CITY OF FAIRHOPE
FAIRHOPE, ALABAMA

ZONING ORDINANCE

ORDINANCE NO. 1253

AMENDED JULY 27, 2026

ADOPTED BY THE CITY COUNCIL ON 27 JUNE 2005

TIMOTHY M. KANT, MAYOR

ATTEST:

GENIECE W. JOHNSON, CITY CLERK/TREASURER

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TABLE OF CONTENTS

Article I: General 1
A. Title 1
B. Purpose and Authority 1
1. Authority 1
2. Purpose 1
C. Applicability 2
1. Establishment of Districts 2
2. Application of Regulations 2
3. Interpretation of District Boundaries 3
4. Adoption, Identification and Changes to the Official Zoning Map 3
5. Text Amendments 4
6. Newly Annexed Land 4
7. Conflicts with Other Laws 4
8. Severability and Validity 4
Article II: Procedures 5
A. Review Bodies 5
1. City Council 5
2. Planning Commission 5
3. Director of Planning and Zoning 6
4. Board of Adjustment 7
B. Applications 8
C. Review Procedures 9
Table 2-1: Procedures 9
1. Zoning Amendments 9
2. Site Plan Application, Review, and Approval Procedures 12
3. Board of Adjustment Application 14
4. Permits and Certificates 17
Article III: Zoning Districts 19
A. Purpose and Intent 20
1. R-A Residential/Agriculture District: 20
2. R-1 Low Density Single-Family Residential District: 20
3. R-2 Medium Density Single-Family Residential District: 20
4. R-3 High Density Single-Family Residential District: 20
5. R-3 PGH High Density Single-Family Patio/Garden Home Residential District: 20
6. R-3 TH High Density Single-Family Townhouse Residential District: 21
7. R-4 Low Density Multi-Family Residential District: 21
8. R-5 High Density Dwelling Residential District: 21
9. R-6 Mobile Home Park District: 21
10. B-1 Local Shopping District: 21
11. B-2 General Business District: 21
12. B-3a Tourist Resort Lodging District: 22
13. B-3b Tourist Resort Commercial Service District: 22
14. B-4 Business and Professional District: 22
15. M-1 Light Industrial District: 22
16. M-2 General Industrial District: 22
17. PUD Planned Unit Development: 22
18. CBD Overlay District: 23
19. AO Airport Overlay District: 23

20. FH-1 Flood Hazard District: 23
21. P-1 Parking District: 23
22. HTD Highway Transitional District: 23
23. REC-1 Active Recreation District: 23
24. REC-2 Passive Recreation District: 23
B. Allowed Uses 24
1. Use Table 24
Table 3-1: Use Table 25
2. Accessory Uses 28
3. Temporary Uses 28
C. Dimension Standards 29
1. Lots and Principal Structure 29
Table 3-2: Dimension Table – Lots and Principal Structure 29
2. Residential Accessory Structures 30
Table 3-3: Dimension Table - Residential Accessory Structures 30
3. Yards 30
4. Free-standing Commercial Structures 30
5. Waterfront Lots 30
D. Special Conditions for Uses 31
1. Recreational Vehicle Parks 31
2. Townhouses 32
3. Patio and Garden Homes 33
4. Automobile Service Stations and Convenience Stores 34
5. Home Occupations 35
6. Cemeteries 37
7. Storage and Parking of Trailers and Commercial Vehicles 37
8. Personal Storage 38
9. Accessory Dwelling Units 39
10. Building Materials on Commercially Zoned Property 39
11. Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, Tattoo Parlors 39
12. Restaurants and Accessory Bars in the M-1 Light Industrial District 40
13. Multi-Family/Apartment 40
14. Mixed-Use Building 41
Article IV: Site Design Standards 43
A. Open Space/Greenspace 44
1. Intent 44
2. Types of Open Space 44
Table 4-1: Open Space Categories and Types 45
B. Screening, Lighting, and Landscape Material 47
1. Intent 47
2. Screening 47
3. Parking Lot/Open Area Lighting 47
4. Landscape Materials 47
5. Fencing and/or Walls 48
C. Streetscape 48
1. Intent 48
2. Frontage Types 49
Table 4-2: Frontage Types 50
D. Site Access and Internal Circulation 51
1. Intent 51

2. Curb Cuts 51
3. Internal Driveways, Aisles and Driveway Lanes 51
4. Clear Sight Lines 51
5. Off-Street Loading/Unloading 51
E. Parking 52
1. Intent 52
2. Required Parking 52
Table 4-3 - Parking Schedule 53
3. Compact Car Parking Requirement 53
4. Parking Dimensions and Size 54
5. Shared Parking 54
6. Low Impact Development (LID) Parking Requirements 55
7. Parking Credits 56
F. Stormwater Management 56
1. Intent 56
2. General Requirements 56
3. Design Standards 57
4. Alternative Designs 57
G. Tree Preservation 58
Article V: Special Districts 59
A. PUD - Planned Unit Development 60
1. Intent 60
2. Size and Density 60
3. Permitted Uses 61
4. Ordinance and Master Development Plan Required 61
5. Conditions Related to Approval 63
6. Building Permit Compliance 64
7. Planned Unit Development Amendments 64
8. Failure to Begin Construction 64
B. CBD - Central Business District Overlay 65
1. Intent 65
2. Location and Size 65
3. Uses 66
4. Dimension Standards 66
C. FH-1 Flood Hazard District 67
1. Intent 67
2. Warning and Disclaimer of Liability 67
3. Location 67
4. Permitted Uses in FH-1 68
D. R-6 Manufactured Home District 68
1. Intent 68
2. Site Requirements 69
3. License 69
4. Utilities, Public Services and Safety 70
5. Special Design Requirements 71
E. AO - Airport Overlay 72
1. Intent and Authority 72
2. Findings 72
3. Applicability 73
4. Noise Requirements 73
5. Use Restrictions 73

6. Nonconforming uses 74
7. Permits 74
F. P-1 - Parking District 75
1. Intent 75
2. Uses 75
3. Lot Area, Width, and Maximum Coverage 75
G. TR - Tourism Resort District 75
1. Intent 75
2. Size Requirements 76
3. Location Requirements 76
4. Residential Density Limitations 76
5. Open Space Requirements 77
6. Uses and Development Zones - 77
7. Private Streets and Adjacent Property Connectivity 81
8. Modification of Subdivision and Other Regulations of City 81
9. Application Requirements for TR District Zoning 81
10. Additions to TR District 83
11. Amendments 83
12. Other Regulations Not Applicable 83
13. Building Permits 83
14. Changes to Ordinance 84
15. Utilities 84
16. Signage 84
H. MO - Medical Overlay District 84
1. Intent 84
2. Location 85
3. District Classification 85
I. HTD - Highway Transitional District 87
1. Intent 87
2. Size 87
3. Use 87
4. Location 87
5. Dimension Standards 87
Article VI: [Reserved] 89
Article VII: Non-conformities 90
A. Purpose and Intent 90
B. Non-conforming Structures 90
C. Non-conforming Uses 91
D. Non-conforming Lots 91
E. Maintenance of Non-conformities 92
F. Adjacent Land 92
Article VIII: Enforcement 93
A. Penalties 93
B. Remedies 93
C. Appeal 93
Article IX: Definitions and Interpretations 94
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
Appendix A: Applications and Submittal Requirements 113
Appendix B: Map Amendment Ordinances 114
Appendix C: Text Amendment Ordinances 115

{DO NOT DELETE PAGE RESERVED FOR FORMATTING}

Article I: General

A. Title....1
B. Purpose and Authority....1
1. Authority....1
2. Purpose....1
C. Applicability....2
1. Establishment of Districts....2
2. Application of Regulations....2
3. Interpretation of District Boundaries....3
4. Adoption, Identification and Changes to the Official Zoning Map....3
5. Text Amendments....4
6. Newly Annexed Land....4
7. Conflicts with Other Laws....4
8. Severability and Validity....4

A. Title

This ordinance shall be known and may be cited as the "Zoning Ordinance" for the City of Fairhope, Alabama.

B. Purpose and Authority

1. Authority

This ordinance, and all subsequent amendments, is adopted pursuant to the authority granted by Section 11-52-1 et seq. Code of Alabama, 1975 (as amended).

2. Purpose

This ordinance is adopted for the following purposes, all in accordance with the Comprehensive Plan of the City of Fairhope, Alabama:

a. to lessen congestion in the streets;
b. to secure safety from fire, panic, and other dangers;
c. to promote health and general welfare;
d. to provide adequate light and air;
e. to prevent overcrowding of land;
f. to avoid undue concentration of land; and
g. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

C. Applicability

1. Establishment of Districts

The following districts are established to maintain the character of the districts and their suitability for particular uses, and to conserve the value of buildings and encourage the most appropriate use of land throughout the municipality.

- R-A – Residential/Agriculture District
- R-1 – Low Density Single-Family Residential District
- R-1(a) – Low Density Single-Family Residential District
- R-1(b) – Low Density Single-Family Residential District
- R-1(c) – Low Density Single-Family Residential District
- R-2 – Medium Density Single-Family Residential District
- R-3 – High Density Single-Family Residential District
- R-3 PGH – High Density Single-Family Patio Garden Home Residential District
- R-3 TH – High Density Single-Family Townhouse Residential District
- R-4 – Low Density Multi-Family Residential District
- R-5 – High Density Dwelling Residential District
- R-6 – Manufactured Home District
- B-1 – Local Shopping District
- B-2 – General Business District
- B-3a – Tourist Resort Lodging District
- B-3b – Tourist Resort Commercial Service District
- B-4 – Business and Professional District
- M-1 – Light Industrial District
- M-2 – General Industrial District
- CBD – Central Business District Overlay
- AO – Airport Overlay
- P-1 – Parking District
- FH-1 – Flood Hazard District
- PUD – Planned Unit Development
- HTD – Highway Transitional District
- REC-1 – Active Recreation District
- REC-2 – Passive Recreation District

2. Application of Regulations

a. *Use:* No building or land shall be used or occupied and no building or part there of shall be erected, constructed, moved, or altered except in conformity with the regulations for the district in which it is or is to be located.

b. *Structures*: No structure shall be erected, constructed or altered so as to exceed the height limit or dimensional standards specified in the regulations herein for the district in which it is located.

c. *Lots*: No lot shall be reduced in size below the minimum requirement for lot width or depth, front, side, or rear yard, inner or outer courts, lot area per family or other requirements of this ordinance. This section shall not apply when a portion of a lot is acquired for public use.

3. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the official zoning map, the following rules shall apply:

a. Unless otherwise indicated, the district boundaries shall be construed to follow property lines, land lot lines, center lines of public rights-of-way, shorelines of bodies of water, or civil boundaries.

b. Where district boundaries are approximately parallel to the centerlines of rights-of-way or of shorelines of bodies of water, district boundaries shall be construed as being parallel to these lines at the distance indicated on the official zoning map. If no distance is given, the dimensions shall be determined by the use of the scale shown on the official zoning map.

c. Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to the vacated or abandoned right-of-way.

d. The final determination of a district boundary shall be made according to the legal description contained in the adopted ordinance. If the description is incomplete, the city council shall determine the legislative intent and may, if necessary, adopt an amending ordinance to correct the district boundary.

