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A. Purpose and Intent

The following zoning districts, established pursuant to Section 1.C.1 of Article I., are for the purpose of promoting the health, safety, morals and general welfare, and for the additional purposes and intent listed in Articles III, IV, V, and VI of the Zoning Ordinance, all in accordance with the Comprehensive Plan.

1. R-A Residential/Agriculture District:

This district is intended as a rural environment providing primarily agriculture and agriculture-related uses. Residential uses are allowed at overall low density to support rural and agriculture lifestyles proximate to the city. This district may also be used as a "holding zone" for future development in accordance with the Comprehensive Plan, when future conditions allow for efficient expansion of urban services.

2. R-1 Low Density Single-Family Residential District:

This district is intended to provide choices of low-density suburban residential environment consisting of single- family homes on large parcels of land. It is sub-classified into four categories (R-1, R-1a, R-1b, and R-1c) based on lot sizes.

3. R-2 Medium Density Single-Family Residential District:

This district is intended as a medium density single-family urban residential district, with lots of moderate size.

4. R-3 High Density Single-Family Residential District:

This district is intended as a high-density single-family urban residential district with lots of relatively small size as compared to the preceding single-family residential districts.

5. R-3 PGH High Density Single-Family Patio/Garden Home Residential District:

This district is intended to provide areas that will be limited to single-family development of a patio/garden home nature where only one (1) side yard is required. The regulations of the R-3 PGH

District shall apply to property zoned R-3 PGH as of July 10, 2000. Development of patio homes after this date shall use the PUD zoning districts.

6. R-3 TH High Density Single-Family Townhouse Residential District:

This district is intended to provide areas exclusively for the development of town houses on a high-density basis where no side yards are required.

7. R-4 Low Density Multi-Family Residential District:

This district is intended to provide a medium high density multi-family structure and two to four family units to a building structure.

8. R-5 High Density Dwelling Residential District:

This district is intended to provide opportunity, within a general protected residential environment, for the highest residential district density considered as appropriate to the environmental character of the city. Within this district it is also considered suitable to include other uses of a type considered not incompatible with a good high-density living environment and providing for needed community services.

9. R-6 Mobile Home Park District:

This district is intended to provide space at appropriate locations consistent with community objectives for the establishment of mobile home parks which provide for the establishment of permanent mobile homes for the amenities conducive to an adequate living environment.

10. B-1 Local Shopping District:

This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one (1) location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood. Restaurants in the B-1 zoning district may be permitted only on appeal to the Board of Adjustments and may be subject to special conditions. Drive thru restaurants shall not be permitted in the B-1 zoning district.

11. B-2 General Business District:

This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.

12. B-3a Tourist Resort Lodging District:

This district is intended to provide commercial and resort areas at appropriate locations to serve the needs of tourists visiting the bay beaches and related recreational and cultural attractions. Commercial activities restricted to restaurants, which are attached to or are an integral part of the complex are permitted.

13. B-3b Tourist Resort Commercial Service District:

This district is intended for a range of commercial and resort residential uses at appropriate locations to serve the needs of tourists.

14. B-4 Business and Professional District:

This district is intended to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses, which provide specific corporate functions or professional services to the general public.

15. M-1 Light 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 should be encouraged. Locations should be in accordance with comprehensive plans.

16. M-2 General Industrial District:

This district is intended to provide opportunity for the location of industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Locations should be in accordance with the Comprehensive Plan and special review is required for some.

17. PUD Planned Unit Development:

This district is intended to encourage innovative development that meets Comprehensive Plan goals and is tailored to the unique constraints and conditions of a particular site. This district allows flexibility in uses, designs, and building layouts as opposed to other zoning districts to better serve community needs. See Article V., Section A for more detailed standards regarding this district.

18. CBD Overlay District:

This district is intended to preserve downtown Fairhope as the regional village center and as the focal point of the City, in accordance with the Comprehensive Plan. The district encourages infill development, including shopping, restaurant and entertainment, cultural and artistic institutions, offices, government functions, and residential uses, provided it creates a pedestrian oriented atmosphere and is consistent with the historic fabric of downtown.

19. AO Airport Overlay District:

This district is intended to preserve the ongoing operation of the Fairhope Municipal Airport as an economic asset for the community by preventing land uses incompatible with the operations of a municipal airport.

20. FH-1 Flood Hazard District:

This district is intended to secure life and property from peril and damage of natural flood hazards, protect property values, and ensure compliance with federal flood insurance eligibility requirements.

21. P-1 Parking District:

This district is intended for those situations where parking may be provided more efficiently and with less impact on goals for the overall surrounding areas by consolidating and sharing parking in one location.

22. HTD Highway Transitional District:

This district is intended to provide an alternative to properties along state highways within the City of Fairhope that are beyond the area of influence of the Village Nodes and Commercial Nodes as contemplated by the City of Fairhope Comprehensive Plan. This district is created to provide development opportunities consistent with the City's vision for commercial corridors to better serve community needs. See Article V, Section I for more detailed standards regarding this district.

23. REC-1 Active Recreation District:

This district is intended for recreational activities such as athletic fields, marinas, golf courses and similar uses, and accessory structures customarily incidental to such uses.

24. REC-2 Passive Recreation District:

This district is intended for recreational activities such as hiking, biking, bird watching and similar uses, and typically preserve environmentally sensitive areas.

