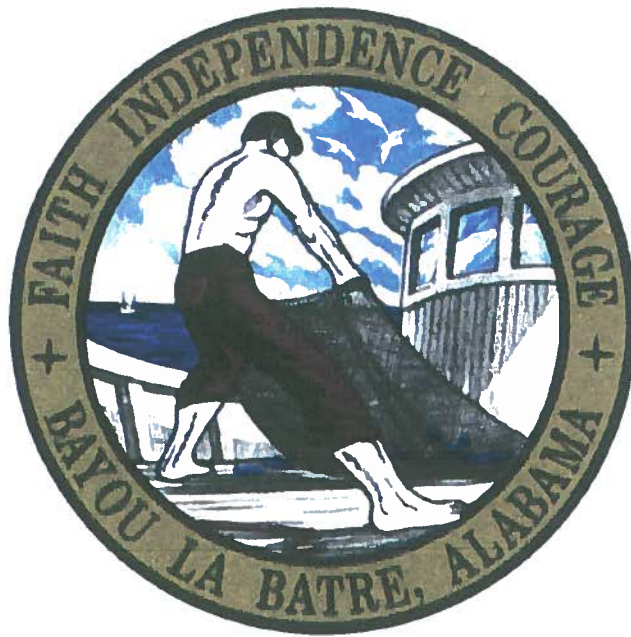
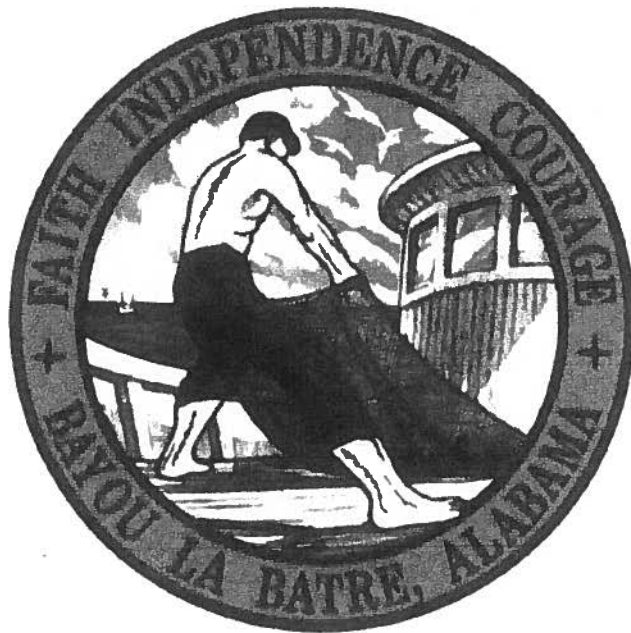


City of Bayou La Batre



Zoning Ordinance #495
Adopted
March 22, 2005

City of Bayou La Batre



Zoning Ordinance #495
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ARTICLE I. PURPOSE, ENACTMENT AND TITLE

1.1 Purpose

The City of Bayou La Batre, Alabama, pursuant to the authority granted by Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama, 1975 and 1986 Cumulative Supplement, in order to promote the health, safety, convenience, order, prosperity, and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, and parks; to facilitate initiation of the comprehensive plan, and other public requirements, hereby ordains and enacts into law an official Zoning Ordinance in accordance with the laws of Alabama. In their interpretation and application, the provisions of this ordinance shall be:

1.1.1 Considered as minimum requirements;

1.1.2 Liberally construed in favor of the governing body; and

1.1.3 Deemed neither to limit nor repeal any other powers granted under state statutes.

1.2 Enactment

An ordinance of the City of Bayou La Batre, Alabama, establishing rules and regulations for zoning, classifying land; establishing zoning districts and district requirements.

1.3 Title

This ordinance shall be known and may be cited as the "The Zoning Ordinance of the City of Bayou La Batre".

1.4 Severability

That if any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

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ARTICLE II. LEGAL STATUS

2.1 Authority

The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.

2.2 Jurisdiction

This ordinance shall be in force and effect for zoning purposes within the corporate limits of the City of Bayou La Batre as presently or hereinafter established.

2.3 Conflict with Other Laws

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the highest standards, shall govern.

2.4 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.

2.5 Disclaimer of Liability

These regulations shall not create liability on the part of the City of Bayou La Batre, the Bayou La Batre Planning Commission, the Bayou La Batre Board of Adjustment or any officer or employee thereof for any damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

2.6 Effective Date

This ordinance shall take effect and be in force from and after the date of its adoption by the Bayou La Batre City Council.

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ARTICLE III. OFFICIAL PLANS AND MAPS

3.1 Support of the Comprehensive Plan

This ordinance shall be implemented in support of the Bayou La Batre Comprehensive Plan. Copies of this plan are filed in the office of the City Clerk.

3.2 Future Land Use Map

The Future Land Use Map contained in the development plan shall serve as a guide for the future development of Bayou La Batre. To the extent practical, it shall be followed in the administration of this ordinance.

3.3 Zoning District Map

The Zoning District Map is hereby adopted and made a part of this ordinance. This map shall be signed by the mayor and attested by the City Clerk. It shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this ordinance.

3.4 Amendments to the Zoning Map

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other information portrayed on the official zoning map, changes shall be made on the map promptly after the amendment has been approved by the City Council. Unauthorized alterations of the official zoning map shall be considered a violation of this ordinance and subject to penalties as prescribed under "Penalties."

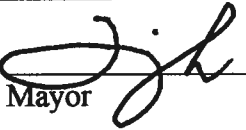
3.5 Maintaining Files

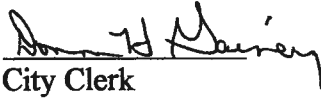
The City Clerk shall maintain a file or registry of properties rezoned and variances granted under the authority of this ordinance together with all pertinent requirements and/or conditions thereto.

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ARTICLE IV. ADOPTION

- 4.1 This ordinance was adopted by the City of Bayou La Batre, Alabama, on the 22nd day of March 2005.

/s/ 
Mayor

/s/ 
City Clerk

- 4.2 I, Donna H. Gainey, City Clerk of the City of Bayou La Batre, Alabama, certify that the document described herein, identified as the "Zoning Ordinance Of The City of Bayou La Batre, Alabama, is a true and correct copy of the Ordinance number 495, adopted by the City of Bayou La Batre, this 22nd day of March, 2005.

- 4.3 Seal of the City of Bayou La Batre.

