

Ordinance 1034 - RA-23001, Proposed Zoning Ordinance Amendments

Version 4 as Revised by the
Planning Commission on May 11, 2023
Including Staff Revisions to Sec 8.8.6 and 8.10

Presented to the City Council June 20, 2023

Zoning Ordinance of the City of Bay Minette

~~Amended March 7, 2022 — Ordinance 1002~~

Amended July 3, 2023

Ordinance 1034

ARTICLE 4. ADOPTION

This ordinance was adopted by the City of Bay Minette, Alabama, on the _____ day of _____ 2020__.

/s/ _____
Mayor

/s/ _____
City Clerk

I, _____, City Clerk of the City of Bay Minette, Alabama, certify that the document described herein, identified as the "Zoning Ordinance Of The City of Bay Minette, Alabama," is a true and correct copy of the Ordinance number _____, adopted by the City of Bay Minette, this _____ day of _____, 2020__.

Seal of the City of Bay Minette.



5.2 Words and Terms Defined.

Best Management Practices (BMPs). A structural or nonstructural management-based practice used singularly ~~on~~ or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

~~**Bulk.** Height and percentage of land coverage of a building.~~

~~**Bulkhead.** A structure separating land and water areas, primarily designed to resist earth pressures.~~

Entertainment Venue. A site or facility, whether located on public or private property, that functions primarily to provide a community-centered meeting hall for members of the public to carry out local community-oriented activities and public and civic functions. Examples include, but are not limited to, convention centers, banquet halls, civic centers, stadiums, and arenas. Typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, they are available for use by various groups for such activities as public assemblies, meetings, corporate events, fundraising, parties, weddings, receptions, and dances.

Event Facility. A site or facility, with or without permanent structures, for the purpose of conducting private or public events by renting or leasing on a commercial basis. It may include multi-purpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose rooms and a kitchen and/or outdoor barbecue facilities, available for use by various groups for such activities as meetings, parties, weddings, receptions, and dances. Examples include community centers.

Public Event. An event for the display, presentation, or performance of musicals, concerts, or other live stage entertainment or other social events, where food and drink may be consumed on site, but which provides no overnight accommodations.

Private Event. An event that is periodic or special in nature and not open to the general public, where food and drink may be consumed on site, but not providing overnight accommodations. Examples include weddings, banquets, receptions, ceremonies, parties, or other social events with or without live entertainment.

Event. Any gathering of more than twenty (20) people for one to twelve (12) hours where the purpose is for fundraising, profit or is political, public, social, or educational in nature. A gathering which consists of friends or family of the owner of an event venue or other commercial facility that is not for the purpose of fundraising, profit, or is political, public, or educational in nature and no donation or compensation of any kind is exchanged in relationship to the gathering is not considered an event.

(REORGANIZATION ONLY)

Manufactured/Mobile home park. A residential development on a parcel of land in one (1) ownership providing rental spaces for two (2) or more mobile homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation.

Manufactured/Mobile home space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or travel trailer.

Manufactured/Mobile home subdivision. A residential development designed for the accommodation of mobile homes on individually owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourist or vacation-oriented travel, motor homes, campers, etc.

Temporary use. **Except as otherwise provided herein, any Any** use not longer than three (3) calendar months within any given calendar year.

6.2.6 *R-5, Manufactured/~~Mobile~~ Home Residential District.* The intent of this district is to provide space at appropriate locations consistent with community objectives for the establishment of permanent manufactured/~~mobile~~ homes **parks or subdivisions** and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Health Department requirements for private wells and septic systems.

7.2.2 All lots shall front on a public or private street and shall have a minimum frontage width as indicated in ~~Section 8.12.~~ **Section 8.11.** On irregularly shaped lots, a minimum street frontage of 30 feet is required and residential lots shall not front on a collector street without Planning Commission approval. An "irregularly shaped lot" includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet.

7.12 Utilities

7.12.2 *Water and Sewer Connections.*

7.12.2.2 While parked or stored, no recreational vehicle shall be occupied or used as a temporary or permanent residence as defined herein and shall not be connected to sanitary sewer.

7.16.5.5 Fences may not be located within five (5) feet of the **right-of-way edge of pavement or other roadway surfacing**, or public sidewalk.