B. Allowed Uses

1. Use Table

Table 3-1 indicates seven categories of uses: (1) residential; (2) civic; (3) office; (4) retail; (5) service; (6) manufacturing, and (7) rural. Within each category, specific uses are listed and indicated as either allowed, allowed subject to special conditions, or allowed by special exception.

See Table 3-1: Use Table - Zoning Districts and Specific Land Uses

Table 3-1: Use Table

Zoning Districts	R-A	R-1 (a, b, c)	R-2	R-3 TH	R-3 PGH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	P-1	M-1	M-2	HTD	REC-1	REC-2
Use Categories / Specific Uses																				
Dwelling																				
Single-Family	●	●	●			●	●	●				●	●	●				●		
Two-Family							●	●				●	●					●		
Townhouse				ə			ə	ə												
Patio Home					ə															
Multiple-Family / Apartment							ə	ə										ə		
Manufactured Home									ə											
Mixed-Use Building										ə	ə	ə	ə	ə				ə		
Accessory Dwelling										ə	ə	ə	ə	ə				ə		
Estate																				
Civic																				
Elementary School		●	●			●	●	●		●	●	●	●	●		●	●	●		
Secondary School		●	●			●	●	●		●	●	●	●	●		●	●	●		
Education Facility		●	●			●	●	●		●	●			●		●	●	●		
Library		●	●			●	●	●		●	●	●	●	●		●	●	●		
Place of Worship																		○		
Cemetery	○	○	○			○	○	○		○	○	○				○	○	○		
Hospital										○	○	○		○		○	○	○		
Public Open Space	●	●	●			●	●	●		●	●	●		●		●	●	●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●		●		●	●	●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○				○	○	○	●	●
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○		○	○	○	○	○
Office																				
General										●	●		●	●		●	●	●		
Professional										●	●		●	●		●	●	●		
Home Occupation	ə	ə	ə	ə	ə	ə	ə	ə	ə	ə	ə	ə	ə	ə				ə		
Retail																				
Grocery										●	●		●			●	●			
Convenience Store										ə	ə		ə			ə	ə	ə		
General Merchandise										●	●		●			●	●	○		
Shopping Center											●									

●	Permitted subject to general ordinance standards & conditions.	ə	Permitted subject to special conditions listed in the ordinance.	○	Permitted only on appeal and subject to special conditions.

Zoning Districts	R-A	R-1 (a, b, c)	R-2	R-3 TH	R-3 PGH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	P-1	M-1	M-2	HTD	REC-1	REC-2
Use Categories / Specific Uses																				
Retail (cont.)																				
Automobile Service Station										○	○					○	○			
Outdoor Sales Limited											○					○	○	○		
Outdoor Sales Lot											○					○	○			
Garden Center											○	○				○	○	○		
Service																				
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○		○		○	○	○		
Clinic	○	○	○			○	○	○		○	○	○				○	○	○		
Outdoor Recreation Facility	○	○	○			○	○	○			○	○	●	○		○	○	○	●	●
Day Care	○	○	○			○	○	○		○	○	○		○		○	○	●		
General Personal Services										●	●					●	●			
Mortuary or Funeral Home											○			○		○	○	○		
Automobile Repair											●					●	●			
Indoor Recreation										●	●		○			●	●		●	●
Dry Cleaner / Laundry										●	○					○	○			
Personal Storage											○		ɜ	ɜ		○	○			
Bed & Breakfast												●	○				●	●		
Hotel / Motel											○	○	○							
Boarding House or Dormitory																				
Recreational Vehicle Park											ɜ		ɜ			ɜ	ɜ			
Restaurant										○	●	○	●			○				
Bar											●	○	●							
Entertainment Venue											●		○				○			
Marina												○	○				○		○	○
Kennel or Animal Hospital											○	○				○	○			
Warehouse																●	●			
Junk Yard or Salvage Yard																○	○			
Manufacturing																				
Limited											○			○		●	●	○		
Light																●	●			
General																○	●			
Food Processing																	○			

● Permitted subject to general ordinance standards & conditions.	ɜ Permitted subject to special conditions listed in the ordinance.	○ Permitted only on appeal and subject to special conditions.

Zoning Districts	R-A	R-1 (a, b, c)	R-2	R-3 TH	R-3 PGH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	P-1	M-1	M-2	HTD	REC-1	REC-2
Use Categories / Specific Uses																				
Rural																				
Agriculture	●																			
Rural Market	●																			
Plant Nursery	●																			

●	Permitted subject to general ordinance standards & conditions.	ɔ	Permitted subject to special conditions listed in the ordinance.	○	Permitted only on appeal and subject to special conditions.

2. Accessory Uses

Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

a. is customarily incidental to and is maintained and operated as part of the principal use;
b. is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
c. does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than is customarily created by principal use; and
d. is not located in minimum exterior yard.

