

ARTICLE 5. DEFINITION OF TERMS

5.01 USAGE

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

5.02 WORDS AND TERMS DEFINED

As used in this Ordinance, the following words and terms shall have the meaning defined:

ABUTTING/CONTIGUOUS PROPERTY. Any property that is immediately adjacent to, touching, or immediately across any road or public right-of-way from the property in question.

ACCESSORY STRUCTURE OR USE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. (*See Use, Accessory*)

AGRICULTURE. The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

AIRPORT. Any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down area, hangars, and other necessary buildings, and open spaces.

ALLEY. A public street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION, ALTERED. These terms shall include any changes in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code or this Ordinance, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

ATRIUM. An open area within a building surrounded on all four (4) sides by the building walls and open and unobstructed from the first-floor level to the roof or sky except as otherwise provided in this Ordinance.

AUTOMOBILE REPAIR. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

AUTOMOBILE WRECKING. The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AWNING. A detachable framework covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.

BASEMENT. A story all or partly underground but having at least one-half (½) of its height below the average level of the adjoining ground.

BED AND BREAKFAST. The renting of rooms in a private residence for brief periods of time together with the provision of breakfast for the guests by the homeowner. All service is to be provided by the homeowner.

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.

BLOCK. A piece or parcel of land entirely surrounded by public highways, or streets, other than alleys.

BOARD. The Bay Minette Board of Adjustment; a review board authorized to perform certain duties.

- BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE, OR DORMITORY.** A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.
- BOAT REPAIR.** Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.
- BUFFER, RIGHT-OF-WAY.** A strip of land running parallel to a public right-of-way, containing landscaping material such as trees, shrubs and/or other plant material.
- BUFFER, SCREEN PLANTING.** A strip of land containing planted material used as screening between dissimilar land uses and maintained at a height and width as required elsewhere in this Ordinance.
- BUILDABLE AREA.** The buildable area is the portion of the lot remaining after the required yards have been delineated.
- BUILDING.** Any structure attached to the ground and intended for shelter, housing or enclosure for persons, animals, or chattels.
- BUILDING, ACCESSORY.** A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.
- BUILDING, ALTERATIONS OF.** Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any changes in use resulting from moving a building from one location to another.
- BUILDING COVERAGE.** The percent of total lot area covered by buildings and structures but excluding roof overhangs, unenclosed balconies and unenclosed walkways which do not project more than six (6) feet from the exterior walls of a building or from walls enclosing an atrium.
- BUILDING, EXISTING.** Any structure erected prior to the adoption of the *Zoning Ordinance* or one for which a legal building permit was issued prior to adoption of the *Zoning Ordinance*.
- BUILDING HEIGHT.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- BUILDING OFFICIAL/INSPECTOR.** An individual who represents and acts on the behalf of the City in performing the duties and enforcement required by the *Zoning Ordinance*, *Building Code* or *Subdivision Regulations*.
- BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated.
- BULK.** Height and percentage of land coverage of a building.
- BULKHEAD.** A structure separating land and water areas, primarily designed to resist earth pressures.
- BUSINESS/COMMERCIAL CENTER.** A group of two (2) or more owners, occupants or tenants with common customer and employee parking provided onsite, and/or connected together by common walls, interior aisles or malls.
- BUSINESS/OFFICE PARK.** A planned development of one (1) or more office(s) and/or business(es) in a park-like setting.
- CABANA.** An accessory structure usually used in connection with outdoor bathing or recreation providing enclosed space for showering or changing clothes, with recreational cooking and/or bar facilities including storage facilities, but no sleeping rooms.
- CAMPSITE.** A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants.
- CANOPY.** A detachable, roof-like cover, supported from the ground, or deck or floor of a building, and from the walls of a building, for protection from sun or weather.
- CARPORT, DETACHED.** A detached structure of the type used for the residential storage of automobiles, with at least one (1) side open for access. A detached carport as defined herein shall include a structure that is manufactured or constructed off-site and delivered to the residence for assembly and/or installation.
- CEMETERY.** Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

