Article IX: Definitions and Interpretations

A. Interpretation 94
B. Description of Uses 94
1. Dwelling Use Category 95
2. Civic Use Category 96
3. Office Use Category 97
4. Retail Use Category 97
5. Service Use Category 98
6. Manufacturing Use Category 100
7. Rural Use Category 100
8. General Use Definitions and Descriptions 101
C. Defined Terms 102

A. Interpretation

All words shall have the customary dictionary meaning, unless specifically defined or described by this Article or unless context requires a different meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. Graphics, tables and commentary boxes used in this ordinance are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic, table or commentary box and the text, the text shall control.

B. Description of Uses

This section contains descriptions associated with the use of land. Where a use is not specifically listed but meets all of the characteristics of the use description or meets all of the characteristics of a use that is specifically listed, the Director of Planning and Zoning may interpret the ordinance as allowing the use. Where a use is similar, but does not meet all of the characteristics, is different in scope, or is different in impact from the characteristics described or a specific use listed, the Director of Planning and Zoning shall find that the use is similar but not consistent with the use description and specifically described use and it shall be referred to the Board of Adjustment for an interpretation and decision consistent with the intent of this ordinance. Any other uses that are different from those described and not anticipated by this ordinance, but may be allowed by a zoning text amendment.

The following use definitions and descriptions are grouped into seven general use categories: 1) Dwellings; 2) Civic; 3) Office; 4) Retail; 5) Service; 6) Manufacturing; and 7) Rural. Each general use category is either described or defined, followed by specific uses or a more specific use classification within that category.

1. Dwelling Use Category

a. *Single Family Dwelling* - a detached Building with only one Dwelling Unit designed for and occupied by one Family.

b. *Two Family Dwelling* - a detached Building with only two Dwelling Units designed for and occupied by or for occupancy by two Families.

c. *Townhouse* - a Dwelling Unit attached to a series of other Dwelling Units by not more than 2 vertical party walls, and where each unit maintains an individual entrance from the exterior of the building and is on its own lot.

d. *[Reserved]*

e. *Patio/Garden Home* - a detached Dwelling Unit located on its own lot, having only one side yard required or detached Building with only two Dwelling Units designed for and occupied by two Families, with a small courtyard, patio or side yard required for each Dwelling Unit.

f. *Multiple-Family/Apartment* - a Building or Buildings with three or more Dwelling Units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the Building or any single Dwelling Unit has a common wall or floor with more than two other Dwelling Units.

g. *Manufactured Home* - a Structure that is governed by the federal manufactured home construction and safety standards established by the National Manufactured Homes Construction and Safety Standards Act, 42 U.S.C. Section 5403.

h. *Manufactured Home Development* - any plot of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether or not a charge is made for such accommodation.

i. *Manufactured Home Space* - a plot of ground within a manufactured home development designed for the accommodation of one manufactured home.

j. *Mixed-Use Building* - a Building designed for one or more other uses in addition to one or more Dwelling Units that are not accessory to any of the other uses.

k. *Accessory Dwelling Unit* - a Dwelling Unit that is associated with and incidental to a principal use, and is on the same lot as the principal use.

2. Civic Use Category

The Civic Use category includes uses serving a broad and general public interest to enhance daily community life for adjacent land owners and residents, which are typically run by a government entity, not-for-profit agency or association, religious or charitable institutions, or similar philanthropic organizations.

a. *Elementary School* - an education facility for grades K through 8.

b. *Secondary School* - an education facility for grades 9 through 12.

c. *Education Facility* - a place of general education for students beyond grade 12. It may include vocational training, continuing education, or education campuses.

d. *Library* - an establishment offering educational resources and is open to the public.

e. *Place of Worship* - an establishment that conducts organized religious services and assemblies.

f. *Cemetery* - land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

g. *Hospital* - an establishment providing health service, medical and surgical care, and room and board to persons suffering from illness, disease, or injury, including supporting facilities such as laboratories, outpatient facilities, and training facilities.

