

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 July 3, 2023

Ordinance 1034

ARTICLE 4. ADOPTION

This ordinance was adopted by the City of Bay Minette, Alabama, on the ____ day of _____ 20__.

/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 _____, 20__.

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 or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

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

1 weddings, banquets, receptions, ceremonies, parties, or other social events with or without live
2 entertainment.

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

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9 **(REORGANIZATION ONLY)**

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

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

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

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

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26 6.2.6 *R-5, Manufactured Home Residential District.* The intent of this district is to provide space
27 at appropriate locations consistent with community objectives for the establishment of
28 permanent manufactured home parks or subdivisions and for the amenities conducive to
29 an adequate living environment. Public or private community water and sewer facilities are
30 required except where lots are equal to Health Department requirements for private wells
31 and septic systems.

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33 7.2.2 All lots shall front on a public or private street and shall have a minimum frontage width as
34 indicated in Section 8.11. On irregularly shaped lots, a minimum street frontage of 30 feet
35 is required and residential lots shall not front on a collector street without Planning
36 Commission approval. An "irregularly shaped lot" includes any lot located on a cul-de-sac
37 or abutting a curved section of a roadway with a centerline radius of less than 200 feet.

1 **7.12 Utilities**

2 *7.12.2 Water and Sewer Connections.*

3
4 *7.12.2.2* While parked or stored, no recreational vehicle shall be occupied or used as a
5 temporary or permanent residence as defined herein and shall not be connected
6 to sanitary sewer.
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9 *7.16.5.5* Fences may not be located within five (5) feet of the edge of pavement or other
10 roadway surfacing, or public sidewalk.

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12 *8.3.6* All commercial and industrial structures shall be so designed as to present an aesthetically pleasing
13 appearance, as determined by Planning Commission, that is generally compatible with existing buildings in the
14 district, except those less desirable in appearance that have been grandfathered under *Article 7* of this
15 Ordinance.

16 *8.3.7* Non-permanent structures such as trailers, sheds and other such buildings used for business purposes
17 may be permitted in business districts on a temporary basis pending construction of a permanent building. Such
18 structures may be permitted by the City Planner for six-month periods, renewable, upon written request from the
19 business owner, up to a maximum of two (2) years. Any additional renewals would be subject to the review and
20 approval of the Planning Commission.

21
22 *8.3.8* Non-permanent structures such as trailers and shipping containers used in conjunction with an existing
23 non-residential use and used for storage of excess inventory, may be permitted by the City Planner provided the
24 following requirements are met.
25

26
27 **8.6 Metal Buildings.** On properties along the right-of-way of Alabama Highway 59, Highway 31 or Hand
28 Avenue north of Highway 31 to McMeans Avenue, Highway 138, State Highway 287 and D'Olive
29 Street, any metal-clad structures for residential multi-family projects involving the construction of three
30 (3) or more dwelling units, all commercial structures and all industrial structures, are required to meet
31 the following standards and criteria:

32
33 *8.6.1* The exterior metal walls of the front and any sides of a building facing and visible from said
34 public street, that will be constructed with metal cladding as the primary siding material, shall
35 not be constructed to expose bare metal siding on any front or side exterior wall facing said
36 right-of-way or roadway. An external façade shall be required to cover 100% of the front and
37 any exterior walls facing said roadways, which shall apply to all metal structures whether
38 new construction, renovation, remodel, expansion or otherwise altered from their current
39 state as of the effective date of this Ordinance.