~~8.3.6 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 six-month periods, renewable, upon written request from the business owner, up to a maximum of one (1)-year.~~

8.3.6 All **business commercial and industrial** structures shall be so designed as to present an aesthetically pleasing appearance, as determined by Planning Commission, that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under *Article 7* of this Ordinance.

~~8.3.6~~ **8.3.7** 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 **by the City Planner** for six-month periods, renewable, upon written request from the business owner, up to a maximum of ~~one (1) year~~ **two (2) years. Any additional renewals would be subject to the review and approval of the Planning Commission.**

~~8.3.7~~ **8.3.8** Non-permanent structures such as trailers and shipping containers used in conjunction with an existing non-residential use and used for storage of excess inventory, may be permitted by the City Planner provided the following requirements are met.

8.6 Metal Buildings. On properties ~~sited closer than 200 feet from~~ **along** the right-of-way **of Alabama Highway 59, Highway 31 or Hand Avenue north of Highway 31 to McMeans Avenue, Highway 138, State Highway 287 and D'Olive Street.** ~~or properties visible from said roadways Alabama Highway 59, Highway 31 or Hand Avenue north of Highway 31 to McMeans Avenue, Highway 138,~~

~~State Highway 287 and D'Olive Street~~, any metal-clad structures for residential multi-family projects involving the construction of three (3) or more dwelling units, all commercial structures and all industrial structures, are required to meet the following standards and criteria:

- 8.6.1** The exterior metal walls of the front and any sides of a building facing **and visible from** said public street, that will be constructed with metal cladding as the primary siding material, shall not be constructed to expose ~~more than 50% percent of~~ bare metal siding ~~façade on any front or side exterior wall~~ facing said right-of-way or roadway. **An external façade shall be required to cover 100% of the front and any exterior walls facing said roadways, which shall apply to all metal structures whether new construction, renovation, remodel, expansion or otherwise altered from their current state as of the effective date of this Ordinance.**
- 8.6.2** For developments with phased plans, the exterior façade required by this provision shall be completed within the first phase of construction. A Certificate of Occupancy shall not be issued, additional building permits received nor additional zoning approvals for the site if this requirement has not been completed in accordance with approved plans and to the satisfaction of the City Planner or Planning Commission.
- 8.6.3** Acceptable materials for the external facade of metal buildings include stucco, brick, scored and split face block and wood. **For the purpose of this Section, paint of any kind including textured or rubberized coatings shall not be considered acceptable façade materials.** It is recommended that large walls be broken up through the use of architectural features or embellishments such as color bands, wainscot, protrusions, recessed windows or entries. ~~Alternative materials must be approved through the site plan approval process.~~
- 8.6.4** All metal buildings shall have at least two exterior architectural features for articulation, such as front porches, gables, awnings, or other exterior siding materials, on the front elevation and any other elevation that is adjacent to or visible from a public street or right-of-way.
- 8.6.5** **To improve the aesthetics of the building and lot**, landscaping shrubs and/or trees ~~shall should~~ be planted and maintained in front of ~~bare metal siding those~~ portions of the building, facing the roadway or right-of-way, ~~to improve the aesthetics of the building and lot.~~
- 8.6.6** **Alternative design or alternative materials must be approved through the site plan approval process.**

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- 8.7.1.4** No accessory structure shall be constructed or moved upon a lot until the construction of the primary structure has commenced.
- 8.7.1.5** In residential districts an accessory use will conform to the following requirements:
- 8.7.1.6** For residential multi-family, commercial or industrial uses, accessory structures shall conform to the following requirements:

- a. Shall be clearly incidental to the primary permitted use of the premises.
- b. For all such accessory structures that require a Building Permit, engineered plans shall be submitted prior to the issuance of a Building Permit.
- c. A non-residential detached accessory structure shall not be closer than ten (10) feet to another structure, nor closer than five (5) feet to any lot line or encroach into any existing drainage or utility easements.
- d. No detached accessory structure may: (1) be located forward of the building frontage of the primary structure; or (2) be closer than twenty (20) feet to any right-of-way.
- e. Where a business district abuts any part of a residential district, the detached accessory structure shall be located no closer than ten (10) feet to the property line; where an industrial district abuts any part of a residential or business zone, the detached accessory structure shall be located no closer than twenty (20) feet to the property line.
- f. Detached accessory buildings shall not exceed one and one half (1.5) stories or twenty (20) feet in height.
- g. Detached accessory structures allowed with Land Use Approval by the City Planner or designee:
 - 1) Total size does not exceed 600 square feet.
 - 2) Intended for unconditioned or open-air storage of vehicles, tools, equipment or other similar utility use. No accessory structure will be allowed with Land Use approval for any use higher than a Group S or U Occupancy Classification as defined by the current International Building Code adopted by the City.
 - 3) Shall meet all other pertinent sections of this Ordinance.
 - 4) Any residential multi-family, commercial or industrial accessory structure not conforming to the provisions of this section shall be required to receive Site Plan Approval from the Planning Commission.