- CENTRAL SEWER SYSTEM.** All equipment and property involved in the operation of a sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.
- CENTRAL WATER SYSTEM.** All of the equipment and property involved in the operation of a water utility, including water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.
- CERTIFICATE OF OCCUPANCY.** Official certification that a premise conforms to provisions of this Ordinance and Building Codes and may be used or occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.
- CHANGE OF OCCUPANCY.** The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.
- CHANNEL.** A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- CITY.** The City of Bay Minette, Alabama.
- CITY COUNCIL.** The chief legislative body of the City of Bay Minette, Alabama.
- CITY ENGINEER.** A State Certified Engineer acting on behalf of the City of Bay Minette.
- CITY PLANNER.** An individual, and/or their designee, who represents and acts on behalf of the City in performing the duties and enforcement required by the *Zoning Ordinance* and/or *Subdivision Regulations*. (See *Zoning Administrator*.)
- CLINIC.** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.
- CLUB.** A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.
- CLUB, PRIVATE.** Any association or organization of a fraternal or social character, not operated or maintained for profit; does not include casinos, night clubs, or other institutions operated for a profit.
- COLLOCATION.** The use of a wireless telecommunications facility by more than one (1) wireless telecommunications provider.
- COMMERCIAL VEHICLE.** Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.
- COMMISSION.** The City of Bay Minette Planning Commission.
- COMPREHENSIVE PLAN.** The Community Development Plan including land use, housing, public facilities, and other planning elements currently in use by the City of Bay Minette.
- CONDOMINIUM.** A development where all land, including that under the buildings in the development, is held in single ownership for the common use of unit owners or tenants, also a living unit within such a development.
- CONVALESCENT OR NURSING HOME.** A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes extended care facilities.
- CONVENIENCE STORE.** Any retail store of the 7-11, Circle K or Jr. Food Store variety providing self-service food, drink, tobacco, automobile fuel and other products for carry-out consumption, but not including bays, other than drive-through car washes, for automobile service or repair.
- CURB.** The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist. (See *Curb Line*)
- DAY.** As used herein, the term day shall mean calendar days unless otherwise specified.

- DAYCARE CENTER.** A place for the day care and instruction of young or elderly persons not remaining overnight.
- DECK.** A flat covered or uncovered area generally adjoining a house, building or pool, and which may be used as an outdoor sitting or recreation area.
- DEDICATION.** The deliberate assignation of land by its owner(s) for any general or public use(s), reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
- DENSITY.** A unit of measurement; the number of dwelling units per acre of land.
- DENSITY, GROSS.** The number of dwelling units per acre of the total land to be developed.
- DENSITY, MAXIMUM.** The density allowable in a given zoning district not otherwise limited by other applicable requirements of this Ordinance.
- DENSITY, NET.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- DEVELOPMENT.** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of use of land.
- DISTRICT.** A section of the area zoned, within which the zoning regulations are uniform.
- DRIVE-IN RESTAURANT.** A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.
- DRY WELL.** A cavity of sufficient size filled to the surface with compacted rocks to allow water storage capacity.
- DWELLING OR DWELLING UNIT.** Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one (1) family, with separate cooking and housekeeping facilities, either permanently or temporarily.
- DWELLING, FIXED.** A dwelling unit (or structure containing several units) attached to a permanent foundation.
- DWELLING, SINGLE FAMILY.** A detached building designed for and occupied by one (1) family as a home, with cooking and housekeeping facilities.
- DWELLING, TWO FAMILY.** A single building occupied by or designed for occupancy by two (2) families only, with separate cooking and housekeeping facilities for each, separated by a common wall and sharing a common roof and foundation.
- DWELLING, MULTIPLE FAMILY.** A building designed for or occupied by three (3) or more families, with separate cooking and housekeeping facilities for each.
- EASEMENT.** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.
- ENGINEER.** A professional engineer licensed and registered in the State of Alabama.
- 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 (1) 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.
- ENTRANCE, PRIMARY.** The place of ingress and egress used most frequently by the public.
- ENTRANCE, SECONDARY.** A place of ingress and egress other than the primary entrance.
- 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 (1) 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.
- ERECTED.** The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises

required for building. Excavations, fill drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES. Public utility facilities related to water, storm water sewers, sanitary sewers, solid waste disposal, telephone, cable television, gas and electrical collection or distribution systems serving the City; but not including buildings housing employees, or public safety facilities such as fire and/or police stations.

