

TABLE OF CONTENTS

Article I. General

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

Article II. Procedures

- A. Review Bodies
 - 1. City Council
 - 2. Planning Commission
 - 3. Director of Planning and Building
 - 4. Board of Adjustments
- B. Applications
- C. Review Procedures
 - 1. Zoning Amendments
 - 2. Site Plan
 - 3. Board of Adjustment Application
 - 4. Permits and Certificates

Article III. Zoning Districts

- A. Purpose and Intent of Zoning Districts
- B. Allowed Uses
 - 1. Use Table
 - 2. Accessory Uses
 - 3. Temporary Uses
- C. Dimension Standards
 - 1. Lots and Principle Structure - Dimension Table
 - 2. Residential Accessory Structures - Dimension Table
 - 3. Yards
 - 4. Free-standing Commercial Structures
- D. Special Conditions for Uses
 - 1. Recreational Vehicle Parks
 - 2. Townhouses
 - 3. Patio and Garden Homes
 - 4. Automobile Service Stations, Convenience Stores, Car Wash Facilities, and Automobile Repair Facilities
 - 5. Home Occupations
 - 6. Cemeteries
 - 7. Storage and Parking of Trailers and Commercial Vehicles
 - 8. Personal Storage
 - 9. Accessory Structures and Accessory Dwelling Units
 - 10. Building Materials on Commercially Zoned Property
 - 11. Restaurants and Accessory Bars in the M-1 Light Industrial District
 - 12. Uses Containing Drive Though Lanes / Drive Through Windows

Article IV. Site Design Standards

- A. Open Space

- B. Screening, **Lighting** and Landscape Material
- C. Streetscape
- D. Site Access and Internal Circulation
- E. Parking
- F. Stormwater Management
- G. Tree Preservation

Article V. Special Districts and Uses

- A. PUD - Planned Unit Development
- B. CBD - Central Business District Overlay
- C. FH-1 Flood Hazard District
- D. R-6 Manufactured Home District
- E. AO - Airport Overlay
- F. P-1 Parking District
- G. TR - Tourism Resort District
- H. MO - Medical Overlay District
- I. GRC – Greeno Road Corridor Overlay District**

Article VI. Village Districts

- A. VRM - Village Residential Mix
- B. NVC - Neighborhood Village Center
- C. CVC - Community Village Center
- D. Village Zoning Special Review Procedures

Article VII. Non-conformities

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

Article VIII. Enforcement

- A. Penalties
- B. Remedies
- C. Appeal

Article IX. Definitions and Interpretation

- A. Interpretation
- B. Description of Uses**
- C. Defined Terms**

Appendix A – Applications and Submittal Requirements

Appendix B - Map Amendment Ordinances

Appendix C – Text Amendment Ordinances

C. Applicability

1. Establishment of Districts

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

- R-A - Residential/Agriculture District
- R-1 - Low Density Single-Family Residential District
- R-1(a) - Low Density Single-Family Residential District
- R-1(b) - Low Density Single-Family Residential District
- R-1(c) - Low Density Single-Family Residential District
- R-2 - Medium Density Single-Family Residential District
- R-3 - High Density Single-Family Residential District
- R-3 PGH - High Density Single-Family Patio Garden Home Residential District
- R-3 TH - High Density Single-Family Townhouse Residential District
- R-4 - Low density Multi-Family Residential District
- R-5 - High Density Dwelling Residential District
- R-6 - Manufactured Home District
- B-1 - Local Shopping District
- B-2 - General Business District
- B-3a - Tourist Resort Lodging District
- B-3b - Tourist Resort Commercial Service District
- B-4 - Business and Professional District
- M-1 - Light Industrial District
- M-2 - General Industrial District
- CBD - Central Business District Overlay
- AO - Airport Overlay
- P-1 - Parking District
- FH-1 - Flood Hazard District
- PUD - Planned Unit Development
- VRM - Village Residential Mix
- NVC - Neighborhood Village Center
- CVC - Community Village Center
- TR - Tourist Resort District
- MO - Medical Overlay District
- GRC - Greeno Road Corridor Overlay District

2. Application of Regulations

- a. *Use:* No building or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations for the district in which it is or is to be located.
- b. *Structures:* No structure shall be erected, constructed or altered so as to exceed the height limit or dimensional standards specified in the regulations herein for the district in which it is located.
- c. *Lots:* No lot shall be reduced in size below the minimum requirement for lot width or depth, front, side, or rear yard, inner or outer courts, lot area per family or other requirements of this ordinance. This section shall not apply when a portion of a lot is acquired for public use.

3. Interpretation of District Boundaries

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

Article III Zoning Districts

A. Purpose and Intent

1. RA Residential/Agriculture District
2. R-1 Low Density Single-Family Residential District
 - R-1(a)
 - R-1(b)
 - R-1(c)
3. R-2 Medium Density Single-Family Residential District
4. R-3 High Density Single-Family Residential District
5. R-3 PGH High Density Single-Family Patio/Garden Home Residential District
6. R-3 TH High Density Single-Family Townhouse Residential District
7. R-4 Low Density Multi-Family Residential District
8. R-5 High Density Dwelling Residential District
9. R-6 Mobile Home Park District
10. B-1 Local Shopping District
11. B-2 General Business District
12. B-3a Tourist Resort Lodging District
13. B-3b Tourist Resort Commercial Service District
14. B-4 Business and Professional District
15. M-1 Light Industrial District
16. M-2 General Industrial District
17. PUD Planned Unit Development
18. Central Business District Overlay
19. Airport Overlay
20. Flood Hazard District
21. Parking District
22. VRM – Village Residential Mix
23. NVC – Neighborhood Village Center
24. CVC – Community Village Center
25. Tourist Resort District
26. Medical Overlay District
27. Greeno Road Corridor Overlay District

B. Allowed Uses

1. Use Table
2. Accessory Uses
3. Temporary Uses

C. Dimension Standards

1. Lots and Principle Structure – Dimension Table
2. Residential Accessory Structures – Dimension Table
3. Yards
4. Free-standing Commercial Structures

D. Special Conditions for Uses

A. Purpose and Intent

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

Center component of the Comprehensive Plan. See Article VI, Section C. for more detailed standards regarding this district.

25. *Tourist Resort (TR) District:* This district is intended to provide for large acreage under unified control to be planned and developed as a whole; encourage the growth of resort-oriented residential and mixed-use properties around resort properties; provide places for resort-type amenities coupled with proximately located hotel, residential and commercial uses; promote a sustainable future, and encourage and develop connections between environmental quality and economic vitality; provide for a mix of residential types that are designed to form a compact, compatible and stable neighborhood directed toward resort and tourism trade; support the development of a comprehensive pedestrian network with linkages to and between residential and resort areas; promote increased privacy by permitting private roadways within the TR District property; promote the preservation and enhancement of existing natural landscape features and their scenic qualities; create a zoning classification which allows flexibility and creative development concepts that would not be possible through conventional zoning regulations and allow for certain modifications and exemptions from existing subdivision and other regulations; provide places for social interaction and recreation; provide general merchandising convenience destinations for both residents and tourists; and create development opportunities which encourage multiple use of recreational and other resort-type amenities by hotel guests as well as residents within the TR District.

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

27. *Greeno Road Corridor (GRC) Overlay District:* This district is intended to provide a transition of use intensity from less intensity to greater intensity back to less intensity along Greeno Road. The GRC is much more automobile-oriented than the CBD, however the GRC seeks to reflect the “Fairhope Image” contemplated by the Comprehensive Plan through controlled signage, interconnectivity, sidewalks, and extensive landscaping. The GRC is intended to serve the entire community by: better-managing the automobile-oriented nature of Greeno Road by limiting drive-up windows; providing a mix of uses; Encouraging retrofit of existing shopping centers by building nearer the right-of-way line; prohibiting backlit or illuminated plastic signs, neon signs, and video boards; buffering residences from automobile-oriented uses through landscape buffers; buffering surrounding neighborhoods from any adverse impacts of activities in the GRC; requiring mandatory site plan reviews for all construction activities within the GRC; and allowing certain specified uses only upon appeal to the Board of Adjustment and/or subject to special conditions.

