforming Moveable Signs shall be removed within ninety (90) days after the effective date of nonconformity. Any nonconforming sign for which just compensation us required for removal by the Federal Highway Beautification Act or the Highway Beautification Act—Outdoor Advertising of the State of Alabama shall be exempted from the terms of removal or limitations on continuance of this Ordinance. However, this shall not preclude the City from seeking to remove any such sign through other lawful means.

C. Restriction on Additional Signs. No permits for additional signs shall be issued for any Premises on which there are any nonconforming signs.

D. Restrictions on Off-Premise Signs. No nonconforming sign may be altered from one format to another. Such signs may not be enlarged, extended, or substantially improved, and in no case may one be altered from a flat display to a tri-panel display or to an electronic LED display, or modified in any other way. Said signs shall be maintained only in the condition they existed upon their becoming nonconforming.

E. Compensation.

1. The owner of a legally existing nonconforming sign subject to removal pursuant to §18-5B2 and made subject to a written notice of violation by the Zoning Official may file a sworn claim with the Zoning Official for any compensation the owner contends is allowed by law for the removal of such sign. In the case of a General Advertising Sign, an owner of real property who derives revenue from a lease or license of such property to the owner of a sign shall separately be considered an owner for the purpose of compensation under this §18-7E. Upon the filing of such a claim prior to the removal of such sign, the Zoning Official may, in his discretion, suspend the operation of the Notice to Cease and Desist pending consideration of the claim. Such claim shall document:

   a. the legal basis on which such compensation is claimed;
   b. the date and original cost of erection of the sign;
   c. the depreciated value of the sign as reflected on the books and records of the owner as of the effective date of the nonconformity;
   d. the depreciated value of the sign as reflected on the books and records of the owner as of the date of removal of the sign, or as of the date of affixing of the Notice to Cease and Desist to the sign, if removal has not been effected;
   e. the current reasonable salvage value of the sign materials, if any;
   f. the complete terms and duration of any lease or contract regarding such sign to which the owner was party on the date of removal or the date of the Notice to Cease and Desist, if removal has not been effected; and
   g. a statement of the actual or anticipated cost of removal of the sign, supported by the invoice or bid of a contractor licensed to do business in the City or, if removal has been or will be performed by the owner, supported by the sworn cost statement of the owner.

2. In processing a claim for compensation, the Zoning Official shall first secure the written opinion of the City Attorney as to whether or not the claimant has presented an appropriate legal basis for a claim of compensation. If the City Attorney's opinion is other than that an appropriate legal basis is not presented, the Zoning Official shall render a determination as to the appropriate compensation payable to the claimant by the City upon removal. Unless the opinion of the City Attorney otherwise directs, the standards to be applied by the Zoning Official shall include the following:

   a. an award component equal to the depreciated value of the sign as reflected on the books and records of the owner as of the date of removal or, if not yet removed, as of the date of the Notice to Cease and Desist provided the sign has been depreciated by the owner using

generally accepted accounting principles, less the reasonable salvage value of the sign materials, if any;

b. an award component equal to the present value of the net revenue realizable but unrealized by the owner during the remaining term of any lease or contract with respect to the sign (A) in effect on the date of removal or the date of the Notice to Cease and Desist, if removal has not been effected, and (B) entered into prior to the effective date of nonconformity, with the remaining term measured to the earliest date a party other than the owner could elect to terminate such lease or contract on a basis other than default by the owner;

c. an award component equal to the reasonable cost to the owner of removal of the sign.

Any unauthorized improvements made to a Nonconforming sign in contradiction to this Ordinance shall not be taken into account in a claim for compensation.

3. The written determination of the Zoning Official with respect to the award of compensation shall be transmitted to the owner by first class mail directed to the address specified by the owner in the owner's claim and to the City Clerk and shall be deemed rendered on the date of deposit into the U.S. Mail. In the case of a sign whose removal has not yet been effected, the City Clerk shall advise the Zoning Official in writing within twenty-one (21) days after the date on which the Official's written determination is rendered whether the City agrees to pay the award of compensation as determined upon removal of the sign, intends to appeal the determination as provided in Paragraph 4 below, or requests that the Notice to Cease and Desist with respect to the sign be withdrawn until such time as the City gives written notice of its request for a new determination of the award of compensation. The Zoning Official shall transmit a copy of the City Clerk's written advice to the owner by first class mail as provided above.