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ARTICLE V. DEFINITION OF TERMS

5.1 Usage.

Except as otherwise provided herein all words shall have the customary dictionary 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. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The words "zoning map" mean the Official Zoning District Map of the City of Bayou La Batre.

5.2 Words and Terms Defined.

For the purpose of interpreting this ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definition.

5.2.1 Words used in the present tense include the future tense.

5.2.2 Words used in the singular number include the plural, and words used in the plural number include the singular.

5.2.3 The words "Map", "Zoning Map", or "Bayou La Batre Zoning Map", shall mean the "Official Zoning Map, Bayou La Batre, Alabama."

5.3 Definitions

Accessory Structure. Any detached minor building in the rear of the main building consisting of masonry, wood, or metal frame walls and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main structure.

Agricultural Use. This includes the growing of crops in the open, dairying, grazing, the raising and maintenance of poultry and other livestock, horticulture, viticulture, floriculture, forests and timber. Commercial feed lots, the raising of fur-bearing animals, riding academy; livery or boarding stables or dog kennels are not considered to be normal agricultural uses.

Alteration, Altered. The word "alteration" shall include any of the following:

- a. Any addition to the height or depth of a building or structure.
- b. Any change in the location of any of the exterior walls of a building or structure.
- c. Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

Boarding House. A building other than a hotel, cafe or restaurant where, for compensation, meals are provided for three (3) or more persons.

Building Area. The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

Duplex. A single structure which accommodates two dwelling units each with separate entrances and separate quarters for the families that will occupy them.

Dwelling or Dwelling Unit. Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with cooking and housekeeping facilities, either permanently or temporarily.

Multi-Family Structure. A single structure which may accommodate up to four dwelling units each with separate entrances and separate quarters for the families that will occupy them.

Single Family Structure - A detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities, which meets or exceeds the following standards:

- a. The home has a length not to exceed four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the other axis with the minimum width of not less than 20 feet.
- b. The roof shall have a minimum 3:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, or built up gravel materials. All roof structures shall provide an eave projection of not less than six inches.
- c. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
- d. The electric meter must be attached to the structure.
- e. Taxed as real property.
- f. Manufactured homes shall be installed according to the current regulations of the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing.

- g. Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Southern Standard Building Code, or the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401.
- h. Manufactured homes placed in R-3 residential zoning districts shall meet the minimum compatibility standards herein set forth and this Section.

Drive-In Restaurant. A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.

Drive-In Theater. A theater so arranged and conducted that the customer or patron may view the performance while being seated in a motor vehicle.

Family. Any number of related individuals living together as a single housekeeping unit and doing their cooking on the premises.

Home Occupation. Any use conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof, and in which not more than twenty-five (25) percent of the dwelling is used for said home occupation, and in which any signs advertising said home occupation are limited to one unlighted sign, not over two (2) square feet in area, and also in which there is no public display of goods.

Hotel. Any building or portion thereof which contains at least ten (10) guest rooms intended for occupancy by individuals for compensation whether paid directly or indirectly.

House Trailer. The term "house trailer" shall be construed to mean and include any structure intended for, or capable of, human habitation, mounted upon wheels and capable of being driven, propelled, or towed from place to place without change in structure or design, by any name or title it is colloquially or commercially known. Removal of wheels and placing such a structure on the ground, piers, or other foundation shall not remove such a vehicle from this definition. This definition shall not include transport trucks or vans equipped with sleeping space for a driver or drivers.

Lot. A piece, parcel or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided for in this ordinance, or as are intended to be used with such piece, parcel or plot of land.

Non-Conforming Use. A use of any structure or land which, though originally lawful, does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.

Manufactured Home. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes, mobile homes made to HUD standards and similar towed, transported, or self propelled units are not manufactured homes.

Mobile Homes. Mobile homes shall not be permitted in any district except in Mobile Home Parks as specified hereafter, and the City Council shall not spot zone individual lots in other districts for mobile trailer use; except that a mobile trailer or other structure may be used temporarily as a construction shack in any district but must be removed upon completion of the construction. Mobile homes not meeting HUD standards (U.S.C. 5401) shall not be installed or erected or permitted.

Mobile Home Park. A site complying with the requirements of Article XIV of this ordinance on which mobile home spaces are rented by tenants for the short or long-term placement of mobile homes. See also trailer court.

Motel. A building or group of buildings containing one (1) or more guest rooms having separated outside entrances for each such room or suite of rooms and for each room or suite of rooms, automobile parking space is provided.

Multi-Family Structure. A single structure which may accommodate up to four dwelling units each with separate entrances and separate quarters for the families that will occupy them.

Offices. Space or rooms used for professional, administrative, clerical and similar uses.

Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses, and federal uses such as post offices and similar uses.

Rooming House. Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let or hired out for occupancy by individuals for compensation, whether paid directly or indirectly.

Semi-Public Land Uses. Philanthropic and charitable land uses including: churches and church-related institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exception, if

specific provision for such special exceptions is made in this zoning ordinance.

Streets. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to any thing having location on the ground, including, among other things, gasoline pumps, signs, billboards, but not including utility poles and overhead wires.

Trailer Court. Any site, lot field or tract of land privately or publicly owned or operated, upon which two (2) or more house trailers used for living, eating or sleeping quarters are, or are intended to be located, such establishments being open and designated to the public as a place where temporary residential accommodations are available, whether operated for compensation or not, and complying with the requirements of Article IX of this ordinance.

Use. The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is presently being occupied or maintained.

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or use in an adjoining zoning district.

Yard. An open space on the lot with the main building, left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided for in this ordinance.

- a. Front Yard - The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including covered porches and the right-of-way line.
- b. Rear Yard - The yard extending across the entire width of the lot between the main building including covered porches and rear lot line.
- c. Side Yard - The yard extending along a side lot line, from the front yard to the rear yard, between the main buildings, including covered porches and carports, and such lot line.

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ARTICLE VI. ESTABLISHMENT OF DISTRICTS

6.1 Use Districts

For the purpose of this Ordinance, the City of Bayou La Batre is hereby divided into the types of districts designated as follows:

- R-1 Low Density Single Family Residential District
- R-2 Medium Density Single Family Residential District
- R-3 High Density Single Family, Multi-Family and Mobile Homes Park District
- B-1 Local Business District
- B-2 General Business District
- M-I Industrial District

6.2 District Boundaries

The boundaries of the above districts are hereby established as shown on the Zoning Map of the municipality. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this ordinance.

