Article V: Special Districts

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A. PUD - Planned Unit Development

1. Intent

The special standards listed in this section for the Planned Unit Development district are intended to:

- Permit flexible development of projects which are comprehensively planned as a single development with a functional master development plan which fully considers the entire site as an integrated project and give broad consideration to impacts and relationships to surrounding areas;
- Encourage opportunities for development innovation tailored to a particular site, that while clearly furthering the goals of the comprehensive plan, could not explicitly be established by generally applicable standards or guidelines;
- Allow mixed-use development which offer a greater variety in type, design, and layout of buildings;
- Encourage land conservation, and more efficient use of open space;
- Permit modification of certain controls in a manner so as to produce large area development arranged to better serve community needs

2. Size and Density

A Planned Unit Development (PUD) shall be a minimum of three (3) acres. The Gross Density of a PUD shall be no greater than three (3) Dwelling Units/Acre.

3. Permitted Uses

A Planned Unit Development (PUD) shall be assembled using the following base zoning districts listed below. The list of permitted uses shall be described and contained in the Master Development Plan accompanying each Planned Unit Development application.

a. B-1 – Local Business District
b. B-2 – General Business District
c. B-3a – Tourist Resort Lodging District
d. B-3b – Tourist Resort Commercial Service District
e. B-4 – Business and Professional District
f. R-A – Residential/Agricultural District
g. R-1 – Low Density Single-Family Residential District
h. R-1(a) – Low Density Single-Family Residential District
i. R-1(b) – Low Density Single-Family Residential District
j. R-1(c) – Low Density Single-Family Residential District
k. R-2 – Medium Density Single-Family Residential District
l. R-3 – High Density Single-Family Residential District

4. Ordinance and Master Development Plan Required

Each Planned Unit Development shall have an Ordinance that establishes the development of regulations for the district. In approving a Planned Unit Development, the ordinance shall reference the Master Development Plan, which shall prescribe development standards. The Master Development Plan after approval shall become part of the amending ordinance. All development shall be in conformance with the approved Master Development Plan and development regulations.

a. Master Development Plan. The Master Development Plan shall include the following information:
   (1) Written Documentation:
      (a) A legal description of the parcel upon which the PUD is to be built;
      (b) The name of the present owner(s) and, if different, the person(s) who will be the owner(s) of the parcel(s) during the development of PUD;
      (c) A statement of development objectives, including a description of the character of the proposed development and its relationship to surrounding areas;
      (d) A statement of compliance with the Comprehensive Plan and pertinent regulations;
      (e) A development schedule indicating the approximate date when construction of the PUD is expected to begin and to be completed, and any applicable phasing of construction;
      (f) A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the PUD, including land areas and dwelling units;
      (g) Estimated percentages of the PUD to be devoted to each type of land use, including any subcategories of residential, commercial and institutional uses, open space, and recreational areas;
      (h) A plan for the intended manner of permanent care and maintenance of open spaces, recreational areas, common areas, and private streets and drives.

(2) A site plan, which shall include the following items, either on the site plan or on an accompanying document:
  (a) The name of the development;
  (b) The legal description of the property on which the PUD is to be developed;
  (c) Scale;
  (d) North arrow;
  (e) A vicinity map showing the parcel in relation to the surrounding property and a general description of the surrounding area, including the current zoning and land uses of the surrounding area;
  (f) A boundary survey prepared and certified by a surveyor who is licensed as a surveyor by the state. The survey must show all streets which are adjacent to the parcel, all easements and rights-of-way on the parcel and the location of any existing buildings or other structures which shall be a part of the PUD;
  (g) Contours and elevations shown on a separate topographical survey;
  (h) The density of land use to be allocated to all parts of the PUD, together with tabulations by acreage and percentage of the parcel to be occupied by each proposed use;
  (i) Proposed lot lines and dimensions;
    (i) Identification of the base zoning district from Section 3 for all lots within the PUD;
    (ii) Deviations from dimensional requirements may be allowed when there is a clear benefit to the City and surrounding community, in order to encourage land conservation and environmental protection, and/or to allow for a more efficient use of open space, all while clearly furthering the goals of the Comprehensive Plan; and
    (iii) If any proposed lot does not meet the dimensional standards of the base zoning district associated with it, provide a description of the specific dimensional standards along with justification for the proposed deviations.
  (j) Location, size, and character of proposed buildings and structures, including:
    (i) Identification of the base zoning district related to the contemplated use(s) of the building. If any proposed building does not meet the standards of the base zoning district associated with it, provide a description of the specific standards which are not met by the proposed building, a description of the deviations from those standards, and the reasons why the deviations are necessary;
    (ii) Distribution of housing types;
    (iii) Number of units, stories, and maximum heights;
    (iv) Proposed floor areas of all units;
    (v) Elevations of buildings and structures indicating exterior materials;
    (vi) Location of accessory structures or accessory dwellings;
  (k) The location and size of all areas to be conveyed, dedicated or reserved as commonly owned space, public parks, recreational areas and similar public or semi-public uses;
  (l) The location of utility easements;
  (m) The existing and proposed circulation system of streets, both public and private, including:
    (i) Location and dimensions of streets, alleys, driveways, and points of access to public rights-of-way;
    (ii) Notation of proposed ownership;
    (iii) Location, dimensions and capacities of parking areas;

(iv) Service, loading and maneuvering areas;
(v) Service yards, including, but not limited to, location of dumpsters; and
(vi) Pedestrian circulation;
(vii) Materials with which parking areas, driveways, streets, sidewalks, and trails will be covered;

(n) The locations, intensity, and height of exterior lights;
(o) The locations of mechanical equipment and proposed screening;
(p) Location of outside storage and/or display;
(q) Proposed drive-through locations;
(r) Landscape plan in accordance with the City of Fairhope Tree and Landscape Ordinance, including;
(i) Location of existing trees, indicating which trees will be preserved/removed;
(ii) Treatment of materials used for private and common open spaces;
(iii) The proposed treatment of the perimeter of the PUD including materials and techniques to be used;
(s) The location, size, and character of any common open space, or any commonly owned facilities, and the type of organization which will own and maintain any commonly owned open space or facilities;
(t) Location, materials, and elevation of any and all fences and/or walls;
(u) Location and size of all signage;
(v) Hours of operation of any nonresidential use;
(w) Mitigation of noise, fumes, odors, vibration or airborne particles;
(x) Drainage;
(y) Access and location of utilities; and
(z) Any additional data, plans, or specifications which the applicant or the City believes is pertinent.