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41 *8.6.2* For developments with phased plans, the exterior façade required by this provision shall be
42 completed within the first phase of construction. A Certificate of Occupancy shall not be

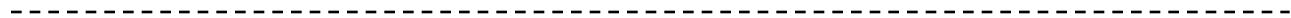
1 issued, additional building permits received nor additional zoning approvals for the site if this
 2 requirement has not been completed in accordance with approved plans and to the
 3 satisfaction of the City Planner or Planning Commission.
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5 8.6.3 Acceptable materials for the external facade of metal buildings include stucco, brick, scored
 6 and split face block and wood. For the purpose of this Section, paint of any kind including
 7 textured or rubberized coatings shall not be considered acceptable façade materials. It is
 8 recommended that large walls be broken up through the use of architectural features or
 9 embellishments such as color bands, wainscot, protrusions, recessed windows or entries.
 10

11 8.6.4 All metal buildings shall have at least two exterior architectural features for articulation, such
 12 as front porches, gables, awnings, or other exterior siding materials, on the front elevation
 13 and any other elevation that is adjacent to or visible from a public street or right-of-way.
 14

15 8.6.5 To improve the aesthetics of the building and lot, landscaping shrubs and/or trees should be
 16 planted and maintained in front of those portions of the building facing the roadway or right-
 17 of-way.

18 8.6.6 Alternative design or alternative materials must be approved through the site plan approval
 19 process.
 20



21
 22
 23 8.7.1.4 No accessory structure shall be constructed or moved upon a lot until the construction of the
 24 primary structure has commenced.

25 8.7.1.5 In residential districts an accessory use will conform to the following requirements:

26 8.7.1.6 For residential multi-family, commercial or industrial uses, accessory structures shall conform to
 27 the following requirements:
 28

- 29 a. Shall be clearly incidental to the primary permitted use of the premises.
- 30 b. For all such accessory structures that require a Building Permit, engineered
 31 plans shall be submitted prior to the issuance of a Building Permit.
- 32 c. A non-residential detached accessory structure shall not be closer than ten
 33 (10) feet to another structure, nor closer than five (5) feet to any lot line or
 34 encroach into any existing drainage or utility easements.
- 35 d. No detached accessory structure may: (1) be located forward of the building
 36 frontage of the primary structure; or (2) be closer than twenty (20) feet to any
 37 right-of-way.
- 38 e. Where a business district abuts any part of a residential district, the detached
 39 accessory structure shall be located no closer than ten (10) feet to the
 40 property line; where an industrial district abuts any part of a residential or
 41 business zone, the detached accessory structure shall be located no closer
 42 than twenty (20) feet to the property line.
- 43 f. Detached accessory buildings shall not exceed one and one half (1.5) stories
 44 or twenty (20) feet in height.
- 45 g. Detached accessory structures allowed with Land Use Approval by the City
 46 Planner or designee:

- 1 1. Total size does not exceed 600 square feet.
- 2 2. Intended for unconditioned or open-air storage of vehicles, tools,
- 3 equipment or other similar utility use. No accessory structure will be
- 4 allowed with Land Use approval for any use higher than a Group S
- 5 or U Occupancy Classification as defined by the current International
- 6 Building Code adopted by the City.
- 7 3. Shall meet all other pertinent sections of this Ordinance.
- 8 4. Any residential multi-family, commercial or industrial accessory
- 9 structure not conforming to the provisions of this section shall be
- 10 required to receive Site Plan Approval from the Planning
- 11 Commission.
- 12
- 13

14 *8.7.2 Home Occupations*

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

26 *8.7.2.1 Limitations on Type of Home Occupation are as follows:*

- 27 a. No more than one (1) home occupation shall be approved in any residential
- 28 dwelling unit.
- 29
- 30 b. Area used for a home occupation shall not exceed twenty percent (20%) of the
- 31 gross floor area in the principal building, up to a maximum of 500 square feet.
- 32
- 33 c. No internal or external addition, alteration or expansion of the dwelling is
- 34 permitted to accommodate the home occupation.
- 35
- 36 d. The operation of a home occupation shall not create any nuisance or adversely
- 37 affect the residential character of the neighborhood, including but not limited
- 38 to an increase in traffic, on-street parking, excessive noise, heat, fire hazards,
- 39 electrical interference (including radio, television and telephone interference)
- 40 or a fluctuation in line voltage. Chemical, mechanical or electrical equipment
- 41 that creates any vibration, fumes, dust air emissions, odors, light, glare or
- 42 noises that are detectable outside of the dwelling shall be prohibited.
- 43