4. Adoption, Identification and Changes to the Official Zoning Map

The current zoning map of the City, which is maintained by the Director of Planning and Zoning or his / her designee under the direction of the Mayor and kept on file at City Hall, shall continue to be the official zoning map of the City and nothing contained herein shall be construed to alter or amend the current zoning map. A copy of said map is attached hereto as Exhibit "A". Future changes in district boundaries shall be made on the zoning map for convenience and reference. Map amendments to the zoning ordinance shall be made in accordance with the procedures established in Article II hereof. This official ordinance approving the map change shall be recorded in Appendix A of the Zoning Ordinance. In the event of a conflict between the map and this zoning ordinance or any amendment hereto, the legal description from the particular ordinance shall control.

5. Text Amendments

Text amendments to the Zoning Ordinance shall be made according to the procedures established in Article II. Ordinances amending the text of the Zoning Ordinance shall be recorded in Appendix C of this ordinance.

6. Newly Annexed Land

Property annexed into the City shall be zoned according to the following:

a. Property shall have any zoning designation given to it by the City Council according to the procedures specified in this ordinance.

b. Where no designation is given by the City Council and the property is otherwise un-zoned, it shall be classified as R1 - Low Density Single Family Residential District.

c. Property annexed into the City that is zoned by Baldwin County shall be classified as the most similar district at the time of application, unless a different classification is given by the City Council. The Director of Planning and Zoning shall make the determination of the most similar district. Similar classifications do not require due process and public notice procedures before the Planning Commission or the City Council. These requests are considered directly by the City Council at the time of annexation consideration. If the applicant requests a different zoning district then the case shall follow the annexation contingent on zoning procedures.

7. Conflicts with Other Laws

Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive, or that imposing higher standards, shall govern.

8. Severability and Validity

Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

Article II: Procedures

A. Review Bodies 5
1. City Council 5
2. Planning Commission 5
3. Director of Planning and Zoning 6
4. Board of Adjustment 7
B. Applications 8
C. Review Procedures 9
Table 2-1: Procedures 9
1. Zoning Amendments 9
2. Site Plan Application, Review, and Approval Procedures 12
3. Board of Adjustment Application 14
4. Permits and Certificates 17

A. Review Bodies

1. City Council

The City Council shall exercise all final legislative authority over zoning matters as provided in this ordinance.

2. Planning Commission

a. *Establishment and Authority:* The Planning Commission of the City of Fairhope is established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended, and Article 17 of the City Code. The Planning Commission shall exercise the authority granted by the Code of Alabama, the City Code, and the Zoning Ordinance.

b. *Memberships:*
(1) The commission shall consist of nine members having the following qualifications:
- A member of the city council, to be selected by it;
- The mayor;
- An administrative official of the city, appointed by the mayor;
- Six members, appointed by the mayor, who shall reside in or have as their principal place of employment, the City of Fairhope, Alabama or its planning jurisdiction who hold no other public office in the City of Fairhope; and
- This subsection is intended to comply with the terms of Chapter 52 of Title 11 of the Code of Alabama (1975), as amended, with respect to the members of the Planning Commission. To the extent those terms are altered, amended, replaced or otherwise changed, this subsection shall be construed so as to apply with such altered, amended, replaced or changed terms.

(2) The mayor, the city councilperson, and the city administrative official shall be ex-officio members of the commission having full privilege of participation in the business of the commission, including voting privileges. Their terms shall correspond to their respective official tenures except that the terms of the administrative official selected by mayor shall terminate with the term of the selecting mayor.
(3) All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. All members shall be provided with relevant information outlining conflict of interest laws.
(4) The Director of Planning and Zoning shall serve in an advisory capacity to the commission and shall attend all meetings, unless excused by the commission, but shall not vote.
(5) The terms of the six members citizen employees shall be in accordance with the applicable law; provided; however, that nothing in this zoning ordinance shall be construed so as to shorten the term of any current citizen appointee.
(6) The vacancy on the commission shall be filled for the un-expired term by the mayor in the case of members appointed by the mayor or by the council in the case of a member selected by the council. Members appointed by the mayor may be removed by the mayor and the member appointed by the council may be removed by the council for inefficiency, neglect of duty or malfeasance in office after a public hearing held pursuant to written charges.

c. *Rules of Procedure*: The Planning Commission shall establish bylaws under which to operate as provided by law.

d. *Duties and Powers Under Zoning Ordinance:* The Planning Commission shall have the following powers and duties under the Zoning Ordinance:
(1) To review and make recommendations on zoning amendments for compliance with the Comprehensive Plan.
(2) To review and approve site plans consistent with the standards in this ordinance and the existing zoning for the property.
(3) To propose zoning amendments to the City Council;
(4) To advise the City Council on implementation of the Comprehensive Plan, and;
(5) Other duties as authorized by the Code of Alabama (1975), as amended, and the City Code.

3. Director of Planning and Zoning

The Director of Planning and Zoning shall be the municipal zoning officer, or the zoning officer's representative whose duties shall be as follows:

a. The Director of Planning and Zoning is authorized and empowered on behalf and in the name of the council to administer and enforce the provisions of this ordinance including:
(1) Receive applications;
(2) Inspect premises, and issue certificates of zoning compliance, and certificates of occupancy for uses and structures which are in conformance with the provisions of this ordinance;
(3) Interpret the meaning of the ordinance in the course of enforcement;
(4) Propose zoning amendments as provided in this ordinance; and,

(5) Advise the Planning Commission and City Council on implementation of the Comprehensive Plan.

b. The Director of Planning and Zoning shall keep records of certificates of occupancy issued, maps, plats and other documents with notations of all special conditions involved. Director shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be public record.

4. Board of Adjustment

a. *Establishment and Authority:* The Board of Adjustment of the City of Fairhope, Alabama is hereby established according to the Code of Alabama (1975), as amended.

b. *Membership:*
(1) The Board shall consist of five members, appointed by the City Council of the City of Fairhope, Alabama for overlapping terms of three years.
(2) The initial appointment of the Board shall be as follows: two members for one year; two members for two years; and one member for three years.
(3) Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the council upon written charges and after public hearing.
(4) No member shall hold any other public office or position.
(5) Every member shall reside in the city limits of the City of Fairhope, Alabama.

c. *Rules of Procedure:* The Board shall observe the following procedures:
(1) The Board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.
(2) The Board shall elect one of its members as chairman, who shall serve for one year or until he is reelected or his successor is elected.
(3) The Board shall appoint a secretary.
(4) The meetings of the Board shall be held at the call of the chairman and at other times as the Board may determine. The chairman, or in the chairman's absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.
(5) All meetings of the Board shall be open to the public.
(6) The Board shall keep minutes of its proceedings, showing the voice vote of each member upon each question, or indicating absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk and shall be a public record.

d. *Duties and Powers:* The Board shall have the following duties and powers:
(1) *Administrative Review* - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Director of Planning and Zoning, or other administrative official, in the enforcement of this ordinance.
(2) *Special Exceptions* - To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.

(3) *Variances* - To authorize upon appeal in specific cases variance from the terms of this ordinance not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Prior to granting a Variance, the Board shall find that:
   (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
   (b) The application of this ordinance to the particular piece of property would create an unnecessary hardship;
   (c) Such conditions are peculiar to the particular piece of property involved; and,
   (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

(4) *Uses Not Provided For:* Whenever, in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Director of Planning and Zoning for use, the Director shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this ordinance.

B. Applications

All applications submitted under this ordinance shall be made on forms provided by the Planning and Zoning Department. All applications shall be made according to the published Planning Commission schedule. In addition to the minimum information specified on the application forms, applicants may be asked, in the Director's, Planning Commission's, or City Council's discretion, to submit additional information, data, or reports, as is reasonably necessary for the review bodies to make an informed decision on compliance of the application with this ordinance.

C. Review Procedures

Table 2-1: Procedures

Application Type / Review Body	Map Amendment (Rezoning)*	Zoning Text Amendment	Site Plan Approval	Administrative Appeal	Special Exception	Variance	Building Permit	Certificate of Occupancy/Zoning Compliance
Director of Planning and Zoning	A RR	A RR	A RR	A RR	A RR	A RR	A/RR D	A/RR D
Planning Commission	H RR	H RR	RR					
City Council	H D	H D	D					
Board of Adjustment				H D	H D	H D		

A = Determination of complete application subject to Section II.B.
RR = Review and/or recommendation
H = Public hearing subject to notice and procedure requirements of this Article.
D = Final Decision

1. Zoning Amendments

a. *Initiation:*

(1) Zoning Text Amendment - An amendment to the text of the zoning ordinance shall only be initiated by the Director of Planning and Zoning, members of the Planning Commission, or members of the City Council. Other individuals requesting an amendment to the text of the zoning ordinance must get one of these authorized individuals to sponsor the proposed amendment.

(2) Zoning Map Amendment – A zoning map amendment to rezone property may be initiated by a majority of the City Council, a majority of the Planning Commission, or the property owner.

b. *Application:* An application for a zoning amendment shall be submitted on the application form provided by the Director of Planning and Zoning. The application shall include all information requested on the application form. The Director of Planning and Zoning shall determine if the application is complete. If the application is not complete, the Director of Planning and Zoning shall notify the applicant in writing indicating necessary steps to cure the incomplete application.

c. *Notice:*

(1) Notice of Planning Commission Hearing

(a) Published Notice - Notice shall be published once, at least 15 days prior to the hearing, in a newspaper of general circulation. The notice shall include the following:

(i) A provision that the application will be considered by the Planning Commission;

(ii) A copy of the proposed amendment or application is available at City Hall;

(iii) The time and place that the application will be considered by the Planning Commission;

(iv) All persons shall have an opportunity to be heard in opposition to or in favor of the amendment;

(v) In the case of a zoning map amendment, a general description of any property, including any common name by which the property is known.

(b) Mailed Notice -The applicant shall furnish the City the names and mailing addresses of all persons owning property within 300 feet of any specific property that is the subject of the application. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant's responsibility. Where land within 300 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City.

(c) Posted Notice - The Planning and Zoning Department shall post on the property being considered for a zoning change a sign that gives public notice. This sign shall be posted adjacent to a publicly dedicated street. The sign shall be posted no later than 15 days before the Planning Commission meetings and shall remain posted until after final action by the City Council. The Planning and Zoning Department shall remove the sign from the property and return it to the City within two (2) days of final action by the City Council. Failure to post this sign may result in nullification of the zoning change decision and application.

(d) Upon determination of a complete application, notice of the application will be published and/or mailed. The applicant shall be responsible for all costs of notification and filing fees.