5. Conditions Related to Approval

a. Preapplication conference. Before filing an application for a Planned Unit Development, the prospective applicant shall schedule a preapplication conference with the Planning and Zoning Director. At the preapplication conference the prospective applicant shall present to the Planning and Zoning Director a proposed plan for review, and discuss pertinent development matters including, but not limited to, the following:

b. Application. In addition to the general criteria for zoning map amendments, a map amendment to the PUD district shall include a preliminary Master Development Plan to be reviewed for compliance with the goals and intent of the Comprehensive Plan, this ordinance, and the health, safety, and general welfare of the people of the City.
(1) The required preliminary Master Development Plan shall include those items described in Article V, Section A.4.a (Master Development Plan). The preliminary Master Development Plan is intended as a draft, which will be edited and improved based upon review of staff, Planning Commission, and City Council prior to adoption as a final Master Development Plan that may be codified with the Ordinance that creates/amends a PUD.

(2) In addition to the general criteria for zoning map amendments, a map amendment to the PUD district shall include review of the following conditions for compliance with the goals and intent of the Comprehensive Plan and this ordinance.
   (a) Setbacks for building structures
   (b) Public street access
   (c) Vehicular traffic, circulation, connections, and parking
   (d) Screening or buffer zones
   (e) Hours of operation
   (f) Activities or uses permitted on the property
   (g) Building or structure heights
   (h) Landscaping
   (i) Maximum lot coverage, impervious percentages
   (j) Pedestrian circulation
   (k) Signs
   (l) Mitigation of noise, fumes, odors, vibration or airborne particles
   (m) Exterior lighting
   (n) Exterior construction materials

6. Building Permit Compliance

No building permit for any structure shall be issued, nor shall a Certificate of Occupancy be granted until the development plans are consistent with the site plan and development regulations of the approved Planned Unit Development. All building permits must be consistent with the Planned Unit Development and Master Development Plan.

7. Planned Unit Development Amendments

Changes or amendments to a Planned Unit Development shall be processed in the same manner as the original request. Slight changes in the detail of the Planned Unit Development that do not change the intent, meaning, relationship of structures to each other may be approved by the Director of Planning and Zoning.

8. Failure to Begin Construction

Construction of the approved development must begin within one (1) year from the date of the approval of the Master Development Plan by the City Council. Any approved changes in the plan shall not extend the time at which said one-year period begins to run. The Planning Commission may, no sooner than 60 days prior to the end of said one-year period, upon the written request of the applicant, extend such one-year period for a period of not more than one year if, in the judgment of the Planning Commission, such additional time is warranted.

In any event, the construction of the PUD must be started within two (2) years of the approval of the Master Development Plan by the city council. Failure to being the development of the PUD within said one-year period, or the period as extended, shall automatically void the Master Development Plan, and

the zoning classification shall automatically revert to the zoning classification of RA - Residential/Agriculture District.

B. CBD - Central Business District Overlay

1. Intent

The Central Business District overlay is intended to preserve downtown Fairhope as the "Regional Village Center" and focal point for the City. The CBD overlay shall provide an environment for shopping, restaurant and entertainment, cultural and artistic institutions, offices, governmental functions, and residential uses. The CBD is intended to have a unique character in the City and serve the entire community by:

- Generating high levels of pedestrian and bicycle traffic;
- Providing a mix of uses;
- Create a focal point for activities throughout the City;
- Link to adjacent areas and areas throughout the City through a variety of modes of transportation;
- Strengthen non-automobile connections to adjacent neighborhoods;
- Buffer surrounding neighborhoods from any adverse impacts of activities in the CBD; and
- Provide small parks and trails.

2. Location and Size

The CBD overlay includes: From the southeast corner of the intersection of Oak Avenue and N. Church Street run east along the south side of Oak Avenue to a point on the east side of N. Section Street; one parcel on the north side of Oak Avenue from N. Section to the east end of Oak Avenue; one parcel on the east side of N. Bancroft Street from the north side of Oak Avenue to a point on the south side of Pine Avenue and along the east property line one parcel east of N. Bancroft Street; thence run east along the north property line of one parcel to a point; thence run south along the east property line to the south side of Equality Street; the west side of N. School Street from Equality Street to the south side of Stimpson Avenue; the south side of Stimpson Avenue to the east end of Stimpson Avenue; south to a point on the south side of Fairhope Avenue that is one parcel west of Mershon Street; one parcel on the south side of Fairhope Avenue from one parcel west of Mershon Street to the west side of S. School Street; to a point one parcel south of Morphy Avenue on the west of S. School Street; south to the west end of the unopened portion of right-of-way of Fels Avenue; along the north side of Fels Avenue from the northwest corner of the intersection of Fels Avenue and Oswalt Street to a point at the northeast corner of Fels Avenue and S. Church Street; north one parcel to a point one parcel south of Morphy Avenue; west to a point two lots west of S. Church Street; north to the north side of Morphy Avenue west to the northeast corner of the intersection of Morphy Avenue and S. Summit Street; along the east side of Summit Street to the southeast corner of the intersection of N. Summit Street and Magnolia Avenue; along the south side of Magnolia Avenue to the southeast corner of the intersection of Magnolia Avenue and N. Church Street; along the east side of N. Church Street to the southeast corner of the intersection of N. Church Street and Oak Avenue.

3. Uses

All uses permitted in the underlying zoning district are allowed in the CBD Overlay, provided that uses of property shall meet the intent of the Comprehensive Plan and Section E(1) of this Article. Any future rezoning in the CBD overlay may be conditioned so that the goals and intent of the Comprehensive Plan and Article V., Section B.1. of the Zoning Ordinance are achieved.

a. Rooftop Terraces shall be an allowed Accessory Use permitted on all lots zoned B-2, General Business District located within the CBD. The following standards shall apply to all Rooftop Terraces:
   (1) Except as provided below in this Section, the height of all structures on or within a Rooftop Terrace shall not exceed forty feet (40').
   (2) The outer boundary of a Rooftop Terrace shall be defined using a barrier meeting the City of Fairhope Building Code.
   (3) For Rooftop Terraces located atop three (3) story buildings the following standards apply:
      (a) For the purpose of the Zoning Ordinance and this Section, a Rooftop Terrace shall not be considered a story.
      (b) Elevators and stairwells, providing access to Rooftop Terrace, may be allowed to exceed forty feet (40') by no more than five feet (5') provided: such elevators and stairwells and their associated mechanical equipment and enclosed areas shall not cover more than 7.5% of the total square footage of the rooftop, shall not be viewable from sidewalks located in public rights-of-way that abut the building at the ground level, and shall be located a minimum of ten feet (10') from any lot line.
      (c) Structures, other than those used for elevators and stairwells, may be opened or enclosed, but shall not cover more than 25% of the total square footage of the rooftop and shall be located a minimum of ten feet (10') from any lot line.
   (4) Temporary structures, such as tents, awnings, and umbrellas, may be allowed on Rooftop Terraces provided: (a) such structures shall be in use for less than 24 hours at a time, (b) such structures are secured via anchor points integrated into the building and can withstand winds up to 60mph, (c) and the anchor design shall be sealed by a structural Engineer. Any damage caused by these structures are the responsibility of the property owner who shall sign a hold harmless agreement at time of permitting.

b. Short-term rentals shall be allowed within the CBD, regardless of the underlying zoning district.