- 1 e. The existence of a home occupation shall not be visible from or detectable
2 beyond the property boundaries. The outdoor display or storage of products,
3 materials, goods, supplies or equipment used in relation to the home
4 occupation is expressly prohibited.
5
- 6 f. Only articles made on the premises may be sold; except that non-durable
7 articles (consumable products) that are incidental to a service, which service
8 shall be the principal use in the home occupation, may be sold on the premises.
9 Other on-site sales, excluding those by phone, fax, mail, internet and similar
10 remote methods, shall be prohibited.
11
- 12 g. Patrons to the business shall be limited to one (1) client at a time.
13
- 14 h. Instruction in music, dancing, and similar subjects shall be limited to two (2)
15 students at a time.
16
- 17 i. The activity carried on as a home occupation shall be limited to the hours
18 between 7:00 a.m. and 8:00 p.m.
19
- 20 j. Home occupations shall be legally established and licensed in conformity with
21 the ordinances of the City. Any home occupation operating without a business
22 license or with an expired business license shall be required to obtain current
23 Land Use approval prior to the issuance or re-issuance of a business license.
24
- 25 k. Customary home occupations shall not include the following:
26
 - 27 1. Uses which do not meet the provision listed above.
 - 28 2. Automobile and/or body and fender repairing.
 - 29 3. Food handling on a large-scale basis, processing or packing.
 - 30 4. Repair, manufacturing and processing uses; however, this shall not
31 exclude the home occupation of a dressmaker where goods are not
32 manufactured for stock, sale, or distribution.
 - 33 5. Restaurants.
 - 34 6. Rental, sale, storage or repair of vehicles or equipment of any kind.
 - 35 7. No outdoor or indoor window signs of any kind are permitted for a home
36 occupation.

36 8.7.2.2 Any home occupation not conforming with *Section 8.7.2.1* may be subject to
37 Planning Commission approval and Site Plan Review.
38

1 8.8.6 *Uses Not Specified.* In any case where a use is not specifically referred to by the Table or
2 elsewhere in this Ordinance, its status shall be determined by the analogous use or uses
3 that are specifically referred to in the Table of Permitted Uses. When the status of a use
4 has been so determined by the City Planner, such determination shall thereafter have
5 general application to all uses of the same type. In order to promote consistency and
6 fairness, and to avoid arbitrary and capricious decisions, the North American Industry
7 Classification System (NAICS), most current edition is hereby adopted as a reference and
8 shall become a part of the Zoning Ordinance as an expansion of uses similar in nature but
9 not expressly provided for within the Table of Permitted Uses. The NAICS manual shall be
10 used to provide definitions of each use or use groupings listed in the table. Unless
11 expressly prohibited, and subject to any conditions listed in the Table or elsewhere in this
12 Ordinance, all sub-uses listed under a use in the NAICS manual shall have the same
13 zoning district status identified in the Table of Permitted Uses for the most analogous use.
14

15 8.9 Site Plan Approval

16
17 An application for Site Plan Approval shall be required for all residential multi-family projects involving
18 the construction of three (3) or more dwelling units; all new or expanding commercial structures; all
19 new or expanding industrial structures; and, other uses as required by the Planning Commission
20 prior to a building permit being issued. Site Plan Reviews shall be accomplished by the Planning
21 Commission to assure compliance with the provisions of this Zoning Ordinance to ensure conformity
22 with its purpose as stated in *Article 1*.
23

24 8.9.1 Pre-Application Conference. Applicants are urged to consult early and informally with the
25 City Planner to facilitate the Site Plan application process. A pre-application conference with
26 City Staff is mandatory prior to submitting a Site Plan Approval Application. The purpose of
27 Pre-Application Conference is to acquaint the applicant with the regulations governing the
28 proposed development, procedures for approval, and other agencies or officials who must
29 approve any part of the plan. Neither the applicant nor the Planning Commission are bound
30 by considerations delivered during the Pre-Application Conference.
31

32 8.9.2 Review Procedures.