ESTABLISHMENT. A commercial, industrial, institutional, educational, office, business, or financial entity.

EVENT. Any gathering of more than twenty (20) people for one (1) 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.

EXCAVATION. Any mechanical removal of rock, sand, gravel, or other unconsolidated materials from a location.

EXPANSION, BUILDING OR USE. The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

FAMILY. One (1) or more persons related by blood, adoption or marriage occupying a single dwelling unit and using common cooking facilities.

FILLING STATION. *(See Service Station)*

FINAL PLAT. The completed PUD or subdivision plat with appropriate official signatures in form for approval and recording.

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

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

FLOOD PRONE AREA. Any area subject to inundation by the regulatory flood.

FLOODPLAIN. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

FLOODWAY. That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOOR AREA, GROSS. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

FOOD PROCESSING. The preparation, storage or processing of food products on a large scale. Examples of these activities include bakeries, dairies, canneries, and other activities or businesses.

FRONTAGE, BUILDING. The outside wall surface of a building or of an enclosed porch on a building that is nearest to the front lot line, or, in the case of a wall surface not parallel to the front lot lines, the average of the longest and shortest distance of the wall from the front lot line.

GARAGE, COMMERCIAL. A building or portion thereof used for equipping, servicing, repairing, rental, selling and/or storage of self-propelled motor vehicles. Gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail.

GARAGE, PRIVATE. A building or part thereof designed and/or used for inside parking of self-propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

GARAGE, PUBLIC. A building or part thereof designed or used for indoor or partially indoor (covered) parking of self-propelled private passenger vehicles, operated as a commercial enterprise, accessory to a commercial enterprise, or as a governmental service and providing only incidental services for such vehicles.

GROUP DEVELOPMENT. A development comprising two (2) or more structures built on a single lot, tract or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises.

HABITABLE ROOMS. All living spaces within a dwelling unit (house, apartment, townhouse, condominium, mobile home) arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music

room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used, in the opinion of the governing body, as a room for the carrying on of general family activities.

HEIGHT OF BUILDING. *(See Building Height)*

HOME ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which,

- a. each lot and/or homeowner in a planned or other described land area is automatically a member, and
- b. each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and,
- c. the charge if unpaid becomes a lien against the property.

HOME OCCUPATION. Any occupation for gain or support customarily conducted entirely within a residential dwelling unit and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

HOMEOWNER'S ASSOCIATION. A group of homeowners in a geographical area banded together for a specific purpose.

HOTEL. A transient commercial lodging establishment consisting of one (1) or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.

IMPROVEMENT, NON-SUBSTANTIAL. Any improvement which is not a substantial improvement.

IMPROVEMENT, SUBSTANTIAL. Any addition to any structure; any extension, enlargement or expansion of any structure; or any repair, reconstruction or improvement; the cost of which equals or exceeds 50 percent (50%) of the fair market value of the existing structure either before the repair, reconstruction or improvement is started, or if the structure has been damaged and is being restored, before the damage occurred.

INOPERATIVE VEHICLES. Any vehicle that does not have a current license tag or that the owner has abandoned or left to deteriorate. This definition does not include vintage vehicles which the owner intends to restore; provided that such vehicles are properly protected by being stored in a garage, barn or other enclosed area and screened from view.

INSTITUTION OR INSTITUTIONAL. A nonprofit organization building, or use, publicly or privately owned, for the benefit of the public (schools, churches, temples, hospitals, clubs, fire stations, police stations, sewerage lift pumps, libraries, museums, City offices, etc.).

JUNK VEHICLE. Inoperative vehicles.

JUNK YARD. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

KENNEL. Any place or premises where four (4) or more dogs over four (4) months of age are kept for breeding and/or boarding for profit.

LAND AREA. The total land area within the property lines of a lot.

LAND DISTURBING ACTIVITY. Any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity that alters land topography or vegetative cover.