4. Dimension Standards

All dimension standards for the underlying districts shall apply in the CBD overlay except as follows:

a. Non-residential 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. No side-setback is required for non-residential buildings in the CBD, except that corner lots shall have the same building line on the side street as is on the front street.

c. Building heights for all structures shall not exceed 40 feet or 3 stories.

d. Parking -
   (1) No parking is required for non-residential uses in the CBD. If parking is provided, it shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance of the public right-of-way.
   (2) Dwelling units in the CBD shall provide the required parking. It shall be located behind the building, screened from public rights-of-way, and have a direct pedestrian connection to the primary building entrance from the public right-of-way.
   (3) Residential and office is encouraged on the upper floors of buildings; lower floors are encouraged to be retail or restaurants.

e. Sidewalks shall be a minimum of eight feet (8') in width for all new construction. This may be reduced, through the site plan approval process, upon satisfactorily demonstrating to the City Council that streetscape improvements constrain the site to the extent that eight feet (8') is not feasible. In no case shall the sidewalk width be less than six feet (6') in width. A written request must be made with accompanying justification statement and drawings for consideration of reduction in sidewalk width.

C. FH-1 Flood Hazard District

1. Intent

The Flood Hazard District is intended to secure life and property from peril and damage of natural flood hazards, protect property values, and insure compliance with federal flood insurance eligibility requirements.

2. Warning and Disclaimer of Liability

The degree of flood and erosion protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific methods of study. Larger floods may occur. This ordinance does not imply that areas outside the flood hazard district boundaries or land uses permitted within these districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City or any City officer or employee for any flood damages that result from reliance on this ordinance or for any administrative decision made under this ordinance.

3. Location

The boundaries of the flood districts shall be determined by scaling distances on the official zoning map and/or the Federal Insurance Rate Map (FIRM). Where interpretation is needed as to the exact location of the boundaries of the district, the Board of Adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit their own technical evidence if he so desires.

4. Permitted Uses in FH-1

Provided the use is in accordance with the Flood Ordinance of the City of Fairhope (Ordinance No. 1165 and Article IV, Section 12-102 Municipal Code; Title 11, Ch. 19, Sections 1-24; Chapter 45 Sections 1-11; Chapter 52 Section 1-84; Title 41, Chapter 9, Section 166 AlaCode) and is not prohibited by any other ordinance or any underlying zoning district, permitted uses and standards for this district are as follows:

a. Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming and wild crop harvesting.

b. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

c. Private and public recreational uses such as beaches, beach cabanas not suitable for use as dwellings, boardwalks and steps to permit access, pavilions and other similar small platforms, lifeguard stations, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary structures for sale of food and refreshments, arts and crafts.

d. Structures shall be constructed on fill, pilings or raised by other means so that the first floor and basement floor are elevated above the regulatory flood protection level. The fill shall be at a point no lower than one (1) foot below the regulatory flood protection elevation for the particular area, as determined by the agency specified in local, state or federal law to establish such elevations, and shall extend at such elevation at least ten (10) feet beyond the limits of any structure or building erected hereon.

e. No use shall affect the capacity of channels or floodways of any stream, drainage, ditch, or any other drainage facility or system.

D. R-6 Manufactured Home District

1. Intent

The intent of the standards for Manufactured Home Districts is to:

- Provide opportunities for affordable dwelling units;
- Allow construction of single-family housing that is an alternative to “stick-built” homes;
- Ensure design standards that result in neighborhoods equivalent to those enjoyed by other single-family home developments; and
- Ensure location and design standards compatible with community goals and surrounding property.

2. Site Requirements

a. The development shall meet the stormwater requirements of the subdivision regulations.

b. A manufactured home development shall be on a site between two and four acres. Manufactured home developments may be larger than four (4) acres only where the special design requirements in Section D.5 are met.

c. Where any boundary of a manufactured home development directly abuts a residential district or use, an 8-foot fence or wall, or an evergreen barrier approved by the City Horticulturist shall be provided.

d. Each development shall provide manufactured home spaces, and each space shall be clearly delineated. Each space shall have an area of not less than 3,200 square feet and a width of not less than 30 feet. The average width of all spaces shall be not less than 40 feet. Spaces may be platted as individual lots provided the Special Design Requirements in Section D.5 are met.

e. There shall be at least a 20-foot clearance between manufactured homes and between manufactured homes and any other structure.

f. All manufactured home spaces shall abut upon a driveway not less than twenty (20) feet in width, which shall have unobstructed access to a public street, alley or highway.

g. Walkways not less than two feet wide shall be provided from the manufactured home spaces to the service buildings.

h. All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than 250 watts each, spaced at intervals of not more than 100 feet.

i. An electrical outlets supplying at least 100-115/220/250 volts, 100 amperes shall be provided for each mobile home space.

3. License

It shall be unlawful for any person to maintain or operate a manufactured home park within the corporate limits of the City of Fairhope, Alabama, without first obtaining a license.

a. License Fees and Temporary Permit Fees:
   (1) The annual license fee for each manufactured home park shall be set by the city council.
   (2) The fee for transfer of a license shall be five dollars.

b. Application for License:
   (1) Application for initial manufactured home development license shall be filed with the Director of Planning and Zoning. The application shall be in writing, signed by the applicant, and shall include the following:
      (a) The name and address of the applicant;
      (b) The location and legal description of the manufactured home park;
      (c) A complete plan of the development in conformity with the requirements of this section;
      (d) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the manufactured home development;
      (e) Other information required by the planning commission to enable it to determine if the proposed development will comply with legal requirements.
      (f) The application and all accompanying plans and specifications shall be filed in triplicate.
   (2) Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the city shall issue a certificate renewing the license for another year.

c. Revocation of License: The City of Fairhope, Alabama, may revoke any license to maintain and operate a manufactured home development when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After the correction of such condition and the payment of the penalties imposed by law and assurance given to the city council that such condition will not be repeated, the city council may issue a new license.

d. Posting and Temporary Permit: The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the manufactured home development at all times.

4. Utilities, Public Services and Safety

a. Water Supply: Adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured home spaces within the park. Each manufactured home space shall be provided with a cold-water tap at least four (4) inches above the ground.

b. Sewage and Refuse Disposal:
   (1) Each manufactured home space shall be provided with a sewer line at least four (4) inches in diameter, which shall be connected to receive all the wastewater. The sewer in each space shall be connected to discharge the manufactured home waste into a public sewer system in compliance with applicable ordinance or septic tank systems for each lot meeting all applicable design standards to prevent health hazards.
   (2) Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. No manufactured home space shall be more than 300 feet from a garbage can. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

c. Fire Protection: Fire protection shall be required to meet all regulations and conditions of other City codes and of the Fairhope Volunteer Fire Department.

d. Supervision: The licensee, or a duly authorized attendant, caretaker or association, shall be in charge at all times to keep the manufactured home development, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this ordinance to which the licensee is subject.