8.7.2 Home Occupations

Home occupations are permitted in all districts where residences are permitted, if licensed by the City and conforming to the conditions of this section and any applicable laws or ordinances. Home Occupations are subject to administrative review and require an approved Land Use Certificate. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property.

8.7.2.1 Limitations on Type of Home Occupation are as follows:

- a. **No more than one (1) home occupation shall be approved in any residential dwelling unit.**
- b. Area used for a home occupation shall not exceed twenty percent (20%) of the gross floor area in the principal building, **up to a maximum of 500 square feet.**
- c. ~~The home occupation shall be confined entirely to the principal building.~~ **No internal or external addition, alteration or expansion of the dwelling is permitted to accommodate the home occupation.**
- d. **The operation of a home occupation shall not create any nuisance or adversely affect the residential character of the neighborhood, including but not limited to an increase in traffic, on-street parking, excessive noise, heat, fire hazards, electrical interference (including radio, television and telephone interference) or a fluctuation in line voltage.** Chemical, mechanical or electrical equipment that creates **any vibration, fumes, dust** air emissions, odors, light, glare or noises that are detectable outside of the dwelling shall be prohibited.
- e. **The existence of a home occupation shall not be visible from or detectable beyond the property boundaries. The outdoor display or storage of ~~No display of~~ products, materials, goods, supplies or equipment used in relation to the home occupation is expressly prohibited. ~~shall be visible from the street and~~**
- f. ~~only~~**Only** articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises. **Other on-site sales, excluding those by phone, fax, mail, internet and similar remote methods, shall be prohibited.**
- g. Patrons to the business shall be limited to one (1) client at a time.
- h. Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
- i. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- j. **Home occupations shall be legally established and licensed in conformity with the ordinances of the City. Any home occupation**

operating without a business license or with an expired business license shall be required to obtain current Land Use approval prior to the issuance or re-issuance of a business license.

- k. Customary home occupations shall not include the following:
1. Uses which do not meet the provision listed above.
 2. Automobile and/or body and fender repairing.
 3. Food handling on a large-scale basis, processing or packing.
 4. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.
 5. Restaurants.
 6. Rental, sale, storage or repair of vehicles or equipment of any kind.
 7. No outdoor or indoor window signs of any kind are permitted for a home occupation.

8.7.2.2 Any home occupation not conforming with *Section 8.7.2.1* may be subject to Planning Commission approval and Site Plan Review.

8.8.6 *Uses Not Specified.* In any case where a use is not specifically referred to by the Table or elsewhere in this Ordinance, its status shall be determined by the 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 City Planner, such determination shall thereafter have general application to all uses of the same type. **In order to promote consistency and fairness, and to avoid arbitrary and capricious decisions, the North American Industry Classification System (NAICS), most current edition is hereby adopted as a reference and shall become a part of the Zoning Ordinance as an expansion of uses similar in nature but not expressly provided for within the Table of Permitted Uses. The NAICS manual shall be used to provide definitions of each use or use groupings listed in the table. Unless expressly prohibited, and subject to any conditions listed in the Table or elsewhere in this Ordinance, all sub-uses listed under a use in the NAICS manual shall have the same zoning district status identified in the Table of Permitted Uses for the most analogous use.**

8.9 Site Plan Approval

An application for Site Plan Approval ~~site plan~~ shall be required for all residential multi-family projects involving the construction of three (3) or more dwelling units; all **new or expanding** commercial structures; all **new or expanding** industrial structures; and, other uses as required by the Planning Commission prior to a building permit being issued. Site Plan Reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of this Zoning Ordinance to ensure conformity with its purpose as stated in *Article 1*. ~~Eleven (11) sets of site plans shall be submitted no less than ten (10) days prior to the Planning Commission meeting at which they are to be reviewed. The City Planner shall have the discretion to accept electronic submittals in satisfaction of some or all of the submittal requirements.~~

8.9.1 **Pre-Application Conference.** Applicants are urged to consult early and informally with the City Planner to facilitate the Site Plan application process. A pre-application conference with City Staff is mandatory prior to submitting a Site Plan Approval Application. The purpose of Pre-Application Conference is to acquaint the applicant with the regulations governing the proposed development, procedures for approval, and other agencies or officials who must approve any part of the plan. Neither the applicant nor the Planning Commission are bound by considerations delivered during the Pre-Application Conference.