(2) Notice of City Council Hearing - Prior to the City Council hearing, two notices shall occur in a newspaper of general circulation in the City, or where no such paper exists, in four conspicuous places in the City. Each notice shall be at least 15 days prior to the date when the City Council will consider the application.

(a) Initial Publication – The initial publication shall be according to the following:

(i) The text of the proposed amendment in full or the application;

(ii) The time and place that the application will be considered by the City Council;

(iii) Notice that all persons shall have an opportunity to be heard in opposition to or in favor of the application.

(b) Second Publication – The second publication shall be according to the following:

(i) A synopsis of the proposed application;

(ii) The date and name of the newspaper or locations of the first publication;

(iii) The time and place that the application will be considered by the review body;

(iv) Notice that all persons shall have an opportunity to be heard in opposition to or in favor of the application.

(3) Compliance with Law– the foregoing requirements are intended to comply with applicable law relating to notice. To the extent that such requirements do not so comply with applicable law or in the event any applicable law is hereafter altered, amended or otherwise modified, this Section C.1.c. shall be construed so as to comply with such altered, amended or modified law.

d. *Review* –The proposed amendment shall be reviewed according to the following:
   (1) A complete application shall be reviewed by the Director of Planning and Zoning.
   (2) The application shall be submitted to the Planning Commission at the next available meeting. The Planning Commission shall consider the application and take one of the following actions:
      (a) Recommend approval of the application to the City Council;
      (b) Recommend approval of the application to the City Council, conditioned on specific revisions;
      (c) Recommend denial of the application to the City Council; or
      (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Planning Commission shall pass it along to the City Council for action. Any continuance shall be for a time reasonably necessary to completely and adequately address the issue of further study. An applicant may agree to more continuances.

   (3) The application shall be submitted to the City Council, only with the recommendation of the Planning Commission. The City Council shall consider the application at a public hearing and take one of the following actions:
      (a) Approve the application;
      (b) Approve the application, conditioned on specific revisions;
      (c) Deny the application;
      (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the City Council shall take one of the above actions. Any continuance shall be for a time reasonably necessary to completely and adequately address the issue of further study. An applicant may agree to more continuances; or
      (e) Remand the proposed amendment to the Director of Planning and Zoning or to the Planning Commission for further study and discussion. An application may be remanded only once without the applicant's consent before the City Council shall take one of the above actions. An applicant may agree to more remands.

e. *Criteria* - The application shall be reviewed based on the following criteria:
   (1) Compliance with the Comprehensive Plan;
   (2) Compliance with the standards, goals, and intent of this ordinance;
   (3) The character of the surrounding property, including any pending development activity;
   (4) Adequacy of public infrastructure to support the proposed development;
   (5) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
   (6) Compliance with other laws and regulations of the City;
   (7) Compliance with other applicable laws and regulations of other jurisdictions;

(8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
(9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

f. *Limitation on Re-submittal* – No application for a zoning map amendment shall be considered within 365 days from a final decision on a previous application for the same or similar parcel of land. An application may be withdrawn without prejudice prior to the public hearing being opened by the Planning Commission. A request to withdraw an application shall be made to the Director in writing.

g. *Nullification for Misrepresentation* - Any rezoning decision that is based in any part on testimony, plans, studies or other support that is later found to have been a material misrepresentation may be summarily nullified. Summary nullification shall require evidence of the misrepresentation at a formal Council meeting and the concurring vote of four (4) members of the City Council. It shall not require the notice and hearing necessary for a formal zoning amendment because the initial Council action will be determined null and void due to the material misrepresentation.

2. Site Plan Application, Review, and Approval Procedures

a. *Projects Requiring Site Plan Application, Review, and Approval* – Notwithstanding anything in the Code of Ordinances to the contrary, in the following circumstances a site plan application must be submitted to the Director of Planning and Zoning and will be subject to the procedures and requirements provided in Section C.2.b through g, below:
(1) Projects located in the CBD overlay or in a business-zoning district (other than M-1 and M-2), where such project will contain any commercial building that has either (i) a gross floor area of 10,000 square feet or greater; or, (ii) aggregate impervious area of more than 30% of the lot (excluding the building); and
(2) Projects located in any zoning district where such project will contain any Mixed-Use Building, Convalescent or Nursing Home, Automobile Service Station, Automobile Repair, Recreational Vehicle Park, Hotel, Motel, or Entertainment Venue.

b. *Application* - An application for site plan review shall be submitted on the application form provided by the Director of Planning and Zoning. The application shall include all information requested on the application form. Preliminary review with the Director and the Planning Commission, prior to a formal application is encouraged. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application. The application shall be submitted with drawings showing the location of the site and all existing and proposed buildings with sufficient information to evaluate impacts on adjacent properties. Sheet size shall be large enough to document all physical features and shall be suitable for public record. The application does not require public notice nor public hearing.

c. *Review* - Site plan review shall occur according to the following:
(1) A complete application shall be reviewed by the Director of Planning and Zoning.

(2) Applications shall be submitted according to the published Planning Commission schedule. The Planning Commission shall consider the application and take one of the following actions:
   (a) Approve the site plan;
   (b) Approve the site plan, conditioned on specific revisions;
   (c) Deny the site plan; or
   (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Planning Commission shall take one of the above actions. An applicant may agree to more continuances.

(3) The City Council shall consider the site plan only after review and recommendation from the Planning Commission. The City Council shall have the final authority on site plan approval.

d. *Criteria* - The application shall be reviewed based on the following criteria:
   (1) Compliance with the Comprehensive Plan;
   (2) Compliance with any other approved planning documents;
   (3) Compliance with the standards, goals, and intent of this ordinance and applicable zoning districts;
   (4) Compliance with other laws and regulations of the City;
   (5) Compliance with other applicable laws and regulations of other jurisdictions;
   (6) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
   (7) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values;
   (8) Overall benefit to the community;
   (9) Compliance with sound planning principles;
   (10) Compliance with the terms and conditions of any zoning approval;
   (11) Any other matter relating to the health, safety, and welfare of the community;
   (12) Property boundaries with dimensions and setback lines;
   (13) Location of proposed buildings and structures indicating sizes in square feet;
   (14) Data to show percentage of lot covered with existing and proposed buildings;
   (15) Elevations indicating exterior materials;
   (16) The locations, intensity, and height of exterior lights;
   (17) The locations of mechanical equipment;
   (18) Outside storage and/or display;
   (19) Drive-up window locations (must be away from residential uses/districts and not in front of building);
   (20) Curb-cut detail and location(s);
   (21) Parking, loading, and maneuvering areas;
   (22) Landscaping plan in accordance with the City Landscape Ordinance;
   (23) Location, materials, and elevation of any and all fences and/or walls;
   (24) Dumpster location and screening; and
   (25) Location and size of all signage.

e. *Effect and Limitation on Approval* - Site plan approval stands for 365 days from the approval date. If the building permit has not been issued within this time, the site plan approval shall be null and

void. The Council may consider a request for extension of this time up to 180 additional days for good cause. The site plan may be amended, but amendments shall be subject to the same procedures as a new site plan approval.

f. *Modifications* - Modifications in substantial conformance with an approved site plan may be approved by the Director of Planning and Zoning if they meet the following conditions:
   (1) The modification addresses actual site conditions that were not anticipated in the reviewed site plan;
   (2) The modification meets the intent of the site plan standards in an equivalent or improved manner than the original site plan; and
   (3) The modification results in no greater impact on adjacent property than the approved site plan.

g. *Nullification for Misrepresentation* - Any site plan decision that is based in any part on testimony, plans, studies or other support that is later found to have been a material misrepresentation may be summarily nullified. Summary nullification shall require evidence of the misrepresentation at a formal Council meeting and the concurring vote of four (4) members of the City Council. It shall not require a formal site plan review process because the initial Council action will be determined null and void due to the material misrepresentation.

3. Board of Adjustment Application

a. *Initiation* - Applications to the board of adjustment may be made by:
   (1) Any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer;
   (2) Any person requesting a variance from the standards of this ordinance; or
   (3) Any person requesting a special exception as provided under this ordinance.

b. *Application* - An application for a Board of Adjustment review shall be submitted on the application form provided by the Director of Planning and Zoning. The application shall include all information requested on the application form, including grounds for the request for relief. Applications shall be made according to the published Board of Adjustments' schedule. If the application is not complete, the Director shall notify the applicant in writing indicating necessary steps to cure the incomplete application.

c. *Notice* –
   (1) Published Notice - At least 15 days in advance of the hearing, notice shall be published in a newspaper of general circulation. The notice shall include the following:
      (a) A provision that the application will be considered by the Board;
      (b) A copy of the application is available at City Hall;
      (c) The time and place that the application will be considered by the Board;
      (d) All persons shall have an opportunity to be heard in opposition to or in favor of the amendment;
      (e) A general description of subject property, including any common name by which the property is known.

(2) Mailed Notice -The applicant shall furnish the City the names and mailing addresses of all persons owning property within 300 feet of the property that is the subject of the application. Names and addresses shall be from the latest records of the county revenue office and accuracy of the list shall be the applicant's responsibility. Where land within 300 feet involves leasehold property, the names and addresses of the landowner and the leasehold improvements shall be provided to the City.

(3) Upon determination of a complete application, notice of the application will be published and/or mailed. The applicant shall be responsible for all costs of notification and filing fees.

(4) Compliance with Law- The foregoing requirements are intended to comply with applicable law relating to notice. To the extent that such requirements do not so comply with applicable law or in the event any applicable law is hereafter altered, amended or otherwise modified, this Section C.3.c shall be construed so as to comply with such altered, amended or modified law.

d. *Review* – Application review shall occur according to the following:
   (1) A complete application shall be reviewed by the Director of Planning and Zoning. The Director shall offer a written report on the merits of the application to the Board of Adjustments.
   (2) The application shall be submitted to the Board at the scheduled public hearing, with the Director's report. The Board shall consider the application and take one of the following actions:
      (a) Grant the requested relief;
      (b) Grant the requested relief with specific conditions;
      (c) Deny the requested relief; or
      (d) Continue discussion of the application for further study. An application shall only be continued one time without the applicant's consent before the Board can take one of the above actions. An applicant may agree to more continuances.

e. *Criteria* –
   (1) An application for a variance shall be granted only on the concurring vote of four Board members finding that:
      (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
      (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship. Personal financial hardship is not a justification for a variance.
      (c) Such conditions are peculiar to the particular piece of property involved; and,
      (d) Relief, if granted, would not cause substantial detriment to the public good and impair the purpose and intent of this ordinance; provided however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.
   (2) Any other application to the Board shall be reviewed under the following criteria and relief granted only upon the concurring vote of four Board members:
      (a) Compliance with the Comprehensive Plan;
      (b) Compliance with any other approved planning document;
      (c) Compliance with the standards, goals, and intent of this ordinance;