33 8.9.2.1 Staff shall distribute the pre-application submittals and plans to all other City
34 departments, County and State agencies and other officials and agencies, as may
35 be applicable, for preliminary review and recommendations. Following staff review
36 and comments, the applicant shall submit a formal application and revised
37 submittals which shall reflect the initial review comments.

38 8.9.2.2 Once applications are deemed administratively complete, Planning Staff will
39 schedule the application for presentation to the Planning Commission in
40 accordance with the established Meeting and Deadline Schedule.

1 8.9.2.3 While a public hearing is not required, notice of a public meeting will be posted on
2 the property. The owner, or their agent, of the property for which Site Plan
3 Approval is sought, adjacent property owners and any other parties identified that
4 may have interest in the request, shall be notified by regular mail.

5 8.9.3 Where any project or site is to be developed in stages or phases, no application for Site Plan
6 Approval for any fraction of the site shall be accepted for review unless a Master Plan is
7 submitted or has been previously approved. The Master Plan shall be a conceptual plan
8 showing the entire development site and all component stages or phases, and shall express
9 the overall development concept for the site at build-out.

10
11 8.9.4 Upon approval of the site plan, either as submitted or with changes and/or special conditions
12 required by the Planning Commission, the Building Official may issue a building permit for a
13 portion or all of the proposed development; provided that the application is in compliance
14 with all applicable City, County, State and Federal requirements. Construction must follow
15 the Site Plan as approved by the Planning Commission.

16
17 8.9.5 The City Planner or Planning Commission may waive certain requirements contained in
18 Section 8.9.5 of this Ordinance if it is determined that the requirements are not essential to
19 a proper decision on the project; or, may supplement the list with other requirements deemed
20 necessary to clarify the nature of the proposed development. At the time of application,
21 submittals must include:

- 22 a. Three (3) large-format, printed plan sets,
- 23 b. A digital version in PDF format, and
- 24 c. A digital version in GIS shapefile, CAD drawing or equivalent.

25
26 8.9.6 Minimum Requirements for Submittals. Site plans shall include the following information
27 related to the existing and proposed conditions unless some or all of these requirements are
28 waived by the City Planner or Planning Commission.

- 29 a. The location and size of the site including its legal description and a current certified
30 survey.
- 31 b. A vicinity map showing the site relation to surrounding property.
- 32 c. The recorded ownership or developer's interest if the developer is not the owner.
- 33 d. The relationship of the site to existing development in the area including streets, utilities,
34 residential, and commercial development, and physical features of the land including
35 significant ecological features. This information may be combined with requirements for
36 the vicinity map specified in this section.
- 37 e. The density or intensity of land use to be allocated to all parts of the site together with
38 tabulations by acreage and percentages thereof itemized by use and density. Site
39 calculations shall include the detailed information on the dimensions and/or area of the
40 following:
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42
43
44
45