5. Special Design Requirements

Spaces in a manufactured home development may be platted as individual lots or may exceed four (4) acres provided all of the following additional special design requirements are met:

a. The overall development is greater than five (5) acres.

b. At least 15% of the project area is preserved as public or common open space. Open space shall be centrally located to the entire development and designed for community gathering.

c. An association is established for on-going maintenance of the grounds.

d. All dwelling units shall be oriented to a public street, including a front door or porch with a four-foot wide sidewalk connecting to the public sidewalk.

e. All dwelling units on a single street shall have the same setback from the public right-of-way. The front setback shall be between 20 and 30 feet. Side setbacks shall be a minimum of eight feet. Rear setbacks shall be a minimum of 20 feet.

f. Vehicle access to individual lots shall be by a rear lane. Parking spaces, carports, or garages shall be located behind the dwelling units.

g. No dwelling unit shall be more than two times longer in one dimension than it is any other dimension.

h. All dwelling units shall have a roof pitch of at least 4:12 and eaves that overhang the exterior walls by a minimum of one foot.

i. The overall gross density for the project, including open areas, shall not be greater than six units per acre.

j. All dwelling units shall have individually metered utility connections to public facilities for sanitary sewer and water.

E. AO - Airport Overlay

1. Intent and Authority

The Airport overlay promotes the health, safety, and general welfare of the public by preventing the creation and establishment of land uses incompatible with the operations of the Fairhope Municipal Airport and requiring the incorporation of outdoor-to-indoor noise attenuation measures for the construction of certain structures within the boundary of the Airport Overlay District Zone. The Airport Overlay is enacted pursuant to the authority granted by Title 4, Chapter 6, Section 1 through 15, Code of Alabama, 1975.

2. Findings

The City finds that certain land uses are incompatible with noise generated by aircraft using the Fairhope Municipal Airport and that these land uses have the potential to impair the existing and future utility of the Fairhope Municipal Airport and the public investment in the Airport. Accordingly, it is declared:

a. That the establishment and construction of noise sensitive developments in the vicinity of the airport have the potential of limiting the existing and future utility of the airport and may adversely affect the region served by the Fairhope Municipal Airport.

b. That noise sensitive developments in the vicinity of the airport have the potential to become land uses incompatible with airport operations over time and it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of incompatible land uses be prevented.

c. The prevention of the creation or establishment of incompatible land uses, and the elimination, removal, alteration, and mitigation of incompatible land uses are public purposes.

d. That land in the vicinity of the airport has the potential of being exposed to sound levels of 65 Ldn (Day Night Average Sound Level) and higher.

e. That the construction of certain noise sensitive developments in the vicinity of the airport should include outdoor-to-indoor noise attenuation features to ensure compatibility with existing and future noise levels.

f. That the Fairhope Municipal Airport fulfills an essential community purpose.

g. The Airport overlay promotes the implementation of modest measures that will prevent conflicts between future residential homeowners and the airport that could require expensive retroactive noise insulation programs, residential relocation programs, and restrictions on the efficient operation of the Fairhope Municipal Airport.

3. Applicability

The Airport overlay is applicable to all lands lying within the Airport Overlay District Zone, which is delineated on the Fairhope Municipal Airport Overlay Zoning Map adopted as part of the Airport Overlay District Zoning Ordinance of the City of Fairhope, Alabama.

4. Noise Requirements

Except as otherwise provided in this Ordinance, noise sensitive structures shall incorporate outdoor-to-indoor noise level reduction measures into the design and/or construction of the structure.

a. Noise Attenuation Performance Standards - The performance standard for the level of sound attenuation for noise sensitive structures constructed in the Airport Overlay District Zone shall be equivalent to achieving an interior noise level of 45 dB (A-weighted) when the structure is exposed to an outdoor noise exposure level of 65 Ldn or higher.

b. Noise Attenuation Methods - Noise reduction may be accomplished through design standards and/or construction materials. Noise attenuation design measures and materials are referenced in the City Standard Building Code of the City of Fairhope, as amended. In all cases, construction shall conform with the general requirements of the City Standard Building Code of the City of Fairhope as amended.

c. Noise Attenuation in Noise Sensitive Commercial Structures - Only those portions of commercial structures associated with noise sensitive activities must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB (A-weighted) when the structure is exposed to an outdoor noise exposure level of 65 Ldn or higher.

d. Architect or Engineer Review - An architect or engineer shall review the plans to determine if the building design complies substantially with the intent of the ordinance.

e. Aviation Easement - The owner applying for approval to construct a noise sensitive structure or residential subdivision within the area under the Runway Approach Surfaces located within the Airport Noise Overlay District shall agree to grant to the Fairhope Airport Authority, without compensation, an aviation easement for the passage of aircraft and the right to cause in all airspace above the surface of the Grantor's property noise and other effects that may be caused by aircraft operating at the Fairhope Municipal Airport.

5. Use Restrictions

Notwithstanding any other provisions of the Ordinance, no use shall be made of structures, land, or water within the Airport Overlay District Zone to:

a. create physical or electrical interference with navigational signals or radio communication between the airport and aircraft;

b. make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport;

c. create bird strike hazards; or

d. otherwise endanger or interfere in any way with the landing, take off, or maneuvering of aircraft intending to use the airport.

6. Nonconforming uses

a. *Regulations Not Retroactive*: The Airport Overlay shall not require the removal, soundproofing, or other change or alteration of any noise sensitive structure not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with continuance of a nonconforming use.

b. *Building Additions*: A non-conforming noise sensitive structure existing at the time this Ordinance is enacted may be extended or enlarged, provided the extension or enlargement to the structure meets the requirements of this Ordinance.

c. *Nonconforming Uses Abandoned or Destroyed:* Whenever the Director of Planning and Zoning determines that a nonconforming noise sensitive structure has been abandoned, or more than 50 percent destroyed, physically deteriorated, or decayed (based on assessed value), the rebuilding or repair of the structure shall comply with the requirements of this Ordinance.

7. Permits

a. *Building Permit Required*: No noise sensitive structure shall be constructed in the Airport Overlay District unless a permit has been applied for and granted by the Building Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to determine whether the resulting structure would conform to these regulations.

b. *Variances*: An application for a variance in the Airport Overlay shall first be submitted to the Airport Authority. If the Airport Authority does not respond to the application within 15 days after receipt, the applicant may file an appeal with Board of Adjustment. The Board of Adjustment may act on its own to grant or deny the application

c. *Permit Application Requirements:* An application for a permit shall be accompanied by a plat or plan showing the location of the lot to be built upon and the location of the proposed structure; a certification from a registered architect, engineer, or acoustician that the plans for the structure include noise attenuation measures adequate to meet the requirements of this Ordinance; together with such other information as the Planning and Zoning Department may deem necessary to enforce properly the provisions of this Ordinance.