B. Allowed Uses

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

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

Table 3-1: Use table

Zoning District	R-A	R-1(a,b,c)	R-2	R-3 TH	R-3 P/GH	R-3	R-4	R-5	R-6	B-1	B-2	B-3a	B-3b	B-4	M-1	M-2	PUD	VRM	NVC	CVC	
Dwelling																					
Single-family	●	●	●			●	●	●		●	●	●	●	●				●			
Two-family							●	●		●	●	●	●					●			
Townhouse				⊗			⊗	⊗		⊗	⊗			⊗				⊗	●	●	
Patio Home					⊗													⊗			
Multiple-family / Apartment							⊗	●				○	○					⊗	⊗	⊗	
Manufactured Home									⊗												
Mixed-use										●	●	●	●	●					●	●	
Accessory Dwelling										⊗	⊗	⊗	⊗	⊗				⊗	⊗	⊗	
Estate																		●			
Civic																					
Elementary School		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Secondary School		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Education Facility		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Library		●	●			●	●	●		●	●	●	●	●	●	●	●		●	●	●
Place of Worship																		●	○	○	
Cemetery	○	○	○			○	○	○		○	○	○			○	○	○		○	○	○
Hospital										○	○	○			○	○	○		○	○	○
Public Open Space	●	●	●			●	●	●		●	●	●			●	●	●		●	●	●
Common Open Space	●	●	●			●	●	●		●	●	●			●	●	●		●	●	●
Community Center or Club	○	○	○			○	○	○		○	○	○			○	○	○		○	○	○
Public Utility	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○		○	○	○
Office																					
General										●	●		●	●	●	●			●	●	●
Professional										●	●		●	●	●	●			●	●	●
Home Occupation	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗	⊗				⊗	⊗	⊗	⊗
Retail																					
Grocery										●	●		●		●	●			●	●	●
Convenience Store										⊗	⊗		⊗		⊗	⊗			⊗	⊗	⊗
Car Wash										⊗	⊗		⊗		⊗	⊗			⊗	⊗	⊗
General Merchandise										●	●		●		●	●			●	●	●
Shopping Center											●										
Automobile Service Station										○	○				○	○			○	○	○
Outdoor Sales Limited											○				○	○			○	○	○
Outdoor Sales Lot											○				○	○			○	○	○
Garden Center											○	○			○	○			○	○	○
Service																					
Convalescent or Nursing Home	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	○
Clinic	○	○	○			○	○	○		○	○	○	○	○	○	○	○		○	○	○
Outdoor Recreation Facility	○	○	○			○	○	○		○	○	○	●	○	○	○	○		○	○	○
Day Care	○	○	○			○	○	○		○	○	○		○	○	○	○		○	○	○
General Personal Services										●	●				●	●			●	●	●
Mortuary or Funeral Home											○			○	○	○			○	○	○
Automobile Repair											⊗				⊗	⊗			⊗	⊗	⊗
Indoor Recreation										●	●		○		●	●			●	●	●
Dry Cleaner / Laundry										●	○				○	○			○	○	○
Personal Storage											○		⊗	⊗	○	○			○	○	○
Bed & Breakfast																●			○	○	○
Hotel / Motel											○	○	○						○	○	○
Boarding House or Dormitory											○	○	○						○	○	○
Recreational Vehicle Park											⊗		⊗		⊗	⊗			⊗	⊗	⊗
Restaurant										○	●	○	●		○	○			○	○	○
Catering											⊗		⊗						⊗	⊗	⊗
Bar											●	○	●						●	●	●
Entertainment Venue											●	○	○						○	○	○
Marina											○	○	○						○	○	○
Kennel or Animal Hospital											○	○							○	○	○
Warehouse															○	○			○	○	○
Junk Yard or Salvage Yard															○	○			○	○	○
Manufacturing																					
Limited											○			○	○	○			○	○	○
Light															○	○			○	○	○
General															○	○			○	○	○
Food Processing																○			○	○	○
Rural																					
Agriculture	●																				
Rural Market	●																				
Plant Nursery	●																				

Uses in the PUD District shall be specified based on a development plan according to the standards and procedures of this ordinance

- Permitted subject to general ordinance standards and conditions.
- ⊗ Permitted subject to special conditions listed in the ordinance
- Permitted only on appeal and subject to special conditions

- (9) The exterior walls of the patio home, or any accessory structures located on the zero-foot side yard setback shall not project over the property lines. Roof overhang may penetrate maintenance and drainage easement of the adjacent lot a maximum of 30 inches, provided the roof shall be so designed that water run off shall be restricted to the drainage easement area.
 - (a) Where adjacent zero lot line dwellings are not constructed against or along a common lot line, a perpetual drainage easement shall be provided which shall be approved by the city engineering department. Fences and walls may be located on or along this easement provided gates or other openings that will not block local lot drainage are maintained.
 - (b) The lot adjacent to the zero setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).
 - (c) A 15-foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district.

4. Automobile Service Stations, Convenience Stores, Car Wash Facilities, and Automobile Repair Facilities

- a. *Intent:* The intent of the special conditions for Automobile Service Stations, Convenience Stores, **Car Wash Facilities, and Automobile Repair Facilities** is to:
 - Provide access to necessary services offered by automobile service stations, convenience stores, **car wash facilities, and automobile repair facilities** from all areas of the city;
 - Allow service stations, convenience stores, **car wash facilities, and automobile repair facilities** to be appropriately mingled with other non-residential uses;
 - Ensure location and design standards compatible with surrounding property, particularly the scale and intensity of surrounding commercial uses;
 - Minimize the potential negative impact that automobile service stations, convenience stores, **car wash facilities, and automobile repair facilities** may have on surrounding property and neighborhoods;
 - Recognize that the design and scale of automobile service stations, convenience stores, **car wash facilities, and automobile repair facilities** can determine how well this use fits in with surrounding uses.
- b. *Location Restrictions:*
 - (1) In the NVC district or CVC district, automobile service stations may be located anywhere subject to the special design requirements listed in Section D.4.d of this Article
 - (2) In all other districts, the property on which an automobile service station or convenience store is located shall not be within 100 feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.
 - (3) **Additional requirements and/or restrictions may apply within the Greeno Road Corridor (GRC) Overlay District.**
- c. *Site Requirements:*
 - (1) **All uses within this section** ~~automobile service station or convenience store~~ shall have a minimum front lot line on the primary right-of-way of 120 feet and a minimum lot area of 12,000 square feet.
 - (2) All buildings shall be set back **at least** 40 feet from all right-of-way lines and ~~all canopies shall be set back 15 feet from all right-of-way lines.~~
 - **Greeno Road Corridor (GRC) Overlay District requirements shall apply as appropriate to the "build to" line and distance from right-of-way.**
 - (3) **Service bay doors shall not front upon public rights-of-way and shall not face toward residential uses.**
 - (4) **Building facades open to view from public rights-of-way shall have a minimum 5'-0" wide planter strip along the building foundation.**
 - **Greeno Road Corridor (GRC) Overlay District Requirements shall apply as appropriate to landscape buffers and sidewalk placement.**
 - (5) A raised curb of at least six inches in height shall be erected along the right-of-way lines, except for driveway openings.

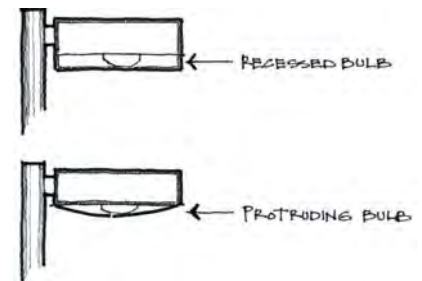


Figure 3-3. All light sources shall be shielded. Protruding bulbs and lenses are prohibited.

- (6) A solid fence or wall not less than six feet nor more than eight feet in height Screening and buffering as required by Section 20.5-4 (11) Buffer Zone Landscaping of Ordinance number 1444 shall be erected along all adjacent property lines facing any adjacent residential use.
- (7) Light or glare shall not spill onto adjacent property or right-of-ways. In addition to the requirements of Article IV, Section "B", all light fixtures shall be either recessed into a canopy, or if they protrude shall have a box that shields the bulb from direct view. A light fixture that protrudes from the bottom of a canopy shall have a box completely surrounding the bulb and the lens shall be flush with the box. Lenses shall not protrude past the bottom of the box. See figure 3-3. Should a gas station canopy be repaired or improved and the value of the improvements or the repair total 50% or more of the assessed value of the structure, these lighting requirements must be met. This 50% value is a cumulative total.
- i. Lights shall not be mounted on the top or fascia of the canopy, and fascias of the canopy shall not be illuminated
 - ii. Fuel station canopies fascia shall not be illuminated, transparent, reflective, or encircled in lights
- (8) All driving, parking storage, and service areas shall be paved and curbed.
- (9) No uses within this section automobile service station or convenience store shall be extended in area unless the proposed extension is in conformity with the requirements.
- (10) All gasoline fuel pump islands shall be set back at least 15 feet from the rear building line of the principle structure. right of way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way. However, the pumps shall be at least 60 feet from the centerline of an arterial street, 55 feet from the centerline of a collector street and 45 feet from the centerline of other streets.
- (11) Vehicular entrances or exits shall be provided according to Article V. of the Subdivision Regulations.
- d. *Special Design Requirements – All convenience stores, automobile service stations, car wash facilities, and automobile repair facilities in all districts:* In addition to the above site requirements, the following special design requirements shall apply:
- (1) Automatic Teller Machines (ATMs) shall be located inside the convenience store, automobile service station, car wash facility, or automobile repair facility building.
 - (2) Snipe signs and commercial displays in and around fuel pump islands shall not be permitted.
 - (3) Electronic fuel pricing signage is permitted, however no electronic signage in addition to fuel pricing is allowable. Fuel pricing shall remain static between fuel pricing changes.
 - (4) Fuel station canopies shall not exceed a ceiling height of 15'-0" and the clearance height shall be clearly identified with a telltale bar.
 - (5) Adornments to the canopy fascia shall not be designed to express corporate identities via signs, logos, paint colors, or other brand identification
 - (6) Buildings, roofs, and canopies shall not have corporate color banding.
 - (7) Any signage (including corporate logos or images) provided on a fuel station canopy shall be deducted from the allowable wall signage of the primary structure as allowed by Ordinance 1537 and may not comprise any more than 50% of the vertical height of the canopy face.
 - (8) Fuel tank vents shall be screened from view or integrated into the building
 - (9) Car Wash facilities (both self-serve and automated)
 - i. Car washes and vacuums shall not be located within 100'-0" of any residential use.
 - ii. Buildings, roofs, and canopies shall not have corporate color banding. Any signage provided on a car wash building shall be deducted from the allowable wall signage of the primary structure as allowable by Ordinance 1537.