3. Temporary Uses

The following temporary uses are allowed in any district subject to the limitations and standards specified.

a. *Garage sale:* The city may issue, without charge, a permit to hold a garage or yard sale on a specific lot within the city, good for two consecutive days. Permits shall be issued not more frequently than once each calendar quarter per lot.
b. *Temporary construction building:* Temporary buildings used in construction work only, may be permitted in any district and shall be removed immediately upon completion of construction.
c. *Model homes and sales office:* Residential buildings in new subdivisions of record, containing fifty (50) or more lots may be temporarily used as model homes and sales offices provided such use conforms to the following:
   (1) A subdivision plat must be filed for record prior to issuance of a permit.
   (2) Facilities for sewage disposal must be approved and available.
   (3) Not more than 50 percent of gross floor area may be used for sales office.
   (4) Only sales activity relating to the subdivision is permitted and no other business activity may be conducted on the premises.
   (5) A permit shall expire upon completion of the sale of the last lot in subdivision or three calendar years from date of the permit, whichever is earlier. However, the license may be extended for good cause. License is not assignable except on approval of city.
   (6) Paved parking shall be provided for offices. Landscaping shall be installed in such a manner that vehicles utilizing parking lot shall be screened from view from the right-of-way. Upon expiration of the model home/office use, paving shall be removed by permittee and replaced with grass and landscaping.
   (7) The use is limited to the structure initially permitted and is not transferable to any other structure or lot within the subdivision.
   (8) Only one sign shall be allowed upon the premises, not exceeding six square feet in area. The sign shall not be illuminated.

C. Dimension Standards

1. Lots and Principal Structure

Table 3-2 indicates general dimension standards for lots and principal structures in all zoning districts. Unless otherwise specified in Section D. – Special Conditions for Uses, or Article V. – Special Districts, all lots and principal structures shall meet these standards.

Table 3-2: Dimension Table – Lots and Principal Structure

Zoning District	Min. Lot Area / Allowed Units Per Acre (UPA)	Min. Lot Width	Front Setback	Rear Setback	Side Setback	Street Side Setback	Max. Impervious Area [k]	Max. Total Lot Coverage by All Structures	Max. Height
R/A	3 acres/ -	198’	75’	75’	25’	50’		none	30’
R-1	15,000 s.f./ -	100’	40’	35’	10’ [b]	20’	45%	40%	30’ [a]
R-1a	40,000 s.f./ -	120’	30’	30’	10’ [b]	20’	30%	25%	35’
R-1b	30,000 s.f./ -	100’	30’	30’	10’ [b]	20’	30%	25%	35’
R-1c	20,000 s.f./ -	80’	30’	30’	10’ [b]	20’	30%	25%	35’
R-2	10,500 s.f./ -	75’	35’	35’	10’ [b]	20’	42%	37%	30’ [a]
R-3	7,800 s.f./ -	65’	30’	35’	8’ [b]	20’	40%	35%	30’
R-3 PGH	4,000 s.f./ -	40’	20’	15’	10’ [b]	10’	37%	32.50%	30’
R-3 TH	20,000 s.f./ -	80’	20’	35’	20’ [c]	20’	50%	45%	30’
R-4	10,500 s.f.	75’	30’	35’	10’ [b]	20’		30%	30’
R-5	10,500 s.f.	75’	30’	35’	10’ [b]	20’		30%	30’
R-6	2 acres with a max. of 5 acres i/ -	250’	25’	20’	20’ [b]	25’		N/A	30’
B-1	None/ -	none	20’ [d]	20’	none [e]				30’
B-2	None/ -	none	20’ [d]	none [f]	none [e]				30’ [k]
B-3a	7,500 s.f./ -	60’	30’	35’	10’			30%	30’
B-3b	7,500 s.f./ -	60’	20’	20’	none [e]			none	30’
B-4	None/ -	none	20’	20’	10’				30’
M-1	None/ -	none	none [g]	none [f]	none [e]			none	45’
M-2	None/ -	none	none [g]	none [h]	none [h]			none	45’
PUD	See Article V., Section A.								
HTD	See Article V., Section I.								

a. Structure may exceed the building height provided the lot width is increased by 10 feet for each additional foot in height.
b. Where a driveway is in the side, and extends past the front of the principal structure, the side setback shall be 15 feet. Driveways shall not be within three (3) feet of the side lot line. The area between the side lot line and driveway shall be vegetated and remain pervious.
c. A minimum side yard, as required by Article III, Section D.2 may be located within the 20-foot side setback.
d. Where a lot abuts residential property on both sides, the front setback shall be in line with adjacent structures.
e. Where a lot abuts residential property, the side setback shall be 10 feet.
f. Where a lot abuts residential property to the rear, the rear setback shall be 20 feet.
g. In the case of existing adjacent establishments, the setback shall be the average within 100 feet on either side of the proposed structure.
h. Where a side or rear lot abuts residential districts, the setbacks shall be determined on an individual basis.
i. R-6 Districts may be larger than five (5) acres provided they meet all the special design requirements of Article V., Section D.5.
j. Central Business District 40 feet.
k. For purposes of this article, the term "impervious area" means the developed area of the lot, including house and accessory structures, as well as surfaces that do not allow the free passage of water through the material into the ground. The term "impervious area" shall include, without limitation, sidewalks, driveways, parking areas, decks, and patios, unless such surfaces are constructed of materials that allow passage of water into the ground at a rate equal to the pre-developed condition.

2. Residential Accessory Structures

Table 3-3 indicates dimension requirements for residential accessory structures.