F. P-1 - Parking District

1. Intent

The Parking District designates one or more lots, parcels, tracts, or sites to be used exclusively for the parking of vehicles, either outdoors or indoors. Lands in the P-1 District shall not be used for the construction of any building or structure other than as specifically permitted herein.

2. Uses

Parking lots are the only use allowed in the P-1 Parking District. Parking garages may be permitted on appeal in the P-1 District, where the Board of Adjustment has determined the use to be compatible with other uses existing in the neighborhood. Lands occupied by buildings or structures shall not be designated P-1 while such buildings or structures exist. No parking garage shall exceed two (2) stories or thirty-feet (30') in height except upon approval of the Planning Commission.

3. Lot Area, Width, and Maximum Coverage

None specified, except that all lots in the P-1 district shall comply with the intent and requirements regarding parking size, dimension, landscape, and site design standards of other zoning districts.

G. TR - Tourism Resort District

1. Intent

It is the purpose of this Article in creating a Tourism-Resort District ("TR District") to:

- Provide for large acreage under unified control to be planned and developed as a whole;
- Encourage the growth of resort-oriented residential and mixed-use properties around resort properties;
- Provide places for resort-type amenities coupled with proximately located hotel, residential and commercial uses;
- Promote a sustainable future, and encourage and develop connections between environmental quality and economic vitality;
- Provide for a mix of residential types that are designed to form a compact, compatible and stable neighborhood directed toward resort and tourism trade;
- Support the development of a comprehensive pedestrian network with linkages to and between residential and resort areas;
- Promote increased privacy by permitting private roadways within the TR District property;
- Promote the preservation and enhancement of existing natural landscape features and their scenic qualities;

- Create a zoning classification which allows flexibility and creative development concepts that would not be possible through conventional zoning regulations and allow for certain modifications and exemptions from existing subdivision and other regulations;
- Provide places for social interaction and recreation;
- Provide general merchandising convenience destinations for both residents and tourists; and
- Create development opportunities which encourage multiple use of recreational and other resort-type amenities by hotel guests as well as residents within the TR District.

2. Size Requirements

A TR District must initially contain at least 175 contiguous acres.

3. Location Requirements

At the time any real property is submitted for zoning as part of a TR District zoning classification, the following existing resort amenities must be situated within the real property being subjected to the TR District zoning classification or within two (2) miles of the real property being submitted to the TR District zoning classification:

- An existing full-service hotel (i.e., a hotel providing hotel room accommodations, on-site dining (with on-site kitchen), conference facilities and swimming pool) containing a minimum of 300 hotel rooms;

- at least one (1) 18-hole championship golf course with related facilities (driving range and other golf practice areas), a clubhouse (which shall provide food services and contain an on-site kitchen), swimming pool and tennis courts (which uses and facilities may be provided in the form of a private or semi-private club or pursuant to use agreements which require the approval of membership privileges and the payment of a membership fee and monthly dues and charges); and

- a marina.

The resort property containing the foregoing required resort attributes need not be located within the municipal limits of the City or otherwise subjected to the TR District zoning classification. The owner of the real property upon which such resort facilities described above are situated shall have the right (but not the obligation), in its discretion, to cause any of its property to be annexed into the municipal limits of the City at any time and to cause all or any portion of its property to be zoned as part of the TR District.

4. Residential Density Limitations

The overall gross density for all residential areas within a TR District shall be no greater than 3.5 units per gross acre within all of the acreage comprising the TR District.

5. Open Space Requirements

All TR Districts shall provide at least 20% open space and\or green space, as herein defined. As used herein, open space and/or green space may consist of any real property which is (a) part of a natural area, including tree and other preserves, lakes, beaches, walkways, walking trails, pedestrian ways, walkways, walking paths, creeks and other waterways, including wetland areas and ponds, and water areas which serve as retention, detention or similar holding basins and (b) any real property usable for active or passive recreational purposes, including, without limitation, play grounds, swim and tennis facilities, green or open areas, parks, golf course amenities such as golf course, fairways, greens, bunkers, driving ranges and other practice facilities but shall not include any rights-of-way.

6. Uses and Development Zones -

a. **Uses Allowed and Development Zones.**

(1) Uses Allowed -- Uses allowed within the TR District may include any and all of the following:
   (a) Single-family attached and detached dwellings;
   (b) Multi-family residential dwelling units, senior living facilities, low-rise, mid-rise and a limited number of high-rise residential buildings (including condominiums);
   (c) Hotels, conference facilities, restaurants, bars, swimming pools, tennis courts, golf courses, club houses, country clubs and related amenities and facilities;
   (d) Specific office, retail and limited commercial uses as well as any of the foregoing uses which are combined with residential uses in the same building so long as the residential uses are located on the second and higher floors of such building; and
   (e) Nature and recreational areas and facilities.

(2) Development Zones -- The following described development zones (collectively, the "Development Zones") are permitted within a TR District: (a) Recreation Zone; (b) Low-Rise Residential Zone, (c) Limited Commercial Zone, (d) Mid-Rise Residential Zone, (e) High-Rise Residential Zone and (f) Resort Zone. The Development Zones within a TR District *(i)* shall be established on the zoning map for such TR District, *(ii)* may be used only for the uses set forth below applicable to each Development Zone and *(iii)* shall be subject to the dimensional and other standards and requirements established below for each Development Zone.

b. **Recreation Zone.** The following restrictions and limitations shall apply to all areas designated as a "Recreation Zone" on the zoning map for the TR District:

(1) *Permitted Uses* - Golf courses, golf driving ranges and golf practice facilities; tennis courts and related facilities; lakes, docks, boat launches, fishing and swimming piers and similar structures; pools, spas, swimming areas and related facilities; playgrounds; amphitheaters, performance and other social gathering venues and facilities; clubhouses, bathhouses, changing facilities, clubhouse-related restaurants and lounges, retail pro-shops and rental service facilities; fitness facilities, conference facilities, educational facilities, and maintenance and service facilities for any of the foregoing uses; similar uses and facilities related to the

foregoing; natural areas, parks, playgrounds, picnic areas and shelters, trails, boardwalks, paths, walkways and pathways, landscaping, drainage, soil conservation, wetlands, creeks, waterway and other water areas, and conservation areas.

(2) *Dimensional Standards –*
   (a) Height. Building Height not to exceed 45 feet.
   (b) Build-To Lines. 20 foot front; 15 foot rear and 5 foot sides.
   (c) Minimum Lot Size. None.
   (d) Parking. One parking space for each 500 square feet of gross heated and cooled floor area of any building.

c. **Low-Rise Residential Zone.** The following restrictions and limitations shall apply to all areas designated as a "Low-Rise Residential Zone" on the zoning map for the TR District:

(1) *Permitted Uses* - Attached and detached dwelling units (which includes, without limitation, cluster homes, patio homes, duplexes, multi-family units, apartments, condominiums, townhouses, and zero-lot line homes); accessory structures such as attached and detached garages with garage apartments (garage apartments will not count as a separate dwelling unit), swimming pools, tennis courts, tennis and pool equipment and maintenance facilities; congregated attached or detached dwellings requiring specialized services to be provided, including, but not limited to, independent senior housing, assisted senior housing and Alzheimer care facilities and nursing home facilities ("Senior-Oriented Communities"); associated services relating to Senior-Oriented Communities, including, but not limited to, health-care and medical facilities, laundry, dining and food preparation facilities, wellness and recreational facilities, retail and office facilities, storage and maintenance facilities and other uses and facilities commonly found in Senior-Oriented Communities; and any of the Permitted Uses allowed in the Recreation Zone.