h. *Public Open Space* - any space dedicated for public use, exclusive of rights-of-way and easements, and open from the ground to the sky. Public open space does not include any impervious surfaces designated for automobile use.

i. *Common Open Space* - any space dedicated for common use by a group of citizens due to property ownership, residency, or patronage of facilities associated with the open space, exclusive of rights-of-way and easements, and open from the ground to the sky. Common open space does not include any impervious surfaces designated for automobile use or any required yard or setback.

j. *Community Center or Club* - a building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

k. *Public Utility* - a use of any structure, land, or infrastructure by a regulated enterprise or franchise to provide a service to all members of the general public that is deemed essential for the public health, safety, and welfare. Review by the Planning Commission, in accordance with Section 11-52-11 of the Code of Alabama, of compliance with the Fairhope Subdivision Regulations and Comprehensive Plan, may be required for all public utility facilities.

3. Office Use Category

The Office Use Category consists of the use of buildings for administrating the business of professional firms, organizations, or government, whose products or services are of the nature that generally do not involve the frequent and intensive interactions with clients, customers, or patrons on the premises, and where delivery of the product does not necessarily need to occur on the premises.

a. *General* - any Building used for the administrative affairs of a firm, organization or government.

b. *Professional* - a Building occupied by a profession and offering professional services to clients, customers, or patrons which may involve occasional on-site contact with clients, customers or patrons. Examples include architect, accountant, real estate, engineer, lawyer, or other similar professions.

c. *Home Occupation* - an operation for gain or support conducted only by members of a Family residing on the premises limited in its use and not in a manner detrimental to the character of the surrounding neighborhood.

4. Retail Use Category

The Retail Use Category consists of businesses that sell merchandise to consumers for use off premises.

a. *Grocery - a* business engaged primarily in the retail sale of food for home consumption, but may also include accessory sales of household products.

b. *Convenience Store* - a business engaged in the retail sale of food and household products for consumption off premises and characterized by the rapid turnover of customers.

c. *General Merchandise* - a business primarily engaged in the sale of merchandise for consumer use off of the premises. This use excludes any more specifically described use.

d. *Shopping Center* - a group of two or more retail and service establishments consisting of over 18,000 square feet on the ground floor and located on commonly owned property or sharing the same parking facilities.

e. *Automobile Service Station* - any Building or land used for retail sale and dispensing of automobile fuel. Vehicle lubricants, supplies, accessories, and minor services may be offered if incidental to the sale of fuel and no more than three (3) interior vehicle storage and service bays are provided.

f. *Garden Center* - any retail sales of plants that require outdoor storage of merchandise at any time of the year.

g. *Outdoor Sales Limited* - a retail use where a minor portion of the merchandise, both in area and in business value, is typically stored outside during business hours.

h. *Outdoor Sales Lot* - a retail use where a significant portion of the merchandise, either in area or in business value, is typically stored outside during business hours.

5. Service Use Category

The Service Use category is for businesses that offer clients, customers, or patrons goods for consumption on the premises, or offer services for performance and delivery on the premises.

a. *Convalescent or Nursing Home* - a business providing living accommodations and care for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital, and where non-resident staff is present for more than eight (8) hours per day.

b. *Clinic - a* place used for the care, diagnosis and treatment of ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board.

c. *Outdoor Recreation Facility* - a business primarily engaged in the provision of outdoor sports, entertainment, or similar recreation opportunities for participants or spectators.

d. *Mortuary or Funeral Home* - an establishment used for the preparation of deceased humans and ceremonies prior to burial or cremation.

e. *Day Care* - a business providing for the day care and/or instruction of non-resident children.

f. *General Personal Services* - a business that provides including uses such as post office, bank, barber shop or beauty salon, film processing, small appliance repair, tailor, office support, or other similar service. Any personal service that is more specifically described is excluded from this use.

g. *Automobile Repair* - the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. Vehicle lubricants, supplies, and accessories may be supplied and sold at retail.

h. *Indoor Recreation Facility* - a business engaged in the provision of indoors sports, entertainment, or similar recreation opportunities for participants or spectators. Examples of uses include roller skating rinks, movie theaters, or fitness clubs.