(d) The character of the surrounding property, including any pending development activity;
(e) Adequacy of public infrastructure to support the proposed development;
(f) Impacts on natural resources, including existing conditions and ongoing post-development conditions;
(g) Compliance with other laws and regulations of the City;
(h) Compliance with other applicable laws and regulations of other jurisdictions;
(i) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
(j) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
(k) Overall benefit to the community;
(l) Compliance with sound planning principles;
(m) Compliance with the terms and conditions of any zoning approval; and
(n) Any other matter relating to the health, safety, and welfare of the community.

f. *Effect of Appeal* - An appeal to the Board stays all legal proceedings in furtherance of the application appealed from unless the Director certifies to the Board that a stay would cause imminent peril to life and property. In such cases, proceedings will not be stayed, unless by operation of a court of competent jurisdiction. If an appeal fails for any reason, the stay shall be lifted.

g. *Effect of Variance* – Any variance granted according to this section and which is not challenged on appeal shall run with the land provided that:
(1) The variance is acted upon according to the application and subject to any conditions of approval within 365 days of the granting of the variance or final decision of appeal, whichever is later; and
(2) The variance is recorded with the Judge of Probate.

h. *Limitation on Re-submission* - An application for the same parcel of land shall not be submitted within 365 days of final decision of the Board. Any application may be withdrawn without prejudice prior to the opening of the hearing by the Board. A request to withdraw an application shall be submitted to the Director in writing.

i. *Appeal* - Any party aggrieved by any final judgment or decision of the Board may appeal to the circuit court. Appeal to the circuit court must occur within 15 days of the Board's decision. Notice of the appeal shall be filed with the Board specifying the judgment or decision being appealed. The foregoing requirement relating to the time in which a party must appeal a decision of the Board is intended to comply with applicable law. To the extent that applicable law is hereafter altered, amended or otherwise modified this Section c.3.i.c shall be construed to as to comply with such altered, amended or modified law.

4. Permits and Certificates

Permits and certificates shall be issued in accordance with the following provisions;

a. *Commencement of Building:* It shall be unlawful to commence the excavation or construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alterations, or repair of any structure, including accessory structures, until the building inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this ordinance. Application for the building permit shall be made to the building inspector on forms provided for that purpose and shall be accompanied by payment of the required fee.

b. *Approval of Plans and Issuance of Building Permit:* It shall be unlawful for the municipal building inspector to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. The municipal building inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a dimensioned plan or plat showing sufficient detail to enable the municipal building inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance. At a minimum the plan or plat shall show:
   (1) The actual shape, proportion and dimensions of the lot to be built upon;
   (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and any building or other structures already on the lot;
   (3) The existing and intended use of all such buildings or other structures; and
   (4) The adequacy of provisions for control of surface drainage.

   If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this ordinance, the building inspector of the municipality shall issue a building permit accordingly. If an application for a building permit is not approved, the building inspector of the municipality shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this ordinance.

c. *Permits Requiring Planning Commission Review:* Any permit or certificate meeting the standards of Section C.2.a. of this Article shall first require review and approval of a site plan by the Planning Commission prior to issuance of the permit or certificate.

d. *Expiration of Building Permit:* A building permit shall not be transferable and shall be issued only to the applicant. It shall expire if work is not begun within 180 days from the date of issuance and the work for the entire project has not been completed within 365 days after issuance of the building permit. Request for a 90-day extension may be considered upon the applicant's request made prior to the permit expiration.

e. *Modification:* It shall be unlawful for the owner, after s/he has obtained approval of design plans, to change or substantially modify plans, either during construction or after completion without specific written approval of the building inspector.

f. *Certificate of Zoning Compliance and Certificate of Occupancy:* No land or building or other structure erected, moved or altered in its use shall be used until the building inspector of the municipality shall have issued a Certificate of Occupancy and the Director of Planning and Zoning shall have issued a Certificate of Zoning Compliance stating that such land or structure is found to be in conformity with the provisions of this ordinance. The Director of Planning and Zoning shall perform the final inspection within reasonable time after receiving a request, and issue either a Certificate of Zoning Compliance or a denial in writing. A denial shall state the reasons for denial. Any person or firm who occupies or causes to be occupied any premises without a Certificate of Occupancy and/or a Certificate of Zoning Compliance shall be subject to citation for violation of this ordinance and shall be subject to all remedies and penalties hereof.

Article III: Zoning Districts

A. Purpose and Intent 20
1. R-A Residential/Agriculture District: 20
2. R-1 Low Density Single-Family Residential District: 20
3. R-2 Medium Density Single-Family Residential District: 20
4. R-3 High Density Single-Family Residential District: 20
5. R-3 PGH High Density Single-Family Patio/Garden Home Residential District: 20
6. R-3 TH High Density Single-Family Townhouse Residential District: 21
7. R-4 Low Density Multi-Family Residential District: 21
8. R-5 High Density Dwelling Residential District: 21
9. R-6 Mobile Home Park District: 21
10. B-1 Local Shopping District: 21
11. B-2 General Business District: 21
12. B-3a Tourist Resort Lodging District: 22
13. B-3b Tourist Resort Commercial Service District: 22
14. B-4 Business and Professional District: 22
15. M-1 Light Industrial District: 22
16. M-2 General Industrial District: 22
17. PUD Planned Unit Development: 22
18. CBD Overlay District: 23
19. AO Airport Overlay District: 23
20. FH-1 Flood Hazard District: 23
21. P-1 Parking District: 23
22. HTD Highway Transitional District: 23
23. REC-1 Active Recreation District: 23
24. REC-2 Passive Recreation District: 23
B. Allowed Uses 24
1. Use Table 24
Table 3-1: Use Table 25
2. Accessory Uses 28
3. Temporary Uses 28
C. Dimension Standards 29
1. Lots and Principal Structure 29
Table 3-2: Dimension Table – Lots and Principal Structure 29
2. Residential Accessory Structures 30
Table 3-3: Dimension Table - Residential Accessory Structures 30
3. Yards 30
4. Free-standing Commercial Structures 30
5. Waterfront Lots 30
D. Special Conditions for Uses 31
1. Recreational Vehicle Parks 31
2. Townhouses 32
3. Patio and Garden Homes 33
4. Automobile Service Stations and Convenience Stores 34
5. Home Occupations 35
6. Cemeteries 37
7. Storage and Parking of Trailers and Commercial Vehicles 37
8. Personal Storage 38

9. Accessory Dwelling Units 39
10. Building Materials on Commercially Zoned Property 39
11. Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, Tattoo Parlors 39
12. Restaurants and Accessory Bars in the M-1 Light Industrial District 40
13. Multi-Family/Apartment 40
14. Mixed-Use Building 41

A. Purpose and Intent

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

1. R-A Residential/Agriculture District:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. R-5 High Density Dwelling Residential District:

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

9. R-6 Mobile Home Park District:

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

10. B-1 Local Shopping District:

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

11. B-2 General Business District:

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

12. B-3a Tourist Resort Lodging District:

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

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

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

14. B-4 Business and Professional District:

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

15. M-1 Light Industrial District:

This district is intended to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Industrial parks should be encouraged. Locations should be in accordance with comprehensive plans.

16. M-2 General Industrial District:

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

17. PUD Planned Unit Development:

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

18. CBD Overlay District:

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

19. AO Airport Overlay District:

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

20. FH-1 Flood Hazard District:

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

21. P-1 Parking District:

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

22. HTD Highway Transitional District:

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

23. REC-1 Active Recreation District:

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

24. REC-2 Passive Recreation District:

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

B. Allowed Uses

1. Use Table

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

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

Table 3-1: Use Table

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

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

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

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

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

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

2. Accessory Uses

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

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

3. Temporary Uses

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

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

C. Dimension Standards

1. Lots and Principal Structure

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

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

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

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

2. Residential Accessory Structures

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

Table 3-3: Dimension Table - Residential Accessory Structures

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

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

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

3. Yards

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

4. Free-standing Commercial Structures

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

5. Waterfront Lots

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

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

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

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

D. Special Conditions for Uses

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

1. Recreational Vehicle Parks

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

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

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

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

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

2. Townhouses

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

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

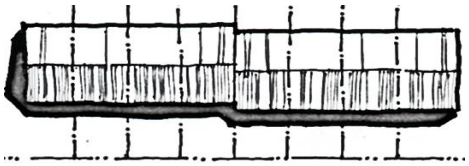


Figure 3-1. *Townhouse units of more than 4 shall have a differentiated front building line of at least 4 feet and no single building shall have more than 8 units.*

b. *Site Requirements:*

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

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

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

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

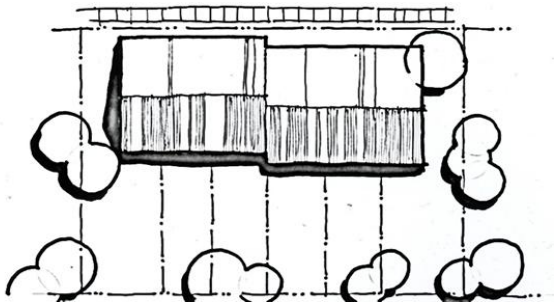


Figure 3-2. *All townhouse units shall have private yard areas of at least 400 square feet.*

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

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

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

3. Patio and Garden Homes

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

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

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

c. *Site Requirements:*

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

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

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

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

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

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

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

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

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

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

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

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

4. Automobile Service Stations and Convenience Stores

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

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

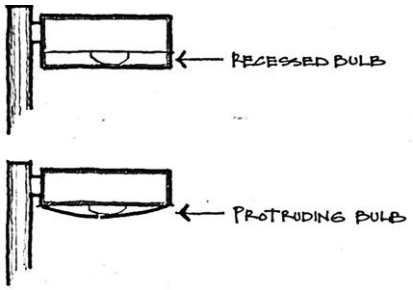


Figure 3-3. *All light sources shall be shielded. Protruding bulbs and lenses are prohibited.*

b. *Location Restrictions:*

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

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

5. Home Occupations

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

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

c. *Site Requirements:*

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

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

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

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

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

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

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

d. *License:*

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

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

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

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

6. Cemeteries

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

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

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

7. Storage and Parking of Trailers and Commercial Vehicles

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

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

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

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

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

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

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

8. Personal Storage

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

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

b. *Location Requirements:*

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

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

c. *Site Requirements:*

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

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

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

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

9. Accessory Dwelling Units

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

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

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

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

10. Building Materials on Commercially Zoned Property

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

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

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

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

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

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

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

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

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

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

13. Multi-Family/Apartment

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

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

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

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

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

14. Mixed-Use Building

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

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

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

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

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

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

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

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

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

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

Article IV: Site Design Standards

A. Open Space/Greenspace 44
1. Intent 44
2. Types of Open Space 44
Table 4-1: Open Space Categories and Types 45
B. Screening, Lighting, and Landscape Material 47
1. Intent 47
2. Screening 47
3. Parking Lot/Open Area Lighting 47
4. Landscape Materials 47
5. Fencing and/or Walls 48
C. Streetscape 48
1. Intent 48
2. Frontage Types 49
Table 4-2: Frontage Types 50
D. Site Access and Internal Circulation 51
1. Intent 51
2. Curb Cuts 51
3. Internal Driveways, Aisles and Driveway Lanes 51
4. Clear Sight Lines 51
5. Off-Street Loading/Unloading 51
E. Parking 52
1. Intent 52
2. Required Parking 52
Table 4-3 - Parking Schedule 53
3. Compact Car Parking Requirement 53
4. Parking Dimensions and Size 54
5. Shared Parking 54
6. Low Impact Development (LID) Parking Requirements 55
7. Parking Credits 56
F. Stormwater Management 56
1. Intent 56
2. General Requirements 56
3. Design Standards 57
4. Alternative Designs 57
G. Tree Preservation 58

This Article provides site design standards for seven key elements that are part of most development sites: open space; screening, lighting, and landscape material; streetscape; site access and internal circulation; parking; stormwater management; and signs. The standards are intended to contribute to the ability of development sites to integrate into the City's overall plan. The standards and guidelines in this article should be applied in every zoning district and to every site design to the extent that the component is required by any development regulation or is otherwise proposed as part of the site plan or development.