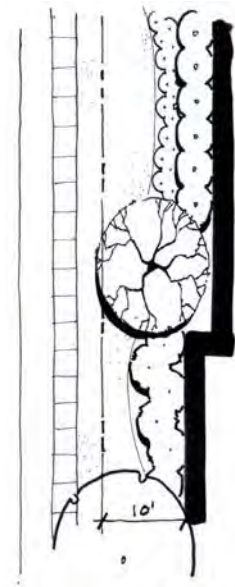


Figure 3-4. Maximum 10-foot setback in the NVC or CVC Districts.

e. *Special Design Requirements - NVC and CVC Districts:* In addition to the above site requirements, the following special design requirements shall apply to automobile service stations or convenience stores located in the NVC or CVC districts. (Automobile Repair and Car Wash Facilities are not allowable uses in the NVC or CVC).

- (1) All buildings shall be set back no more 10 feet from all right-of-way lines. Any area between the building and the right-of-way shall only be used for landscape elements. See Figure 3-4.
- (2) All buildings shall have a primary entrance facing the street, directly connected to the public sidewalk.
- (3) At least 60% of all street-frontages on the lot shall be occupied by the building. On corner lots, the street frontage on the secondary street may be occupied by the building on as little as 50% of that frontage, provided that the 60% requirement is met when both frontages are combined. See Figure 3-5.
- (4) All buildings shall have at least 50% clear glazing on of any street facing ground level. Glazing on windows and doors shall count towards this requirement. See Figure 3-6.
- (5) Pump islands shall be located behind or to the side of the building.
- (6) No more than two pump islands with a maximum of four pumping stations per island shall be located on the site.
- (7) No more than two service bays shall be located on the site. Service bays shall not face the primary street frontage of the building.
- (8) All driving, parking storage, and service areas shall be paved and curbed.
- (9) All fuel gas line pump islands shall be set back at least 15 feet from the rear building line of the principle structure, right of way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right of way. However, the pumps shall be at least 60 feet from the centerline of an arterial street, 55 feet from the centerline of a collector street and 45 feet from the centerline of other streets.
- (10) Vehicle entrance and exits shall be subject to the specifications in the Subdivision Regulations.
- (11) No outdoor storage of any kind is permitted on the site.
- (12) All vehicles shall be stored in an enclosed area and all vehicle repairs shall occur in an enclosed area.
- (13) All automobile service stations are subject to special site enhanced screening conditions to appropriately screen adjacent property from parking, pump islands, or service bays. This site screening shall be specific to the context of the site and may involve landscape, walls, or other elements in accordance with the tree and landscape ordinance.

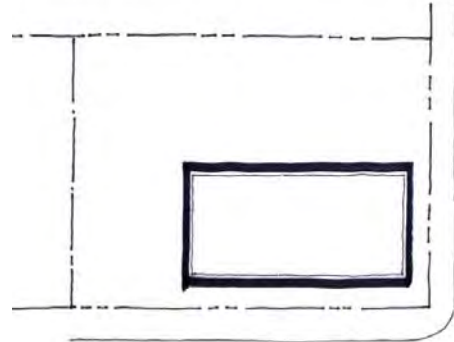


Figure 3-5. Street frontages shall be occupied by building facades for at least 60% of the lot width on the buildings primary street. Corner buildings may reduce this to as much as 50% on the buildings secondary street provided the cumulative total for both streets exceed 60%.

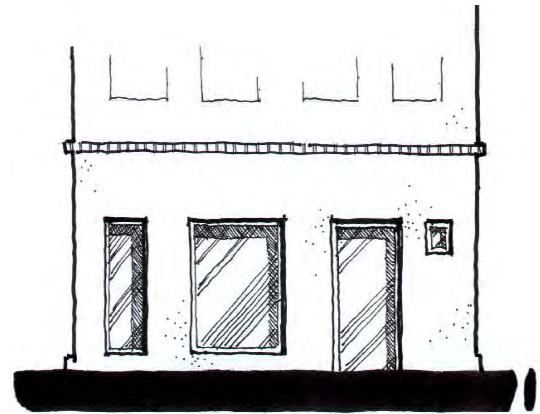


Figure 3-6. Ground level, street-facing facades shall have at least 50% clear glazing.

5. Home Occupations

- a. *Intent:* The intent of the special conditions of Home Occupations is to:
 - Provide opportunities for residents to earn income and operate businesses from their home;

- Allow cemeteries to establish a park-like, civic setting to mourn, honor, and commemorate the deceased; and
 - Ensure location and site conditions that are compatible to surrounding property and neighborhoods.
- b. *Location Restrictions:*
- (1) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of the site. In addition, the site shall have direct access to an arterial street.
 - (2) Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- c. *Site Requirements:*
- (1) All structures shall be set back no less than 25 feet from any property line or minor street right-of-way.
 - (2) All graves or burial lots shall be set back not less than 25 feet from any property line on local street right-of-way lines, and not less than 50 feet from any collector or arterial street right-of-way.
 - (3) The entire cemetery property shall be landscaped and maintained.
 - (4) The expansion of any existing cemetery shall only be allowed according to the Special Exception procedures in Article II.

7. Storage and Parking of Trailers and Commercial Vehicles

- a. *Intent:* The intent for the special conditions for Storage and Parking of commercial Vehicles is to:
- Provide opportunities for residents to own, utilize, and store commercial vehicles, trailers, and recreational vehicles; and
 - Ensure that parking and temporary storage of commercial vehicles, trailers, and recreational vehicles is not detrimental to the neighborhood character and adjacent residents or property owners.
- b. *Location Requirements:* Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the requirements in this section.
- c. *Site Requirements:*
- (1) No more than one commercial vehicle per dwelling shall be permitted. In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
 - (2) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, motor home or commercial vehicle shall be parked or stored in the front yard, or on corner lots, in a side yard abutting a public right-of-way or upon the right-of-way. The length of said vehicle shall not exceed twenty-eight feet (28').
 - (3) These vehicles shall be allowed in a side yard only if the rear yard cannot be reasonably accessed. Topographical features, the existence of mature trees or the existence of properly permitted and constructed structures, which prevent rear yard parking, is sufficient to establish a lack of rear yard access. If parked in the rear yard, a hard surface pad with access shall be provided by either a hard surface drive, hard surface drive strips or an access drive constructed of turf block materials. All vehicles covered by this section shall have a minimum side and rear setback of six feet (6'). No vehicle covered in this section shall be located in a side yard containing a driveway.
 - (4) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a recreational vehicle park authorized under this ordinance.
 - (5) A junked vehicle, or one that is not operational shall not be permitted to be located on or near lots with dwelling units. These junked autos shall be confined to junkyards.
 - (6) Heavy equipment, including but not limited to large wheeled, tracked, or static pieces of equipment, (including trailers, implements, and attachments used in conjunction with heavy equipment) normally associated with commercial agricultural, construction, or utility industries or other similar pieces of heavy equipment are inappropriate for storage and/or parking in residential use areas and storage and/or parking shall be forbidden. Examples include but are not limited to tractors greater than 40 horsepower, any metal-tracked vehicle, dozers, backhoes, excavators, trenchers, forklifts, aerial lifts, dump trucks greater than 20,000 lbs Gross Vehicle Weight Rating (GVWR), ride-on soil compactors, skid steer loaders, logging machines, knuckle boom loaders, wheel or tracked loaders, trailers greater than 10,000 lbs GVWR, or other similar pieces of heavy equipment. Walk-behind equipment rented

for temporary uses such as small stump grinders, trenchers, dethatchers, or other similar equipment are excluded from the heavy equipment definition.