Table 3-3: Dimension Table - Residential Accessory Structures

Zoning District	Front Setback	Rear Setback	Side Setback	Street Side Setback	Max. Total Lot Coverage by Accessory Structure	Max Height	Min. Structure Separation from Principal Structure	Min. Separation Between Structures
R/A	Behind front building line of principal structure	15’	15’	50’	30% of required rear yard	30’	50’ for agriculture structures; 10 feet for all other accessory structures	5’
R-3 PGH*	Behind rear building line of principal structure	none required	same as principal structure	same as principal structure	25% of required rear yard*	20’ but no taller than the principal structure	5’	5’
All other residential districts	Behind rear building line of principal structure	5’	5’	no nearer than principal structure	25% of required rear yard	30’ but no taller than the principal structure	10’	5’

* one detached garage up to 600 square feet shall be allowed for Patio/garden homes in addition to the maximum total lot coverage for other accessory structures, subject to all other accessory structure dimension standards.

** in an attempt to preserve historic one-story structures, on lots where the principal structure is one-story, an administrative approval may be given to allow an accessory structure to be taller than the principal structure, but in no case more than 5’ taller than the principal structure as measured from the tallest roof peak of the principal structure, excluding chimneys, cupola, spires, and other architectural features. In no case shall an accessory structure exceed the height limit of the district.

3. Yards

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open to the sky, except for permitted accessory structures and the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided the projections shall not extend more than two feet beyond the yard area requirements.

4. Free-standing Commercial Structures

a. Any free-standing single use or single tenant retail building in any business zoning district shall not have a building footprint larger than 8,000 square feet.

5. Waterfront Lots

a. Accessory structures may be located in front or side of principal structures on waterfront lots but may not be located within the required front or side yards. Accessory structures shall maintain

minimum structure separation of 10' from the principal structure and 5' separation from all other accessory structures.

b. Accessory structures located in the required rear yard of waterfront lots shall follow the dimension requirements in Table 3-3.

c. Structures built over submerged state lands are exempted from the front and side yard setback requirements for accessory structures on waterfront lots.

D. Special Conditions for Uses

The following special conditions shall apply to all districts where the uses are permitted or permitted by special exception. These special conditions are in addition to the generally applicable standards that apply to all uses within a particular zoning district. In the case of a conflict between the generally applicable standard for the zoning district and the specific standard for the use listed in this section, the more specific standards in this section shall apply.

1. Recreational Vehicle Parks

a. *Intent:* The intent of the special conditions for Recreational Vehicle Parks is to:
- Provide opportunities for temporary travel and lodging facilities for tourists with recreational vehicles;
- Allow parks that are accessible to the community and attractions in Fairhope; and
- Ensure location and design standards compatible with community goals and surrounding property.

b. *Location Restrictions:* All recreational vehicle parks shall have direct access to a County, State, or Federal Highway.

c. *Site Requirements:*
(1) All recreational vehicle parks shall have a minimum lot width of not less than 50 feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
(2) The minimum lot area per park shall be three acres.
(3) Use of space in recreational vehicle parks shall be limited to travel trailers, mobile homes, motor homes and campers with a maximum length, exclusive of hitch, of 28 feet.
(4) Spaces shall be rented by the day or week only and an occupant of a space shall remain in the same trailer park for a period of not more than 90 days.
(5) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed provided:
(a) The establishment and the parking area primarily related to their operation shall not occupy more than ten percent (10 %) of the area of the park.
(b) The establishment shall be restricted to use by occupants of the park.
(c) The establishment shall present no visible evidence of commercial character, which would attract customers other than occupants of the park.

(d) No part of any space intended for occupancy for sleeping purposes shall be within 30 feet of the right-of-way.

(6) The recreational vehicle park site plan shall be accompanied by a certificate of approval of the county health department.

2. Townhouses

a. *Intent:* The intent of the special conditions for Townhouses is to:

- Provide a residential format as an alternative to single-family homes;
- Allow townhouses to be appropriately intermingled with other types of housing and give residents of townhouses quality residential neighborhoods;
- Ensure location and design standards compatible with surrounding property;
- Prevent long, unbroken lines of row housing;
- Make efficient, economical, comfortable, and convenient use of land and open space;
- Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

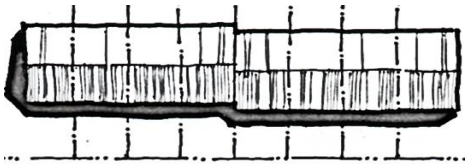

Figure 3-1. *Townhouse units of more than 4 shall have a differentiated front building line of at least 4 feet and no single building shall have more than 8 units.*

b. *Site Requirements:*

(1) Not more than four contiguous townhouse units shall be built in a row with the same front line, and not more than eight townhouses shall be contiguous. In groups of Townhouses consisting of more than four units; the required difference in front alignment shall be four feet. *See Figure 3-1.*

(2) Each Townhouse shall have a minimum lot area of 3,600 square feet for each Dwelling Unit; a front setback of twenty (20) feet; and a rear setback of thirty-five (35) feet. End units shall have a minimum side yard of ten (10) feet.

(3) Each Townhouse shall have on its own lot one rear yard containing not less than 400 square feet, reasonably secluded from view from right-of-ways or from neighboring property. *See Figure 3-2.*

(4) All vehicle access to Townhouse units shall be rear-loaded by alleys or an internal drive aisle accessing the parking area or garages from the rear of the unit. Insofar as practicable, exterior off-street parking facilities shall be grouped in bays at the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the Dwelling Unit it is intended to serve.