8.9.2 **Review Procedures.**

8.9.2.1 Staff shall distribute the pre-application submittals and plans to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for preliminary review and recommendations. Following staff review and comments, the applicant shall submit a formal application and revised submittals which shall reflect the initial review comments.

8.9.2.2 Once applications are deemed administratively complete, Planning Staff will schedule the application for presentation to the Planning Commission in accordance with the established Meeting and Deadline Schedule.

8.9.2.3 While a public hearing is not required, notice of a public meeting will be posted on the property. The owner, or their agent, of the property for which Site Plan Approval is sought, adjacent property owners and any other parties identified that may have interest in the request, shall be notified by regular mail.

8.9.3 **Where any project or site is to be developed in stages or phases, no application for Site Plan Approval for any fraction of the site shall be accepted for review unless a Master Plan is submitted or has been previously approved. The Master Plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall express the overall development concept for the site at build-out.**

8.9.4 Upon approval of the site plan, either as submitted or with changes and/or special conditions

required by the Planning Commission, the Building Official 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. **Construction must follow the Site Plan as approved by the Planning Commission.**

- 8.9.5 The **City Planner or** Planning Commission may waive certain requirements contained in Section 8.9.5 of this Ordinance if it is determined that the requirements are not essential to a proper decision on the project; or, **it** may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development. **At the time of application, submittals must include:**
- a. **Three (3) large-format, printed plan sets,**
 - b. **A digital version in PDF format, and**
 - c. **A digital version in GIS shapefile, CAD drawing or equivalent.**
- 8.9.6 **Minimum Requirements for Submittals.** Site plans shall include the following information **related to the existing and proposed conditions** unless some or all of these requirements are waived by the **City Planner or** Planning Commission.
- 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 or 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. **Site calculations shall include the detailed information on the dimensions and/or area of the following:**
 1. **Existing Structure square footage**
 2. **Proposed Structure square footage**
 3. **Existing Impervious Surface area including parking areas and access/driveways**
 4. **Proposed Impervious Surface area including parking areas and access/driveways**
 5. **Proposed Landscaped/Open Space areas**
 6. **Number of Parking Spaces provided with dimensions and provisions for accessible parking and travel paths.**
 - 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. Where required by the Alabama Department of Transportation ("ALDOT"), City Planner shall be provided proof that the applicant has submitted a driveway permit application to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies thereof shall be provided to the City Planner.
- l. Front and side architectural elevations.
- 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, **in accordance with Section 10.4 Landscape Plan Standards.**
- 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, and signs.

8.9.7 Application Review & Incomplete Submittals

Planning Staff will review applications for administrative completeness. Incomplete, partial, or inaccurate submittals will not be accepted, but will be returned to the applicant for re-submission for a later meeting. Once applications are deemed complete, Planning Staff will schedule the application for presentation to the Planning Commission in accordance with the established Meeting and Deadline Schedule. The City Planner, or designee, shall review complete applications to determine if the submittals meet all the requirements herein. Staff shall submit the Site Plan application and plans to all other City departments, County and State agencies and other officials and agencies, as may be applicable, for review and

recommendations. The completed analysis will be presented to the Planning Commission for review and decision.

8.9.8 Withdrawal or Tabling Procedures

8.9.8.1 Withdrawal. If, for any reason, an item scheduled for presentation before the Planning Commission is withdrawn within seven (7) calendar days of submission, then the application fee shall be credited toward future resubmittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The request to withdraw the item shall be submitted in writing, signed by the applicant or authorized agent, and submitted to the Planning and Development Department prior to the scheduled hearing date.

8.9.8.2 Tabling. If, for any reason, an item scheduled for presentation before the Planning Commission is requested to be tabled without having been presented, then the request to table the item and reschedule shall be submitted in writing, signed by the applicant or authorized agent, and submitted to the Planning and Development Department prior to the scheduled hearing date.