- 1 1. Existing Structure square footage
- 2 2. Proposed Structure square footage
- 3 3. Existing Impervious Surface area including parking areas and access/driveways
- 4 4. Proposed Impervious Surface area including parking areas and
- 5 access/driveways
- 6 5. Proposed Landscaped/Open Space areas
- 7 6. Number of Parking Spaces provided with dimensions and provisions for
- 8 accessible parking and travel paths.
- 9 f. The location, size and character of any common open space, commonly owned facilities
- 10 and form of organization which will own and maintain any common open space and such
- 11 facilities.
- 12
- 13 g. The use and maximum height, bulk and location of all buildings and other structures to
- 14 be located on the site.
- 15
- 16 h. The substance of covenants, grants of easements or other restrictions which will be
- 17 imposed upon the use of the land, buildings and structures, including proposed
- 18 easements or grants for public utilities or other purposes.
- 19
- 20 i. The provisions for disposition of open space, including tree protection, landscaping
- 21 provisions and buffering requirements.
- 22
- 23 j. In the case of plans which call for development over a period of years, a schedule
- 24 showing the proposed times within which applications for building permits are intended
- 25 to be filed.
- 26
- 27 k. Where required by the Alabama Department of Transportation (“ALDOT”), City Planner
- 28 shall be provided proof that the applicant has submitted a driveway permit application
- 29 to ALDOT. In the event that any type of traffic study is required by the ALDOT, copies
- 30 thereof shall be provided to the City Planner.
- 31
- 32 l. Front and side architectural elevations.
- 33
- 34 m. The location and size of all signs to be located on the site. In the event that a sign is pre-
- 35 existing and fails to conform to the requirements as set forth in this ordinance, site plan
- 36 approval will be granted only under the condition that all signs will comply with the
- 37 regulations as set forth in the sign ordinance.
- 38
- 39 n. Landscape plans, in accordance with Section 10.4 Landscape Plan Standards.
- 40
- 41 o. Any additional data, plans or specifications which the applicant or the City believes is
- 42 pertinent and which will assist in clarifying the application including, but not limited to
- 43 plans for screening, lighting and space, surface drainage, erosion and sediment control,
- 44 water and sewer connections, landscaping, and signs.
- 45

46 8.9.7 Application Review & Incomplete Submittals

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

11 8.9.8 Withdrawal or Tabling Procedures

12 8.9.8.1 Withdrawal. If, for any reason, an item scheduled for presentation before the
13 Planning Commission is withdrawn within seven (7) calendar days of submission, then the
14 application fee shall be credited toward future resubmittal of the application; however,
15 beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward
16 subsequent submittals. The request to withdraw the item shall be submitted in writing,
17 signed by the applicant or authorized agent, and submitted to the Planning and
18 Development Department prior to the scheduled hearing date.

19 8.9.8.2 Tabling. If, for any reason, an item scheduled for presentation before the Planning
20 Commission is requested to be tabled without having been presented, then the request to
21 table the item and reschedule shall be submitted in writing, signed by the applicant or
22 authorized agent, and submitted to the Planning and Development Department prior to the
23 scheduled hearing date.

24 8.9.9 Fees.

25 8.9.9.1 To partially defray costs of filing an application, staff and engineer review, and
26 other administrative costs, a fee according to the current schedule of fees established by
27 the City Council of Bay Minette must be paid to the City by the applicant at the time of filing
28 of the application. Fees are not subject to refund or adjustment, irrespective of the final
29 outcome of the application.

30 8.9.9.2 Plan Review. There will be no cost for the Pre-Application Conference or initial plan
31 review for submitted Site Plan applications. Subsequent plan submittals or revisions will
32 incur a Plan Review Fee of \$150.00 per submittal.

33 8.9.10 Planning Commission Action. For Site Plan Approval, no public hearing is required. The
34 applications, submittals and prepared staff report will be reviewed during the regularly
35 scheduled meeting of the Planning Commission in accordance with the established

1 meeting schedule. The applicant, or an authorized representative with sufficient knowledge
2 of the project, is required to be in attendance.

3 8.9.10.1 The Planning Commission makes the final decision and has the option to:

- 4 a. Approve the Site Plan as presented
- 5 b. Approve the Site Plan with conditions, stating the conditions required
- 6 c. Deny the Site Plan, with stated factors for the denial
- 7 d. Table the Site Plan Request, due to lack of information

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

12 8.9.10.2 Upon approval of the site plan, either as submitted or with changes and/or
13 special conditions required by the Planning Commission, the Building Official may issue a
14 building permit for a portion or all of the proposed development; provided that the
15 application is in compliance with all applicable City, County, State and Federal
16 requirements. Prior to the issuance of a Certificate of Occupancy, an electronic version of
17 As-Builts must be submitted in the following formats:

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

20 8.9.10.3 Construction shall follow the Site Plan as approved by the Planning
21 Commission. Minor modifications may be approved by the City Planner if the proposed
22 modification does not material change, alter or diminish the intent and character of the
23 approved plan. Modifications determined to significantly deviate from the Planning
24 Commission's approved version will be required to submit for Planning Commission
25 review.