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ARTICLE VII. APPLICATION OF REGULATIONS

7.1 Uses

In each district, no other use than the types specified as "permitted" or "permitted on appeal" shall be allowed (see Article X). Uses specified as "permitted" shall be permitted upon application to the building inspector. Uses specified as "permitted on appeal" are exceptions and no permit shall be issued for such uses except with the written approval of the Board of Adjustment and subject to such conditions as said Board may require to preserve and protect the character of the district.

7.2 Reduction in lot area prohibited

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance.

7.3 Structures

It is the intent of this ordinance that there shall be but one main structure, plus any permitted accessory structures, on any lot used for residential purposes; also, that accessory structures shall not include living quarters except that, in all districts, protective shelters approved by the Building Inspector may provide temporary living quarters.

Trailers, buses, mobile homes or any other structure so built to be, or give the reasonable appearance to be, mobile in the character of its construction, will not be permitted in any district for any use other than for the purposes of transportation and transportation enterprises, except as otherwise provided herein.

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ARTICLE VIII. GENERAL PROVISIONS

8.1 Non-Conformance

- 8.1.1 Non-Conforming Use - Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be used with the following limitations:

Any use or structure which does not conform to the provisions of this ordinance shall not be:

- a. Changed to another non-conforming use.
- b. Re-established after discontinuance for six months.
- c. Extended, except in conformity to this ordinance.
- d. Rebuilt, altered or repaired after damage exceeding sixty percent (60%) of its fair market value immediately prior to damage.

- 8.1.2 Uses Under Special Exception Provisions Not Non-Conforming Uses - Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district), shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

8.2 Off-Street Vehicle Storage

In each district, each structure hereafter erected or altered shall be provided with off-street vehicle storage as specified in the district schedule, Article X. No off-street vehicle storage space required for a building or structure shall during its life be occupied by or counted as off-street vehicle space for another building or structure, but may be included in the required yard space.

8.3 Corner Visibility

In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of three and one-half (3-1/2) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads or of right-of-way lines of a street and a railroad.

Accessory structures within twenty-five (25) feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street.

8.4 Future Street

Any lot, which at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, which may be reduced in area by the widening of a public street to a future street line as indicated on the fully adopted "Major Street Plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

8.5 Abatement of Noise, Smoke, Gas Vibration, Fumes, Dust, Fire, and Explosion Hazard or Nuisance

The Board of Adjustment may require the conduct of any use, conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard health, comfort, and convenience.

The Board of Adjustment may direct the City Building Inspector to issue an abatement order, but such order may be directed only after a public hearing by the said Board; the notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board of Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board of Adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

8.6 One Principal Building on Lot.

Every residential building, including hotels, motels, condominiums, single-family and multi-family dwellings, and duplexes hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot except as follows:

- 8.6.1 In any district where multi-family structures, motels, or hotels are permitted, two or more such residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this Section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.

ARTICLE IX. DISTRICT REQUIREMENTS

The district requirements specifying uses permitted, uses permitted on appeal, and uses prohibited, together with minimum yard and lot sizes, building heights, etc., are outlined on the following pages. In general, any higher use may be permitted in a lower use district, but no lower use shall be permitted in a higher use district.

9.1 General Residential District Requirements.

- 9.1.1 A residential dwelling requires a building permit from the City of Bayou La Batre, Alabama, a permit for sewage hook-up or septic tank from the appropriate authorities and individual water meter for the residence.
- 9.1.2 No homes shall have axles, wheels, tires, trailer tongues, tail lights or license plates.
- 9.1.3 All homes must conform to local Town, county and state regulations as they pertain to new home construction.
- 9.1.4 All homes are required to have poured foundations, as prescribed by the State of Alabama, which run the entire perimeter of the home. Slab concrete foundations are permitted. The entire perimeter of the home will have pinning compatible with the immediate area.
- 9.1.5 All structures must conform to any and all building restrictions for the areas they are to be located.
- 9.1.6 All homes shall have permanent steps on all outside doorways, i.e., masonry blocks or bricks on concrete foundations, or deck/porch with steps where support posts are permanently buried in the ground.
- 9.1.7 All requirements of these ordinances shall be completed in their entirety prior to the structure being occupied.
- 9.1.8 All single family dwellings must meet current National Flood Insurance Program (NFIP) regulations.

9.2 Placement of Manufactured Homes in R-3 zoning districts only.

- 9.21 Compatibility standards for manufactured homes meeting the definition of a single family dwelling are as follows:

Manufactured Homes qualifying as Dwelling, Single-family shall be compared to site-built and other housing in the immediate general area within the same zoning or residential district or area. A manufactured home shall be reviewed by the Planning

Commission as to compatibility standards as set forth in this section. Approval shall be granted upon the finding that the Manufactured Home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to:

1. Site-built or other forms of housing which may be permitted in the same general area under this Ordinance, or;
2. Existing development, or;
3. Proposed development in the same zoning district or area.

9.2.2 Items subject to compatibility comparison will include the following:

1. Shape and appearance. The general shape and appearance of the manufactured home shall conform to housing in adjacent or near by locations to ensure compatibility of site-built houses and manufactured housing.
2. Roof Pitch, Roof Overhang; Roofing Materials. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.
3. Exterior Finish. Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.
4. Site Orientation. Manufactured homes shall be placed on single lots in a manner compatible with and reasonably similar in orientation to other structures in the area.
5. Garages, Carports. Garages and/or carports for manufactured home shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations.
6. Underpinning. The type of material and method used for underpinning shall be consistent with and compatible to the underpinning for site-built houses in adjacent or nearby locations.

9.3. Mobile Home Parks

In R-3 districts where mobile home parks are permitted, the following minimum standards shall apply, as well as the present minimum regulations established by the State Board of Public Health.

9.3.1 Minimum Park Requirements:

Area: Three (3) acres and fifteen (15) spaces available for immediate occupancy
3,200 square feet of land area for each mobile home to be parked.

Yards: Front, rear and side - twenty-five (25) feet.

Height: Maximum one (1) story of fifteen (15) feet.

9.3.2. Mobile Home Space Requirements:

Space Width: 40 feet minimum

Front Yard: 10 feet minimum

Side Yard: 20 feet between mobile homes

Parking: Two (2) spaces for each mobile home space off-street, and shall be
hard surfaced with all-weather materials.