LAND USE, PUBLIC. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, County buildings and activities, State highway offices and similar land uses; and Federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

LAND USE, SEMI-PUBLIC. Philanthropic and charitable land uses including: Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, churches and church institutions, orphanages, humane societies, private welfare organizations, nonprofit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

LATTICE TOWER. A support structure constructed of vertical metal struts and cross braces forming a triangular structure which often tapers from the foundation to the top.

LICENSEE. Any person licensed under the provisions of this Ordinance.

LINE, BUILDING. That line behind which the building on a lot must be placed. On regular shaped lots the building line shall be the setback line; on irregular shaped lots the building line shall be the setback line at a location where the lots meet the minimum width requirements of the zone in which they are located; provided they also meet the minimum yard requirements of the zone as specified in this Ordinance.

LINE, CURB. The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist. (*See Curb*)

LINE, LOT. The lot line which abuts a street or separates the lot from a street.

LINE, SETBACK. A line established by the *Subdivision Regulations* and/or *Zoning Ordinance*, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure, may be located above ground, except as may be provided in said ordinance.

LINE, STREET. All the property on the side of a street between two (2) intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one (1) side between an intersecting street and the dead end of the street.

LOT. A piece, parcel, or plot of land occupied or intended to be occupied by one (1) main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in this Ordinance, or as are intended to be used with such piece, parcel, or plot of land and having its principal frontage upon an existing or proposed right-of-way conforming to the requirements of this Ordinance.

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

LOT DEPTH. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

LOT, DOUBLE FRONTAGE OR THROUGH LOT. A lot or plot, but not a corner lot, that abuts upon two (2) streets, the two (2) frontages being noncontiguous.

LOT, FLAG. A an irregularly shaped parcel with a limited amount of street or road frontage, that has access to a public or private street by a narrow strip of land, the "flagpole," with the bulk of the property containing no frontage and situated behind adjoining lots which front on a public or private street.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE, FRONT. The lot line contiguous to the street right-of-way line of the principal street on which the lot abuts.

LOT LINE, REAR. The lot line opposite to and most distant from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

LOT LINE, ZERO. A developmental approach in which a dwelling unit is sited along one (1) or more lot lines.

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

LOT WIDTH. The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this code to be measured at the front setback line.

MAINTENANCE AND STORAGE FACILITIES. Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MALL. Any concentration of two (2) or more retail stores and/or service establishments which share customer parking areas and is located within an enclosure having public walkways whereby a customer in one (1) store or establishment may walk to another store or establishment without leaving the enclosure.

- MANEUVERING SPACE.** The space entirely on private property required for maneuvering vehicles into and out of spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way.
- MANUFACTURED HOME.** A structure constructed in accordance with the *National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401*. Motor homes, house trailers, travel trailers, campers, mobile homes, mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes.
- 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.
- MANUFACTURING, EXTRACTIVE.** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.
- MANUFACTURING, GENERAL.** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.
- MANUFACTURING, LIGHT.** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances.
- MARINA.** A harbor or boat basin providing moorage, docking facilities, supplies and minor services for pleasure boats.
- MARINA, FULL SERVICE.** A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, water, electricity and sewer services, and the provision of lodging, food, beverages, and entertainment as accessory uses. Dry boat storage may also be provided, but not major boat repair. A yacht club shall be considered as a marina, but a hotel, or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multi-family structure where no boat related services are rendered.
- MARQUEE.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, designed and constructed to provide protection from the weather.
- MINI-WAREHOUSE.** A building or group of buildings in a controlled access compound that contain varying sizes of individual, compartmentalized and controlled-access stalls, cubicles and/or lockers used for storage only.
- MOBILE HOME.** Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes.
- MOBILE FOOD VENDING VEHICLE.** A mobile food vendor business that is motorized or non-motorized, designed and equipped to serve food for individual consumption at the point of sale, and is removed each day from the location where the food is sold. This includes a truck, cart, wagon and the like.
- MOBILE MERCHANDISE VENDING UNIT.** A mobile vendor business that is motorized or non-motorized, designed and equipped to sell non-consumable merchandise not intended for individual consumption at the point of sale, and is removed each day from the location where the merchandise is sold. This includes a truck, cart, wagon and the like.
- MOBILE VENDOR.** The owner or operator of a Mobile Vending Vehicle or Unit.
- MOBILE VENDING UNIT.** Refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

MODULAR STRUCTURE. Any pre-built structure delivered as a single module or as a series of modules for connection and placement on a building site or lot approved for the intended use; provided that such structure meets State specifications for modular structures. Modular structures are not considered manufactured or mobile homes.