26 8.9.10.4 Site Plan requests that are tabled, will not receive further review by the Planning
27 Commission until all additional information requested has been received and reviewed for
28 compliance by the Planning Department.

29 8.9.10.5 Site Plan requests that are denied will not receive further review by the Planning
30 Commission until all noted deficiencies have been addressed and revised documentation
31 received and reviewed for compliance by the Planning Department.

32 8.9.10.6 Any resubmittals, revisions, additional information or permit applications related
33 to the application must be received within 180 days from the date of Planning Commission
34 action, or a new Site Plan Application will be required. One request for Site Plan Approval
35 Extension of up to 180 days will be reviewed administratively.

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8.10 Table of Permitted Uses

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 letter “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
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 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.	R	R	R	R	R	R	PR	PR	PR	PR
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
Recreational vehicle – for occupancy/use as living quarters. Shall be permitted only in an approved Recreational Vehicle Park.						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	

1

2

3 **8.12 Minimum Setbacks**

4

- 5 a. The building setback lines in the downtown historic business district overlay zone shall be
 6 similar and consistent with what is existing on the same street within the same block of the
 7 proposed building.
 8

9

10 **9.1 Manufactured Home Parks**

11 *9.1.2 Manufactured Home Space Requirements*

12

13 *Space Width:* 40 feet minimum

14

15 *Front Yard:* 10 feet minimum

16

17 *Side Yard:* 20 feet between manufactured homes

18

19 *Parking:* Two (2) spaces for each manufactured home space off-street, and shall
 20 be hard surfaced with all-weather materials.
 21

22

22 *9.1.3 Other Requirements*

- 23 e. Manufactured homes may not be used for non-residential use within manufactured home
 24 parks.
 25

26

27 *9.2.3 Parking Schedule*

- 28 e. Manufactured home courts and parks:
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 30

31

32 **9.8 Mobile Food Vending Vehicles and Mobile Merchandise Vending Units**

33

1 10.6.4 *Greenbelt Zone.* All developments along or abutting the right-of-ways of U.S. Highway 31
2 South, U.S. Highway 31 North, State Highway 59, State Highway 287, McMeans Avenue,
3 D'Olive Street and North Hand Avenue shall maintain a minimum of ten (10) feet of the
4 required thirty (30) foot setback as a landscaped greenbelt along the entire front width of
5 the property except where curb cuts provided ingress and egress. If any of the thirty (30)
6 foot front setbacks is used for parking, said greenbelt shall be in addition to the landscape
7 requirements for parking areas described in *Section 10.10* of this Ordinance. Said
8 greenbelt shall be planted with trees, shrubs, and grass or other ground cover so that an
9 attractive appearance is presented as detailed in the developer's required landscape
10 plan. The trees shall be shade or flowering trees and shall be at least three and one half
11 (3 ½) inches or greater in caliper and twelve (12) feet in height at planting. There shall be
12 a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof of lot
13 frontage, fifty (50) percent of which shall be shade trees having a maximum crown of
14 seventy (70) feet.

15
16 10.10.8 A minimum of five (5) feet side and rear landscaping may be required in the landscape plan
17 depending on the topography and arrangement of parking facilities. If required, such areas
18 shall be planted with a combination of trees, shrubs and grass or other ground cover
19 adequate to break the expanse of contiguous parking areas and to present an attractive
20 appearance as determined by the City Planner. Adjacent property owners may jointly
21 agree on the establishment of a common landscaped area between their properties that
22 meets such agreement and the planting and maintenance of the common area shall be
23 binding upon both parties and their successors in interest, heirs, and their assigns.
24

25 **10.11 Buffer Zones.** Except as otherwise provided herein, buffer zone requirements shall be
26 based on the proposed developing use and the existing abutting use, regardless of current zoning
27 districts. For this section, 'abutting' property includes property adjoining, facing or across a
28 roadway.