4. The determination of the Zoning Official may be appealed to the Board of Zoning Adjustment. Any party aggrieved by the final judgment or decision of the Board of Zoning Adjustment or by the decision of the City Attorney that an appropriate legal basis for a compensation claim has not been presented, may apply to the Circuit Court for judicial relief within the time period as provided in Section 11-52-81 of the Code of Alabama, as amended.

5. In the event of an appeal of the Official's determination by any party aggrieved, the operation of any Notice to Cease and Desist then in effect shall be and remain suspended until no appeal to the Board of Zoning Adjustment or to any court remains pending. Upon final determination of the award of compensation in the appeals process, the City Clerk shall advise the Zoning Official in writing within twenty-one (21) days after the date of final determination whether City agrees to pay the award of compensation as finally determined upon removal of the sign or the City requests that the Notice to Cease and Desist with respect to the sign be withdrawn until such time as the City gives written notice of its request for a new determination of the award of compensation. Upon receipt of such latter request, the Zoning Official shall withdraw the Notice to Cease and Desist and shall give the owner written notice of such withdrawal by first class mail as provided above.

ARTICLE 19: APPENDIX

Zoning Ordinance Amendments

1.	Ordinance No. 1591: Amend Article 10, Section 8, Subsection B.1.	02/22/2010
2.	Ordinance No. 1615: Amend Article 5	07/12/2010
3.	Ordinance No. 1621: Insert Article 18	11/08/2010
4.	Ordinance No. 1625: Amend Articles 4, 5, 6, 7, 8, 9, 11, 14, and Use Table	12/13/2010
5.	Ordinance No. 1666: Delete Special Exception, replace with Conditional Use Permit	02/27/2012
6.	Ordinance No. 1667: Residential/Manufactured Home and RV Park/Subdivision Amendments	02/27/2012
7.	Ordinance No. 1668: Addition of Architectural Restrictions to Article 16 Site Plan Review	02/27/2012
8.	Ordinance No. 1670: Amend General Office Definition & Table of Permitted Uses	04/09/2012
9.	Ordinance No. 1673: Addition of Land Donated for Public Purpose & Amend Art. 18 Sign Regulations	04/23/2112
10.	Ordinance No. 1674: Amend Articles 3, 4, 6, 8, 10, 14, 15, 16, and 17	04/23/2012
11.	Ordinance No. 1679: Amend Articles 3 & 17 – Public Hearings and Notice	06/11/2012
12.	Ordinance No. 1690: Amend Article 11 – Delete Recreational Vehicle parks	09/10/2012
13.	Ordinance No. 1706: Amend Article 8 and TPU – Addition of Department/Variety Store	01/28/2013
14.	Ordinance No. 1727: Amend Articles 4, 11, & TPU – Tattoo Parlor and Body Piercing Studios	07/22/2013
15.	Ordinance No. 1757: Amend Article 12: Plant Lists, Buffers, Palm Tree Requirements	06/30/2014
16.	Ordinance No. 1760: Amend Article 6-2 D: Building Per Lot	10/13/2014
17.	Ordinance No. 1769: Amend Art. 4, 11, and TPU – Addition of Brewpub and Micro-Brewery.	01/12/2015
18.	Ordinance No. 1782: Amend Art. 18 Sign Regulations	05/27/2015
19.	Ordinance No. 1787: Addition of ED Educational Zoning District	08/24/2015
20.	Ordinance No. 1798: Amend Art. 13 Nonconformitites	12/14/2015
21.	Ordinance No. 1803: Add Governmental Uses – Art 4, 11, and Table of Permitted Uses	02/08/2016
22.	Ordinance No. 1804: Revise definition of Gross Floor Area – Article 4	02/08/2016
23.	Ordinance No. 1805: Define Novelty Architecture – Articles 4 and 16	02/08/2016
24.	Ordinance No. 1808: Revise Pier Structure Regulations – Article 6	02/22/2016
25.	Ordinance No. 1815: Cottage Subdivisions and Developments - Article 11-11	03/21/2016
26.	Ordinance No. 1819: Required Off-street Parking/Single Family and Duplex – Table 14-1B	05/09/2016
27.	Ordinance No. 1821: Amend Art. 10 – Business and Aviation Park Overlay Zone	06/13/2016
28.	Ordinance No. 1827: Amend Art. 11-3 – Townhouses	08/22/2016