9.3.3. Other Requirements:

- a. Access roads within mobile home parks shall be not less than twenty-four (24) feet and shall be paved with a hard surface treatment.
- b. Guest parking facilities shall be established and maintained at a ratio of one space per four (4) mobile home spaces. If access roads are paved to a width of thirty-two feet, guest off-street parking spaces shall not be required.
- c. Each mobile home space shall be equipped with a pad ten (10) feet wide by forty-five (45) feet long of six (6) inches of compacted gravel or other similar material.
- d. Each mobile home space shall be furnished with utility connections to public water, sewer and electricity.
- e. Mobile homes may not be used for non-residential use within mobile home parks.
- f. The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.

9.3.4 Access and Traffic Circulation:

- a. Internal streets shall be privately owned, built and maintained and shall be designed for safe and convenient access to all stands and parking spaces and

to common use of park facilities.

- b. An internal street or common access route shall be provided to each stand. The street shall be a minimum of twenty-four (24) feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal street ending in a cul-de-sac shall exceed four hundred (400) feet in length.
- c. All streets shall be constructed to meet the minimum specification for streets within the City of Bayou La Batre with the exception of curbing. A concrete lay down curb or acceptable substitute shall be used as approved by the Building Inspector.
- d. Internal streets shall be maintained free of cracks, holes and other hazards at the expense of the licensee.
- e. All streets within each park shall be numbered or named in an approved manner.
- f. Interior streets shall intersect adjoining public streets at ninety degrees (90°) and at locations which will eliminate or minimize interference with the traffic on those public streets.
- g. At each entrance to the park, an 18" x 24" sign should be posted stating "Private Drive", "No Thru Traffic". The licensee may also post a speed limit sign on this same spot.

9.3.5 Park Lighting. Adequate lighting shall be provided in a manner approved by the City Engineer. All electric and telephone lines should be placed underground when possible.

9.3.6 Recreation Area. All mobile home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a useable and sanitary condition by the licensee.

9.3.7 Utility Requirements. Each mobile home shall be connected to the municipal water system and to the municipal sewage disposal system if available. The design and specifications of the utility systems shall meet City specifications and shall be approved by the appointed City Engineer. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal systems become available. The design and specifications of such systems shall be installed under inspection of the appropriate City department.

9.3.8 Mobile Home Standards. To protect the health and safety of the public and assure quality construction, all mobile home units shall conform to standards approved by the American National Standards Institute (ANSI) in its Standards for Mobile Homes, A119.1 1969, as amended.

9.4 Performance Standards for Non-Residential Districts.

In all non-residential districts where facilities are permitted, they shall comply with the following minimum standards:

- 9.4.1 Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions of the Ordinance.

The minimum lot size for marinas shall be one acre, all of which shall be above mean sea level.

- 9.4.2 Where a business district abuts any part of a residential district, a buffer zone of 15 feet along the lot line shall be required and maintained; where an industrial district abuts any part of a residential or business zone, a buffer zone of 20 feet shall be required and maintained. Said buffer zone shall be part of the yard requirements and shall be fenced or screened subject to the following regulations:

9.4.2.1 Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) to eight (8) feet high, site proof and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.

9.4.2.2 Screen Planting Strip. If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet along the lot line, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.

- 9.4.3 No primary entrances or exits shall direct traffic into adjacent residential districts. Adequate parking as required shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.

- 9.4.4 Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than 10%.

- 9.4.5 Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this Ordinance and of State and Federal regulations.

- 9.4.6 Non-permanent structures such as trailers, sheds and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending

construction of a permanent building. Such structures may be permitted for three-month periods, renewable, upon written request from the business owner, up to a maximum of one (1) year.

- 9.4.7 All business structures shall be so designed as to present an aesthetically pleasing appearance, as determined by City Officials, that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under this Ordinance. No buildings shall be constructed or renovated with metal facades or metal sided walls along Wintzell Avenue. Acceptable materials for external buildings or facades include stucco, brick, scored or split face block, wood shingles, wood lap, vinyl siding, or board and batten siding and fiber cement lap siding.

9.5 Landscaping.

A landscape plan may be required for any development within the City of Bayou la Batre, but is mandatory for all multi-family developments including apartments, townhouses, condominiums and Planned Unit Developments, and for all business and industrial developments. Such plan shall be submitted to the City prior to commencing any stripping of land or construction activities. The plan shall clearly show what existing trees, shrubbery and other vegetation will be retained; and what trees, shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than six (6) inches in diameter shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm, fire or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs; or that it is necessary for the installation of solar energy equipment. In such case, the developer shall be required to plant replacement trees at least six (6) feet tall and one (1) inch in diameter for each tree removed and the landscaping plan shall show the placement of the proper number of required new trees. The plan shall include complete, concise and clear renderings and any other documentation required by the Planning Commission.

- 9.5.1 All lands within fifty (50) feet of ROW of Wintzell Avenue are hereby declared to be tree protection zones. No tree within these zones shall be removed without first presenting written justification and obtaining written approval from the Building Inspector.
- 9.5.2 All new developments along Wintzell Avenue shall maintain a minimum of ten (10) feet of the required foot setback as a greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. Said greenbelt must be maintained at all times. The trees shall be shade trees such as the Live Oak or flowering trees such as the dogwood and shall be at least two (2) inches in diameter and ten (10) feet tall at planting.

There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of lot frontage, fifty (50%) percent of which shall be shade trees having a maximum height of seventy (70) feet and maximum crown of seventy (70) feet. If any of the front setbacks is used for parking, said greenbelt shall be in addition to any landscape requirements for parking areas.

9.5.3 A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building Inspector. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this Section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.

9.5.4 More stringent design and landscape standards may be required by the Planning Commission for special exceptions permitted in any district.

9.6 Parking Design Standards and Improvement Requirements.

9.6.1 Definition. An off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 171 square feet and minimum dimensions of 9' x 19', exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which afford unobstructed ingress and egress to each space.

9.6.2 Permit. A parking area permit approved by the Building Inspector shall be required for any parking area with a design capacity for six (6) or more vehicles.

9.6.3 Parking Area Dimensions. The design and dimensions of the parking area shall be in accordance with the following dimensions table and provide for handicap parking spaces and sidewalk accessibility in accordance with the Americans with Disabilities Act.