These design standards should be applied in addition to any specific area or design standards contained in other sections for a particular zoning district.

A. Open Space/Greenspace

1. Intent

The open space design standards are intended to provide design solutions that ensure each area of open space serves a specific function and is not merely left over or under-utilized space. The design standards are also intended to provide greater access to a wider variety of open spaces. These design standards are to be applied to any area used to meet specific area requirements of the zoning districts and subdivision regulations for open space or greenspace.

2. Types of Open Space

The following Table 4-1 indicates the categories, types, and general sizes of open space that can be used to meet the City requirements for open space and greenspace. Generally there are two categories – Natural and Civic. Natural open space is most appropriate in neighborhoods, rural areas, or at the edges of village developments. It can also be used at any location where significant natural features warrant preservation. Civic open space is most appropriate in convenient locations, easily accessible by a large number of people. Typically this will be at the center of a residential neighborhood or in a village or commercial center.

Table 4-1: Open Space Categories and Types

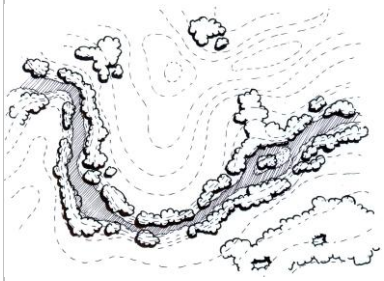
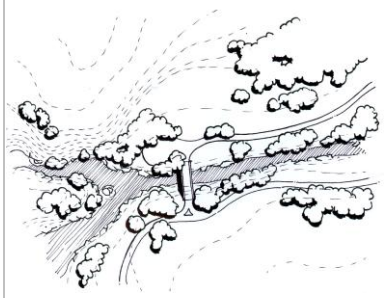
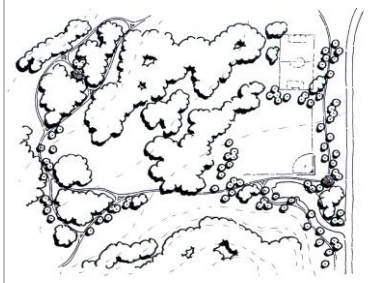
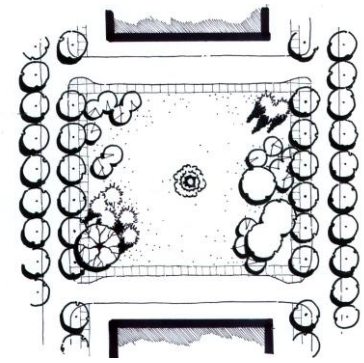
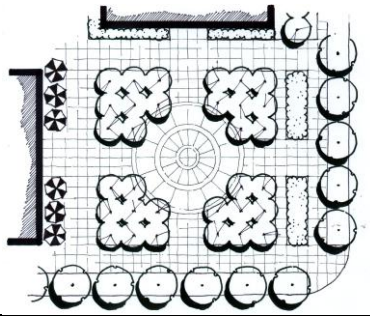
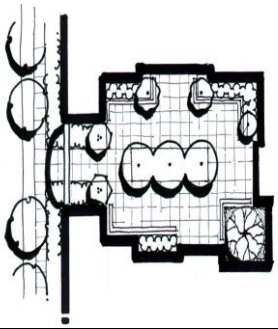
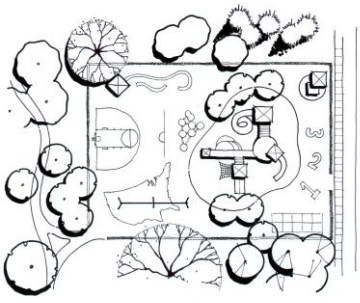
Category	Type	Description	Size Recommendation	Image
NATURAL OPEN SPACE	Preserve	An undeveloped area that contains significant natural features or habitat worthy of preservation. Features such as large stands of trees, water elements, or prominent topography characterize preserves. A preserve may be used for passive recreation or as a scenic and visual buffer. It generally contains little or no constructed improvements although trails may access the preserve.	The size of a preserve open space should be based on the site characteristics and potential continuity of natural features in the area along with the potential to connect to adjacent natural areas.	
	Trail / Greenway	An undeveloped area of continuous linear natural features, often following a stream or floodplain. A trail or greenway should be usable for recreation and non-motorized transportation. It includes few constructed improvements except for those to enhance travel or recreational use.	Generally should include at least 3 acres but should be sized and located based on providing significant continuity throughout a development and to areas beyond the development area. Must be at least 30' wide at all locations.	
	Park	An undeveloped natural area for unstructured recreation. A park may include some areas for structured recreation, such as ball fields, but generally this area should occupy no more than 25% of the total area. Parks are located based on the presence of natural features or based on convenience for surrounding residents. A park has a predominantly natural landscape although portions may be designed for aesthetic and recreation purposes, particularly for parks located due to convenience.	At least 3 acres	

Table 4-1: Open Space Categories and Types (continued)

Category	Type	Description	Size Recommendation	Image
CIVIC OPEN SPACE	Green	An open space for unstructured recreation or aesthetic landscaping. A green is bordered by public right-of-ways on at least 2 sides, front building facades, and formal landscaped elements to define its boundaries. Generally there are few constructed elements except as a formal entry to or a focal point for the green.	¼ to 3 acres	
	Plaza	An open space for civic purposes and commercial activities. A plaza is bordered by public right-of-ways on at least 2 sides, and building facades to define its boundaries. It is largely constructed of materials to withstand heavy pedestrian traffic, but contains intermittent lawns, landscape beds, or trees in a formal pattern.	1/8 to 2 acres The size of plazas is generally determined by the height of surrounding buildings, maintaining between a 1:3 and 1:6 ratio of building height to plaza.	
	Courtyard	A small open space accessible to the public but generally serving one or a few surrounding buildings. Courtyards are primarily bordered by building facades, but have at least one side fully or partially boarded by a public right-of-way. Courtyards are often constructed of materials to withstand heavy pedestrian traffic, but contain intermittent formal landscape elements.	1000 square feet to 1/8 acre The size of courtyards is generally determined by the height of surrounding buildings, maintaining a between a 2:1 and 1:3 ratio of building height to courtyard.	
	Playground	Open space designed and equipped for structured recreation. Playgrounds are often boarded by a fence or other private boundary (as in the case of a playground internal to a block) but are accessible by common pedestrian path. Alternatively, playgrounds included as part of a larger civic or natural open space do not necessarily have borders.	1000 square feet to ¼ acres. A playground may be part of larger civic or natural open space.	

B. Screening, Lighting, and Landscape Material

1. Intent

The screening, lighting, and landscape material sections are intended to create a quality community image, minimize the impact of development on adjacent sites, allow property owners to create comfortable and appropriate private environments, and integrate all development into the overall community plan.

2. Screening

a. In any district, all mechanical or operating equipment, materials, or activities not contained within a building, such as drive-through equipment, outdoor storage of materials, stationary machinery, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six feet in height. If the owner elects to build a wall or fence of bare or severe appearance it shall be enhanced with the planting of shrubs.

b. In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet (6') in height and a twenty foot (20') landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25').

3. Parking Lot/Open Area Lighting

Parking lots with 50 or fewer spaces and open area requiring lighting for general purposes shall have light poles that do not exceed 10 feet overall height. Parking lots having more than 50 spaces shall have light poles that do not exceed 20 feet overall height. Luminaries of a sharp cut off design to shield light source above 72 degrees from vertical and providing 1.0 average maintained foot-candles with the following uniformity ratios: 3:1 average/minimum * (.33 FC minimum), 12:1 maximum/minimum * (4.0 FC maximum) are required in all cases. Public facilities such as lighted ball fields are excluded. A photometric grid shall be furnished by developer at time of building permit application.

* maximum or minimum foot-candle level at any point lighted area

4. Landscape Materials

All un-built yards and open space required by this ordinance, and all natural screening material, shall be planted according to the specifications of the City of Fairhope Tree and Landscape Ordinance.

5. Fencing and/or Walls

a. Fences and/or walls are permitted in every zoning district. A building permit shall be obtained prior to construction of any fence. Fences and/or walls may be permitted on the property lines or anywhere else on the lot provided that:
   (1) Fences and/or walls shall not be constructed in a drainage easement, floodway, or other watercourse; and
   (2) Fences and/or walls shall not be constructed in any required clear sight distance.

b. Fences and/or walls in all residential zoning districts are subject to the following requirements:
   (1) No fence and/or walls shall be higher than eight (8') feet. Any fence and/or walls forward of the front building line shall not be higher than four (4') feet;
   (2) No corrugated metal sheets, solid sheets of metal, plywood, particleboard, or similar materials shall be allowed; and
   (3) No barbed wire, razor wire, or similar materials shall be allowed except for fences used for agricultural purposes in the R-A- Residential/Agriculture zone.

c. Fences and/or walls in all non-residential zoning districts are subject to the following:
   (1) No fence and/or walls shall be higher than 12 feet. Any fence and/or walls in front of the front building line shall be limited to between two and one-half and four feet high and shall have a design style consistent with the architectural elements of the buildings on the site.
   (2) No corrugated metal sheets, solid sheets of metal, plywood, particleboard, barbed wire, razor wire, or similar materials shall be allowed.

C. Streetscape

1. Intent

Streetscape refers to the area between building facades on opposite sides of the street. It consists of public rights-of-way and private property and is a publicly visible space. The streetscape site design standards are intended to create a smooth transition from the public realm to the private realm, provide a pleasant pedestrian experience, improve the appearance and function of the public rights-of-way, and reinforce and enhance the perception of the City as a unique and livable community. *See Figure 4 –1*.