i. *Dry Cleaner/Laundry* - a business engaged in cleaning clothes, fabrics, or upholstery on-site either by drop-off and pick-up by customers or through delivery services.

j. *Personal Storage* - a business offering separate storage areas leased or rented on an individual basis.

k. *Bed and Breakfast or Tourist Home* - a business where lodging and/or meals are provided incidental to a principal single-family dwelling, where no cooking or dining facilities are provided in individual rooms, and where the owner resides on the premises.

l. *Hotel or Motel* - a business where lodging services, including accessory uses such as eating and drinking facilities, recreation facilities and parking, are provided. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.

m. *Boarding House or Dormitory* - a business where lodging and/or meals are provided, where no cooking or dining facilities are provided in individual rooms, and where an owner or manager resides on the premises. These regulations shall apply to any Boarding House or Dormitory prior to March 24, 2025. No new requests for a Boarding or Dormitory will be accepted after March 24, 2025.

n. *Recreational Vehicle Park* - a development providing rental spaces for recreational vehicles such as a trailer, camper, or motor home on a short-term basis, including accessory recreation and service facilities for the use of the tenants.

o. *Restaurant* - a business serving prepared meals for consumption on the premises, which may include an accessory bar, carry out, drive-through, or catering services.

p. *Bar* - a business serving alcoholic beverages, which may include accessory food and entertainment services.

q. *Entertainment Venue* - a business where floorshows or other forms of entertainment by persons are provided for guests, which may include accessory dining, bar, and similar refreshment services. Examples include concert halls, dinner theaters, or banquet halls.

r. *Marina* - a business providing boat storage and services on the water.

s. *Kennel or Animal Hospital* - any business where four (4) or more dogs over four (4) months of age are kept for general boarding or medical care.

t. *Warehouse - a* business where a major portion of the floor area is used for storage of goods, products, or parts for distribution at bulk retail or wholesale, or where the storage is a service provided for a fee.

u. *Junk Yard or Salvage Yard* - a structure or lot where discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, accumulated, disassembled, or handled. This definition shall not include properly licensed establishments for the sale, purchase, or storage, of usable second-hand goods. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of properly licensed manufacturing operations.

v. *Wholesale Establishment* - business establishments that generally sell commodities in large quantities or to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

6. Manufacturing Use Category

The Manufacturing Use Category is for businesses engaged in economic activity involving construction, production, processing, transformation, warehousing, wholesale, and disposal of goods, products, and component parts of goods and products, including related services. These uses typically belong in a special district due to their inability to blend with the uses from other use categories.

a. *Limited* – any small scale manufacturing use that has a retail or service component and which presents no outward, visible, or perceptible presence on manufacturing activity.

b. *Light* - a business engaged in fabrication, processing, or assembly of finished products or parts, predominantly from previously prepared materials, including accessory packaging, incidental storage, sales, and distribution of products.

c. *General* - a business that transforms raw materials through mechanical, chemical or physical processes, into component parts or ingredients for subsequent use in light manufacturing or wholesale.

d. *Heavy* - mass production or extraction of raw materials for subsequent use in general or light manufacturing, including uses such as mining, quarrying, agricultural feed lots, and other potentially noxious uses.

e. *Food Processing* - the preparation, storage or processing of food products on a large scale for wholesale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

7. Rural Use Category

The rural use category is for uses that are commonly associated with an agrarian or rustic lifestyle, and which demand little or no public infrastructure or services.

a. *Agriculture* - the use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce. The operation of any such accessory uses shall be secondary to that of normal agricultural activities. Agriculture uses shall not include the commercial feeding of garbage or offal to swine or other animals.

b. *Plant Nursery* - land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale or wholesale on the premises including products used for gardening or landscaping.

c. *Rural Market* - a business for the retail sale of agricultural products produced on site and operated without any additional site facilities than are otherwise associated with agriculture use. Roadside stands, truck sales or barn sales are examples of such uses; however, the intensity and frequency of

such sales shall be so that no additional parking, roads, structures, warehouses or other storage facilities are necessary on the site.