<u>Angle of Parking</u>	<u>Curb Length Per Car</u>	<u>Stall Depth</u>	<u>Access Driveway Width</u>
0	23'0"	9'0"	12'0"
20	20'4"	15'0"	11'0"
30	18'0"	17'4"	11'0"
40	14'0"	19'2"	12'0"
45	12'9"	19'10"	13'0"

50	11'9"	20'5"	14'0"
55	11'1"	20'3"	15'6"
60	10'5"	21'0"	18'0"
70	9'8"	21'0"	19'0"
80	9'8"	20'4"	24'0"
90	9'0"	19'0"	24'0"

9.6.4 Width of Two-Way Access Driveways. The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

9.6.5 Paving Standards. Parking spaces and driveways shall be paved to standards established by the City of Saraland.

9.6.6 Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.

9.6.7 Landscaping. The design and appearance of parking areas is intended to be compatible with the character of the community. Toward this objective, the following standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces.

9.6.7.1 At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped;

9.6.7.2 Such landscaping to include the placement of shade trees at intervals of approximately twelve (12) parking spaces; such trees shall be a minimum height of 8 feet at planting;

9.6.7.3 Interior portions of the parking area shall be broken by provision of landscaped islands;

9.6.7.4 A maximum of twelve (12) parking spaces in a row will be permitted without an island;

9.6.7.5 Each separate landscaped area must be a minimum of twenty-five (25) square feet if it is to be counted toward the minimum landscaped area requirements;

9.6.7.6 Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;

9.6.7.7 The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse.

9.6.8 Off-street Loading and Unloading Space. Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.

9.6.8.1 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 Planning Commission may reduce the minimum length accordingly to as little as 35 feet.

9.6.8.2 Connection to Street or Alley. Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

9.7 Compliance with District Requirements

9.7.1 Every use in any district shall be conducted entirely within a completely enclosed structure unless expressly exempted from enclosure requirements in this Ordinance.

It shall be the responsibility of the owner/developer to show (prove) compliance with the requirements of this Ordinance.

9.7.2 A site plan shall be required for all residential projects involving the construction of three (3) or more dwelling units; all commercial structures, all industrial structures, and other uses as required by the Planning Commission. Site plan reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of the Land Use and Development Ordinance in conformity with its purpose as stated in Article I.

9.7.2.1 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Inspector may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.

9.7.2.2 The Building Inspector may waive certain requirements contained in Section 9.4.2.3 of this Ordinance if, in his opinion, the requirements are not essential to a proper decision on the project; or, he may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

9.7.2.3 Site plans shall include the following information unless some or all of these requirements are waived by the Building Inspector.

- a. The location and size of the site including its legal description and a current certified survey.**
- b. A vicinity map showing the site relation to surrounding property.**
- c. The recorded ownership interests, including liens, encumbrances, title certification in the form of a current title policy, title opinion or title report and the nature of the developer's interest, if the developer is not the owner.**
- d. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features. This information may be combined with requirements for the vicinity map specified in this section.**
- e. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.**
- f. The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.**
- g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.**
- h. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.**
- i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.**
- j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.**

- k. A traffic impact analysis and corrective measures to address detrimental conditions brought about by the development.
- l. Architectural renderings, elevations and representative floor plans in preliminary form.
- m. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.
- n. Landscape plans.
- o. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for; screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections, landscaping, signs, and coastal protection.

9.7.3 Any use requiring planning approval is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City as well as recommendations from the City Engineer, the Building Inspector, the Health Office and any other such local officials. The Planning Commission may approve the use request as is; it may approve it with conditions; or it may deny it.

9.7.4 Any use permitted by special exception is subject to review and approval of the Board of Adjustment. Each application to the Board of Adjustment for approval of a use permitted by special exception shall be accompanied by a site plan which shall first be reviewed by the Planning Commission. The Board of Adjustment shall consider the recommendations of the Planning Commission, the City Engineer and the Building Inspector and make them a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

9.7.6 In any case where a requested use is not specifically referred to in the Table of Permitted Uses, Section 9.9 of this Ordinance, its status shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses. When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.

9.7.7 In general, any higher use may be permitted in a lower use district, but no lower use shall be permitted in a higher use district, except as otherwise noted in the Table of Permitted Uses or where such use exists at the time of enactment of this Ordinance, in which case it is subject to the requirements of Non-Conformance, of this Ordinance.

Every use in any district shall be conducted entirely within a completely enclosed structure unless expressly exempted from enclosure requirements in this Ordinance.

It shall be the responsibility of the owner/developer to show (prove) compliance with the requirements of this Ordinance.

9.8 Table of Permitted Uses

Explanation of symbols within the Table of Permitted Uses:

R= By Right.

P= With Planning Commission Approval

S= Special Exception.

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Accessory buildings and uses, including home occupations and home swimming pools, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this ordinance are met.	R	R	R	R	R	R
Agriculture and related farming operations, including horticulture, plant nurseries, market gardening, field crops, orchards and home gardens.	R			R		R
Air conditioning sales and service.				R	R	R
Airport and/or crop dusting-spraying service; need not be enclosed within a structure.				S	S	S
Ambulance/EMS service.	S			R	R	R
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened, or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:						
Amusement park				R	R	R
Amusement arcade, kiddieland						S
Archery range	S			R	R	R
Baseball batting range	S			R	R	R
Billiard or pool hall				R	R	R
Bowling alley				R	R	R
Fairground, circus or carnival				R	R	R
Golf course	S			R	R	R
Golf course, miniature				R	R	R
Golf driving range				R	R	R
Pistol or rifle range.				R	R	R
Racquet ball or tennis courts, indoor				R	R	R
Skating rink				R	R	R
Tennis courts, outdoor: need not be enclosed within a structure				R	R	R
Theater, indoor				R	R	R
Theater, outdoor/drive-in: need not be enclosed within a structure				R	R	R
Animal clinic/kennels for small animals: need not be enclosed within a structure			S	R	R	R

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Animal raising, small animal breeding; need not be enclosed within a structure.				R	R	R
Antique store, not including repairing and refinishing.				R	R	R
Antique store, including repairing, restoration and refinishing.				S	S	
Apparel and accessory store.				R	R	R
Appliance store				R	R	R
Apothecary, limited to the sale of pharmaceuticals and medical supplies.				R	R	R
Art gallery or museum.				R	R	R
Art supplies.				R	R	
Asphalt products manufacture.						R
Auditoriums, stadiums, coliseums, dance halls and other such places of public assembly.				R	R	R
Automobile laundry, where the primary function is washing automobiles but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer.				R	R	R
Automobile parts sales, except used parts.				R	R	R
Automobile storage, including parking lots; need not be enclosed in a structure.				S	S	S
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used): need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district.						R
Automobile and truck laundry, including steam cleaning				R	R	R
Automobile and truck repair garage, mechanical and body: must be conducted in a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures.				R	R	R