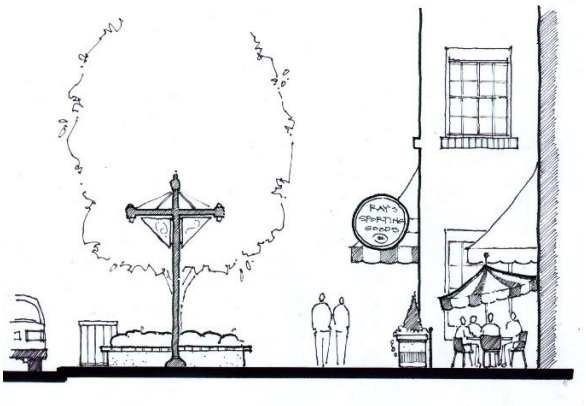
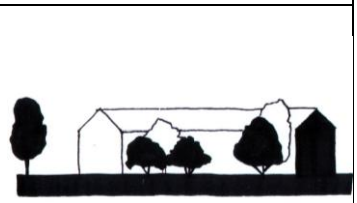
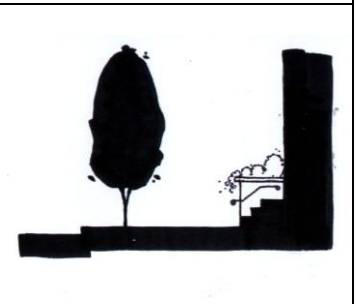
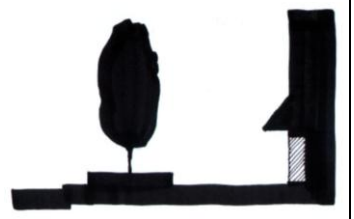


Figure 4–1. *Streetscape refers to all areas visible from the street and fronting buildings, and may consist of public or private property.*

2. Frontage Types

The following Table 4-2 indicates frontage types that make up the private portion of the streetscape. In zoning districts where specific setbacks are specified, any frontage type within that range may be used. In zoning districts where specific frontage types are specified, the frontage types may be used within the acceptable setbacks listed in this section and in the zoning district standards.

Table 4-2: Frontage Types

Frontage	Building line*	Description	Image
Yard	20' minimum 40' maximum Estate dwelling units and Civic uses with a yard frontage shall have no maximum depth for the front building line.	A frontage with the building set back from the right-of-way line. The yard area is most appropriately used for landscape materials, natural vegetation, or focal points such as art or sculptures. The yard frontage is most appropriate in rural settings, residential neighborhoods, for residential uses along arterial streets where a buffer is desired, and for civic land uses in any setting.	
Terrace	8' minimum 20' maximum	A frontage with the buildings separated from the right-of-way by a slightly elevated garden or small yard. The terrace area is most appropriately used for landscape materials and entry elements, such as stairways, gateways or small fences or hedges. The terrace frontage is most appropriate in residential neighborhoods or areas of steeper topography.	
Courtyard	10' minimum 20' maximum A portion of the building, typically more than 50% of the front façade) should be built at or near the right-of-way line	A frontage with a portion of the building close to the right-of-way line, while the remaining portion is setback from the right-of-way line, providing a pocket of open area in the courtyard. The courtyard area is most appropriately used for landscape material or constructed patios for pedestrian traffic. The courtyard frontage is most appropriate on higher-density residential blocks or for businesses that can utilize formal outdoor space.	
Stoop	8' minimum 15' maximum	A frontage with the building close to the right-of-way line but with the first floor slightly elevated (typically 3 to 5 feet) to ensure privacy to occupants of the building. Typically the closer the building line is to the right-of-way, the higher the elevation of the first floor should be. The setback area is most appropriately used with an ornamental stair and entranceway to the buildings, potentially with a small usable space at the top. The remaining portion of the setback area can include a small area of landscape material. The stoop frontage is most appropriate for higher-density residential blocks, or residential buildings mixed on blocks with non-residential buildings.	
Street-front	0' minimum 10' maximum	A frontage with the building at the right-of-way line or slightly set back from the right-of-way line. The ground level of the building is predominantly transparent and available to uses serving the public, thus providing varied and interesting environment to pedestrians. Any setback area is typically designed seamlessly with the right-of-way with either expanded sidewalks, landscape beds, street-front seating, or a covered walkway. The street-front frontage is most appropriate for non-residential uses in pedestrian-oriented areas.	

* The building line expresses the general acceptable range for distances of principal buildings from the right-of-way. This range shall apply unless a more specific set back or build to line is specified for a particular zoning district.

D. Site Access and Internal Circulation

1. Intent

Site access and internal circulation standards are intended to balance the need for site-access by vehicles with pedestrian movements. Design elements are intended to create a smooth transition from the public rights-of-way to the private property, and to improve the appearance and function of the public rights-of-way for all users including pedestrians, bicycles, and automobiles.

2. Curb Cuts

Curb cuts for property not being subdivided shall be allowed according to the same Lot Access standards established in the Fairhope Subdivision Regulations. When the development process requires access standards different from those standards, either from a traffic study or through a subdivision waiver process, the revised standards shall comply with the goals of the Comprehensive Plan, the Subdivision Regulations, and this ordinance. Any special access conditions for particular uses are indicated in Article III., Section D, and any special access conditions for particular zoning districts are listed in Article VI.

3. Internal Driveways, Aisles and Driveway Lanes

All driveways shall be set back a minimum distance of three feet from the side lot line, except where shared access driveways are provided. To the extent practical, all internal driveway aisles should be designed and dimensioned as closely as possible to the public street standards in the Fairhope Subdivision Regulations, including sidewalks, planting strips, and parking lanes.

4. Clear Sight Lines

Clear sight lines shall be maintained for all lot access points and internal circulation intersections in accordance with the standards for public street intersections specified in the Fairhope Subdivision Regulations.

5. Off-Street Loading/Unloading

Off-street loading/unloading spaces shall be provided according to the following:

a. *Size of Spaces:* Each off-street loading/unloading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length accordingly to as little as 35 feet.

b. *Connection to Street or Lane:* Each required off-street loading/unloading space shall have direct access to a street or lane, or have a driveway which offers satisfactory ingress and egress for trucks.

c. *Required spaces:* All non-residential buildings with uses requiring the receipt or distribution of materials or merchandise shall provide at least one (1) off-street loading/unloading space per each 10,000 square feet, or fraction thereof, of floor area located on the same lot as the building or use. Adjacent buildings or uses of less than 10,000 square feet may share loading/unloading spaces within 300 feet of the loading/unloading entrance. All off-street loading/unloading spaces shall be located to not hinder free movement of pedestrians and vehicles over a sidewalk, street, or lane.

d. *Permanent Reservation:* Areas reserved for off-street loading/unloading in accordance with the requirement of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified unless alternate and equivalent loading/unloading space is provided and approved by the Board of Adjustment.

E. Parking

1. Intent

Parking standards are intended to provide adequate access and vehicle storage for land uses, but also minimize negative impacts of large expanses of parking such as poor pedestrian environments, degraded community aesthetics, additional stormwater runoff from excess impervious surfaces, and under-utilized space.

2. Required Parking

The following Table 4-3 is the parking schedule and represents the minimum required parking spaces for specific land uses. These standards shall apply in any district the use is allowed, or permitted by special exception. These standards shall not apply to the CBD Overlay, where on-street parking is permitted. However, wherever practicable, businesses in the CBD Overlay are encouraged to provide off-street parking facilities. Any specific use or district condition in Article III of this ordinance shall apply along with the standards and conditions of this Section. Any area reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted use, which it serves, is discontinued or modified, or alternate and equivalent parking space is provided to the satisfaction of the Board of Adjustment.

Table 4-3 - Parking Schedule

Land Use	Parking Required
Residential:	
Accessory dwelling unit	1 space per dwelling unit
Mixed use dwelling unit	1 space per dwelling unit
All other dwelling units	2 spaces per dwelling unit
Lodging:	
Hotels, Motels, Boarding Houses/Dormitory, Manufactured Home Developments, and Recreational Vehicle Parks	1 space per bedroom, mobile home, or travel trailer space, plus 1 space per five employees
Bed and Breakfast or tourist home	2 spaces per residential use plus one space per guest bedroom.
Public Assembly:	
Community Centers and Clubs	1 space for each 100 feet of building under roof.
Indoor Recreation, Outdoor Recreation, Entertainment Venues, Places for Worship, stadiums and similar places of assembly	1 space for each 4 seats or each 200 square feet of assembly floor area, whichever is greater.
Libraries, museums, and general Civic Uses	1 space for each 500 square feet of gross floor area.
Schools, including kindergartens, playschools and day care centers	1 space for each 4 seats in assembly hall, or 1 space for each employee, including teachers and administrators whichever is greater, plus 5 spaces per classroom for high school and colleges.
Health Facilities:	
Hospitals, Convalescent or Nursing Homes, and similar institutional uses	1 space for each 4 beds, plus 1 space for each 4 employees including nurses.
Kennels and Animal Hospitals	A parking area equal to 30 percent of the total enclosed or covered area.
Medical, dental and health offices, and Clinics	1 space for each 200 square feet of floor area used for offices and similar purposes.
Mortuaries and funeral homes	5 spaces per parlor chapel unit, or 1 space per 4 seats, whichever is greater.
Businesses:	
General Retail and Office establishments	0 to 400 square feet of floor area - 4 parking spaces 400 to 5000 square feet of floor area - same as above plus 1 for each additional 400 square feet over 5000 square feet of floor area -- same as above plus 1 parking space for each additional 200 square feet
Restaurants and Bars	1 space for each 4 seats up to 52 seats and 1 space for each 6 seats thereafter.
Automobile Service Stations	A minimum of 2 off-street parking spaces is required with an additional off-street parking space for each lubrication or wash bay.
Industries:	
Commercial, manufacturing and industrial establishments, not catering to retail trade	1 space for each 3 employees on the maximum working shift, plus 1 space for each vehicle operating from the premises.
Wholesale establishments	1 space for every 50 square feet of customer service area, plus 2 spaces for each 3 employees on the maximum working shift, plus 1 space for each company vehicle operating from the premises.

3. Compact Car Parking Requirement

a. Compact car parking spaces shall be a minimum of 30% of the required parking spaces and no more than a maximum of 40% of the required parking spaces. Compact car spaces shall be grouped together to the greatest extent possible. Compact car spaces shall be designated by paint at the entrance of the parking stall.