8. General Use Definitions and Descriptions

The following use definitions or descriptions do not fit into any single use category, but apply generally throughout this ordinance.

a. *Accessory Use* - a use that is customarily incidental to the principal use, is typically maintained and operated as part of the principal use, is subordinate to the principal use, and is located on the same lot as the principal use.

b. *Airport* - any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down area, hangars and other necessary buildings, and open spaces.

c. *Fixed Dwelling* - a Dwelling Unit (or structure containing several units) attached to a permanent foundation.

d. *Garage, Private* - a Building or part thereof designed and/or used for inside parking of motor vehicles by the occupants, patrons or other users of the principal structures on the premises.

e. *Garage, Public* – a Building or part thereof designed or used for indoor or partially indoor (covered) parking of motor vehicles, operated as a commercial enterprise, accessory to a commercial enterprise, or as a governmental service and providing only incidental services for such vehicles.

f. *Lodging* - a business where overnight accommodations are provided for transient guests where compensation is provided on a daily or weekly basis.

C. Defined Terms

***Accessory Structure**:* A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

***Alteration, Building**:* Any change in the supporting members of a Building (such as bearing walls, beams, columns, and girders), except such change as may be required for its safety; any addition to a Building; or any changes in use resulting in moving a Building from one lot to another or to a different zoning district.

***Arterial Street**:* A highway or street of considerable continuity, providing direct and continuous connections to points along its route through various modes of transportation, interrupted only by major community destinations or topographical obstacles.

***Artificial Wetland**:* A constructed shallow area designed to emulate the natural functions of a wetland including evaporation, infiltration, and storage of runoff, sedimentation, and other aquatic functions, which has been recognized and approved as a "Best Management Practice."

***Basement**:* A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

***Bio-filter**:* A stormwater management facility that treats stormwater by filtration through vegetation, which has been recognized and approved as a "Best Management Practice."

***Bioretention**:* This technique removes pollutants in stormwater runoff through adsorption, filtration, sedimentation, volatilization, ion exchange, and biological decomposition. A Bioretention Cell (BRC) is a depression in the landscape that captures and stores runoff for a short time, while providing habitat for native vegetation that is both flood and drought tolerant. BRCs are stormwater control measures (SCMs) that are similar to the homeowner practice, of installing rain gardens, with the exception that BRCs have an underlying specialized soil media and are designed to meet a desired stormwater quantity treatment storage volume. Peak runoff rates and runoff volumes can be reduced and groundwater can be recharged when bioretention is located in an area with the appropriate soil conditions to provide infiltration. Bioretention is normally designed for the water quality or "first flush" event, typically the first 1"-1.5" of rainfall, to treat stormwater pollutants.

***Block**:* A division or parcel of land entirely surrounded by public highways or streets, other rights-of-way, or other boundaries as specified in the Fairhope Subdivision Regulations.

***Body-Piercing Studio**:* An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of creating openings in the body of a person for the purpose of inserting jewelry or other decorations.

Building: Any structure attached to the ground and intended for shelter, housing, or enclosure of persons, animals, or chattels.

***Build-to line**:* The line specified as a distance from the right-of-way or other public easement at which structures are required to be constructed for some portion of the lot.

Building line: The actual line at which a building on a lot is constructed.

***Building, Height**:* The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building.

***Building Official**:* The building official of the City of Fairhope who is appointed by the City and is charged with enforcement of this ordinance with the Director of Planning and Zoning.

***Building, Principal**:* A structure for occupancy in which is conducted the main or principal use of the lot.

***Caterer**:* Any person/entity who operates from a permitted food facility where food is prepared or stored then delivered and/or served off-premise.

***Central Business District**:* That area of the City designated as the business center of the area and within the following boundaries: From one lot back (refers to typical lot depth, see map) from the South side of Morphy Avenue to one lot back from the North side of Oak Street and from one lot back from the East side of Bancroft Street to one lot back from the West side of Church Street (Reference Map).