(2) *Dimensional Standards –*
   (a) Height. Building Height not to exceed 35 feet.
   (b) Build-To Lines.
      (i) Detached Dwellings: 5-foot front; 5-foot rear and 0-foot sides; provided, that (x) each lot shall have at least one (1) side property line which is at least 12 feet from the dwelling on the adjoining lot and (y) if access to a dwelling is provided via a lane or alley, there is no minimum rear build-to line for any garage constructed at the rear of a dwelling.
      (ii) Attached Dwellings: 5-foot front; 5-foot rear and 0-foot sides; provided, that (x) there must be a minimum distance of 12 feet between buildings and (y) if access to a dwelling is provided via a lane or alley, there is no minimum rear build-to line for any garage constructed at the rear of a dwelling.
   (c) Minimum Lot Size. 2,100 square feet.
   (d) Parking. All uses other than Senior-Oriented Communities, two (2) spaces per dwelling unit; Senior-Oriented Communities, one (1) space per dwelling unit.

d. **Mid-Rise Residential Zone.** The following restrictions and limitations shall apply to all areas designated as a "Mid-Rise Residential Zone" on the zoning map for the TR District:

(1) *Permitted Uses* - Multi-family units, apartments, condominiums, townhouses; Senior-Oriented Communities; associated services relating to Senior-Oriented Communities, including, but not limited to, health-care and medical facilities, laundry, dining and food preparation facilities, wellness and recreational facilities, retail and office facilities, storage and maintenance facilities and other uses and facilities commonly found in Senior-Oriented Communities; and any of the Permitted Uses allowed in the Low-Rise Residential Zone and the Recreation Zone.

(2) *Dimensional Standards* –
(a) Height. Building Height not to exceed 55 feet; provided, however, that *(1)* if the Building Height of any buildings within the Mid-Rise Residential Zone may exceed 35 feet, then the Application for TR District zoning shall set forth the maximum number of dwelling units which may be developed within the Mid-Rise Residential Zone in buildings which exceed 35 feet in Building Height.
(b) Build-To Lines. 20 foot front; 15 foot rear and 0 foot sides; provided that (x) there must be a minimum distance of 20 feet between buildings and (y) if access to a dwelling is provided via a lane or alley, there is no minimum rear build-to line for any garage constructed at the rear of a dwelling.
(c) Minimum Lot Size. None.
(d) Parking. All uses other than Senior-Oriented Communities, two (2) spaces per dwelling unit; Senior-Oriented Communities, one (1) space per dwelling unit.

e. **Limited Commercial Zone.** The following restrictions and limitations shall apply to all areas designated as "Limited Commercial Zone" on the zoning map for the TR District:

(1) *Permitted Uses* - Those retail, office and other uses which are set forth as permitted uses in Table 3.1 (Use Table) of the Zoning Ordinance in effect as of January 1, 2010 for all B-1, B-2, B-3a, B-3b and B-4 zoning districts; home occupations and convenience stores with gasoline service; attached single-family residential uses located above retail or office uses; and all Permitted Uses allowed in the Low-Rise Residential Zone and the Recreation Zone.

(2) *Dimensional Standards* –
(a) Height. Building Height not to exceed 45 feet.
(b) Build-To Lines. 15 foot front; 10 foot rear and 0 foot sides; provided that there is a minimum distance of 10 feet between buildings.
(c) Minimum Lot Size. None.
(d) Parking. Two (2) parking spaces for each 1,000 square feet of gross heated and cooled retail and office floor area of any office or retail building; and two (2) parking spaces for each single-family dwelling unit.

(3) *Maximum Density* - No more than 108,000 gross square feet of non-residential floor area shall be allowed within all Limited Commercial Zones of the applicable TR District.

f. **High-Rise Residential Zone.** The following restrictions and limitations shall apply to all areas designated as "High-Rise Residential Zone" on the zoning map for the TR District:

(1) *Permitted Uses* - A limited number of high-rise multi-story residential attached dwelling units; any of the Permitted Uses allowed in the Mid-Rise Residential Zone, the Low-Rise Residential Zone and the Recreation Zone.

(2) *Dimensional Standards* –
(a) Height. Building Height not to exceed 100 feet; provided, however, that *(1)* not more than two (2) buildings total may be constructed at heights higher than 55 feet and *(2)* the Application for TR District zoning shall set forth the maximum number of dwelling units which may be developed within the High-Rise Residential Zone in buildings which exceed 55 feet in Building Height.
(b) Build-To Lines. 20 foot front; 15 foot rear and 0 foot sides; provided, that there is a minimum distance of 20 feet between buildings.
(c) Minimum Lot Size. None.
(d) Parking. Two parking spaces for each dwelling unit.

g. **Resort Zone.** The following restrictions and limitations shall apply to all areas designated as "Resort Zone" on the zoning map for the TR District:

(1) *Permitted Uses* -- Full-service hotels; conference facilities; spas, swimming pools, tennis courts and other outdoor recreational areas and uses; marinas; accessory structures and accessory uses normally found in a hospitality development, including, without limitation, food services, gift and novelty shops, barber and beauty shops provided primarily for the convenience of visitors or patrons of the premises and contained within a principal building, maintenance facilities (including laundry and other maintenance facilities); restaurants, nightclubs, bars, taverns, day spas; and any of the Permitted Uses allowed in the Limited Commercial Zone (subject to the requirements of Paragraph e(3) of Section 6 of this Article), the Mid-Rise Residential Zone, the Low-Rise Residential Zone and the Recreation Zone.

(2) *Dimensional Standards* –
(a) Height. Building Height not to exceed 55 feet.
(b) Build-To Lines. 15 foot front; 10 foot rear and 0 foot sides; provided, that there is a minimum distance of 10 feet between buildings.
(c) Minimum Lot Size. None.
(d) Parking. One (1) parking space for each hotel room.

h. **Additional Provisions.**

(1) The term "Building Height" as used herein shall mean the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the main roof structure of the building (but specifically excluding all other projections or articulations from such roof or building).

(2) Access to adjoining properties is not required.

(3) Build-To Lines are measured from the property lines of a lot and allow buildings and structures to be built up to the Build-To Lines. Build-To Lines only apply to buildings/structures with covered roof. Canopies and awnings and second story porches, decks and balconies may overhang any of the Build-To Lines by up to 24 inches; provided, however, that in no event shall any such items overhang actual lot/property lines.