4. Parking Dimensions and Size

a. Standard parking lot dimensions shall be as follows:

See Figure 4–2	90 ° angle	60 ° angle	45 ° angle
A – stall width	10’	10’	10’
B – stall depth	20’	20’	20’
C – two-way aisle width	20’	20’	20’
D – one-way aisle width	20’	17’	13’
E – one-way single-loaded aisle width	16’	14’	11’

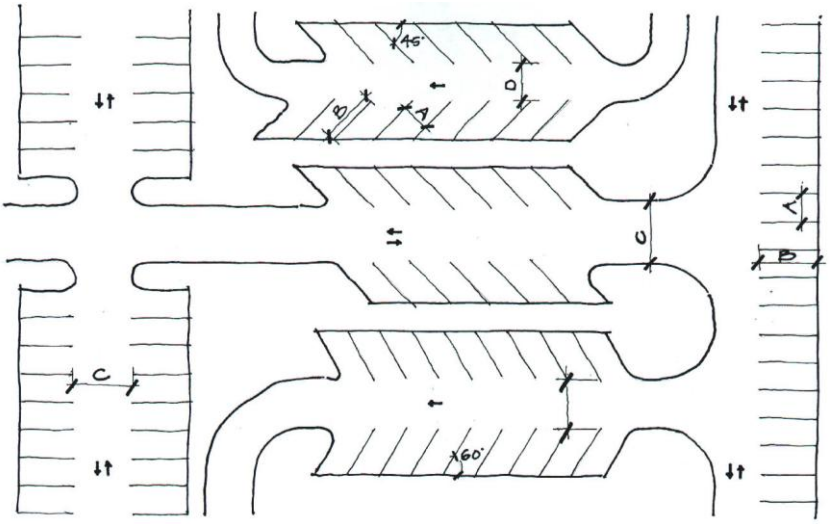


Figure 4– 2. *Parking drive aisle widths may vary depending on the configuration and angle of parking that the drive aisle supports.*

b. Compact car parking dimensions shall be as follows:

	90 ° angle	60 ° angle	45 ° angle
Stall width	8’	8’	8’
Stall depth	15’	16.8’	16.5’

c. Parking Lot Limits
   (1) No use shall provide more than 20% more than the parking required by Table 4-3.
   (2) Any parking provided that is more than the parking required by Table 4-3 shall be designed with a pervious surface approved by the City.
   (3) No off-street parking area in any area zoned for residential uses shall exceed 40 spaces.

5. Shared Parking

In meeting the requirements of Table 4 -3- Parking Schedule, adjacent uses may share parking under the following conditions and standards:

a. Adjacent landowners shall execute the necessary cross access easements to facilitate shared parking and record all easement documents with the Judge of Probate.

b. A written agreement for the joint use of parking facilities shall be executed by the parties and approved by the City.

c. Parking requirements shall be the cumulative requirements of the uses sharing the parking, except where different uses (Retail or Service, Office, Civic, or Residential) are located on the same or adjacent lot.
   (1) When two or more uses located on the same or adjacent lot have distinctly different hours of operation they may qualify for a reduction of required parking. One hundred percent (100%) of the required parking may be shared. Required parking shall be based on the use that requires the greatest amount of parking according to Table 4 -3- Parking Schedule.
   (2) If two or more uses located on the same or adjacent lot have distinctly different peak hours of operation, they may qualify for a reduction of required parking. Fifty percent (50%) of the required parking for each use shall be dedicated to only that use, while the other fifty percent may come from a pool of parking spaces shared by any use with distinctly different peak hours of operation.

d. All shared parking shall be located within reasonable proximity of main entrance of the building.

e. Direct pedestrian access to and from the building and the parking area is required

6. Low Impact Development (LID) Parking Requirements

Landscaping is required for all parking lots. The interior parking lot landscaping requirements shall use LID techniques and be designed by an Alabama licensed Professional Engineer and an Alabama licensed Landscape Architect or designer. The following LID techniques shall be used in the interior of all parking lots containing 12 or more parking spaces. The LID parking requirement landscape plan will be reviewed in accordance with the City of Fairhope Tree and Landscape Ordinance. Any landscaping plan submitted in accordance with this Subsection shall include technique (e) below and at least one of the other following techniques:

a. First Flush Treatment: The LID landscaping design shall be sized appropriately to treat the first one inch of runoff into the receiving parking lot LID area.

b. Bio-retention.

c. Rain Garden.

d. Vegetated Swale.

e. Permeable Pavement Systems: Permeable pavement systems are a required LID technique. 100% of parking provided over and above the minimum parking requirements shall be permeable pavement systems. Typical systems are brick pavers, pervious asphalt, and pervious concrete. Other systems may be approved if the design engineer provides adequate documentation that demonstrates the proposed technique is equally or more effective than the typical permeable

systems listed. Approval of a proposed technique is at the sole discretion of the City during the permitting process.

f. Tree and Ground Cover Plantings: When trees are required in a parking lot by the City of Fairhope Tree and Landscape Ordinance they shall be included and integrated into the LID design. Species shall be as approved by the City Horticulturist and must be suggested by the landscape architect or designer. There shall be no bare ground exposed and all ground cover proposed shall be integral to the success of LID techniques. All ground cover shall be as approved by the City Horticulturist and must be suggested by the landscape architect or designer.

7. Parking Credits

A credit may be given to the requirements of Table 4-3 - Parking Schedule, under the following conditions:

a. On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one credit for every two on-street parking spaces.

b. Bicycle parking facilities within reasonable proximity of the main entrance may be credited at a rate of one credit for every five-bicycle parking spaces, up to a maximum of 10% of the required vehicle parking.

F. Stormwater Management

1. Intent

The intent of this section is to provide for stormwater management in site design. The primary management strategy should be infiltration of all runoff created by development through natural systems and constructed natural systems. Should infiltration not address stormwater management for the site adequately, retention and detention of run-off will be required. This section also seeks to incorporate any stormwater management system into the design of the site as a natural or aesthetic amenity.

2. General Requirements

All site plans shall be designed with surface drainage provisions in accordance with the Fairhope Subdivision Regulations, construction, building, or grading permits, and any other City ordinance regarding the effects of stormwater. Developers shall take steps necessary to prevent run-off, which may have the potential for causing flood damage to neighboring property. The building inspector shall, in consultation with the city engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design, and will report these findings for the Fairhope Planning Commission's consideration in acting on building applications. If reasonable provisions are not made in the applicant's design, the Fairhope Planning Commission shall make the

remedies available to the applicant a condition of the approval, or deny the application. "Dry wells," biofilters, or other constructed infiltration systems may be required of sufficient capacity to receive up to four inches per hour rainfall on the paved area or areas required for off-street parking and loading. Rainfall intensity to be calculated on storm frequency determined by the commission and/or its consultants.

3. Design Standards

Storm water detention shall be screened from direct view from all abutting properties by installation and maintenance of living plants at least 36 inches in height at time of planting, and achieve a height of not less than six feet in three years after planting. Outer slopes of detention ponds shall not be steeper than four feet horizontal to one-foot vertical. Where water depth and time of detention is sufficient to require safety fencing, such fencing shall be installed behind required screening, on the pond side.

4. Alternative Designs

Standards of this ordinance that relate to the City of Fairhope Subdivision Regulations may be waived to provide for an alternative stormwater design system provided that:

a. The alternative stormwater design provides for an infiltration system that incorporates at least 80% of the runoff from impervious surfaces into the groundwater on the site and results in an overall reduction in impacts on streams in the watershed.

b. The alternative stormwater design addresses stormwater on an area-wide or watershed basis making stormwater management on individual lots within the site unnecessary.

c. Natural elements on the site are incorporated into a natural storm drain infrastructure minimizing or eliminating the need for detention ponds and other constructed storm drainage. Constructed elements of the natural drainage system shall be limited to artificial wetlands, bio-filters, and dry swales. To the extent that it does not damage the function of the natural drainage system, natural elements should serve additional community purposes such as trails or greenways, parks, or aesthetic screens.

d. Any waiver of standard to accommodate the alternative stormwater design proposes an equal or better alternative for meeting the intent of the waived standard.

e. The alternative stormwater design is accompanied by a plan produced by a registered engineer testifying to its accuracy and sustainability.

f. The alternative stormwater design plan included provisions for long-term maintenance and operation of the alternative design, including easements, covenants, restrictions, and an acceptable legal entity to oversee long-term maintenance.

g. The alternative stormwater design plan shall accompany a site plan for the entire development. The plan and any waivers to the standards of this ordinance shall be approved according to the procedures and standards for the site plan.

G. Tree Preservation

On a site where a live Heritage Tree exists, the Planning and Zoning Director may grant up to a seven foot (7') administrative setback variance in order to protect and/or preserve an existing Heritage Tree as defined in Article IX, Section C of this Ordinance.

The only types of Heritage Trees protected under this Ordinance shall include:

Various Oak Trees (Quercus Species), Cedar Trees, Cypress Trees, Magnolia Trees and any other unusual species identified as a desirable tree by the City Horticulturist.

In an effort to preserve the critical root areas for existing trees on public and private properties, trenching is not allowed within nine feet (9') of any property line. One may use a directional boring (Horizontal Directional Drilling - HDD) method of service installation within the 9' no-trenching setback.

Article V: Special Districts

A. PUD - Planned Unit Development 60
1. Intent 60
2. Size and Density 60
3. Permitted Uses 61
4. Ordinance and Master Development Plan Required 61
5. Conditions Related to Approval 63
6. Building Permit Compliance 64
7. Planned Unit Development Amendments 64
8. Failure to Begin Construction 64
B. CBD - Central Business District Overlay 65
1. Intent 65
2. Location and Size 65
3. Uses 66
4. Dimension Standards 66
C. FH-1 Flood Hazard District 67
1. Intent 67
2. Warning and Disclaimer of Liability 67
3. Location 67
4. Permitted Uses in FH-1 68
D. R-6 Manufactured Home District 68
1. Intent 68
2. Site Requirements 69
3. License 69
4. Utilities, Public Services and Safety 70
5. Special Design Requirements 71
E. AO - Airport Overlay 72
1. Intent and Authority 72
2. Findings 72
3. Applicability 73
4. Noise Requirements 73
5. Use Restrictions 73
6. Nonconforming uses 74
7. Permits 74
F. P-1 - Parking District 75
1. Intent 75
2. Uses 75
3. Lot Area, Width, and Maximum Coverage 75
G. TR - Tourism Resort District 75
1. Intent 75
2. Size Requirements 76
3. Location Requirements 76
4. Residential Density Limitations 76
5. Open Space Requirements 77
6. Uses and Development Zones - 77
7. Private Streets and Adjacent Property Connectivity 81
8. Modification of Subdivision and Other Regulations of City 81
9. Application Requirements for TR District Zoning 81

10. Additions to TR District 83
11. Amendments 83
12. Other Regulations Not Applicable 83
13. Building Permits 83
14. Changes to Ordinance 84
15. Utilities 84
16. Signage 84
H. MO - Medical Overlay District 84
1. Intent 84
2. Location 85
3. District Classification 85
I. HTD - Highway Transitional District 87
1. Intent 87
2. Size 87
3. Use 87
4. Location 87
5. Dimension Standards 87

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.

Article VI: [Reserved]

Article VII: Non-conformities

A. Purpose and Intent 90
B. Non-conforming Structures 90
C. Non-conforming Uses 91
D. Non-conforming Lots 91
E. Maintenance of Non-conformities 92
F. Adjacent Land 92

A. Purpose and Intent

This ordinance seeks to protect the public health, safety, and general welfare, and avoid any unreasonable invasion of established private property rights. The elimination of existing buildings and structures or uses that are not in conformance with the provisions of this ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. Lawful non-conformities can adversely affect orderly development, maintenance, and use and taxable values throughout the City. To avoid undue hardship, non-conformities that came into existence lawfully should be allowed to exist subject to conditions in this Article; however, the conditions should seek to ultimately secure compliance with the comprehensive plan.