***Channel**:* A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

***Clear Sight Distance**:* The area near intersections regulated by the Fairhope Subdivision Regulations for proper lines of sight within which no visual obstructions may be placed, or when applied by this ordinance to private property, the area near driveway access lanes or driveway aisles where the proper lines of sight are regulated in the same manner as the Fairhope Subdivision Regulations.

***Collector Street**:* A street of moderate continuity, providing direct and continuous access to points along its route through various modes of transportation, interrupted occasionally by neighborhood destinations or topographic obstacles, and used primarily for access between local streets and arterial streets.

***Commercial Vehicle**:* Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles.

***Commission**:* The Fairhope Planning Commission.

Comprehensive Plan: Any plan or program adopted by the city for the physical, systematic, and orderly development of the city and its planning jurisdiction with particular regard to streets, parks, industrial and commercial undertakings, civic beauty and other matters properly within the police power. This also includes that Fairhope Comprehensive Plan adopted by the Planning Commission of the City of Fairhope, Alabama on November 4, 2024, as amended and as the same shall hereafter be altered, amended, modified and/or replaced from time to time.

***Condominium**:* A form of property ownership where the land under buildings and the open spaces around buildings is in single ownership for the common use of building owners or tenants.

***Deck**:* An extension of a Building or Dwelling Unit attached at or below floor level and having no walls or roof; railings may be provided; includes the term balcony.

***Density, Gross**:* the number of Dwelling Units per acre of the total land to be developed. Gross Density is measured by dividing the total land area by the number of Dwelling Units.

***Density, Net**:* the number of Dwelling Units per acre of land when the acreage involved includes only the land devoted to residential uses. Net Density does not include public or private streets, wetlands, public rights-of-way, watercourses, floodways, stormwater ponds, or undevelopable land based on topography or physical constraints.

***Director of Planning and Zoning**: The* official of the City who is charged with enforcement of the provisions of this ordinance.

***District**:* A section of the area zoned, within which the zoning regulations are uniform.

***Driveway Access Lane**:* The principal means of vehicular ingress and egress from the right-of-way to a lot.

***Driveway Aisle**:* A vehicular circulation lane internal to a site exclusive of the ingress and egress from the right-of-way.

***Dry Well**:* A cavity of sufficient size, filled to the surface with compacted rocks to allow water storage capacity.

***Dry Swale**:* A shallow stormwater management facility designed to store or convey excess runoff in a large storm event for gradual evaporation and infiltration, but does not retain water in normal storm events or dry periods.

***Dwelling Unit**:* A room or group of rooms, providing or intended to provide living quarters for not more than one (1) Family. All rooms within the Dwelling Unit shall have internal access, and the Dwelling Unit shall have no more than one electrical meter.

***Easement**:* A grant by a property owner of the use of land for a specific purpose or purposes by the general public or a corporation or a certain person or persons.

***Erected**:* To cause to be built, constructed, reconstructed, moved upon or any other physical operations such as excavations, fill, or drainage on the premises required for building.

***Expansion, Building**:* The addition of enclosed or unenclosed rooms or storage spaces, porches, structures or parking area to an existing Building.

***Expansion, Use**:* The increase in area of land or structure that serves a particular use.

***Family**:* One (1) or more persons occupying a single Dwelling Unit and using common cooking facilities, provided that, unless all members are related by blood, adoption or marriage, no such Family shall contain over five (5) persons.

***Family (Home Occupation)**:* For purposes of home occupations, Family is defined as only those persons related by blood, marriage or adoption and using common cooking facilities within a single Dwelling Unit.

***First Flush**:* This is the given volume of water generated in the drainage area from the first 1" to 1.5" of rainfall.

***Flood**:* A temporary rise in stream or surface water level that results in inundation of areas not ordinarily covered by water.

***Flood Frequency**:* The average frequency statistically determined, for which it is expected that a specific flood level may by equaled or exceeded.

***Floodway**:* That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional floodwaters. Floods of less frequent recurrence and non-inundating are usually contained completely within the floodway.