USE REGULATIONS FOR NON-RESIDENTIAL DISTRICTS													
USES / DISTRICTS:	AG	BN	BG	BG-1 FM	BG-2 FM	BA	BT 1-5	ICW-N	ICW-S	ATP	IND	OS	ED
AGRICULTURAL													
Aviaries, Apiaries	R												
Agricultural and Farm Uses	R												
Farm, Livestock	R												
Farmer's market, supply, produce store	R		R			R					R		
Hatcheries, aquaculture	CUP												CUP
Landing field for crop dusting services	CUP												
Plant nurseries and greenhouses	R	CUP	R	CUP		R					R		R
Riding academy, stable	R												
RESIDENTIAL													
Accessory Dwelling, §6-6	R	R					R	R	R				R
Conservation Subdivision, §11-10		R					R	R	R				
Cottage Subdivision, §11-11							R						
Duplex		R					R	R	R				R
Employment Dormitory, §11-9			R			R	R						R
Group homes (10 or fewer residents), §11-22	R	CUP											
Home Occupations (Single-family Dwellings), §11-5	R	R					R	R	R				
Interval Occupancy Facility		R	R	R			R	R	R				
Manufactured Home	R												
Multi-family dwelling, §11-20		R	R	R	R		R	R	R				R
Single-family (detached) Dwelling	R	R					R	R	R				R
Townhouse, §11-3		R	R	R	R		R	R	R				
Upper Story Dwelling or Live-Work, Mixed Use Dev. §11-12		R	R	R	R		R	R	R				R
LODGING													
Bed and Breakfast, §11-1	R	R	R				R	R	R				
Condotel, §11-21		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Hotel		CUP	R	R	CUP	R	R	R	R				R
Motel						R							R
Rooming/Boarding house, §11-9		CUP	R	R			R	R	R				R
INSTITUTIONAL, UTILITIES, TRANSPORTATION													
Animal Shelter, §11-16	R										R		
Transit Terminal			CUP	CUP	CUP	R	CUP	CUP	CUP		R		CUP
Cemetery, mausoleum	CUP										R		
Essential Services Facilities, §11-19	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Governmental Uses	R	R	R	R	R	R	R	R	R	R	R	R	R
Essential Services Installations	R	R	R	R	R	R	R	R	R	R	R	R	R
Heliport						CUP					R		
Parking, Remote or Structured (Public/Commercial)			CUP	CUP	CUP	CUP	CUP	R	R		R		
Penal, Correctional Facility											CUP		
Public parks and playgrounds	R	R	R	R	R	R	R	R	R	R	R	R	R
Schools, College or University, Public or Private													R
Taxi dispatch, excluding garage			R	R	R	R	R	R	R		R		
Telecommunications tower, §11-7	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Tour Bus Service, excluding garage			CUP	CUP		CUP	CUP	CUP	CUP		R		
Transit or similar garage (bus, van, taxi, etc.)			CUP			CUP					R		
Wildlife sanctuary, nature preserve	R	R	R	R	R	R	R	R	R	R	R	R	
Low Intensity Institutional Uses (if not listed above)	R	R	R	R	R	R	R	R	R		R		R
Medium Intensity Institutional Uses (if not listed above)	CUP	CUP	R	R	R	R		CUP	CUP		R		R
High Intensity Institutional Uses (if not listed above)		CUP	CUP	CUP		R					R		R
AMUSEMENT AND RECREATIONAL													
Amusement, Enclosed	CUP		R	R	R	R	R	R	R	R			R
Amusement, Unenclosed	CUP		CUP	CUP	CUP	CUP	CUP	CUP		R			R
INDUSTRIAL													
Airport											CUP		
Extraction of sand, rock, soil, gravel, etc.	CUP										CUP		
Food Processing, Wholesale (excluding vinegar and yeast)						CUP					R		
Freight Yard with Terminal (Truck, barge, rail)											R		
Junk, Salvage Yard											R		
Landfill, §11-15						CUP					CUP		
Laundering, Dry Cleaning, Dyeing Plant						R					R		
Marine Product and Offshore Drilling Byproduct Processing											R		
Meat, Fish and Poultry Processing (excluding slaughtering)						CUP					R		
Oil and gas exploration	CUP										CUP		
Sawmill	CUP										R		
Storage, Indoor, Mini-warehouse, §11-14			CUP			R					R		
Storage, Outdoor (as a principal use)						CUP					R		CUP
Warehousing, Wholesale and Distribution											R		
Low Intensity Light Industrial Uses (if not listed above)						CUP					R		CUP
Medium Intensity Light Industrial Uses (if not listed above)						CUP					R		
High Intensity Light Industrial Uses (if not listed above)						CUP					R		
Heavy Industrial Uses (if not listed above)											CUP		
Table continued on following page													