8.9.9 Fees.

8.9.9.1 To partially defray costs of filing an application, staff and engineer review, and other administrative costs, a fee according to the current schedule of fees established by the City Council of Bay Minette must be paid to the City by the applicant at the time of filing of the application. Fees are not subject to refund or adjustment, irrespective of the final outcome of the application.

8.9.9.2 Plan Review. There will be no cost for the Pre-Application Conference or initial plan review for submitted Site Plan applications. Subsequent plan submittals or revisions will incur a Plan Review Fee of \$150.00 per submittal.

8.9.10 Planning Commission Action. For Site Plan Approval, no public hearing is required. The applications, submittals and prepared staff report will be reviewed during the regularly scheduled meeting of the Planning Commission in accordance with the established meeting schedule. The applicant, or an authorized representative with sufficient knowledge of the project, is required to be in attendance.

8.9.10.1 The Planning Commission makes the final decision and has the option to:

- a. Approve the Site Plan as presented
- b. Approve the Site Plan with conditions, stating the conditions required
- c. Deny the Site Plan, with stated factors for the denial

d. Table the Site Plan Request, due to lack of information

Regardless of outcome, the applicant will receive a Notice of Action from the Planning Department within seven (7) business days detailing the decision(s) of the Planning Commission, including any requested revisions, related conditions or action items to be completed.

8.9.10.2 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official 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. Prior to the issuance of a Certificate of Occupancy, an electronic version of As-Builts must be submitted in the following formats:

- a. A digital version in PDF format, and
- b. A digital version in GIS shapefile, CAD drawing or equivalent.

8.9.10.3 Construction shall follow the Site Plan as approved by the Planning Commission. Minor modifications may be approved by the City Planner if the proposed modification does not material change, alter or diminish the intent and character of the approved plan. Modifications determined to significantly deviate from the Planning Commission's approved version will be required to submit for Planning Commission review.

8.9.10.4 Site Plan requests that are tabled, will not receive further review by the Planning Commission until all additional information requested has been received and reviewed for compliance by the Planning Department.

8.9.10.5 Site Plan requests that are denied will not receive further review by the Planning Commission until all noted deficiencies have been addressed and revised documentation received and reviewed for compliance by the Planning Department.

8.9.10.6 Any resubmittals, revisions, additional information or permit applications related to the application must be received within 180 days from the date of Planning Commission action, or a new Site Plan Application will be required. One request for Site Plan Approval Extension of up to 180 days will be reviewed administratively.

8.10 Table of Permitted Uses

~~The following Table contains a list of land uses permitted in each district.~~ The Table of Permitted Uses identifies those land uses permitted within City limits and specifies the zoning district in which such uses are allowed. In conformance with *Section 8.8 Permitted Uses and Conditions*, opposite each land use, in the appropriate district column or columns, the letter "R" identifies those districts in which a particular land use is permitted by right and the letters "S" identifies those districts in which a particular land use is permitted only by Special Exception from the Board of Adjustment. The letter "P" identifies those uses that must be reviewed and approved by the Planning Commission. **Uses not specified herein shall be determined by the analogous use or uses that are specifically referred to in the Table of Permitted Uses. The NAICS Manual shall be used by the City Planner to provide definitions of each use or use groupings listed in the Table. Unless expressly prohibited, and subject to any conditions listed in the Table or elsewhere in this Ordinance, all sub-uses listed under a use in the NAICS manual shall have the same zoning district status identified in the Table of Permitted Uses for the most analogous use.**

	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	M-1	M-2
<p>Accessory buildings and uses, home swimming pools, when located on the same lot or parcel as the principal residential structure or use and customarily incidental thereto, allowed by right provided the requirements in all pertinent sections of this ordinance are met. Accessory buildings and uses, swimming pools, when located on the same lot or parcel as the principal commercial/industrial structure or use and customarily incidental thereto, allowed with Planning Commission approval by right provided the requirements in Section 8.7.1.6 and all other pertinent sections of this ordinance are met. Other Accessory structures allowed with Planning Commission Site Plan Approval provided all other pertinent sections of this ordinance are met.</p>	R	R	R	R	R	R	PR	PR	PR	PR
<p>Entertainment venue or event facility: provided that sufficient buffering is established to obstruct noise, glare and view from adjacent residential uses or districts</p>							P	P	P	P
<p>Recreational vehicle – for occupancy/use as living quarters. Shall be permitted only in an approved Recreational Vehicle Park.</p>						R		R	R	