***Flood Plain**:* Those areas defined by the U.S. Geological Survey of the U.S. Army Corps of Engineers as subject to flooding once in one hundred (100) years, based on topography and FEMA; and further including any areas as may be designated at a future date by regulatory authority of such times.

***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.

***Frontage, Building**:* The outside wall surface of a building, excluding porch or deck, nearest to the front lot line.

***Frontage**:* The area of a lot made up of the front building façade and any area between the front building façade and the front lot line.

***General Personal Services**:* Businesses that provide uses such as a post office, bank, barber shop or beauty salon, permanent cosmetic establishment, film processing, small appliance repair, tailor, office support, or other similar service. Any personal service that is more specifically described is excluded from this use.

***Gross Floor Area**:* The sum of the gross horizontal areas of all floors of a Building, including interior balconies and mezzanines, and any exterior open porches or galleries which serve as an extension of those activities conducted within the enclosed Structure; all horizontal dimensions shall be measured between the exterior faces of walls or columns, including the walls or railings of Porches and Decks. The gross floor area of a Building shall include the floor area of accessory Buildings on the same lot, measured the same

way. Structures, Porches, and Decks intended for occupancy, whether temporary or permanent, within a Rooftop Terrace shall be included in the Gross Floor Area.

***Ground Cover**:* Natural (mulch) or low growing plants other than deciduous varieties installed to form a continuous cover over the ground.

***Heritage Tree**:* Any live tree greater than or equal to twenty inches (20") in diameter at breast height (DBH). Breast height is established as the height of the trunk of a tree fifty-four inches (54") above grade.

***Homeowners Association or Association**:* An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a planned or other described land area is automatically a member, and, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

***Lot, Corner**:* A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the right-of-way lines is the corner.

***Lot, Double Frontage or Through**:* A lot or plot, but not corner lot that abut upon two streets, the two frontages being noncontiguous.

***Lot, Interior**:* A lot other than a corner lot.

***Lot, Depth**:* The mean, (average) horizontal distance between the front and rear lot lines, measured at right angles to the front right-of-way lines.

***Lot Width**:* The mean, (average) horizontal distance between the side lot lines, measured at the right angles to the lot depth. A minimum lot width shall be applied at the front setback line.

Lot line, Front: On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

***Lot Line, Rear**:* The lot line opposite to and most distant from the front lot line.

***Lot Line, Side**:* Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a right-of-way is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

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

***Master Plan**:* Any portion of the Comprehensive Plan adopted by the Planning Commission for the physical development of the City and areas outside the boundaries, which bear relation to the planning of the municipality.

***Non-Chartered Financial Institution**:* Any business, other than a federally or state chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services, automobile title loans, and loans for payment of a percentage or graduated fee. Specifically included are check cashing and pawn shop businesses that charge a percentage or graduated fee for cashing a check or negotiable instrument and "payday loan" businesses which make loans upon assignment of wages received or businesses that function as deferred presentment services.

***Palm Reader**:* Any person who practices, teaches, or professes to practice the business of astrology or the psychic arts and sciences for a fee, gift, donation or other valuable consideration. Psychic arts and sciences may include augury, card or tea reading, cartomancy, clairaudience, clairvoyance, crystal gazing, divination, fortune telling, mediumship, necromancy, palmistry, phrenology, or prophecy.

***Parking Space or Parking Lot**:* An area reserved for temporary storage of motor vehicles.

***Pawn Shop**:* An establishment that lends money on the security of goods pledged by the owner of such goods on the condition that the goods may be redeemed or repurchased by the owner for a fixed price within a fixed period of time. This definition includes car title pawn companies which provide the borrower with cash in exchange for the borrower's vehicle title as collateral.

***Permanent Cosmetic Establishment**:* An establishment whose principal business activity, either in terms of operation or as held out to the public, is the permanent application of pigment into the skin for eyebrows, eyeliners, lip liner, blush and scar camouflage.

***Plat**:* A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

***Planned Unit Development**:* A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated or maintained at public expense.