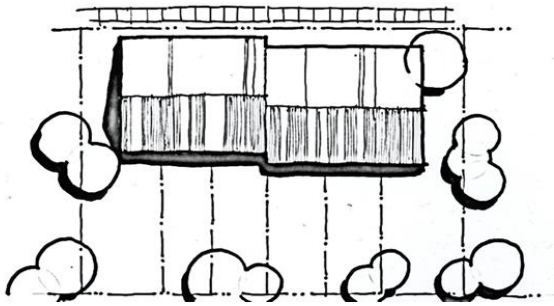

Figure 3-2. *All townhouse units shall have private yard areas of at least 400 square feet.*

(5) In Townhouse developments with a total area greater than five acres at least 20% of the total area shall be devoted to public or common open space, exclusive of parking areas or accessory

buildings. Common open areas may include recreational facilities. Provisions shall be made to assure that common open areas for the use and enjoyment of occupants of Townhouses are maintained in a satisfactory manner without expense to the general taxpayer. In addition, the developer of a Townhouse development or homeowners association created by the developer by recorded covenants and restrictions, shall preserve for the owners and occupants of the development lands set aside for open areas, parks, or recreational use, and the common off-street parking spaces established for the development.

(6) The Net Density of any Townhouse development shall be no greater than seven (7) Dwelling Units/Acre.

3. Patio and Garden Homes

a. *Intent:* The intent of the special conditions for Patio homes is to:

- Provide a residential format as an alternative to single-family homes;
- Allow patio homes to be appropriately intermingled with other types of housing and give residents of patio homes quality residential neighborhoods;
- Ensure location and design standards compatible with surrounding property;
- Create a low-maintenance residential alternative;
- Make efficient, economical, comfortable, and convenient use of land and open space;
- Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

b. *Location Restrictions:* Patio Homes and Garden Homes are only allowed in districts zoned PUD. The special conditions in this section shall also apply to patio homes and garden homes existing as an allowed use in the R-3 PGH district prior to July 10, 2000.

c. *Site Requirements:*

(1) Not more than two patio homes shall be connected.

(2) Each individual patio home unit shall be constructed on its own lot.

(3) Each lot shall be a minimum width of 40 feet at the front building line, and a minimum lot size of 4,000 square feet.

(4) Each patio home shall have one side yard with a minimum of 10 feet. Minimum depth for rear yard shall be 15 feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond 24 inches beyond the wall, and, provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed. The required 10 foot side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.

(5) Privacy fences or walls may be placed on or along any lot lines provided that the fences or walls are not constructed in a manner to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protections. An eight-foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.

(6) Each patio home shall have on its own lot, one yard containing not less than 600 square feet, reasonably secluded from view of right-of-ways or neighboring property.

(7) Maximum lot coverage permitted for the main dwelling shall be 60% of the permitted building area not including coverage permitted for accessory buildings or structures.

(8) Off-street parking shall be located within the interior of the lot. A common parking area serving no more than six patio homes may be centrally located, provided it is not more than 100 feet from any dwelling unit it serves and is screened from public right-of-ways and adjacent property.

(9) The exterior walls of the patio home, or any accessory structures located on the zero-foot side yard setback shall not project over the property lines. Roof overhang may penetrate maintenance and drainage easement of the adjacent lot a maximum of 30 inches, provided the roof shall be so designed that water run off shall be restricted to the drainage easement area.

(a) Where adjacent zero lot line dwellings are not constructed against or along a common lot line, a perpetual drainage easement shall be provided which shall be approved by the city engineering department. Fences and walls may be located on or along this easement provided gates or other openings that will not block local lot drainage are maintained.

(b) The lot adjacent to the zero setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).

(c) A 15-foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district.

4. Automobile Service Stations and Convenience Stores

a. *Intent:* The intent of the special conditions for Automobile Service Stations and Convenience Stores is to:

- Provide access to necessary services offered by automobile service stations and convenience stores from all areas of the city;
- Allow service stations and convenience stores to be appropriately mingled with other non-residential uses;
- Ensure location and design standards compatible with surrounding property, particularly the scale and intensity of surrounding commercial uses;
- Minimize the potential negative impact that automobile service stations and convenience stores may have on surrounding property and neighborhoods;
- Recognize that the design and scale of automobile service stations and convenience stores can determine how well this use fits in with surrounding uses.

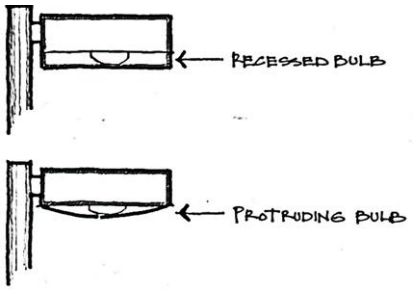

Figure 3-3. *All light sources shall be shielded. Protruding bulbs and lenses are prohibited.*

b. *Location Restrictions:*

(1) The property on which an automobile service station or convenience store is located shall not be within 100 feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.