8. Personal Storage

- a. *Intent:* The intent of the special conditions for Personal Storage is to:
- Allow for personal storage services to be mixed with other compatible commercial uses;
 - Ensure that personal storage facilities are located appropriately in order to minimize the impact on adjacent property; and
 - Recognize that the design and scale of personal storage facilities can determine how well this use fits in with surrounding uses.
- b. *Location Requirements:*
- (1) Exterior personal storage facilities on more than two acres shall be located only in the M-1 and M-2 districts and only by special exception.
 - (2) Exterior personal storage facilities on less than two acres and indoor personal storage facilities may be located in the B-2 district and only by special exception.
- c. *Site Requirements:*
- (1) All one-way drive aisles shall provide for one 10-foot wide travel lane. Traffic direction and parking shall be designated by signs or painting.
 - (2) All two-way drive aisles shall provide for one 10-foot wide parking lane and two 12-foot wide travel lanes.
 - (3) Two parking spaces, to be located at the project office for use of clients, shall be provided for the manager's quarters plus one additional space for every 25 storage cubicles.
 - (4) Any other site requirements determined through the special exception procedure to minimize impacts on adjacent property.

9. Accessory Structures and Accessory Dwelling Units

- a. *Intent:* The intent of the special conditions for accessory structures and accessory dwelling units is to allow flexibility in living arrangements and home occupations while maintaining the residential character of existing neighborhoods. These standards apply to all districts or as indicated in Table 3-1, Use Table, except for the Village Districts in Article VI.
- b. *Location Restrictions:* Accessory dwelling units shall be located on the same lot as the principal structure and are subject to the dimension standards in Section C.2. of this Article.
- c. *Site Requirements:*
- (1) Any accessory structures shall only have a half bath.
 - (2) Kitchens and electrical wiring or gas-supporting kitchens are prohibited.
 - (3) Any accessory structure proposed for office or extra living areas shall not be larger than 50% of the gross square footage of the principal structure.
 - (4) Any utilities for an accessory structure shall run through the principal structure.
- d. *Exception:* Notwithstanding anything contained in this subsection 9 to the contrary any "bona-fide" mother-in-law suite with a kitchen, attached to the principle structure, under common roof, shall not be deemed to be an accessory dwelling unit for purpose of this zoning ordinance but, instead, shall be deemed to be a part of the principle dwelling unit.

10. Building Materials on Commercially Zoned Property

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

- b. *Location restrictions:* The special conditions in this section shall apply to any commercially zoned property in the City of Fairhope.
- c. No building or portion of a building visible from a public street or right-of-way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right-of-way.

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

- a. *Intent:* The intent of these special conditions for restaurants and associated bars in the M-1 Light Industrial District is to provide a method for restaurants to be permitted in the M-1 district.
- b. *Location Requirements:* The special conditions in this section shall apply only to the M-1 Light Industrial District.
- c. *Site Requirements:*
 - (1) Prohibition of drive throughs. Restaurants shall not contain drive through windows or pick up windows. Restaurant must be a sit-down style restaurant.

12. Uses Containing Drive Through Lanes / Drive Through Windows

- a. *Intent:* The intent of the special conditions for Drive Through Lanes / Drive Through Windows is to:
 - Provide access to various services offered by uses containing drive through lanes and drive through windows;
 - Allow uses containing drive through lanes and drive through windows to be appropriately mingled with other non-residential uses;
 - Ensure location and design standards compatible with surrounding property, particularly the scale and intensity of surrounding commercial uses;
 - Minimize the potential negative impact that uses containing drive through lanes and drive through windows may have on surrounding property and neighborhoods;
- b. *Location Restrictions:*
 - (1) In the NVC district or CVC district, uses containing drive through lanes / drive through windows are not allowable.
 - (2) In all other districts, the property on which a drive through lane / drive through window is otherwise allowable shall not be within 100 feet of any residential district, or any property containing a residential use.
 - (3) Additional requirements and/or restrictions may apply within the Greeno Road Corridor (GRC) Overlay District.
- c. *Special Design Requirements* – In addition to the above location restrictions, the following special design requirements shall apply:
 - (1) Drive through speaker shall not exceed 50 decibels
 - i. Shall not play recorded messages.
 - (2) Menu boards / order boards
 - i. Shall be a maximum of 30 square feet in area
 - ii. Shall be a maximum 6' tall
 - iii. Shall be shielded from view from any public street and adjacent residential uses or residentially zoned property
 - (3) No less than four (4), 20' long and 10' wide stacking lanes shall be located at or behind the drive through window or appurtenance
 - i. May be reduced in number if recommended by a traffic impact study prepared by a licensed professional engineer
 - ii. Separated from other vehicular use and site circulation areas by a landscaped raised divider median or other divider identified in the landscape plan
 - iii. Shall be 12' wide in curved areas

- iv. Shall not enter or exit directly into a public street
 - v. Shall not interfere with waste handling and material loading areas
 - vi. If curbed, shall include an emergency by-pass or exit
- (4) Uses including a drive through lane located adjacent to residential uses or residentially zoned property shall provide screening and buffering as required by Section 20.5-4 (11) *Buffer Zone Landscaping* of Ordinance number 1444.

B. Screening, Lighting and Landscape Material

1. Intent

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

2. Screening

- a. In any district, all mechanical or operating equipment, materials, or activities not contained within a building, such as drive-through equipment, outdoor storage of materials, stationary machinery, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six feet in height. If the owner elects to build a wall or fence of bare or severe appearance it shall be enhanced with the planting of shrubs.
- b. In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet (6') in height and a twenty foot (20') landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25').

3. Parking Lot/Open Area Lighting

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

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

Lighting

- a. **Applicability.** The applicant for any permit required for work involving lighting shall submit documentation at time of site plan, multiple occupancy project plot plan, or building permit request that the proposed lighting plan complies with the provisions of this Code. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Code:
 - (1) A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this Code.
 - (2) Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).
- b. **Nonconformities.** Following application of this regulation, the installation of lighting, replacement of lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures.

c. Exemptions:

- (1) A detached single family home shall be exempt from the requirement of submission of the photometric analysis with the building permit.
- (2) When federal or state laws, rules and regulations take precedence over these provisions.
- (3) Public Schools.
- (4) City of Fairhope recreational facilities.

d. Light Measurement Technique. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or party requesting inquiry or at any other location on the property of the complainant or party requesting inquiry. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated and measured in footcandles (FC). All FC values below are maintained footcandles.

e. General Standards for Lighting

- (1) Unless otherwise specified below, the maximum light level shall be ten maintained footcandle at any property line in a residential use area, or on a lot occupied by a dwelling, congregate care or congregate living structure, and 15 maintained footcandles at any public street right-of-way.
- (2) No operation or activity producing glare in excess of the amounts permitted below:
 - i. All business and industrial districts: Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of ten footcandles when measured in a residential use area.
- (3) All flood lights shall be installed so that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned so that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
- (4) All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- (5) All wall pack fixtures shall be cutoff fixtures.
- (6) Within the Greeno Road Corridor (GRC) Overlay District all lighting fixtures shall be either semi-cutoff or full- cutoff fixtures.

f. Lighting in Parking Lots and Outdoor Areas

- (1) Parking lots with 50 or fewer spaces and open area requiring lighting for general purposes, except outdoor sports field lighting and outdoor performance area lighting, shall have light poles that do not exceed 10 feet overall height. Parking lots having more than 50 spaces shall have light poles that do not exceed 20 feet overall height.
- (2) Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be cutoff fixtures, or comply with at least one of the provisions in subsection (3) below.
- (3) Exceptions:
 - i. Non-cutoff fixtures may be used when the maximum initial lumens generated by each fixture shall not exceed 9,500 initial lamp lumens per fixture.
 - ii. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff

fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

iii. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.

iv. All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.

(4) All light fixtures shall meet the Illuminating Engineering Society of North America (IESNA) definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way. Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with this ordinance.

g. Lighting for Vehicular Canopies

(1) Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection (b) "General Standards for Lighting" above. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

i. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.

ii. Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane.

iii. Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.

iv. Surface mounted fixture, typically measuring two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material.

v. Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

h. Lighting of Buildings and Landscaping

(1) Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site feature and away from adjoining properties and the public street right-of-way.

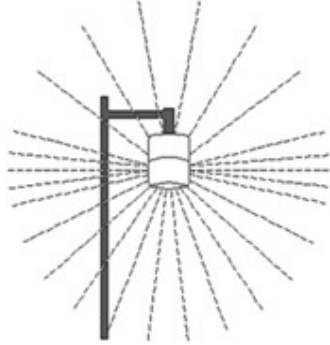
i. Diagrams.

(1) Full cutoff fixture: an outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

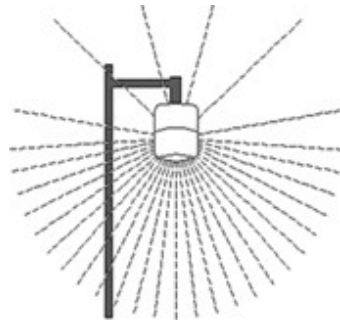


(2) Semi-Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits no more than five percent of its light above the horizontal plane of the

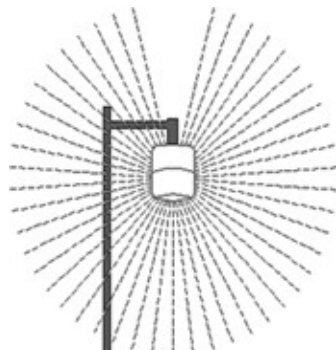
fixture, and no more than 20 percent of its light ten degrees below the horizontal plane of the fixture.