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Automobile and truck sales and service: but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities.				R	R	R
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary functions retail sale of gasoline, oil, grease, tires batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling, or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure.				R	R	R
Bait store or sales (live bait); need not be enclosed within a structure.				R	R	
Bakery, retail				R	R	R
Bakery, wholesale				R	R	R
Bank, including drive-in bank				R	R	R
Barber shop or beauty parlor				R	R	R
Barber and beauty supplies and equipment sales				R	R	R
Bed and Breakfast.			S	R		
Bicycle, lawnmower sales, service and repair					R	
Blueprinting and photostating shop			S	R	R	R
Boat construction, storage, service and repair, wet and dry, major: need not be enclosed within a structure.						P
Boat docking, as an accessory use to a permitted principal use.	R	R	R	R	R	
Boat dry storage: pleasure boats having lengths not greater than 31 feet.				S	R	
Boat sales, accessories and service.					R	

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Boat storage, service and repair, minor: a marina for docking pleasure boats and providing services thereto and the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses. May include dry storage in an enclosed structure.				S	R	
Book store.				R	R	
Bottling works.					S	
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district.					R	
Bus and railroad terminal facilities.				R	R	P
Business machines sales and service.				R	R	R
Business school or college.				R	R	R
Butane or other liquefied petroleum gas products storage and sales: need not be enclosed within a structure.				R	R	R
Cabinet or carpenter shop.				R	R	R
Cafes, grills, lunch counter and restaurant, but not including night club, bar tavern, and drive-in restaurant.				R	R	R
Camera and photographic supply store.				R	R	R
Candy, nut and confectionary store.				R		
Canvas products manufacture.				R	R	R
Carting, express, crating, hauling, storage.						R
Catering shop or service.					R	R
Cemetery, subject to requirements of the Special Provisions.	S					
Chemicals manufacture or processing (heavy, industrial).						P
Churches and related accessory buildings.	R	R	R	R	R	R
City hall, police station, fire station, court house, federal office building and similar public building.	S	S	S	S	S	S
Clay and clay products manufacture: need not be enclosed within a structure.						P
Clinic, dental, medical or psychiatric for humans.				R	R	R
Clothing Manufacture.						R

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business.	S	S	S	R	R	R
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line.		S	S	S	S	R
Cold storage plant.						R
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line.	P	P	P	P	P	P
Concrete and concrete products manufacture: need not be enclosed within a structure					S	
Contractor's storage and yard for vehicles, equipment, materials and supplies: need not be enclosed within a structure but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided.				R	R	R
Convenience store				R	R	R
Correctional, detention or penal institution.					S	
Dairy equipment sales.				R	R	R
Dairy products sales.				R	R	R
Delicatessen.				R	R	R
Department store.				R	R	R
Dog pound: need not be enclosed within a structure.				R	R	R
Drive-in restaurant.				R	R	R
Drug store.				R	R	R
Dry cleaning shop, including self-service.				R	R	R
Dry goods or fabric store.				R	R	R
Dwelling, one-family.	R	R	R	R	R	R
Dwelling, two-family.		R	R	R	S	S
Dwelling, multi-family.				R	R	R
Electric power generating plant.				S	S	S

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Electric power substation: need not be enclosed within a structure but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screening in most districts.	P	P	P	P	P	P
Electric repair shop.				R	R	R
Electric supply store.				R	R	R
Elevator maintenance service.					R	R
Employee credit union office.				R		R
Exterminator service office.				R	R	R
Farm and garden equipment and supply store.				R	R	R
Farmers' markets.				R	R	R
Fix-it shop, including small appliance repair.				R	R	R
Fixture sales.				R	R	R
Floor covering sales and service.				R	R	R
Floral shop.				R	R	R
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.					R	R
Food products processing plant.						P
Food products, wholesale storage and sales.						R
Freight depot, railway or truck.						R
Frozen food manufacture and packaging.						R
Fruit and produce, retail.				R	R	R
Funeral home, mortuary or undertaking establishment.				R	R	
Furniture and home furnishing store, including office furniture and equipment.				R	R	R
Furniture repair, including upholstering and refinishing.				R	R	R
Gas regulator station.		P	P	P	P	P
Gift shop.				R	R	R
Glass products manufacture.						R
Grocery store, retail.				R	R	R
Gymnasium, commercial.				R	R	R
Hardware store, retail.				R	R	R
Hardware store, wholesale, storage and sale.				R	R	R
Hatchery, poultry or fish.						R
Heating and plumbing equipment, supplies and service.				R	R	R
Hiking and nature trail.	R	R	R	R	R	R
Hobby shop and supply store.			S	R	R	R
Home occupation.			P	R	R	R

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans.					R	R
Hotel, motel, or tourist home.				R	R	R
Ice cream parlor.				R	R	R
Ice plant.				R	R	R
Industrial park.						P
Innovative Design	P	P	P	P	P	P
Institution for children or the aged, day care.					R	R
Interior decorating shop.				R	R	R
Junk yard including storage, baling or sale of rags, paper, iron or junk: need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.					S	
Kindergarten, playschool or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.			S	R	R	R
Laboratory, scientific.				R	R	R
Laboratory, medical or dental.				R	R	R
Landscape garden sales: need not be enclosed within a structure.				R	R	R
Laundry, self-service.				R	R	R
Laundry and dry cleaning pick-up station.				R	R	R
Laundry and dry cleaning plant.					R	R
Laundry, linen supply or diaper service.						R
Leather goods or luggage store.				R	R	R
Library.	S	S	S	S	S	S
Liquor, wine and beer sales not to be consumed on premises and meeting local and state requirements.				R	R	R
Loan office.				R	R	R
Locksmith.				R	R	R
Lodging, boarding or rooming houses.			S	R	R	R
Lumber yard and building materials, need not be enclosed within a structure.				R	R	R
Machine shop.						R
Machinery, tools and construction equipment, sales and service.						R
Mail order house.				R	R	R