Recreational vehicle – parking and storage on private property, does not require approval. Occupancy of the recreational vehicle and unauthorized utility connection is not permitted.	R	R	R	R	R	R	R	R	R	R
Recreational vehicle parks.						P		P	P	

8.12 Minimum Setbacks

- a. The building setback lines in the downtown historic business district overlay zone shall be similar and consistent with what is ~~existing~~ existing on the same street within the same block of the proposed building.

9.1 Manufactured ~~Home~~ Mobile Home Parks

9.1.2 Manufactured Home Space Requirements

- Space Width:* 40 feet minimum
- Front Yard:* 10 feet minimum
- Side Yard:* 20 feet between mobile manufactured homes
- Parking:* Two (2) spaces for each mobile manufactured home space off-street, and shall be hard surfaced with all-weather materials.

9.1.3 Other Requirements

- e. Manufactured homes may not be used for non-residential use within mobile manufactured home parks.

9.2.3 Parking Schedule

- e. Mobile Manufactured home courts and parks:

9.8 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units Pilot Program

10.6.4 *Greenbelt Zone.* All developments along or abutting the right-of-ways of U.S. Highway 31 South, U.S. Highway 31 North, State Highway 59, State Highway 287, McMeans Avenue, D'Olive Street and North Hand Avenue shall maintain a minimum of ten (10) feet of the required thirty (30) foot setback as a landscaped greenbelt along the entire front width of the property except where curb cuts provided ingress and egress. If any of the thirty (30) foot front setbacks is used for parking, said greenbelt shall be in addition to the landscape requirements for parking areas ~~describe~~ **described** in ~~Section 9.2~~ **Section 10.10** of this Ordinance. 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. The trees shall be shade ~~of~~ **or** flowering trees and shall be at least three and one half (3 ½) inches or greater in caliper and twelve (12) feet in height 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 crown of seventy (70) feet.

10.10.8 A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of ~~packing~~ **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 City Planner. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors in interest, heirs, and their assigns.

10.11 **Buffer Zones Requirements.** Except as otherwise provided herein, buffer zone requirements shall be based on the proposed developing use and the existing abutting use, regardless of current zoning districts. For this section, 'abutting' property includes property adjoining, facing or across a roadway.

10.11.1 All districts shall comply with the following minimum standards:

- a) Where a business district **or use** abuts any part of a residential district **or use**, a buffer zone 10 feet wide shall be required;
- b) Where an industrial district **or use** abuts any part of a ~~residential or~~ **business zone district or use, a public or semi-public use, mixed-use or multi-family residential district or use**, a buffer zone of 20 feet shall be required.
- c) **where an industrial district or use abuts any part of a two-family or single-family residential district or use, a buffer zone 30 feet wide shall be required.**
- d) **Where a public or semi-public use, mixed-use or multi-family residential district or use, abuts any part of a single-family residential district or use, a buffer zone 10 feet wide shall be required.**

- e) The buffer shall run the entire length of the abutting lot line(s) **and shall be maintained in such manner as to accomplish its purpose continually.** ~~The buffer shall run the entire length of the abutting lot line(s).~~ Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements.
- f) **Buildings, dumpsters, and outdoor storage are prohibited within required buffers.**

10.11.2 Buffer Requirements. Buffers shall be constructed of at least one of the following three (3) designs.

- a. Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high 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.
- b. Screen planting strip. If a screen planting strip is provided as a protection buffer, it shall be at least then (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) 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 continually.
- c. Natural Forest. Natural undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer one shall be twenty-five (25) feet in width and shall be included on the Site Plan. The Bay Minette City Planner shall determine whether the barrier is satisfactory via site inspection prior to landscape approval. Said buffer strip shall maintain its healthy condition as to accomplish its purpose continuously.

10.12 **Special Designs Modifications.** Buffer requirements may be modified by the Planning Commission as follows:

10.12.1 More stringent design and landscape standards may be required in any district if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the City of Bay Minette.

10.12.2 If the developing use abuts an existing nonconforming use on a property that is designated for a different use within the Comprehensive Plan and when the abutting property is zoned in accordance with the Comprehensive Plan, a required buffer may be modified for consistency with the projected use of the abutting property.