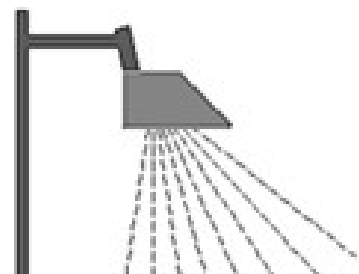
(3) Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that no more than two and one-half percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.



(4) Non-Cutoff Fixture: An outdoor light fixture constructed in such a manner that it emits light in all directions.



(5) Flood Light: A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.



- (1) The B-4 (Business and Professional District) development standards and area and dimensional requirements shall apply in this district:
- (2) Any residential, hotel, dormitory, nursing home or convalescent use shall not exceed the density established for the R-5 (High Density Multi-Family Residential District) at a minimum lot area of 10,500 square feet for two dwelling units plus 4,100 square feet for each additional unit / 10 units per acre maximum.
- (3) No building or portion of a building visible from a public street or right of way shall be exposed metal. A façade of some type or material shall be used to visually screen the metal from the public street or right of way.

I. GRC – Greeno Road Corridor Overlay Districts

1. Intent and Description – The Greeno Road Corridor Overlay (GRC) is intended to provide a transition of use intensity from less intensity to greater intensity back to less intensity along Greeno Road. The GRC overlay includes all property within or intersected by a line 400 feet east of the centerline of Greeno Road (U.S. Highway 98) and a line 400 feet west of said centerline, and begins at Dale Drive near the Daphne City limits and terminates at Old Battles Road (County Road 34), a distance of approximately 6.5 miles. Thus, the GRC includes all parcels lying wholly within the GRC overlay lines and the entirety of any parcels which either of the GRC overlay lines cross. Some properties within the geographic area of the GRC are not now within the corporate limits and thus this ordinance does not apply to such properties; however, land subsequently annexed into the City of Fairhope located within the GRC shall automatically be included within the GRC. The GRC includes the following five districts:

- Northern Edge District
 - Dale Drive to South Drive
- North Village Center (Parker Road) District
 - South Drive to State HWY 104
- Gateway District
 - State HWY 104 to Edwards Avenue
- Fairhope Avenue Village Center District
 - Edwards Avenue to Morphy Avenue
- Southern Edge District
 - Morphy Avenue to Old Battles Road

The GRC is much more automobile-oriented than the CBD, however the GRC seeks to reflect the “Fairhope Image” contemplated by the Comprehensive Plan through controlled signage, interconnectivity, sidewalks, and extensive landscaping. The GRC is intended to serve the entire community by:

- Better-managing the automobile-oriented nature of Greeno Road by limiting drive-up windows;
- providing a mix of uses;
- Encouraging retrofit of existing shopping centers by building nearer the right-of-way line
- Prohibiting backlit or illuminated plastic signs, neon signs, and video boards;
- Buffering residences from automobile-oriented uses through landscape buffers;
- buffering surrounding neighborhoods from any adverse impacts of activities in the GRC;
- requiring mandatory site plan reviews for all construction activities within the GRC; and
- Allowing certain specified uses only upon appeal to the Board of Adjustment and/or subject to special conditions.

1. Location and Size – LEGAL DESCRIPTION TO BE REFLECTED IN THE DOCUMENT TO BE CONSIDERED BY THE PLANNING COMMISSION

2. Applicability – This section applies to all new construction, demolition, Class III renovations, sidewalks, uses, private improvements, and landscape alterations of any kind occurring within the GRC overlay; provided however, this section shall not apply to properties zoned R-A, R-1, R-2, or R-3. The GRC overlays the underlying zoning districts. The provisions contained elsewhere within the Zoning Ordinance

shall also apply unless pre-empted by the GRC overlay. Where a conflict exists between the GRC Overlay and the underlying zoning regulations, the GRC Overlay provisions shall prevail. Non-conforming uses, structures, lots, and other non-conformities existing within the GRC at the time of establishment shall be governed by Article VII, non-conformities.

3. **Appeals and Variances** – Appeals and Variances shall be subject to the same standards contained within Article, II, Section C.3. of this ordinance.

4. **Allowable Uses**

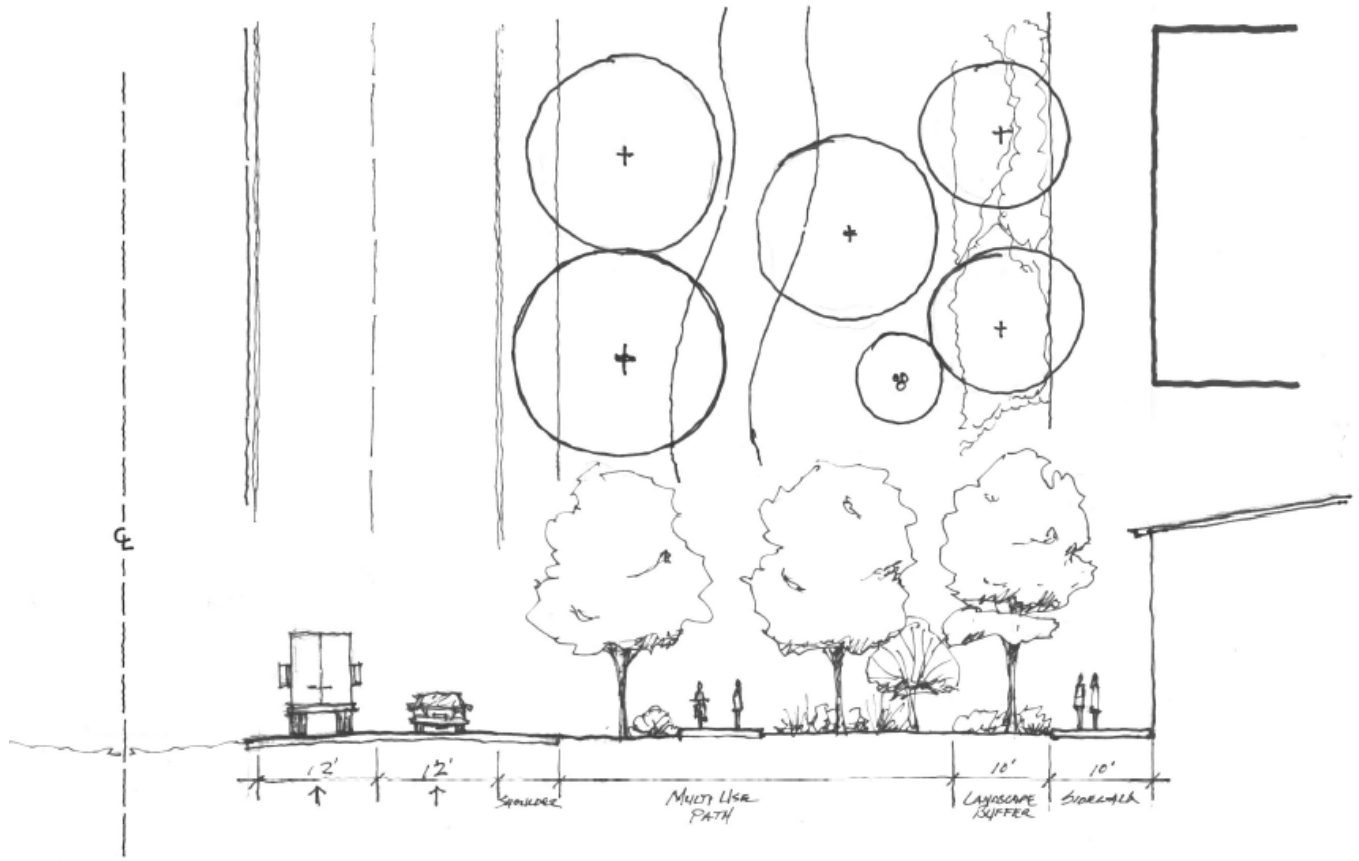
The uses allowable within the underlying zoning districts applicable to a particular property within the GRC shall continue to apply, subject to the additional provisions in this section. Article III, and the Use Table 3-1 identify the zoning districts created by the zoning ordinance and reflect seven general categories of uses: (1) residential; (2) civic; (3) office; (4) retail; (5) service; (6) manufacturing, and (7) rural. Within each category, specific uses are listed and indicated as either allowed, allowed subject to special conditions, or allowed by special exception.

5. **Special Conditions for Uses within the GRC** – The following special conditions shall apply to all applicable uses within the GRC overlay. These special conditions are in addition to the generally applicable standards that apply to all uses within the GRC overlay district. In the case of a conflict between the generally applicable standard for the underlying zoning district and the specific standard listed in this section for properties within the GRC overlay, the more specific standards in this section apply.