R – The use is permitted by right. May be subject to district limitations.

CUP – Conditional Use, requires approval by the Council (see §3-5). May also be subject to district limitations.

A blank cell indicates that the use is not permitted.

A use followed by a numeric cross-reference is subject to Use-Specific Regulations in Article 11.

All uses shall be wholly contained within an approved principle or accessory building unless specifically exempted by this ordinance.

USE REGULATIONS FOR NON-RESIDENTIAL DISTRICTS (cont.)													
USES / DISTRICTS:	AG	BN	BG	BG-1 FM	BG-2 FM	BA	BT 1-5	ICW-N	ICW-S	ATP	IND	OS	ED
BUSINESS													
Adult Uses											CUP		
Alcohol Sales for off-premise consumption only			R	R	R	R	R	R	R				
Ambulance Service			CUP	CUP	CUP	CUP	CUP				R		
Arts and Crafts, Minor (200 sf or less production area)		R	R	R	R	R	R	R	R				R
Arts and Crafts, Major (production area of 201-2,000 sf)			R			R							R
Arts and Crafts, Industrial (production area more than 2,000 sf)						R					R		
ATM Terminal, attached		R	R	R	R	R	R	R	R	R	R	R	
ATM Terminal, freestanding		R	R	R	R	R	R	R	R	R	R		R
Auto Parts Retail Sales		CUP	R	R	CUP	R					R		
Automotive Repair Service, Minor		CUP	R	R	R	R					R		
Automotive Repair Service, Major			CUP	CUP		R					R		
Automotive Rental, §11-17			CUP	CUP	CUP	R	CUP				R		
Automotive Sales, §11-17						R					R		
Automotive Service Station, §11-2											R		
Bank or Financial Institution		R	R	R	R	R	R	R	R				R
Bank, Drive-through (non-Accessory)			CUP	CUP	CUP	R					R		
Boat and RV sales, §11-17						R					R		
Body Piercing Studio & Tattoo Parlors, §11-23						CUP							
Boatyard, §11-8											CUP		
Brewpub, §11-24			CUP			CUP	CUP	CUP	CUP	CUP			
Building, Electrical and Plumbing Contractors			R	CUP	CUP	R					R		
Building Supply		CUP	CUP	CUP		R					R		
Car Wash			CUP			R					R		
Caterers			R	R	R	R	R	R	R				
Check cashing and title-loan establishments, see §11-4			R	R		R					R		
Department/Variety Store			R			R	CUP						
Express Shipping Office			R	R	R	R	R	R	R		R		
Food, Drink and Drugs, Minor (4,000 sf or less)		R	R	R	R	R	R	R	R				R
Food, Drink and Drugs, Major (more than 4,000 sf)			R	R	R	R	R	R	R				R
Funeral Parlor, Mortuary			R	R	R	R					R		
Gas Station, Gas Station Convenience Store, §11-2		CUP	R	R		R					R		
Heavy Equipment Sales, Service and Rental											R		
Home and Commercial Improvement Service			R	R	R	R					R		
Household Goods, Minor		R	R	R	R	R	R	R	R				
Household Goods, Major			R	R	R	R							
Kennel, §11-16	R		CUP			CUP					R		
Laundering Services		R	R	R	R	R	R	R	R				R
Lounge/Bar			CUP	CUP	CUP	R	CUP	CUP	CUP				CUP
Manufactured Home Sales, §11-17						R					R		
Marina, §11-8				CUP	CUP	CUP	CUP	R	R		CUP		
Medical Clinic			R	R		R							R
Medical Support Service, supply, office			R	R	R	R							
Micro-Brewery, §11-24			CUP			CUP	CUP	CUP	CUP	CUP	R		
Monument Sales						R					R		
Moving Van Rental			CUP			R					R		
Newspaper/magazine distribution			R	R	R	R					R		