MONOPOLE. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL, MOTOR HOTEL. *(See Hotel)*

NET RESIDENTIAL ACREAGE. Land used or proposed to be used for the placement of dwelling units and their accessory uses, private open spaces, parking areas, etc. Does not include streets or public recreation or open spaces.

NIGHTCLUB. A bar or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

NONCONFORMING USE. A use of land existing lawfully at the time of the enactment of this Ordinance, or at the time of a zoning amendment and which does not conform with the regulations of the district in which it is located.

NURSING HOME. A home for aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

NURSERY, PLANT MATERIALS. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping.

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

OPEN SPACE, GENERAL. An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities. Streets, structures for habitation, and the like shall not be included.

OPEN SPACE, IN PLANNED UNIT DEVELOPMENT:

- a. privately-owned and occupied area of a separate lot, outside of any buildings on the lot;
- b. privately occupied open space assigned to an individual dwelling unit in a project and not occupied by the dwelling;
- c. public open space. Any spaces not occupied by buildings or privately-owned lots or privately occupied space. This public open space may consist of access driveways, off-street parking space, pedestrian walkways, play areas, landscaped areas and any other areas suitable for the common enjoyment of the residents of the project.

PARKING SPACE, OFF-STREET. For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be totally outside of any street or alley right-of-way.

PERMIT. Any written authorization by a duly appointed City of Bay Minette representative for an individual, firm, trust, partnership, association or corporation to undertake activities related to subdivisions, zoning, PUD's, land use, building or other actions permitted in this Ordinance or by other City of Bay Minette authorization.

PERMITTEE. Any individual, firm, trust, partnership, association or corporation to whom a permit is granted, including any person to whom a temporary permit is issued, such as that to maintain and operate a mobile home park under the provisions of this Ordinance.

PERSON. Any individual, firm, trust, partnership, association or corporation.

PLANNED UNIT DEVELOPMENT (PUD). A Planned Unit Development is as follows:

- a. is land under single ownership or unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations, and which generally includes clustered building, common open spaces, and a mix of building types and land uses;
- b. includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part;
- c. is developed according to comprehensive and detailed plans which include not only streets, utilities, lots or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be

located, constructed, used, and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the Planned Unit Development, but will not be provided, operated, or maintained at public expense.

PLANNING COMMISSION. The City of Bay Minette Planning Commission.

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

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

PRELIMINARY PLAT. The plat of a proposed subdivision for presentation to the Planning Commission for its consideration and public hearing.

PRINCIPAL USE OR BUILDING. A use or building in which is conducted the predominant or primary function or activity of the lot upon which it is located.

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.

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.

RECREATIONAL VEHICLE. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category, in this Ordinance is assumed to include also campers, camping trailers, motor homes and small mobile homes (up to a length of twenty-eight (28) feet exclusive of hitch) capable of being towed by a passenger motor car.

REGULATORY FLOOD. The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The Regulatory Flood generally has a flood frequency of approximately 100 years as determined from an analysis of floods at a particular site and other sites in the same general region.

REGULATORY FLOOD PROTECTION ELEVATION. The elevation of the Regulatory Flood plus one (1) foot of freeboard to provide a safety factor.

RESIDENTIAL DOCK OR PIER. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

RESTRICTIVE COVENANTS. Private regulations recorded with the final plat, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

RETAINING WALL. A wall of wood, brick, concrete or other suitable material designed to prevent erosion of soil from sharply sloping land or from around pools, decks, foundations and other similar structures.

REVTMENT. A facing of stone, concrete, etc., built to protect a scrap, embankment, or shore structure against erosion by wave action or current.

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

ROADSIDE STAND. A temporary structure designed or used for the display or sale of agricultural and related products.