c. *Site Requirements:*
   (1) An automobile service station or convenience store shall have a minimum front lot line on the primary right-of-way of 120 feet and a minimum area of 12,000 square feet.
   (2) All buildings shall be set back 40 feet from all right-of-way lines and all canopies shall be set back 15 feet from all right-of-way lines.
   (3) A raised curb of at least six inches in height shall be erected along the right-of-way lines, except for driveway openings.
   (4) A solid fence or wall not less than six feet nor more than eight feet in height shall be erected along all adjacent property lines facing any adjacent residential lot.
   (5) Light or glare shall not spill onto adjacent property or right-of-ways. All light fixtures shall be either recessed into a canopy, or if they protrude shall have a box that shields the bulb from direct view. A light fixture that protrudes from the bottom of a canopy shall have a box completely surrounding the bulb and the lens shall be flush with the box. Lenses shall not protrude past the bottom of the box. Should a gas station canopy be repaired or improved and the value of the improvements or the repair total 50% or more of the assessed value of the structure, these lighting requirements must be met. This 50% value is a cumulative total. *See Figure 3-3.*
   (6) All driving, parking, storage, and service areas shall be paved and curbed.
   (7) No automobile service station or convenience store shall be extended in area unless the proposed extension is in conformity with the requirements.
   (8) All gasoline pump islands shall be set back at least 15 feet from right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way. However, the pumps shall be at least 60 feet from the centerline of an arterial street, 55 feet from the centerline of a collector street and 45 feet from the centerline of other streets.
   (9) Vehicular entrances or exits shall be provided according to Article V of the Subdivision Regulations.

5. Home Occupations

a. *Intent:* The intent of the special conditions of Home Occupations is to:
   - Provide opportunities for residents to earn income and operate businesses from their home;
   - Allow businesses that do not adversely impact the residential character of neighborhoods; and
   - Ensure that the ongoing operations of home occupations are not visible or detrimental to adjacent residents and property owners.

b. *Location Restrictions:*
   (1) Home occupations are permitted in all districts where residences are permitted, if licensed by the city's revenue officer and conforming to the special conditions of this section and any applicable laws or ordinances.
   (2) Any operation, which, whether by requirement of any law or regulation or for any other reason, requires a full and complete separation from the living area of the main building, shall not be construed as a home occupation within the meaning of the ordinance.

c. *Site Requirements:*

(1) The home occupation shall be an accessory use, incidental to the primary use of the premises for residential purposes.

(2) The home occupation shall be operated only by members of the family residing on the premises. No non-family employees shall be employed on the premises. No article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises and no merchandise shall be delivered to customers at the premises.

(3) No home occupation shall alter the appearance of the home or neighborhood either through structural changes or through ongoing activities and operations. The building shall be an existing structure ready for occupancy and not a proposed structure. No building altered in any fashion inconsistent with the residential appearance for the purpose of accommodating or expanding any home occupation, existing or proposed.

(4) Parking for not more than two vehicles in conjunction with home occupation may be provided in the existing driveway area. No expansion of parking to serve the home occupation shall be permitted and in no case shall public property be utilized for parking. Uses that require additional parking per the parking schedule shall not be eligible as a home occupation.

(5) The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise vibration, electrical disturbance, radioactivity, electromagnetic interference or any other condition detrimental to the character of the surrounding area.

(6) Business signs shall not be permitted for home occupations located within residential districts. In other use districts, signs shall not exceed two square feet in sign area, attached to the face of the building, limited to one sign only.

(7) For purposes of home occupations, the written statements of the majority of owners of property within 300 feet in opposition to the home occupation shall be sufficient cause to determine that the use is of a character detrimental to the surrounding area.

d. *License:*

(1) No license, new or renewal, shall be issued until an application shall have been completed by applicant, premises inspected and application endorsed with approval of the Director of Planning and Zoning.

(2) The applicant for a home occupation license shall either own the property or, if a tenant, have the owner's written permission to engage in the proposed home occupation.

(3) The license shall be kept on file at the premises where the home occupation is located and shall be subject to examination by the revenue officer or Director of Planning and Zoning upon request and shall be surrendered to the city upon written citation for violations of any condition or ordinance requirement.

(4) Home occupation licenses shall expire on the 31st day of December of each calendar year and are delinquent February 1st.

6. Cemeteries

a. *Intent:* The intent of the special conditions for cemeteries is to:
- Provide public access to cemeteries within the City;
- Allow cemeteries to establish a park-like, civic setting to mourn, honor, and commemorate the deceased; and
- Ensure location and site conditions that are compatible to surrounding property and neighborhoods.

b. *Location Restrictions:*
(1) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of the site. In addition, the site shall have direct access to an arterial street.
(2) Any new cemetery shall be located on a site containing not less than twenty (20) acres.

c. *Site Requirements:*
(1) All structures shall be set back no less than 25 feet from any property line or minor street right-of-way.
(2) All graves or burial lots shall be set back not less than 25 feet from any property line on local street right-of-way lines, and not less than 50 feet from any collector or arterial street right-of-way.
(3) The entire cemetery property shall be landscaped and maintained.
(4) The expansion of any existing cemetery shall only be allowed according to the Special Exception procedures in Article II.