10.12.3 If a buffer is required along a public alley, up to one-half (1/2) of the alley width may be considered as a portion of the required buffer width, but the buffer height and density shall not be reduced.

10.12.4 Where appropriate, pedestrian access may be permitted through a required buffer.

10.12.5 Vacant Land. If a buffer is required along vacant land, the requirements shall be based on the zoning of the abutting property or the use projected by the Comprehensive Plan, whichever is lesser.

- a) When determining buffer requirements based on the zoning or projected use of abutting vacant land, the range of possible future uses shall be considered, and requirements based on the use(s) that require a lesser buffer.
- b) When the proposed use and abutting vacant land both lie in the same zoning district and such district permits uses of greater intensity or density than the proposed use, the proposed development shall provide half the width of the required buffer that would normally be required between the proposed use and the projected use of the vacant land.

10.12.6 Where an abutting use is discontinued, altered or modified so that the required buffer is reduced, the width of the previously required buffer may be proportionately reduced.

ARTICLE 11. PLANNED UNIT DEVELOPMENT (PUD)

The intent of this section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provide for, larger areas of recreational open space, more economical public services and opportunity for mixed use. The purpose of this provision is to encourage the unified development of tracts of land, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this Zoning Ordinance **and requirements of the Subdivision Regulations**.

For the purposes of this Ordinance, each Planned Unit Development shall be a minimum of 5 acres and of sufficient size to accommodate the development. The burden is placed on the developer to demonstrate a benefit to the City and the surrounding area.

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

13.2 Land Use Certificates

13.2.1 Authorization. A Land Use Certificate shall be obtained from the Planning & Community Development Services Office prior to the commencement of development and issuance of a building permit including electrical, HVAC and plumbing permits. A Land Use Certificate shall

be required for all new construction, including accessory structures; a change of occupancy; and renovations/alterations, except for minor changes or repairs not regulated by these ordinances.

13.2.2 Application Procedure

- a. The City Planner shall receive the application for a Land Use Certificate upon jurisdictional determination and determination that it complies with all submission requirements.
- b. Where appropriate, the City Planner shall circulate the application to the Building Official, Fire Inspector, Code Enforcement Officer or others as deemed necessary, for review and comment.
- c. The Land Use Certificate shall be issued or denied within ~~seven (7)~~ **fifteen (15)** business days ~~of~~ **after** receipt of a complete application, otherwise it shall be deemed to be approved.

16.5.3 *Building (Wall) Signs.* Building signs on any single development site shall not exceed a total of two (2) square feet per linear foot of the main or entry façade except in the Downtown Historic District where building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade. Corner or double frontage lots shall be allowed two (2) signs. The allowable display area of each individual sign shall be calculated based on the linear dimension of the main or entry façade where the sign will be mounted. The total area of each sign shall not exceed a total of two (2) square feet per linear foot of the main or entry façade where mounted except in the Downtown Historic District where building signs shall not exceed a total of one (1) square foot per linear foot of the main or entry façade where mounted.

Formatting Corrections

Nonsubstantive, technical revisions to update the existing language, format, numbering and titles to current style.

7.18.2.1 Any improvements, alterations, repairs or installation of new fixtures or equipment for an existing non-conforming structure may be accomplished by the owner of the structure upon obtaining the proper permits or applications from the City Planner **and Building** Official, provided that such improvements will bring into conformity, if possible, or that it will at least not increase, unnecessarily, the nonconformity and will in all other respects, meet the requirements of the district in which it is located.

7.18.6 **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 Multi-Family Dwelling Review Requirements

All multi-family dwellings intended for occupancy by three (3) or more families shall be submitted to the Planning Commission for site plan approval prior to issuance of the building permit. Site plans shall be submitted in accordance with **Section 8.9**.

8.3.2.1 **Wall or Fence**. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high 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.

8.7.1 **Accessory Uses**. Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

9.2.2 **Parking Decks**.

9.6.4 **Gasoline Pump Islands**.

9.6.6 **Other Site Improvements**.

9.6.7 **Storage of Flammable Products**.

10.4.3 The locations, species, and D.B.H. (Diameter at Breast Height) of existing significant trees indicating those to be retained, and those significant trees to be removed, along with written justification for removal of ~~may~~ any significant trees.