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to the following:						
Automobile, assembly.						R
Clothing and garment manufacturing						R
Food products processing and packaging.						R
Glass products manufacturing.						R
Laboratories for testing materials, chemical analysis and photographic processing.						R
Metal products and manufacturing.						R
Millwork and similar wood products manufacturing.						R
Musical instruments and parts manufacturing						R
Paper products manufacturing.						R
Plastics manufacturing.						R
Scientific, optical and electronic equipment assembly and manufacturing.						R
Shipbuilding and repair yard: need not be enclosed within a structure.						R
Souvenirs and novelties manufacturing.						R
Surgical and dental supplies manufacturing.						R
Toys, sporting goods and athletic goods manufacturing.						R
Manufacturing, extractive, including all natural mineral deposits except oil and gas.						
Manufacturing, general: the processing, fabrication, repair and servicing of any commodity of product. The following types of activities are permitted only by special exception and must have approval of the Board of Adjustment upon recommendation by the Planning Commission and must be located in accordance with the policies of the City.						P
Marina, minor: see boat storage, service and repair, minor.						
Marina, major: see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service.						
Marine stores and supplies.						R
Mobile home.			R	R	R	R
Mobile home park.			R			

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Mobile home subdivision.			R			
Motorcycle sales, service and repair.				R	R	R
Music store.				R	R	
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping sites and similar uses.			R	R	R	R
News stand.				R	R	R
Nightclub, bar, tavern and cocktail lounge when separate from restaurant.				S	R	R
Office buildings, general.				R	R	R
Office buildings, professional.				R	R	R
Office equipment and supplies, retail.					R	R
Oil and gas exploration and production activities.	R	R	R	R	R	R
Optician.				R	R	R
Paint and wallpaper store.				R	R	R
Painting and decorating contractor.				R	R	R
Paper supplies, wholesale.					R	R
Park or playground including recreation centers: need not be enclosed within a structure.	S	S	S	S	S	S
Passenger depot, railway or bus.						R
Pawn shop.				R	R	R
Pet shop.					R	R
Photographic studio and/or processing.				R	R	R
Picture framing and/or mirror silvering.				R	R	R
Planned Unit Development, fixed dwelling.	P	P	P			
Planned Unit Development, mobile home.	P	P	P			
Plastic fabrication.						R
Plumbing shop.				R	R	R
Police substation, including Highway Patrol.	P	P	P	P	P	P
Post office.	S	S	S	S	S	S
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment.				R	R	R
Public utility production and maintenance buildings with proper screening.						P
Public utility substation with proper screening.	P	P	P	P	P	P
Radio and television antenna (amateur).				S	S	R
Radio and television station and transmitting tower (commercial).				R	R	R
Radio and television sales, service and repair store.				R	R	R
Recreational vehicle parks.				R	R	R

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Reducing, exercise, karate, gymnastic or other body fitness type salon.				R	R	R
Restaurant.				R	R	R
Restaurant supplies and sales.				R	R	R
Riding academy: need not be enclosed within a structure.						
Roofing and sheet metal shop.		S	S	R	R	R
Rooming house and boarding house.				R	R	R
Rug and/or drapery cleaning service.				R	R	R
Sand and gravel storage yard: need not be enclosed within a structure.						S
Sawmill or planing mill.						P
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama.	S	S	S	S	S	S
Seafood store, retail.				R	R	R
Sewage disposal plant: need not be enclosed within a structure.		P	P	P	P	P
Shoe repair shop.				R	R	R
Shoe store, retail.				R	R	R
Sign shop.						R
Sporting goods store.				R	R	R
Stone monument sales, retail: may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure.						
Studio for professional work or teaching of fine arts, such as photography, drama, speech, painting.						
Studio for dance or music.						
Surgical or dental supplies retail.						
Tailor shop.						
Taxi dispatching station.						
Taxi terminal: storage and repair of vehicles.						
Taxidermy shop.				R	R	R
Teen club or youth center.				R	R	R
Telecommunications towers and facilities				S	S	R
Telephone exchange.		S	S	S	S	S
Telephone equipment storage including shops and garage: need not be enclosed within a structure but must provide adequate screening.						R

9.9 Table of Permitted Uses and Conditions.

	R-1	R-2	R-3	B-1	B-2	M-I
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year.		R	R	R	R	R
Tire, batteries and other automotive accessories sales establishments.				R	R	R
Tobacco store.				R	R	R
Toy store.				R	R	R
Trade school or college.				S	S	S
Transit vehicle storage and servicing: need not be enclosed within a structure.						R
Utility company storage facility: need not be enclosed within a structure but must provide adequate screening.						R
Variety store.				R	R	R
Veterinary service.				R	R	R
Warehouse and storage facilities, major.						R
Warehouse and storage facilities, minor: mini-type do-it-yourself storage facilities.				R		
Water storage: need not be enclosed within a structure.		P	P	P	P	P
Water or sewage pumping station.	P	P	P	P	P	P
Welding shop.				R	R	R
Well drilling company.						R
YMCA, YWCA and similar institutions.				P	P	

9.10 Standards

STANDARDS	R-1	R-2	R-3	B-1	B-2	M-1
Minimum Lot Area Single Family Two Family Multi-Family	15,000	10,000	7,500 10,000 5,500 (1 unit + 2,500 sq. ft. for each additional unit.			
Maximum Lot Area				25,000		
Minimum Lot Width at Building Line*	100	75	65			
Maximum Lot Coverage	25%	25%	35%			
Maximum Building Height*	35	35	50	50	50	50
Front Yard	30	30	30	20	20	30
Side Yard (See Note "A")	15	10	10	See Note "B"	See Note "B"	See Note "B"
Rear Yard	30	30	30	0	0	0
Buffer Zone	N/A	N/A	N/A	20	20	30
Signs	6 sq. ft.	6 sq. ft.	6 sq. ft.	35 sq. ft. per premises	75 sq. ft. per premises	75 sq. ft. per premises.
Off Street Parking (See Note "c")	1	1	1 / unit			

Note A: Corner lots shall have sufficient extra width to permit establishment of a building line at least twenty-five (25) feet from the side street property line. The distance from the side street property line shall be measured from the street right-of-way paralleling the long dimension of the lot.

Note B: Side yard not specified except when adjoining a residential district. In such case there shall be a side yard not less than eight 20 feet.