***Porch**:* A roofed-over or open space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

***Rain Garden**:* A shallow depression in a landscape that captures water and holds it for a short period of time to allow for infiltration, filtration of pollutants, habitat for native plants, and effective stormwater treatment for small-scale residential or commercial drainage areas. Rain gardens use native plants, mulch, and soil to clean up runoff.

***Recreational Vehicle**:* A self-propelled vehicle used for temporary housing of individuals and families during travel. This includes campers, camping trailers, motor homes and smaller mobile manufactured homes (up to a length of twenty-eight (28) feet exclusive of hitch) capable of being towed by a passenger motorcar.

***Regulatory Flood**:* The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately one hundred (100) years as determined from an analysis of floods at a particular site and other sites in the same general regions (See Ordinance No. 1643).

***Regulatory Flood Protection, Elevation**:* The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

***Right-of-Way**:* A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features, (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

***Rooftop Terrace**:* A outdoor amenity area located on the roof of a Building. A rooftop terrace shall be accessory to the primary use of the Building. Individually owned and operated businesses or venues shall not occupy a rooftop terrace.

***Seat**:* For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

***Setback Line**:* A line established by the subdivision regulations and/or this ordinance, generally parallel with and measured from the lot line, defining the limits of a Yard in which no Building, other than Accessory Building, or Structure, may be located above ground.

***Sewers, Public or Community**:* An approved sewage disposal system, which provides a collection network and disposal system and central sewage and treatment facility for a single community, development, or region.

***Sewers, On-Site**:* A septic tank or similar installations on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

***Short-Term Rental**:* Includes any person, firm, entity, partnership, trust, corporation, association or organization that is renting a dwelling for less than 30 days are not allowed in R-1, R-2 and R-3. Short-term Rentals shall only be allowed in the R-4, R-5, B-1, B-2, B-3a and B-3b zoning districts and within the Central Business District. Short-term rentals shall be subject to the Business License Code of the City of Fairhope.

***Shrub**:* A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

***Sign**:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and/or used as an outdoor display.

***Sign, A-Frame**:* A-Frame Signs are allowed only within the City of Fairhope Central Business District. A-Frame Signs are designed to stand on their own, either on public or private property. A-Frame Signs are hinged at the apex to be folded into a sandwich position. A permit is required from the City of Fairhope.

***Sign, Building**:* A sign attached in any manner against or to a Building or appurtenance of a Building.

***Sign, Construction**:* Any sign listing principal contractors, architects and any establishments for the construction site where the sign is placed.

***Sign, Copy**:* The wording on a sign surface in either permanent or removable letterform.

***Sign, Directional**:* A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town or village, historic or religious place, shrine, public building, or hospital and signs directing and regulating traffic; public safety signs; sign or notices of public places of public and civic meetings and signs giving the name of the owner, lessee, or occupant of the premises or the street number.

***Sign, Double-faced**:* A sign having two (2) display surfaces, displaying the same copy, which are attached parallel and back to back, not more than twelve (12) inches apart.

***Sign Face**:* The area of a sign including the entire surface on which the copy is placed.

***Sign, Freestanding**:* Any sign, which is supported by structures or supports in or upon the ground and independent of support from any building.

***Sign, Height**:* The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

***Sign, Incidental**:* A sign providing no advertising other than a logo or name and necessary only for assuring safe ingress, egress, circulation, or other safety-related communications.

***Sign, Indirectly Illuminated**:* A sign designed or arranged to reflect light from an artificial source external to the sign face.

***Sign, Internally Illuminated**:* A light source, which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.

***Sign, Non-Conforming**:* Any sign, which does not meet the requirements of this ordinance.

Sign, Off Site: A sign relating its subject matter or any portion thereof to the premises other than the premises on which it is located.

***Sign, On Site**:* A sign relating its subject matter to the premises on which it is located.

***Sign, Permanent**:* A sign affixed to a building or the ground.

***Sign, Real Estate**:* A sign which advertises the sale, rental, or development of the premise upon which it is located.