A. General – applicable to all districts within GRC

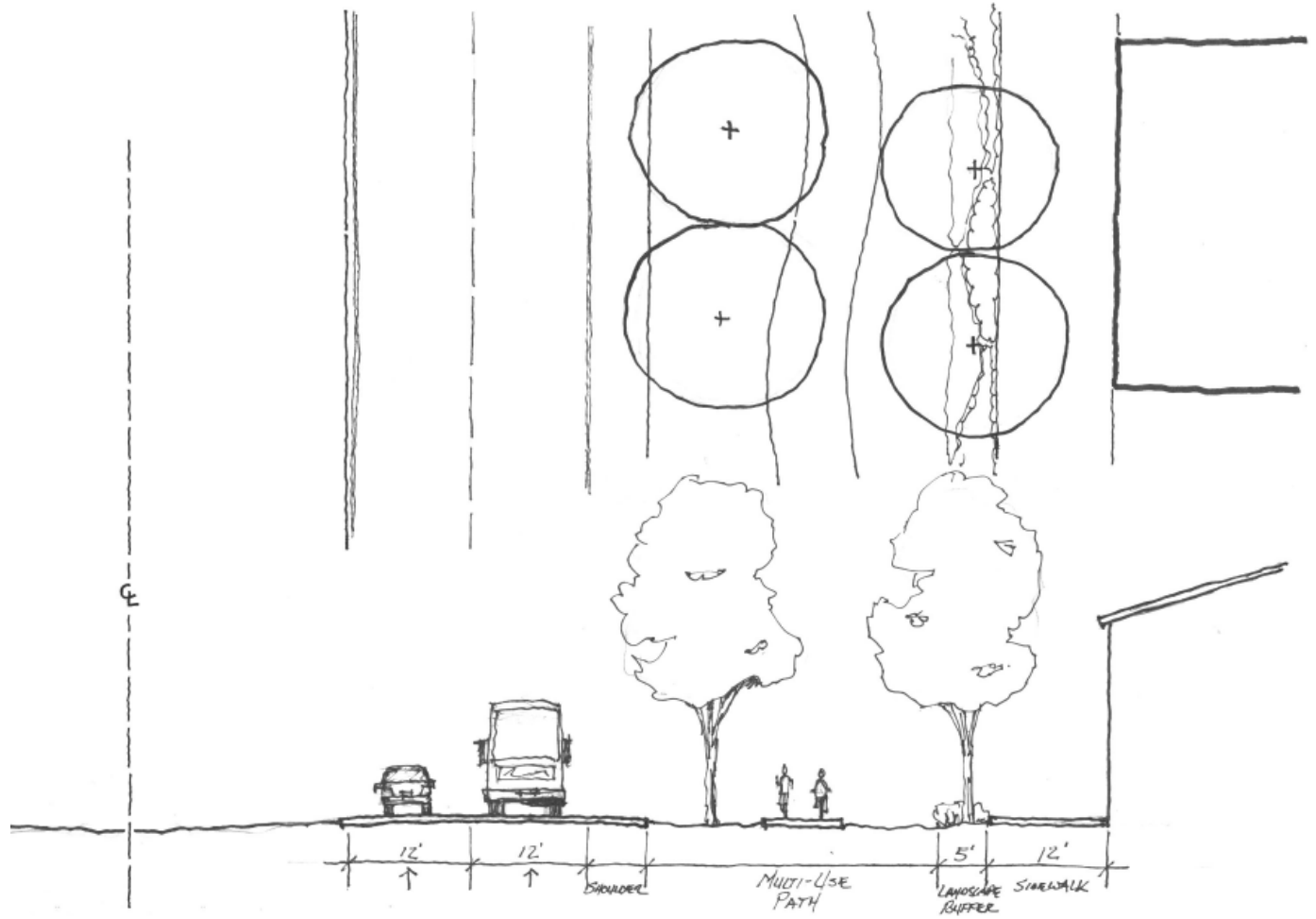
- a. In addition to the requirements of Ordinance 1537, Signs, the following shall apply to all districts within the GRC
 - i. Backlit or illuminated plastic signs are prohibited
 - ii. Neon signs are prohibited
 - iii. Video boards are prohibited
 - iv. The GRC is designated a Beautification Area as contemplated by Ordinance 1537, Sign Ordinance.
- b. Four-sided architecture
 - i. Blank, featureless walls are prohibited
 - ii. Between 50% and 80% of ground level, street-facing facades of non-residential buildings shall be transparent with glazing.
 - iii. Between 25% and 60% of upper floor, street-facing facades of non-residential buildings shall be transparent with glazing.
 - iv. Roofs shall be either pitched between 6:12 to 12:12 or be flat with parapets or decorative cornices. Roof mounted equipment shall be screened from public view on all sides.
- c. Mandatory site plan review
 - i. All work as described in “applicability”, above, requires a mandatory site plan review and approval within the GRC, regardless of whether or not it triggers the site plan review requirements of Article II, Section C.2. The procedures set out in Article II section C.2. shall apply to the review and approval of site plans within the GRC.
 1. Site plan review process shall be completed prior to approval of a building permit or land disturbance permit.
 - ii. A landscape plan in compliance with ordinance 1444 shall be submitted concurrently with the mandatory site plan review for administrative review by staff.
 1. In addition to the requirements of Ordinance 1444, tree and landscape ordinance, for all properties adjacent to Greeno Road / US HWY 98, the landscape plan shall also comply with figures XXXX through XXX, below, for the various districts. In the event of a conflict, the physical placement of the figures below shall govern.

a. Northern Edge District



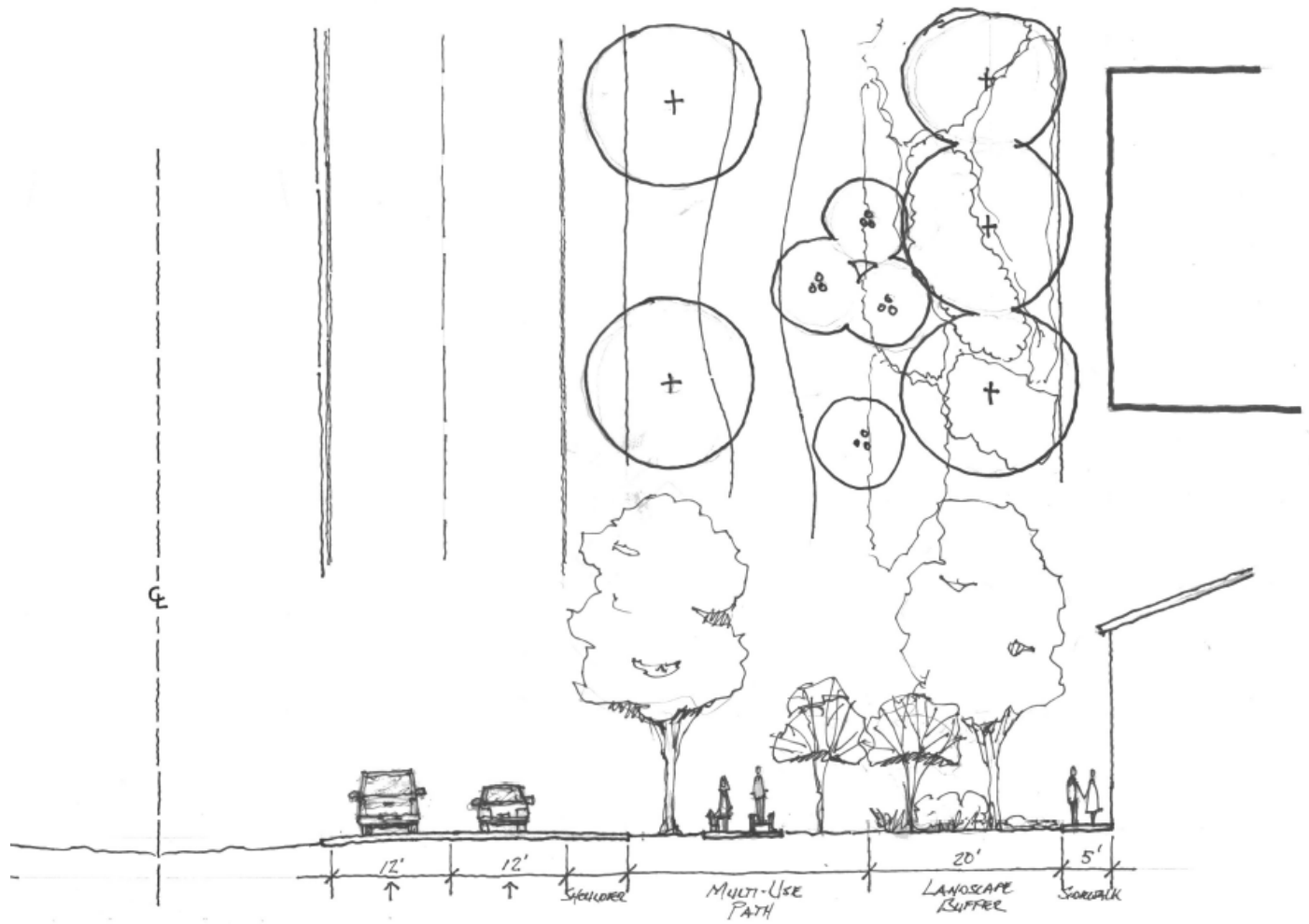
EDGE DISTRICT.