Note C: It is the intent of the ordinance that lots of sufficient size be used for any business or service to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service. Off-street parking is required as follows: 200 sq. ft. of parking space per each: 100 sq. ft. Of floor space of one (1) story building; or per each 60 ft. f two (2) story buildings. Off-street parking requirements for public and semi-public structures are as follows: Schools, two car spaces for each school room; Group Assisted Living Facility, one car space per each three beds; Churches, and Auditoriums, one car space per each three (3) seats. Other public and semi-public use as determined in each individual case by the Board of Adjustment. Hospital: one car space per each three beds. Theaters: one car space per each three (3) seats. Off-street loading and unloading shall occur in required rear of side yard

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ARTICLE X. EXCEPTIONS AND MODIFICATIONS

10.1 Lot of Record

Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, one building and its accessory structures may be built, provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Zoning Adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than four (4) feet in width.

10.2 Front Yard Set Backs

No building need be set back more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof, except as provided for in Article X, Note "A".

10.3 Advertising Signs and Structures

In all districts other than residential districts, where front yard or setback requirements are required, outdoor advertising structures may be placed within such front yard or setback area of a place of business subject to the following terms and conditions:

1. Said structure must be used primarily for the purpose of identifying the place of business at that location.
2. No such structure shall be placed between four feet and ten feet above street level.
3. No such structure shall be placed at intersections or locations that would obstruct the view of intersecting traffic.
4. No such structure exceeding in size, fifty square feet, exclusive of necessary structural support, shall be placed within ten feet of the front lot line or street right-of-way.

Nothing herein shall alter the effect of Section 10.2 of this ordinance upon structures in districts requiring front yard setbacks.

10.4 Height Limitations

Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, public utility poles, radio, television and cellular towers and aerials, cooling towers, water tanks.

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ARTICLE XI. ADMINISTRATION, ENFORCEMENT AND PENALTIES

11.1 Enforcing Officer

The provisions of this ordinance shall be administered and enforced by the City Building Inspector. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

11.2 Building Permit Required

It shall be unlawful to commence the excavation for or the 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, alteration, or repair (except repairs not changing the character of the structure and not exceeding \$500 in cost, or painting or wallpapering) of any structure, including accessory structures, until the Building Inspector of the City has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the City Building Inspector on forms provided for that purpose.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one (1) year of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

11.3 Approval of Plans and Issuance of Permit

It shall be unlawful for the City 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. To this end, the City Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance:

- a. The actual shape, proportions and dimensions of the lot to be built upon.
- b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already existing on the lot.
- c. The existing and intended use of all such buildings or other structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being met.

If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this ordinance, the City Building Inspector shall issue a

building permit accordingly. If an application for a building permit is not approved, the Building Inspector 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.

11.4 Penalties

Any person in violation of any provision of this ordinance shall be fined upon conviction not less than two dollars (\$2.00) or more than one hundred dollars (\$100.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

11.5 Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the City Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

ARTICLE XII. BOARD OF ADJUSTMENT

12.1 Establishment and Membership of the Board of Adjustment

The Board of Adjustment shall consist of five (5) members, appointed by the Mayor upon recommendations provided by the City Council, for overlapping terms of three (3) years. The initial appointment of the Board of Adjustment shall be as follows: two members for one year; two members for two years; and, one member for three years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removed for cause by the Mayor upon written charges and after public hearing thereon. No member shall hold any other public office or position, except that one member may be a member of the City Planning Commission.

12.2 Meetings, Procedures and Records

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

12.3 Appeals

Appeals may be taken to the Board by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the administration officer.

Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof.

The officer from whom the appeal is taken shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings unless the officer, from whom the appeal is taken, certifies to the Board of Adjustment that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

When such certificate is filed, proceedings shall not be stayed except by restraining order which may be granted by the Board of Adjustment or by a court of competent jurisdiction.

12.4 Hearing

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

12.5 Powers and Duties

The Board of Adjustment shall have the following powers and duties:

12.5.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.

12.5.2 Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
- b. Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by registered/certified mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall, and in one public place at least 15 days prior to the public hearing;
- c. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- d. The Board of Adjustment shall make a finding that is empowered under the section of this ordinance described in the application to grant the special exception, and the granting of the special exception will not adversely affect the public interest.
- e. Before any special exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties generally in the district;
3. Refuse and service areas, with particular reference to the items in 1) and 2) above;
4. Utilities, with reference to locations, availability and compatibility;
5. Screening and buffering with reference to type, dimensions and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open space;
8. General compatibility with adjacent properties and other property in the district.

12.5.3 Variances; Conditions Governing Applications; Procedures - To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a variance is submitted demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or other buildings in the same district;
 2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 3. That the special conditions and circumstances do not result from the actions of the applicant;
 4. That granting the variance requested will not confer on the applicant

any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no prohibited/permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- b. Notice of public hearing shall be given as in Section 13.5.2.b above;
- c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- d. The Board of Adjustment shall make findings that the requirements of Section 13.5.3.a have been met by the applicant for a variance;
- e. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
- f. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 12.4 of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of administrative official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

12.6. Appeals from Action of the Board of Adjustment

Any party aggrieved by any final judgment or decision of the Board of Adjustment may, within fifteen days thereafter, appeal therefrom to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the Board shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken and the cause in such court be tried de novo.

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ARTICLE XIII. AMENDMENT

13.1 Procedure

The regulations and the number, area and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified or repealed by the municipal governing body, but no amendment shall become effective unless it is first submitted to the City Planning Commission for its recommendation. The City Planning Commission, upon its own initiative, may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this ordinance or to the Zoning Map and report its recommendation to the municipal governing body. The provisions of Title 11, Chapter 52, Article 4, Sections 77 and 78, Code of Alabama, 1975, as the same may be amended, shall apply to all changes and amendments.

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ARTICLE XIV. LEGAL STATUS PROVISIONS

14.1 Interpretation and Purpose

In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare of the community. Where other ordinances or regulations, which may be, adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This ordinance shall not lower the restrictions of plats, deeds or private contracts if such are greater than the provision of this ordinance.

14.2 Saving Clause

If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding may not affect any other section, clause, provision or portion of this ordinance which is not in and of itself deemed invalid or unconstitutional.

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ADOPTED THIS 22nd DAY OF MARCH, 2005.



STAN WRIGHT, MAYOR

ATTEST:



DONNA H. GAINES, CITY CLERK