ROADWAY. That portion of a street between the regularly established curb lines or that part of a street devoted to vehicular traffic.

ROOMING HOUSE. Any building or portion thereof, other than a hotel or motel, which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy, more or less transiently, by individuals for compensation whether paid directly or indirectly, and without provisions for cooking by guests or meals for guests.

SATELLITE RECEIVING DISHES. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

- SEAT.** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.
- SERVICE STATION, AUTOMOBILE.** Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.
- SEWERS, PUBLIC OR COMMUNITY.** An approved sewage disposal system which provides a collection network and disposal system and central sewage and treatment facility for a single community, development or region.
- SEWAGE TREATMENT, ON-SITE.** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- SEXUALLY ORIENTED BUSINESS.** Any adult arcade, adult bookstore, adult motion picture theater, adult motion picture rental, adult mini-motion picture theater, adult steam room/bathhouse/sauna facility, adult companionship establishment, adult rap/conversation parlor, adult massage parlors, adult health/sport club, adult cabaret, adult novelty store, adult motion picture arcade, adult modeling studio, adult hotel/motel, adult body painting studio, escort, escort agency, sexual encounter establishment, nude studio, or any other commercial or business enterprise which has as a primary focus of its business the offering for sale, rent, or exhibit, or the exhibit of, items or services intended to provide sexual stimulation or sexual gratification to the customer, or which places an emphasis on the presentation, display, depiction or description of sexual activities or of nude persons. The term sexually oriented business, however, shall not be construed to include:
- a. Professional offices or schools of licensed physicians, chiropractors, psychologists, physical therapists, teachers or similar licensed professionals performing functions authorized under the license(s) held; or
 - b. Establishments or businesses operated by or employing licensed cosmetologists or barbers, performing functions authorized under licenses held.
 - c. All applicable definitions and provisions pertaining to sexually oriented businesses are contained in *Article 17*.
- SHELTER, FALL-OUT.** A structure or portion of a structure intended to provide protection of human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.
- SHOPPING CENTER.** A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided onsite, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.
- SIDEWALK AREA.** That portion of a street not included in the roadway and devoted in whole or in part to pedestrian traffic.
- SIGN.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display. All applicable sign definitions and provisions are contained in *Article 16*.
- SPECIAL EXCEPTION.** A land use which may be permitted, that is not similar in nature to the uses permitted in a district but that is desired in the community and for which a suitable district is not available. Such use may be permitted in the most nearly appropriate district where a location is available, upon appeal to and approval by the Board of Adjustment, which may set forth special conditions under which the use may be allowed.
- SPOT ZONING.** The zoning of a "spot" or small area (individual lot or several contiguous lots) within the limits of an existing zoning district, and in which are permitted uses other than those permitted in the larger existing zoning district surrounding the "spot." Spot Zoning is not authorized by law.
- STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.
- STORY, HABITABLE.** A story having its floor elevated at or above base flood elevation, as established by the City of Bay Minette, regardless of the intended use of the story or its floor area and complying with applicable building codes.
- STREET.** Any public or private way set aside for common travel more than twenty (20) feet in width if such existed at the time of enactment of this Ordinance, or such right-of-way fifty (50) feet or more in width if established thereafter.