b. North Village Center (Parker Road) District



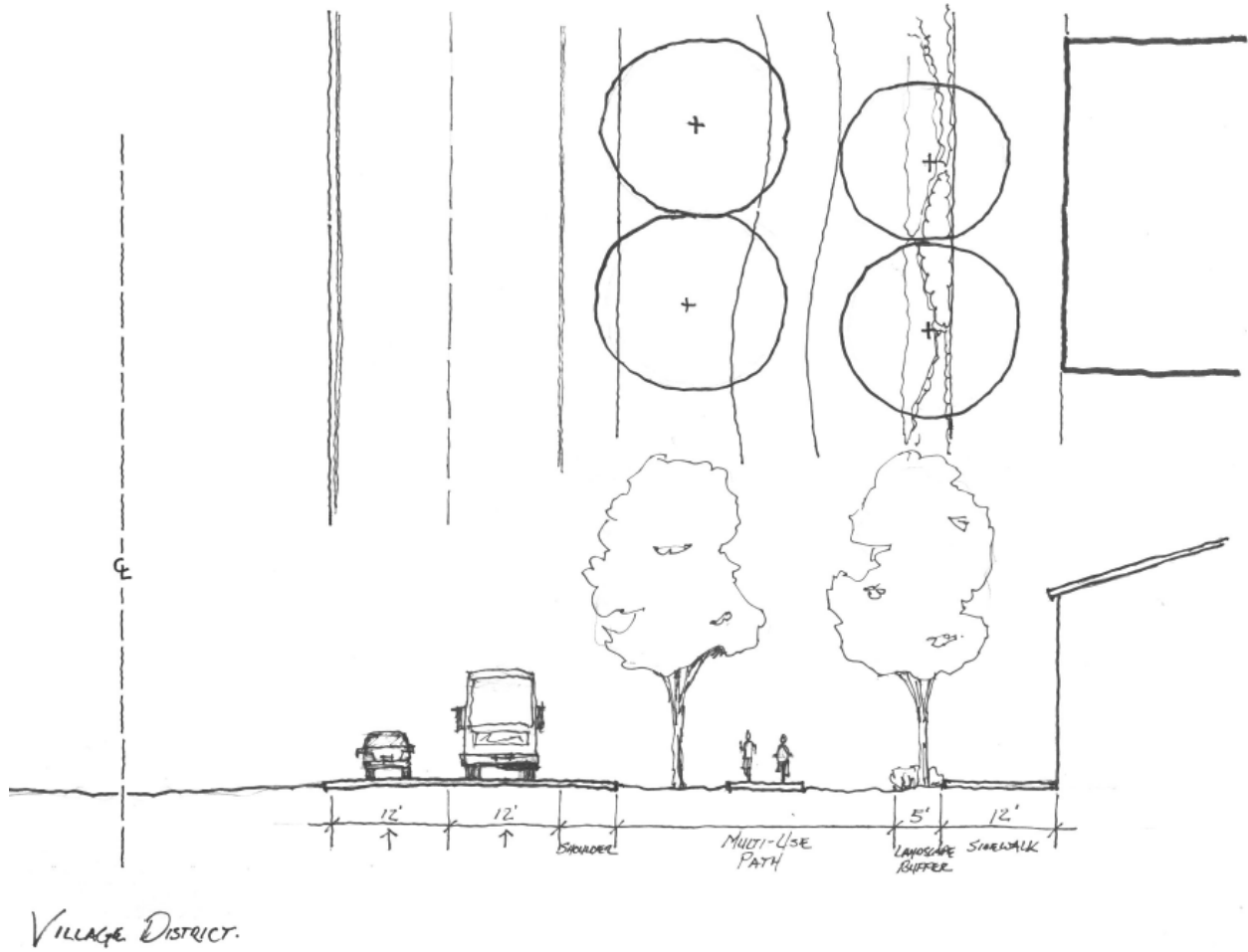
Village District.

c. Gateway District

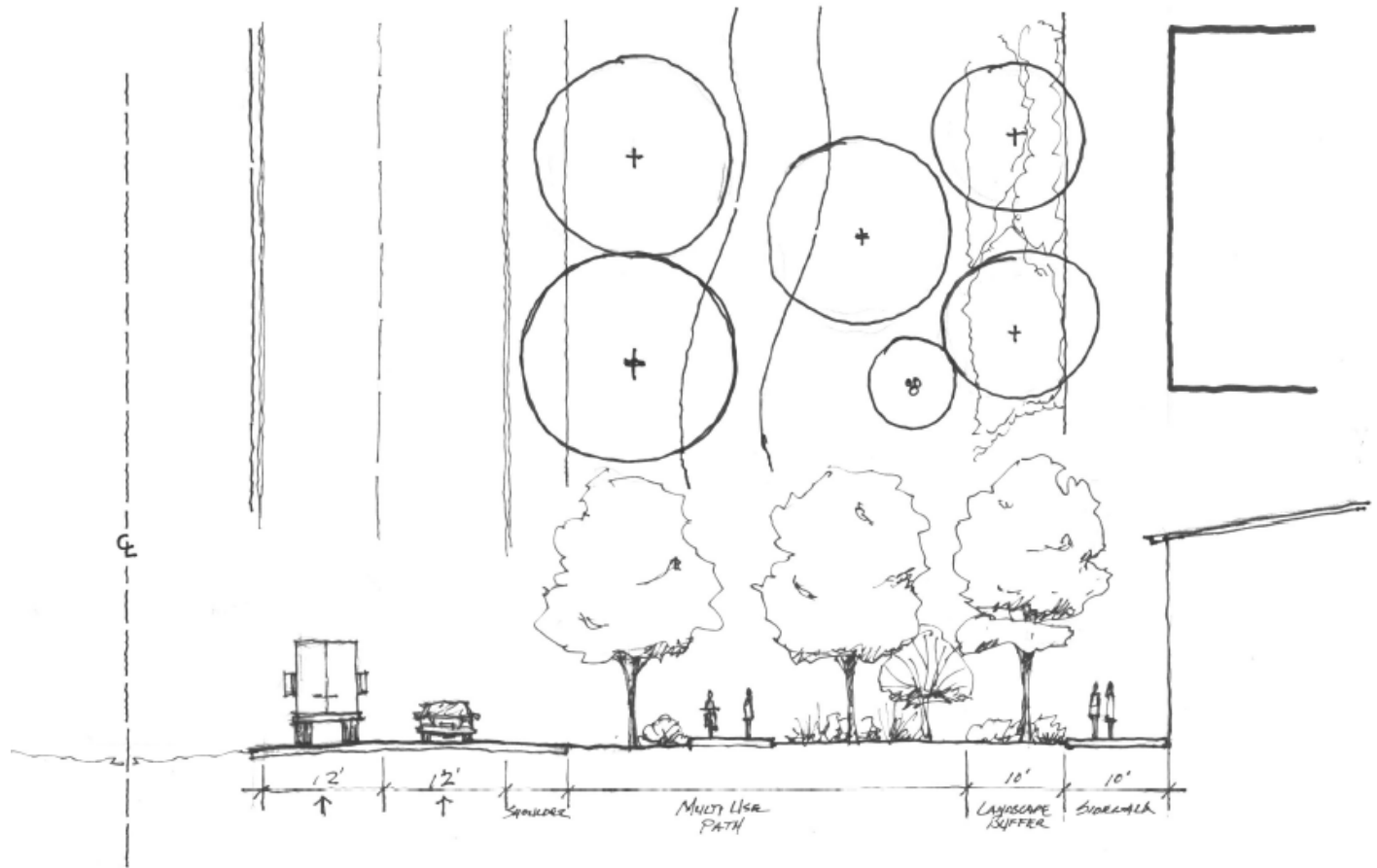


GATEWAY DISTRICT.

d. Fairhope Avenue Village Center District



e. Southern Edge District



Edge District

B. Uses – The uses allowable by the underlying zoning of each parcel within the GRC as indicated in table 3-1 shall be allowable within the GRC subject to the following restrictions and/or requirements:

a. Northern Edge District

1. General – applies to entire district

- i. Stand-alone ice vending machines are a prohibited use
- ii. Stand-alone automatic teller machines (ATMs) are a prohibited use
- iii. Car wash facilities, both automated and self-serve, are a prohibited use