(4) If any uses within a Development Zone will utilize permitted uses from another Development Zone (*i.e.,* if within the Limited Commercial Zone, uses will include single-family uses allowed within the Low-Rise Residential Zone), then the dimensional standards for the other Development Zone (*i.e*., the Low-Rise Residential Zone) will be applicable to such use.

7. Private Streets and Adjacent Property Connectivity

An applicant may request that all or any portion of the streets and roadways within the TR District property be private streets. Such request shall be set forth in the Application for TR District zoning. Any request for private streets within any portion of a TR District must be approved by the City. No access to and from the TR District property and any adjoining property shall be required.

8. Modification of Subdivision and Other Regulations of City

The TR District zoning classification is intended to encourage the development of land as part of a planned community, encourage flexible and creative development concepts of site planning, preserve the natural amenities on the land by encouraging scenic and functional open space, accomplish a more desirable environment than would be possible through the strict application of zoning and subdivision regulations, and provide a stable environmental character compatible with surround areas. Accordingly, the Application may propose provisions which alter, amend or otherwise exempt the TR District property or portions thereof from certain provisions of the City's Subdivision Regulations and other regulations.

9. Application Requirements for TR District Zoning

In lieu of any other provisions of the Zoning Ordinance, in order to request the zoning of property to a TR District classification, an applicant shall submit an application (the "Application") for TR District zoning to the City, which Application shall include the following:

a. **Legal Description.** A legal description of the property for which TR District zoning is requested.

b. **Zoning Map.** A zoning map which shall reflect the general areas of proposed development by Development Zone (established pursuant to Section 6(b) above). Proposed or existing major roads, if known, within the subject property shall be reflected on the zoning map as well as any major arterial roads lying adjacent to the property. The zoning map need not reflect individual lots or blocks or streets to be developed within the Development Zones of the TR District property.

c. **Maximum Residential Density.** The maximum number of residential dwelling units (density) allowed within the proposed TR District.

d. **Maximum Density Allowed in Limited Commercial Zone.** The maximum gross square footage of non-residential floor area allowed within the Limited Commercial Zones of the proposed TR District.

e. **Open Space or Green Space Requirements.** The open space or green space requirements which shall apply to the entire TR District Property as a whole (expressed as a percentage of the total acreage within the proposed TR District property).

f. **Quantitative Data Regarding Size of Each Development Zone.** Quantitative data indicating the approximate acreage within each Development Zone within the proposed TR District property.

g. **Private Streets.** If private streets will be utilized, a general description of which streets will be private and whether any gates or other limited access devices will be utilized for such private streets. The Application should also specify who will be responsible for maintaining all private roads or streets within the proposed TR District property. If private streets will be utilized, access easements over such private streets will be granted for public emergency vehicles (i.e., police, fire and ambulance), utility vehicles (for maintenance and repair and meter reading, etc.), garbage collection vehicles and all other governmental vehicles and employees in connection with the performance of their required governmental services.

h. **General Description of Restrictive Covenants.** A general description of any proposed restrictive covenants to be placed upon the TR District property.

i. **Permitted Uses and Dimensional Standards for Development Zones.** Any permitted uses and dimensional standards for any Development Zone which are different from those set forth herein.

j. **Request for Exemptions.** Any requests for an exemption from the provisions and requirements of the City's Subdivision Regulations or any other ordinances or regulations of the City.

k. **Storm Water Management Plan.** A storm water management plan for all of the property within such TR District, which storm water management plan shall be implemented by the applicant in the manner and in accordance with the requirements set forth in said storm water management plan. The storm water management plan shall comply in all respects with the City's storm water management regulations as set forth in the City's Zoning Ordinance and Subdivision Regulations, subject to any exemptions or modifications thereto set forth in the City-approved Application or the storm water management plan attached to said Application. In addition, such storm water management plan must satisfy all state and federal regulations and requirements.

l. **Traffic Study.** A traffic study for the property within the TR District, which traffic study and the recommendations and requirements set forth therein shall be implemented by the applicant in the manner and in accordance with the time table set forth in said traffic study.

m. **Miscellaneous Matters,** The Application shall contain such other terms and provisions as agreed to by the developer and the City.

n. **Review and Approval of Application.** Following submission of the Application to the City, the Application shall be subject to review and approval by the City in accordance with the terms and provisions of Section C(1) of Article II of the Zoning Ordinance. To the extent set forth as an exemption or exception in the Application approved by the City, the provisions of the Application shall supersede anything to the contrary set forth in the City's Zoning Ordinance, Subdivision Regulations and any other ordinances or regulations of the City.

10. Additions to TR District

Additional properties may be added to any TR District at any time and from time to time by filing an amendment to the original Application. Such amendment shall specify the Development Zones within the additional property being added to the TR District. The addition of additional property to a TR District must be approved in the manner set forth in Article II of the Zoning Ordinance. To the extent any additional properties are added to any TR District, the City may require different development criteria including, without limitation, the requirement that roads and streets be public, from those set forth in the original Application for the TR District previously approved by the City.

11. Amendments

Changes or amendments to any Application for TR District zoning shall be processed in the same manner as the original request; however, the following changes to an Application may be made with the approval of the Director of Planning and Building for the City or any other individual employee of the City designated by the City's Planning and Building Director to act on his or her behalf: (a) any Development Zone may be shifted, enlarged or reduced by not more than 200 feet in any direction and (b) slight changes may be made in the detail of the Application for TR District zoning that do not change the intent, meaning, dimensional standards and other major aspects of the Application for TR District zoning may be approved by the Director of Planning and Building.

12. Other Regulations Not Applicable

It is the intent that the Application for TR District zoning set forth development criteria applicable to the property and that flexibility be allowed in the construction of improvements thereon. Accordingly, except as set forth in the Application and in this TR District zoning classification, no other provisions of the Zoning Ordinance shall be applicable to the property which is zoned as a TR District.

13. Building Permits

The developer of the TR District shall proceed with the development of the property in accordance with the Application and no further approvals shall be required except as set forth herein. Upon application for a building permit for the construction of improvements on any parcel within the TR District, if the City's Planning and Building Director or any other individual employee of the City designated by the

City's Planning and Building Director to act on his or her behalf shall determine that the intended use of the improvements is a "Permitted Use" (as defined in this TR District zoning classification) and satisfies the dimensional standards within the applicable Development Zone of such TR District as set forth in the approved Application for such TR District, then a building permit shall be issued for such improvements.

14. Changes to Ordinance

Following the City's approval of an Application for TR District zoning, no subsequently adopted amendments to or modifications of the Zoning Ordinance (including subsequent modifications to this TR District zoning classification), no amendments to or modifications of the City's Subdivision Regulations and no other ordinances adopted by the City which alter, change, modify or amend any of the matters set forth in this Ordinance or which are set forth in the approved Application for TR District zoning shall be effective with respect to the real property described in such approved Application for TR District zoning.