Newspaper/magazine publishing						R					R		
Office, General, Minor (5,000 sf or less)		R	R	R	R	R	R	R	R				R
Office, General, Major (more than 5,000 sf)		CUP	R	R	R	R	R	R	R				R
Office or Professional Supply			R	R	R	R							
Pawn Shop, §11-4			R	R	R	R							
Personal Goods, Minor (4,000 sf or less)		R	R	R	R	R	R	R	R				R
Personal Goods, Major (more than 4,000 sf)			R	R	R	R	R	R	R				R
Personal Service, Health Club or Salon		R	R	R	R	R	R	R	R				R
Professional Support Services, Minor (2,500 sf or less)		R	R	R	R	R	R				R		R
Professional Support Services, Major (more than 2,500 sf)			CUP	CUP		R					R		R
Radio or TV station, excluding transmission towers			CUP	CUP	CUP	R	CUP	CUP	CUP		R		
Radio or TV station, including transmission towers						CUP					R		
Rental of bicycles, scooters, canoes, kayaks, etc.			R	R	R	R	R	R	R	R			
Repair Service, Minor		R	R	R	R	R	R	R	R		R		
Repair Service, Major			R	R	R	R					R		
Restaurant, Drive-In/Drive-Through			R	R	R	R		CUP					CUP
Restaurant, Standard		CUP	R	R	R	R	R	R	R				R
Restaurant, Walk-up		CUP	R	R	R		R						R
Security, Patrol Services			R	R	R	R					R		
Specialty School		CUP	R	R	R	R	R	R	R				R
Veterinary Hospital, enclosed boarding only, §11-16	R		CUP	CUP		CUP					R		
Veterinary Hospital, with outside boarding, §11-16	R					CUP					R		
ACCESSORY USES													
Agricultural Accessory Buildings and Structures	R												
Athletic facilities, Health Club, Accessory to a permitted use	R	R	R	R	R		R						R
Caretaker Dwelling, Accessory to a permitted use		R	R	R		R	R	R	R		R		R
Caterers, Accessory to a permitted use		R	R	R	R	R	R	R	R				
Day Care, Accessory to a permitted use	R	R	R	R	R	R		R	R				R
Gasoline Sales, Accessory to a permitted use		CUP	R	R		R					R		
Incidental Accessory Recreational uses	R		R				R					R	R
Incidental Accessory Retail and Service uses		R	R	R		R	R	R	R	R	R	R	R
Lounge, Accessory to Hotel or other permitted use		CUP	R	R	R	R	R	R	R				
Boat Docking Accessory to permitted use, §11-8		R	R	R	R		R	R	R		R		
Office, Accessory to a permitted use		R	R	R	R	R	R	R	R	R	R	R	
Residential Accessory Structures	R	R	R	R	R		R	R	R				
Residential Food and Recreation Facilities		R	R	R	R		R	R	R				R
Restaurant, Accessory to Hotel or other permitted use		R	R	R		R	R	R	R		R		R
Storage, Outdoor, Accessory to a permitted use			R	R	R	R					R		
Structured Parking, Accessory to a permitted use			CUP	CUP		CUP	R	CUP	CUP				R
Watersports Rentals, Accessory §11-13			R	R			R						

R – The use is permitted by right. May be subject to district limitations.

CUP – Conditional Use, requires approval by the Council (see §3-5). May also be subject to district limitations.

A blank cell indicates that the use is not permitted.

A use followed by a numeric cross-reference is subject to Use-Specific Regulations in Article 11.

All uses shall be wholly contained within an approved principle or accessory building unless specifically exempted by this ordinance.