***Sign, Roof**:* Any sign erected, constructed, and maintained with the principal support on the roof structure.

***Sign, Sandwich**:* Any double-faced sign, which may readily be moved from place to place.

***Sign, Shopping Center**:* A ground sign identifying a shopping center by name only.

***Sign, Snipe**:* Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post or any similar object located or situated on public or private property, not otherwise exempt.

***Sign, Structure**:* Any construction used or designed to support a sign.

***Sign, Subdivision**:* Any sign designed to identify a subdivision or neighborhood.

***Sign, Surface Area**:* The surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed. The surface area of a sign shall be measured from the outside edges of the sign or the sign frame or sign structure whichever is greater.

***Sign, Temporary**:* A sign or advertising display intended to be displayed for a limited period of time, generally no longer than a month.

***Sign, Window**:* Any sign placed inside or upon a window and which is intended to be seen from the exterior.

***Special Exception**:* Permission granted by the Board of Adjustment for a use indicated in this ordinance as a use limited to a special exception procedure, subject to conditions specified in this ordinance and any conditions the Board deems necessary to ensure that community interests are furthered by permission of the use.

***Story**:* That part of a Building lying between floor and ceiling. For purposes herein, a story does not include attic space entirely under a hip, gable or gambrel roof, whether or not such space is occupied.

***Street**:* That portion of the right-of-way paved for vehicular traffic, parking, or the shared use of bicycles.

***Structure**:* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

***Tattoo Parlor**:* An establishment whose principal business activity, either in terms of operation or as held out to the public, is 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.

***Upper Story Dwelling**:* A Dwelling Unit intended for a single-family in Mixed-Used Buildings in which no less than 90% of the first floor is occupied by Commercial Uses.

***Use or Principal Use**:* The specific purposes for which land or a Building is designated, arranged, intended or for which it is occupied.

***Variances**:* A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, developmental criteria or provision facilities. Examples would be: allowing smaller yard dimensions because an existing lot of record is of substandard size; waiving a portion of required parking and/or loading space due to some unusual circumstances; allowing fencing and/or plant material buffering different from that required due to some unusual circumstances. Variances are available only on appeal to the Board of Adjustment and subject to satisfaction of the standards specified in this ordinance.

***Vegetated Swale**:* A shallow, open-channel stabilized with grass or other herbaceous vegetation designed to filter pollutants and convey stormwater. Swales are applicable along roadsides, in parking lots, residential subdivisions, commercial developments, and are well suited to single-family residential and campus type developments. Water quality swales are designed to meet sheer stress targets for the design storm, may be characterized as wet or dry swales, may contain amended soils to infiltrate stormwater runoff, and are generally planted with turf grass or other herbaceous vegetation.

***Vehicular Use Area**:* Any ground surface area, excepting public right-of-ways, used by any type of vehicle whether moving or at rest for the purpose of, driving, parking, loading, unloading, storage, or display, and other vehicular uses under, on, or within buildings.

Visual Screen*:* A barrier of living or non-living landscape material, put in place for the purpose of separating and obscuring from view those areas so screened.

Waterfront Lot*:* Any lot or parcel adjacent to Mobile Bay.

Yard*:* A space on the same lot with a main Building, open, unoccupied and unobstructed by Buildings or Structures and open to the sky except where encroachments and Accessory Buildings are expressly permitted.

a. ***Yard, Front****:* A Yard extending the full width of the lot and situated between the front lot line and the Building Line projected to the sidelines of the lot.

b. ***Yard, Rear****:* A Yard extending the full width of the lot and the Building Line of the main Building projected to the sidelines of the lot. On all corner lots the Rear Yard shall be at the opposite end of the lot from the Front Yard.

c. ***Yard, Interior Side****:* A Yard which is parallel to the side lot line and which extends from the front building line to the rear building line.

d. ***Yard, Street Side****:* A Yard which is parallel to the right-of-way abutting the lot line of greatest dimension and which extends from front building line to the rear building line.

e. ***Yard, Minimum Exterior or Required****:* That space remaining between the minimum required setback line and the property line for a particular front, rear, interior side or street side Yard.