15. Utilities

All utility lines within a TR District shall be located underground.

16. Signage

All signage within the TR District shall comply with the City's signage regulations set forth in the Zoning Ordinance in effect as of January 1, 2010.

H. MO - Medical Overlay District

1. Intent

The intent of the Medical Overlay (MO) District is to establish and provide for the logical expansion of medical office needs to accommodate the growing community and region. Medical uses vary in need and impacts on the community. The MO District is also intended to establish and accommodate highly-specialized, unique uses and development types related to the medical field and to accommodate additional specialized needs and growth of the medical field and community. It is the express intent of this MO district surrounding the existing medical center to be as generous as possible in permitted uses while at the same time maintaining a clean, attractive community that provides an extension of the medical office needs for medical practices and appropriate facilities for the medical community it serves. Property located within the MO District is permitted the use allowed by right of the underlying zoning district. The provisions relating to nonconformities in Article VII of the Zoning Ordinance shall apply to all properties within this MO District.

2. Location

By virtue of its location to an existing medical center (Thomas Hospital), it is intended that this district be allowed for future expansion to the following boundaries: North to parcels abutting the south side of Morphy Avenue, South to those parcels that are in the City of Fairhope abutting the north side of Greeno Lane, East to parcels abutting the west side of Greeno Road, and West to parcels abutting the east side of South Ingleside Street.

3. District Classification

The following overlay district is hereby established: Medical Overlay District-MO.

Uses and standards allowed in this district shall be as follows:

a. **Permitted Uses:** The following uses and structures are permitted in this district:
   (1) Medical offices
   (2) Hospitals and nursing homes
   (3) Medical and dental clinics
   (4) Laboratories for medical and dental uses
   (5) Funeral homes
   (6) Animal hospitals, provided the boarding of animals occurs in completely enclosed buildings
   (7) Child and adult day care facilities and group home facilities
   (8) Adult congregate living facilities
   (9) Helistop in conjunction with hospitals
   (10) Emergency services
   (11) Parking structures
   (12) Colleges and universities
   (13) Vocational, trade or business schools with all associated uses including dormitory facilities related to the medical field
   (14) Essential services
   (15) Hospital related out-patient services (Ambulatory Surgery and Diagnostic Clinics)
   (16) Independent Living Facilities
   (17) Bed and Breakfast Facilities to accommodate families of patients
   (18) Retail business which sell, lease and repair prosthetic or ambulatory devices used for patient rehabilitation, mobility or installation/modification of handicap unique support aids
   (19) Places of Worship
   (20) Mixed-Use Buildings

b. **Permitted Accessory Uses and Structures**
   (1) Uses and structures which are customarily incidental and subordinate to permitted uses
   (2) Such other uses as determined by the Zoning Official or his/her designee to be:
      (a) Appropriate by reasonable implication and intent of the district
      (b) Similar to another use either explicitly permitted in that district or allowed by special exception.

c. **Uses Permitted Subject to Appeal and with Conditions**

(1) Commercial communication towers

(2) Detoxification centers and substance abuse centers associated primarily with the primary medical facility

(3) Retail, restaurant, personal services, branch banks, offices, conference facilities, clinics and similar workplace support uses when within any individual structure, gross floor area shall be limited to 10 percent of the total gross floor area

(4) Crematorium

d. **Prohibited Uses and Structures**

(1) Any use or structure not specially, provisionally or by reasonable implication permitted herein.

(2) Automotive repair garages, pool halls and game rooms

(3) Gasoline or diesel filling stations shall not be located within 100 feet from in-patient care or treatment facilities

e. **General Requirements**

(1) Buildings shall comply with the following provisions:

(a) Buildings shall comply with all applicable Site Design Standards in Article IV of the Zoning Ordinance and all other applicable City regulations and review standards not specified in this section.

f. **Special Exceptions**

(1) Research and development

(2) Hotel

(3) Crematoria

(4) And any such other uses as deemed appropriate in the district by the Board of Adjustment. The Board of Adjustment shall review a proposed use at the time the special exception application is presented to the Board of Adjustment according to the submittal deadlines and meeting dates established by the Board of Adjustment.

g. **Development Standards**

(1) The B-4 (Business and Professional District) development standards and area and dimensional requirements shall apply in this district:

(2) [Reserved]

(3) 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.

(4) The existing medical center (Thomas Hospital) contains buildings that may not conform to the area and dimensional requirements of B-4 (Business and Professional District). New Buildings or expansions to the existing medical center (Thomas Hospital) providing 24 hour medical, psychiatric, obstetrical, or surgical care shall be allowed to align with the height and buildings lines of existing buildings provided that all other local, county, and state requirements are met. This exemption does not apply to ancillary buildings that may include, but are not limited to, administrative offices, physician offices, outpatient services, and maintenance facilities.

I. HTD - Highway Transitional District

1. Intent

The special standards listed in this section for the highway transitional district are 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;
- Provide development opportunities consistent with the City's vision for commercial corridors to better serve community needs; and
- Unlike other districts within this section, the HTD is not an overlay district and does not affect any property owners, other than those who voluntarily apply for rezoning to this district.

2. Size

Lots shall be a minimum of 20,000 s.f. and under three (3) acres.

3. Use

Uses for the HTD are listed in Table 3-1: Use Table. Rezoning to HTD may be conditioned so that uses permitted on appeal require a site plan.

4. Location

Eligible lots must have minimum of 100 feet on one side fronting the rights-of-way of U.S Highway 98, Alabama Highway 104, or Alabama Highway 181 and lie within the Corporate Jurisdiction of the City of Fairhope.

5. Dimension Standards

a. Lot frontage shall be adjacent to the highway.

b. Setbacks
   (1) Front Setback shall be 20'.
   (2) Rear Setback shall be 20'.
   (3) Side setbacks shall be 10'.

c. Building Height
   (1) Maximum Height is 30'.

d. Parking
   (1) Parking shall be located behind the front building line.

e. Any freestanding single-use or single tenant retail building shall not have a building footprint larger than 8,000 square feet.

f. All lands within twenty (20) feet of the boundaries of U.S. Highway 98, Alabama Highway 104, and Alabama Highway 181 within the corporate limits of the City of Fairhope are required to be reserved by owners or developers of such lands as greenspace and tree protection zones. The required greenspace may include land as required by the front setback.
   (1) Where no vegetation, other than grass exists, new landscaping and plantings shall be installed at time of development within the 20-foot strip that meet the requirements of the City of Fairhope Tree and Landscape Ordinance and receives approval by the City Horticulturist; otherwise the land may be left in its natural state and enhanced with the addition of trees and shrubs.

g. Any future rezoning to HTD may be conditioned so that the goals and intent of the Comprehensive Plan and Article V, Section I.1 of the Zoning Ordinance are achieved.

h. For the purposes of Article IV, Section B.2.b and the screening requirements of the City of Fairhope Tree and Landscape Ordinance, the Highway Transitional District shall be considered commercial/business regardless of use.