1. General Personal Services

- i. Drive-throughs prohibited

2. Bed and Breakfast

- ii. No more than 12 rooms
 - iii. Must be owner occupied and operated
 - 3. Hotel / Motel
 - iv. No more than 30 rooms
 - 4. Restaurant
 - v. Drive-Throughs Prohibited
 - 7. Dry Cleaner / Laundry
 - vi. Drive-Throughs Prohibited
- b. Southern Edge District
 - 1. General – applies to entire district
 - a. Stand-alone ice vending machines are a prohibited use
 - b. Stand-alone automatic teller machines (ATMs) are a prohibited use
 - 1. General Personal Services
 - a. Single drive-through lane allowable at rear and one side of principle building
 - 2. Dry Cleaner / Laundry
 - a. Single drive-through lane allowable at rear and one side of principle building
 - 3. Bed and Breakfast
 - a. No more than 12 rooms
 - b. Must be owner occupied and operated
 - 4. Hotel / Motel
 - a. No more than 30 rooms
 - 5. Restaurant
 - a. Single drive-through lane allowable at rear and one side of principle building
- c. Gateway District
 - 1. General – applies to entire district and all uses within district
 - a. Stand-alone ice vending machines are prohibited use
 - b. Stand-alone automatic teller machines (ATMs) are a prohibited use
 - c. Quick-serve restaurants are a prohibited use, including but not limited to the following:
 - i. Restaurants offering no table service
 - ii. Restaurants offering take-out or pick-up meals only
 - iii. Food vendors operating via food truck
 - d. Car wash facilities, both automated and self-serve, are a prohibited use
 - e. Automobile Repair is a prohibited use
 - f. Automobile Service Station is a prohibited use
 - g. Convenience Store is a prohibited use
 - 2. Grocery / General Merchandise / Shopping Center
 - a. Individual uses shall not exceed 8,000sf per owner or tenant
 - 3. Two-family and Townhouses
 - a. Shall be a minimum of two stories
 - 4. Mixed use
 - a. Ground floor retail/commercial/restaurant use shall not exceed 8,000sf
 - 5. General Personal Services
 - a. Drive-throughs prohibited
 - 6. Bed and Breakfast
 - a. No more than 6 rooms
 - b. Must be owner occupied and operated
 - 7. Restaurant
 - a. Drive-throughs prohibited
 - 8. Dry Cleaner / Laundry
 - a. Drive-throughs prohibited

- d. Fairhope Avenue Village Center District / North Village Center (Parker Road) District
 - 1. General – applies to entire district
 - a. Stand-alone ice vending machines are a prohibited use
 - b. Stand-alone automatic teller machines (ATMs) are a prohibited use
 - c. Quick-serve restaurants are a prohibited use, including but not limited to the following:
 - i. Restaurants offering no table service
 - ii. Restaurants offering take-out or pick-up meals only
 - iii. Food vendors operating via food truck
 - d. Single-use buildings are a prohibited
 - i. Hotel/motel use is an exception to this requirement and is/are an allowable use
 - e. Car wash facilities, both automated and self-serve, are a prohibited use
 - f. Automobile Repair is a prohibited use
 - g. Automobile Service Station is a prohibited use
 - h. Convenience Store is a prohibited use
 - 2. Mixed-use
 - a. Ground floor retail/commercial/restaurant use shall not exceed 8,000sf
 - 3. Grocery / General Merchandise / Shopping Centers
 - a. Individual uses shall not exceed 8,000sf per owner or tenant
 - 4. General Personal Services
 - a. Drive-throughs prohibited
 - 5. Restaurant
 - a. Drive-throughs prohibited
 - 6. Dry Cleaner / Laundry
 - a. Drive-throughs prohibited

- e. *Automobile Service Station* – any building or land used for retail sale and dispensing of automobile fuel. Vehicle lubricants, supplies, accessories, and minor services may be offered if incidental to the sale of fuel and no more than three (3) interior vehicle storage and service bays are provided.
- f. *Garden Center* – any retail sales of plants that require outdoor storage of merchandise at any time of the year.
- g. *Outdoor Sales Limited* – a retail use where a minor portion of the merchandise, both in area and in business value, is typically stored outside during business hours.
- h. *Outdoor Sales Lot* – a retail use where a significant portion of the merchandise, either in area or in business value, is typically stored outside during business hours.
- i. *Car Wash* –
 - a. Automated - A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along and automatic or semi-automatic application of cleaner, brushes, rinse water and heat or air for drying.
 - b. Self-Service - A car wash wherein the customer provides labor to wash, dry, and otherwise clean a vehicle and where no self-propelled wash racks are provided.

5. Service Use Category

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

- a. *Convalescent or Nursing Home* – a business providing living accommodations and care for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital, and where non-resident staff is present for more than 8 hours per day.
- b. *Clinic* – a place used for the care, diagnosis and treatment of ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board. Includes medical laboratory facilities; professionally licensed therapists and therapy facilities of various types including but not limited to physical therapy, emotional, psychological and psychiatric therapy, and professionally-licensed counseling facilities.
- c. *Outdoor Recreation Facility* – a business primarily engaged in the provision of outdoor sports, entertainment, or similar recreation opportunities for participants or spectators.
- d. *Mortuary or Funeral Home* – an establishment used for the preparation of deceased humans and ceremonies prior to burial or cremation.
- e. *Day Care* – a business providing for the day care and/or instruction of non-resident children.
- f. *General Personal Services* – a business that provides including uses such as post office, bank, barber shop or beauty saloon, film processing, small appliance repair, tailor, office support, or other similar service. Any personal service that is more specifically described is excluded from this use.
- g. *Automobile Repair* – the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. Vehicle lubricants, supplies, and accessories may be supplied and sold at retail.

Definitions and Interpretation

Defined Terms

- h. *Indoor Recreation Facility* – a business engaged in the provision of indoors sports, entertainment, or similar recreation opportunities for participants or spectators. Examples of uses include roller skating rinks, movie theaters, or fitness clubs.
- i. *Dry Cleaner/Laundry* – a business engaged in cleaning clothes, fabrics, or upholstery on-site either by drop-off and pick-up by customers or through delivery services.
- j. *Personal Storage* – a business offering separate storage areas leased or rented on an individual basis.
- k. *Bed and Breakfast or Tourist Home* – a business where lodging and/or meals are provided incidental to a principle single-family dwelling, where no cooking or dining facilities are provided in individual rooms, and where the owner resides on the premises.
- l. *Hotel or Motel* – a business where lodging services, including accessory uses such as eating and drinking facilities, recreation facilities and parking, are provided. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.
- m. *Boarding House or Dormitory* – a business where lodging and/or meals are provided, where no cooking or dining facilities are provided in individual rooms, and where an owner or manager resides on the premises.
- n. *Recreational Vehicle Park* – a development providing rental spaces for recreational vehicles such as a trailer, camper, or motor home on a short-term basis, including accessory recreation and service facilities for the use of the tenants.
- o. *Restaurant* – a business serving prepared meals for consumption on the premises, which may include an accessory bar, carry out, drive-through, or catering services.
- p. *Catering* – a business of providing food service where food is prepared or stored at a permitted food facility then delivered and/or served at a remote site.
- q. *Bar* – a business serving alcoholic beverages, which may include accessory food and entertainment services.
- r. *Entertainment Venue* – a business where floorshows or other forms of entertainment by persons are provided for guests, which may include accessory dining, bar, and similar refreshment services. Examples include concert halls, dinner theaters, or banquet halls.
- s. *Marina* – a business providing boat storage and services on the water.
- t. *Kennel or Animal Hospital* – any business where four (4) or more dogs over four (4) months of age are kept for general boarding or medical care.
- u. *Warehouse* – a business where a major portion of the floor area is used for storage of goods, products, or parts for distribution at bulk retail or wholesale, or where the storage is a service provided for a fee.
- v. *Junk Yard or Salvage Yard* – a structure or lot where discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, accumulated, disassembled, or handled. This definition shall not include properly licensed establishments for the sale, purchase, or storage, of usable second-hand goods. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of properly licensed manufacturing operations.
- w. *Wholesale Establishment* – business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heavy Equipment: Including but not limited to large wheeled, tracked, or static pieces of equipment, including trailers, implements, and attachments used in conjunction with heavy equipment, normally associated with commercial agricultural, construction, or utility industries or other similar pieces of heavy equipment. Examples

include but are not limited to tractors greater than 40 horsepower, any metal-tracked vehicle, dozers, backhoes, excavators, trenchers, forklifts, aerial lifts, dump trucks greater than 20,000 lbs Gross Vehicle Weight Rating (GVWR), ride-on soil compactors, skid steer loaders, logging machines, knuckle boom loaders, wheel or tracked loaders, trailers greater than 10,000 lbs GVWR, or other similar pieces of heavy equipment. Walk-behind equipment rented for temporary uses such as small stump grinders, trenchers, dethatchers, or other similar equipment are excluded from the heavy equipment definition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planned Unit Development: A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities; (2) includes principal and accessory uses and structures substantially related to

the character of the development itself and the surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all building as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated or maintained at public expense.

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

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

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

Regulatory Flood: The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately one hundred (100) years as determined from an analysis of floods at a particular site and other sites in the same general regions (See Ordinance No. 668).

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

Renovation, Class III: The work area exceeds 50% of the building area.

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

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

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

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

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

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

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