B. Non-conforming Structures

Structures that were legally constructed prior to the adoption of this ordinance, but which could not be constructed under the terms of this ordinance are considered legal non-conforming structures. A legal non-conforming structure may continue to exist subject to the following:

a. Non-conforming structures, or those parts of a structure that are non-conforming may not be expanded either horizontally, or vertically. Alteration and expansions shall conform to all current regulations.

b. The structure shall remain legal in all other regards except for the non-conformance that existed upon adoption of the ordinance that made the structure non-conforming.

c. A non-conforming structure, which is not intentionally damaged, destroyed, or removed, may be restored within one year from the date of the event. If the structure is not re-constructed in one year all restorations and improvements shall be in compliance with applicable ordinances. The burden of proof of date of damage or destruction shall be on the person proposing the restoration.

C. Non-conforming Uses

Use of land or structure that legally existed prior to the adoption of this ordinance, but which could not be initiated under the terms of this ordinance is considered a legal non-conforming use. A legal non-conforming use of land or structures may continue to exist subject to the following:

a. The use shall be restricted to the lot and building occupied by the use as of the effective date of the ordinance creating the non-conformance. A legal non-conforming use shall not be extended to any other building or lot or part of a lot.

b. A lawful non-conforming use that ceases for any reason for a period of more than 180 consecutive days shall not be reinitiated unless it is in compliance with all ordinances. If a legal non-conforming use is replaced by a conforming use, the legal non-conforming use shall not be reinitiated.

c. Any site characteristic of a use, whether conforming to this ordinance or a legal non-conforming use, in existence prior to adoption of this ordinance (such as parking, landscaping, or driveways) shall be considered legal. However, any change in use, expansion of the use, or expansion of the structure associated with the use shall require all non-conforming site characteristics to be brought in conformance with this ordinance.

d. A change of a legal non-conforming use shall only be allowed if the change is to a conforming use or to a use that is considered less non-conforming, as determined by the Director of Planning and Zoning, either in extent of non-conformance or in intensity.

D. Non-conforming Lots

Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, the lot may be used for a detached single-family dwelling except in the M-1 and M-2 Industrial Districts. A detached single-family dwelling may be constructed on a non-conforming lot in an R-1, R-2, R-3, R-4, or R-5 Residential District provided the lot to be so used has a minimum area of four thousand (4,000) square feet and a minimum lot width at the building line of forty (40) feet, provided it is located on a public sewer.

Yard requirements shall be modified subject to the following conditions:

a. On double frontage lots (interior lots abutting two (2) streets) the required front yard shall be provided on each street.

b. The side yard requirements for non-conforming lots of record may be reduced for each side yard at the rate of one (1) foot for each four (4) feet by which the lot width lacks fifty (50) feet, provided in no event shall such side yard be reduced to less than five (5) feet on each side.

c. The minimum front setback required for the district (and, on corner lots, the street side setback) shall not apply to any lot where the average front building line(s) of the adjacent lot(s), is less than the minimum setback required for the district. In such cases, the front building line may be the same as the average front building lines(s) of the adjacent lot(s). In no case, shall the front building line be more than 5' less than the minimum setback required for the district.

d. On corner lots, the street side yard shall be that part of the lot having its greatest frontage abutting that right-of-way and the required setback shall be 20 feet, unless otherwise provided herein.

E. Maintenance of Non-conformities

In the interest of public safety and health, and general welfare, routine maintenance of non-conforming situations shall continue as warranted by the property owner or otherwise required by law, provided that no maintenance involves continuance or expansion of the non-conformity contrary to this Article

F. Adjacent Land

The presence of a non-conforming use in a zoning district shall not be allowable as grounds for the granting of variances for other surrounding properties by the Board of Adjustment.

Article VIII: Enforcement

A. Penalties....93
B. Remedies....93
C. Appeal....93

A. Penalties

Any person violating any provision of this ordinance shall be fined upon conviction, not less than twenty-five dollars ($25.00) nor more than two hundred fifty dollars ($250.00) and court costs for each offense. Violation of any provision of this ordinance may also be punished by issuance of municipal offense ticket as provided by Chapter 10 of the Fairhope Code of Ordinances.

B. Remedies

In case any building or structure is erected, constructed, reconstructed, altered, or converted, in violation of this ordinance, the building inspector, legal officer, or other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of the building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

C. Appeal

If, after notification of a zoning violation the individual or corporation elects to apply for a zoning variance, the applicant must complete all notification requirements of the variance application process within ten (10) business days of notification of the violation. Written notification of the proposed variance shall be postmarked to the required surrounding property owners within ten (10) business days and in addition, such other public notification as required shall have been provided by the applicant. Should the applicant be unable to comply with this provision he shall provide a written explanation through the building inspector to the Board of Adjustments. Failure to do either shall be interpreted as a withdrawal of the appeal and shall subject the applicant to immediate compliance with this ordinance.

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.

Appendix A: Applications and Submittal Requirements

[Insert copies of all application forms and submittal requirements]

Appendix B: Map Amendment Ordinances

Ordinance No.	Ordinance Date	Ordinance Description or Title

Appendix C: Text Amendment Ordinances

Ordinance No.	Ordinance Date	Ordinance Description or Title
1054	5/10/1999	Require Public Notice signs be posted on property being considered for a zoning change
1058	7/26/1999	Regulations for communication towers and antennas – See Attached
1066	10/11/1999	Regulations for metal buildings along certain corridors in the City
1067	10/11/1999	Regulations for the construction of fences
1068	10/11/1999	Regulations for building heights in the Central Business District
1073	11/8/1999	Regulations for lighting for gas stations canopies
1087	7/10/2000	Amend and simplify the Planned Unit Development (PUD) District
1102	1/22/2001	Amend definition of building height
1127	6/11/2001	Amend Single Family Residential Zoning District
1127	6/11/2001	Amend procedure for zoning newly annexed land
1131	7/9/2001	Amend Business District Requirements – Free-standing commercial structures
1138	12/10/2001	Establish height restrictions for the Airport Overlay District – See Attached
1140	12/20/2001	Establish noise attenuation requirements for the Airport Overlay District – See Attached
1140	12/20/2001	Regulations for the Use of property in the Airport Overlay District – See Attached
1271	10/24/2005	Amend Table 3-2: Dimension Table – Lots and Principle Structure
1271	10/24/2005	Amend Site Plan Review procedures
1285	1/9/2006	Amend Non-conforming structures
1332	6/25/2007	Amend Table 3-2: Dimension Table – Lots and Principle Structure
1332	6/25/2007	Amend Screening, Lighting & Landscape material
1332	6/25/2007	Amend Central Business District – Sidewalks
1332	6/25/2007	Amend definition of family
1334	7/9/2007	Amend Storage & Parking of Trailers & Commercial Vehicles
1336	7/23/2007	Establish definition of Short-Term Rental
1360	5/12/2008	Establish definition of A-Frame Signs
1428	8/9/2010	Amend Signs
1433	8/27/2010	Establish Tourism Resort District
1451	7/25/2011	Regulations for Pervious Parking
1452	8/8/2011	Regulations for Tree Preservation
1454	8/8/2011	Amend B-1 Zoning District to allow Restaurants
1461	11/28/2011	Amend Table 2-1 Procedures – Site Plan
1464	12/12/2011	Establish Medical Overlay District
1497	7/11/2013	Amend Article III, Section D to allow for Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, Tattoo Parlors
1509	4/14/2014	Amend B-3a and B-3b to allow Multiple Family/Apartments
1511	4/28/2014	Amend B-2 to allow Hotel/Motels
1547	9/14/2015	Deletion of Sign Regulations
1548	9/28/2015	Amend Building Materials on Commercially Zoned Property
1550	10/12/2015	Establish Low Impact Development Requirements – See Attached
1607	11/27/2017	Amend definition of Building Height
1611	1/8/2018	Amend Central Business District
1640	3/7/2020	Amend Public Utilities
1651	6/10/2019	Amend M-1 district to allow Restaurants
1652	6/10/2019	Establish definition for Waterfront Lots and Specifications
1676	2/27/2020	Amend Director of Planning, Lot Coverage, Driveways, Accessory Structure Separation, Fences, PUDs, and Non-Conforming Structures
1696	12/23/2020	Establish Waterfront Lot Dimension Standards
1697	1/25/2021	Amend Non-Conforming Lots
1702	2/22/2021	Establish Highway Transitional District
1719	8/9/2021	Amend Article V, Section B.3 to allow short-term rentals in the CBD.
1720	8/9/2021	Amend Article V, Section B to add that 50% of ground floor of a building in CBD shall be dedicated to commercial uses.

Ordinance No.	Ordinance Date	Ordinance Description or Title
1744	3/4/2022	Article III, Section C.2, Table 3-3: Dimension Table – Residential Accessory Structures, amended to add 2nd footnote.
1748	4/11/2022	Article V, Section B. CBD amended to allow Rooftop Terraces. Article IX, Section C. adding Defined Term for Rooftop Terrace.
1805	8/12/2024	Article V, Section H.3.G: establish the Medical Overlay District – MO
1825	3/24/2025	Article III, Section B. Table 3.1 – Remove Boarding House/Dormitory Use as an allowable use
1870	7/27/2026	General Cleanup (throughout) – Update grammar, formatting, and minor inconsistencies throughout entire Zoning Ordinance.
1871	7/27/2026	Definitions – Establish REC-1 and REC-2 zoning districts; revise Dwelling Use Category summary and definitions; add the following: Gross Density, Net Density, Dwelling Unit, Floor Area Ratio, Gross Floor Area, and Upper Story Dwelling.
1872	7/27/2026	Mixed-Use Buildings – Add subsection for Mixed-Use Building.
1873	7/27/2026	Multi-Family / Apartment – Add subsection for Multi-Family/Apartment.
1874	7/27/2026	PUD – Establish max. density for PUDs and required use of base zoning districts.
1875	7/27/2026	Tables – Made the following changes to Table 3-1: add REC-1 and REC-2, remove PUD and Village Districts, remove Single and Two-Family and Townhouse uses from B-1 and B-2, remove Townhouse use from B-4, remove Multi-Family/Apartment use from B-3a and B-3b, revise Multi-Family/Apartment use to require special conditions in R-5 and HTD districts, add various uses to Recreation Districts; established Impervious Area standards in Table 3-2.
1876	7/27/2026	Site Plan Review – Expand Site Plan Review requirements to the following: Mixed-Use Building, Convalescent or Nursing Home, Automobile Service Station, Automobile Repair, Recreational Vehicle Park, Hotel, Motel, and Entertainment Venue.
1877	7/27/2026	Townhouses – Revised site requirements for Townhouse developments.
1878	7/27/2026	Village Districts – Removed Village District language throughout Zoning Ordinance, reserved Article VI for future use.