- STREET, ARTERIAL.** A street designed or utilized primarily for high-speed vehicular movements and heavy volumes of traffic. (*See Street, Major*)
- STREET, COLLECTOR.** A street which carries medium volumes of traffic collected primarily from minor streets and delivered to arterial streets.
- STREET, DEAD-END OR CUL-DE-SAC.** A street having one (1) end open to traffic and one (1) terminating in a vehicular turnaround.
- STREET, MAJOR OR HIGHWAY.** A street or highway or exceptional continuity designed to carry high volume traffic considerable distances. (*See Street, Arterial*)
- STREET, MINOR OR LOCAL STREET.** A street used primarily for access to abutting properties.
- STRUCTURAL ALTERATION.** Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders, and which complies with applicable building codes.
- STRUCTURE.** Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground.
- STRUCTURE, EXISTING.** Any structure the construction of which was initiated prior to the effective date of this Ordinance and for which all required State, Local and Federal authorizations were obtained prior to the effective date of this Ordinance.
- STRUCTURE, NEW.** Any structure which is not an existing structure.
- SUBDIVISION.** The division or re-division of a parcel of land into two (2) or more parcels as provided for in the Subdivision Regulations of the City of Bay Minette. This includes the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sales or of building development.
- TELECOMMUNICATION.** The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- TOURIST HOME.** A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.
- TOWNHOUSE.** An individually owned single family attached dwelling unit having a separate ground floor entrance and separate private yard space, with common side walls on one (1) or both sides of the dwelling unit, and not exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height.
- TRAVEL TRAILER PARK.** A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants, whether publicly or privately owned and whether operated for or without compensation.
- USE.** The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
- USE, ACCESSORY.** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. (*See Accessory Use or Structure*)
- USE, PRINCIPAL.** The primary or predominate use of any building, lot or parcel.
- USE, SECONDARY.** A use of land or a building or portion thereof incidental and subordinate to the principal use of the land or building and located in the same building or on the same lot with the principal use.
- USE, TEMPORARY.** Except as otherwise provided herein, any use not longer than three (3) calendar months within any given calendar year.
- VARIANCE.** A modification of the strict terms of the relevant regulations in a district with regard to placement of structures, development criteria or provision of facilities. Available only on appeal to the Board of Adjustment.
- WATERWAY.** Any body of water, including any creek, canal, river, lagoon, lake, bay or gulf, natural or artificial except a swimming pool or ornamental pool located on a single lot.
- WELL, IRRIGATION.** A well installed and utilized solely for providing water to irrigate landscaping or agricultural crops.
- WELL, PRIVATE.** A well that are being used to produce water for human consumption and other domestic purposes.
- WHOLESALE ESTABLISHMENT.** Business establishments that generally sell commodities in large quantities or by the place to retailers,

jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

WIRELESS TELECOMMUNICATIONS ANTENNA. The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER. The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATIONS FACILITY. A facility consisting of the equipment and structures involved in receiving telecommunications and/or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

WIRELESS TELECOMMUNICATIONS TOWER. A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

YARD. A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard.

YARD, MINIMUM. That yard space remaining if the property is developed to the fullest extent allowable under applicable ordinances.

YARD, REAR. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

YARD, SIDE. An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot.

ZERO LOT LINE. A developmental approach in which a dwelling unit is sited along one (1) or more lot lines. *(See Lot Line, Zero)*

ZONING ADMINISTRATOR. The administrative officer designated to administer and enforce the provisions of the *Zoning Ordinance* and issue Land Use Certificates. *(See City Planner)*

ZONING DISTRICTS. A section of the City of Bay Minette designated in this Ordinance text and delineated on the zoning map where in all requirements for use of land and building and development standards must be uniform.

ZONING MAP. The map or maps, which are a part of this *Zoning Ordinance*, and which delineate the boundaries of zoning districts.

5.03 ABBREVIATIONS

ADA – Americans with Disabilities Act of 1990

ADEM – Alabama Department of Environmental Management

ADMV – Alabama Department of Revenue - Motor Vehicles Division

ADPH – Alabama Department of Public Health

ALDOT – Alabama Department of Transportation

BMP – Best Management Practice

CAD – Computer-Aided Design

CBMPP – Construction Best Management Practices Plan

D.B.H. – Diameter at Breast Height

DHB – Downtown Historic Business District Overlay Zone
E-911 – Baldwin County 911 Emergency Communication District
FAA – Federal Aviation Administration.
FCC – Federal Communications Commission.
FEMA – Federal Emergency Management Agency
FIRM – Flood Insurance Rate Map
GIS – Geographic Information System
HUD – U.S. Department of Housing and Urban Development
HVAC – Heating, Ventilation and Air Conditioning
MVU – Mobile Vending Unit
NAICS – North American Industry Classification System
NEPA – National Environmental Policy Act
NPDES – National Pollutant Discharge Elimination System
PDF – Portable Document Format
PUD – Planned Unit Development
TUP – Temporary Use Permit
USACE – U.S. Army Corps of Engineers
USGS – U.S. Geological Survey, U.S. Department of the Interior