7. Storage and Parking of Trailers and Commercial Vehicles

a. *Intent:* The intent for the special conditions for Storage and Parking of Commercial Vehicles is to:
- Provide opportunities for residents to own, utilize, and store commercial vehicles, trailers, and recreational vehicles; and
- Ensure that parking and temporary storage of commercial vehicles, trailers, and recreational vehicles is not detrimental to the neighborhood character and adjacent residents or property owners.

b. *Location Requirements:* Commercial vehicles and trailers of all types, including travel, boat, camping, and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the requirements in this section.

c. *Site Requirements:*
(1) No more than one commercial vehicle per dwelling shall be permitted. In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
(2) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, motor home, or commercial vehicle shall be parked or stored in the front yard, or on corner lots, in a side yard abutting a

public right-of-way or upon the right-of-way. The length of said vehicle shall not exceed twenty-eight feet (28').

(3) These vehicles shall be allowed in a side yard only if the rear yard cannot be reasonably accessed. Topographical features, the existence of mature trees or the existence of properly permitted and constructed structures, which prevent rear yard parking, is sufficient to establish a lack of rear yard access. If parked in the rear yard, a hard surface pad with access shall be provided by either a hard surface drive, hard surface drive strips or an access drive constructed of turf block materials. All vehicles covered by this section shall have a minimum side and rear setback of six feet (6'). No vehicle covered in this section shall be located in a side yard containing a driveway.

(4) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a recreational vehicle park authorized under this ordinance.

(5) A junked vehicle, or one that is not operational shall not be permitted to be located on or near lots with dwelling units. These junked autos shall be confined to junkyards.

8. Personal Storage

a. *Intent:* The intent of the special conditions for Personal Storage is to:

- Allow for personal storage services to be mixed with other compatible commercial uses;
- Ensure that personal storage facilities are located appropriately in order to minimize the impact on adjacent property; and
- Recognize that the design and scale of personal storage facilities can determine how well this use fits in with surrounding uses.

b. *Location Requirements:*

(1) Exterior personal storage facilities on more than two acres shall be located only in the M-1 and M-2 districts and only by special exception.

(2) Exterior personal storage facilities on less than two acres and indoor personal storage facilities may be located in the B-2 district and only by special exception.

c. *Site Requirements:*

(1) All one-way drive aisles shall provide for one 10-foot wide travel lane. Traffic direction and parking shall be designated by signs or painting.

(2) All two-way drive aisles shall provide for one 10-foot wide parking lane and two 12-foot wide travel lanes.

(3) Two parking spaces, to be located at the project office for use of clients, shall be provided for the manager's quarters plus one additional space for every 25 storage cubicles.

(4) Any other site requirements determined through the special exception procedure to minimize impacts on adjacent property.

9. Accessory Dwelling Units

a. *Intent:* The intent of the special conditions for accessory dwelling units is to allow flexibility in living arrangements and home occupations while maintaining the residential character of existing neighborhoods.

b. *Location Restrictions:* Accessory dwelling units shall be located on the same lot as the principal structure and are subject to the dimension standards in Section C.2 of this Article.

c. *Site Requirements:*
   (1) Any accessory structures shall only have a half bath.
   (2) Kitchens and electrical wiring or gas-supporting kitchens are prohibited.
   (3) Any accessory structure proposed for office or extra living areas shall not be larger than 50% of the gross square footage of the principal structure.
   (4) Any utilities for an accessory structure shall run through the principal structure.

d. *Exception:* Notwithstanding anything contained in this Subsection 9 to the contrary any "bona-fide" mother-in-law suite with a kitchen, attached to the principal structure, under common roof, shall not be deemed to be an accessory dwelling unit for purpose of this zoning ordinance but, instead, shall be deemed to be a part of the principal dwelling unit.

10. Building Materials on Commercially Zoned Property

a. *Intent:* The intent of the special conditions on building material for commercially zoned property is to prevent negative visual impact, provide attractiveness and beautification, and protect commercial property values.

b. *Location restrictions:* The special conditions in this section shall apply to any commercially zoned property in the City of Fairhope.

c. No building or portion of a building visible from a public street or right-of-way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right-of-way.

11. Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, Tattoo Parlors

a. *Location Restrictions:* Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, and Tattoo Parlors are allowed only in the B-2 (General Business) District of the City of Fairhope, Alabama.

b. *Site Requirements:*
   (1) Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, and Pawn Shops shall not be located within 275 linear feet of residential zoned areas, places of worship, schools, the City of Fairhope Central Business District or public parks.
   (2) Tattoo Parlors shall not be located within 275 linear feet of residential zoned areas, places of worship, schools or public parks.
   (3) The minimum distance between similar uses shall be 1,000 linear feet.

12. Restaurants and Accessory Bars in the M-1 Light Industrial District

a. *Intent:* The intent of these special conditions for restaurants and associated bars in the M-1 Light Industrial District is to provide a method for restaurants to be permitted in the M-1 district.

b. *Location Requirements:* The special conditions in this section shall apply only to the M-1 Light Industrial District.

c. *Site Requirements:*
   (1) Prohibition of drive throughs. Restaurants shall not contain drive through windows or pick up windows. Restaurant must be a sit-down style restaurant.