29 10.11.1 All districts shall comply with the following minimum standards:

- 30
31 a) Where a business district or use abuts any part of a residential district or use, a buffer
32 zone 10 feet wide shall be required;
- 33 b) Where an industrial district or use abuts any part of a business district or use, a public
34 or semi-public use, mixed-use or multi-family residential district or use, a buffer zone of
35 20 feet shall be required.
- 36 c) where an industrial district or use abuts any part of a two-family or single-family
37 residential district or use, a buffer zone 30 feet wide shall be required.
- 38 d) Where a public or semi-public use, mixed-use or multi-family residential district or use,
39 abuts any part of a single-family residential district or use, a buffer zone 10 feet wide
40 shall be required.

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

5 10.11.2 Buffer Requirements. Buffers shall be constructed of at least one of the following three (3)
6 designs.

- 7 a. Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet
8 high and of a construction and a design approved by the Planning Commission. Said
9 wall or fence shall be maintained in good repair by the owners of the property.
- 10 b. Screen planting strip. If a screen planting strip is provided as a protection buffer, it shall
11 be at least then (10) feet in width, shall be planted with materials in sufficient density
12 and of sufficient height (but in no case less than six (6) high at the time of planting) to
13 afford protection to the residential or business district from the glare of lights, from
14 blowing papers, dust and debris, from visual encroachment, and to effectively reduce
15 the transmission of noise. Screen planting shall be maintained in a clean and neat
16 condition and in such manner as to accomplish its purpose continually.
- 17 c. Natural Forest. Natural undisturbed forest which provides a nearly impervious visual
18 barrier due to the dense nature of the plants and/or trees. If this option is chosen, the
19 width of the buffer one shall be twenty-five (25) feet in width and shall be included on
20 the Site Plan. The Bay Minette City Planner shall determine whether the barrier is
21 satisfactory via site inspection prior to landscape approval. Said buffer strip shall
22 maintain its healthy condition as to accomplish its purpose continuously.

23
24 **10.12 Modifications.** Buffer requirements may be modified by the Planning Commission as follows:

25 10.12.1 More stringent design and landscape standards may be required in any district if it is
26 determined that the design would be more compatible with the development and more
27 beneficial to the aesthetics of the City of Bay Minette.

28 10.12.2 If the developing use abuts an existing nonconforming use on a property that is
29 designated for a different use within the Comprehensive Plan and when the abutting
30 property is zoned in accordance with the Comprehensive Plan, a required buffer may be
31 modified for consistency with the projected use of the abutting property.

32
33 10.12.3 If a buffer is required along a public alley, up to one-half (1/2) of the alley width may be
34 considered as a portion of the required buffer width, but the buffer height and density
35 shall not be reduced.

36
37 10.12.4 Where appropriate, pedestrian access may be permitted through a required buffer.

38
39 10.12.5 Vacant Land. If a buffer is required along vacant land, the requirements shall be based
40 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 fifteen (15) business days 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

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

4

5 *8.3.2.1 Wall or Fence.* If a wall or fence is provided as a protection buffer, it shall be six (6) feet
6 high and of a construction and a design approved by the Planning Commission.
7 Said wall or fence shall be maintained in good repair by the owners of the
8 property.

9 *8.7.1 Accessory Uses.* Any use may be established as an accessory use to any permitted principal use
10 in any district provided that such accessory use:

11 *9.2.2 Parking Decks.*

12 *9.6.4 Gasoline Pump Islands.*

13 *9.6.6 Other Site Improvements.*

14 *9.6.7 Storage of Flammable Products.*

15 *10.4.3* The locations, species, and D.B.H. (Diameter at Breast Height) of existing significant trees
16 indicating those to be retained, and those significant trees to be removed, along with written
17 justification for removal of any significant trees.

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