13. Multi-Family/Apartment

a. *Intent*: The intent of the special conditions for Multi-Family/Apartments is to:
   (1) Provide a residential format as an alternative to single-family homes; and
   (2) Allow apartments to be appropriately intermingled with other types of housing and give residents of apartments quality residential neighborhoods;
   (3) Ensure location and design standards compatible with surrounding property; and
   (4) Make efficient, economical, comfortable, and convenient use of land and open space.

b. *Site Requirements:*
   (1) Minimum total site area: One (1) acre
   (2) Minimum dimensions of parcel:
      (a) 200 feet minimum width of parcel at all points between the street line and the front setback line
      (b) 200 feet minimum street frontage line
   (3) Minimum yards and building setbacks:
      (a) Minimum front yard setback: 50 feet
      (b) Minimum rear yard setback: 40 feet
      (c) Minimum side yard setbacks for buildings containing no more than one story: 20 feet
      (d) Minimum side yard setbacks for buildings containing more than one story: 25 feet
   (4) Building Limitations
      (a) Maximum building area: 25 % of the total area of the parcel
      (b) Maximum number of stories: Two (2)
      (c) Maximum building height: 30 feet

(5) Maximum allowable Gross Density: One Dwelling Unit per 9,680 square feet of land contained in the parcel.

c. *Parking*:
(1) Minimum off street parking per Dwelling Unit: Two (2) spaces.
(2) Visitor and accessory parking shall be provided based on the following:
(a) One to ten Dwelling Units: One-half parking space per Dwelling Unit;
(b) Eleven or more Dwelling Units: Five spaces plus one-fourth additional parking space for each unit over ten;

d. *Additional Requirements*:
(1) Service yards. Each Multi-Family/Apartment site shall be provided with a service yard for the storage of garbage, trash and maintenance equipment. Each such yard shall be located so as to be conveniently accessible by a street, alley or driveway to vehicles collecting such refuse and to occupants of the building served by such yard. Each such yard shall be paved with asphalt or concrete and shall be enclosed by an opaque wall or fence of permanent construction, at least six feet, but not more than eight feet, in height, and designed and constructed so as to conceal the service yard from visibility from outside such wall or fence. The entrance to the service yard shall be screened by a gate constructed of an opaque material, which gate must be at least six feet, but not more than eight feet, in height.
(2) Sidewalks. Sidewalks of not less than five feet in width shall be provided between any parking area and the Buildings in which they serve, and there shall be a curb between all parking areas and any adjacent sidewalk. The sidewalks shall be paved with concrete or brick.

14. Mixed-Use Building

a. *Intent*: The intent of the special conditions for Mixed-Use Building(s) is to:
(1) Accommodate Mixed-Use Building(s) with neighborhood-serving retail, service, civic, and other uses on the ground floor and residential above the non-residential space;
(2) To provide opportunities for vertical integration of compatible uses within the same Building footprint;
(3) To ensure the Mixed-Use Building(s) are compatible with the character of the surrounding neighborhood;
(4) Make efficient, economical, comfortable, and convenient use of land and open space; and
(5) Serve the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.

b. *Site Requirements:*
(1) Minimum lot area: 20,000 square feet or 9,680 sf per Dwelling Unit, whichever is greater.
(2) Minimum dimensions of parcel:
(a) 80 feet minimum width of lot at all points between the street line and the front setback line
(b) 80 feet minimum street frontage line
(3) Minimum yards and building setbacks:
(a) Minimum front yard setback: 40 feet

(b) Minimum rear yard setback: 20 feet
(c) Minimum side yard setback: 15 feet, except where lots abut residentially zoned property side yard setback shall be 20 feet

(4) Building limitations:
(a) Maximum Floor Area Ratio (FAR): 60 %
(b) Maximum impervious area: 50 % of the total area of the lot
(c) Maximum number of stories: Two (2)
(d) Maximum building height: 30 feet

(5) Maximum allowable Gross Density: One Dwelling Unit per 9,680 square feet of land contained in the parcel

c. Notwithstanding the foregoing, the following site requirements shall apply to any lot that is located within any area of the CBD Overlay where Mixed-Use Buildings are allowed:
(1) Minimum lot area: 3,630 sf per Dwelling Unit.
(2) Minimum dimensions of parcel: None
(3) Minimum yards and building setbacks:
(a) Minimum front yard setback: Mixed-Use Buildings in the CBD shall be built at the right-of-way line, unless a courtyard, plaza or other public open space is proposed.
(b) Minimum rear yard setback: Determined by Zoning District. See Table 3-2.
(c) Minimum side yard setbacks: None, except that corner lots shall have the same building line on the side street as is on the front street.

(4) Building limitations:
(a) Maximum Floor Area Ratio (FAR): 225 percent
(b) Maximum impervious area: None
(c) Maximum number of stories: Three
(d) Maximum building height: 40 feet to the top of all structures, appurtenances, and mechanical equipment.

(5) Maximum allowable Gross Density: One Dwelling Unit per 3,630 square feet of land contained in the parcel
(a) A minimum of one (1) dwelling unit may be permitted, regardless of the aforementioned 3,630 square foot size requirement, for all legal lots in existence prior to August 7, 2026. Any and all new lots created after August 7, 2026, shall conform to the Maximum allowable Gross Density.

d. *Use Restrictions:*
(1) *Residential Uses:* Upper Story Dwellings shall be allowed in accord with the following requirements:
(a) No Upper Story Dwelling shall have a gross floor area of less than 600 feet.

(2) *Commercial Uses:*
(a) At least 75% of the ground floor of a Mixed-Use Building shall be occupied by Commercial/nonresidential uses. For the purposes of this calculation, parking garages/areas, located within a Building's footprint, shall not make up more than 25% of the ground floor.