

## ARTICLE 9. SPECIAL PROVISIONS

### 9.01 MANUFACTURED HOME PARKS

In districts where manufactured home parks are permitted, the following minimum standards shall apply, as well as the present minimum regulations established by the Alabama Department of Public Health.

#### 9.01.01 Minimum Park Requirements

- Area: Three (3) acres and fifteen (15) spaces available for immediate occupancy; 4,000 square feet of land area for each manufactured home to be parked
- Yards: Front, rear and side: twenty-five (25) feet
- Height: Maximum one (1) story of fifteen (15) feet

#### 9.01.02 Manufactured Home Space Requirements

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

#### 9.01.03 Other Requirements

- 9.01.03.01 Access roads within manufactured home parks shall be not less than twenty-four (24) feet and shall be paved with a hard surface treatment.
- 9.01.03.02 Guest parking facilities shall be established and maintained at a ratio of one (1) space per four (4) manufactured home spaces. If access roads are paved to a width of thirty-two (32) feet, guest off-street parking spaces shall not be required.
- 9.01.03.03 Each manufactured home space shall be equipped with a pad ten (10) feet wide by forty-five (45) feet long of six (6) inches of compacted gravel or other similar material.
- 9.01.03.04 Each manufactured home space shall be furnished with utility connections to public water, sewer and electricity.
- 9.01.03.05 Manufactured homes may not be used for non-residential use within manufactured home parks.
- 9.01.03.06 The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer.

#### 9.01.04 Access and Traffic Circulation

- 9.01.04.01 Internal streets shall be privately owned, built and maintained and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities.
- 9.01.04.02 An internal street or common access route shall be provided to each stand. The street shall be a minimum of twenty-four (24) feet in width. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal street ending in a cul-de-sac shall exceed 400 feet in length.
- 9.01.04.03 All streets shall be constructed to meet the minimum specification for streets within the City of Bay Minette with the exception of curbing. A concrete lay down curb or acceptable substitute shall be used as approved by the City Planner.
- 9.01.04.04 Internal streets shall be maintained free of cracks, holes and other hazards at the expense of the licensee.
- 9.01.04.05 All streets within each park shall be numbered or named in an approved manner.

**9.01.04.06** Interior streets shall intersect adjoining public streets at ninety (90) degrees and at locations which will eliminate or minimize interference with the traffic on those public streets.

**9.01.04.07** At each entrance to the park, an 18" x 24" sign should be posted stating "Private Drive," "No Thru Traffic." The licensee may also post a speed limit sign on this same spot.

**9.01.05 Park Lighting**

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

**9.01.06 Recreation Area**

All manufactured home parks shall have at least one (1) recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a useable and sanitary condition by the licensee.

**9.01.07 Utility Requirements**

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

**9.01.08 Manufactured Home Standards**

To protect the health and safety of the public and assure quality construction, all manufactured home units shall be 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.

**9.02 PARKING DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS**

**9.02.01 Off-Street Parking**

**9.02.01.01 Definition.** An off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 171 square feet and minimum dimensions of 9' x 19', exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by an all-weather surfaced driveway which afford unobstructed ingress and egress to each space.

**9.02.01.02** The required number of parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

**9.02.01.03** Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.

**9.02.01.04** Off-street parking existing on the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

**9.02.01.05** For existing commercial uses in any business district and other similar areas desiring to expand but unable for good and sufficient reason to provide parking at the standard required in the

following schedule, the Board of Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

**9.02.01.06** The Planning Commission may modify the parking requirements provided in this Section for the DHB overlay zone. Consideration will be given when an applicant is unable to adhere to the strict application of these requirements for public parking and demonstrates good and sufficient reason for relief.

**9.02.02 Parking Decks**

Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks provided that no such parking deck shall exceed three (3) levels above ground or twenty-five (25) percent of the height of the principal structure, whichever is greater.

**9.02.02.01** Parking deck design shall be compatible with the design of the principal structure. Parking deck plans must be submitted together with the building site plan and must be approved by the City Engineer and the Planning Commission.

**9.02.02.02** Required landscaping and additional parking, if required, shall be provided at ground level around the parking deck and principal structure so that the entire development is aesthetically pleasing. In no case shall the ratio of impervious surface to open space exceed one to five (1:5).

**9.02.03 Parking Schedule**

**9.02.03.01 Dwellings**

| LAND USE                                    | PARKING REQUIREMENTS                                   |
|---|--|
| a. One (1) and two (2) families             | Two (2) spaces for each dwelling unit.                 |
| b. Multiple                                 | One and one-half (1½) spaces for each unit.            |
| c. Hotels                                   | One and one-fourth (1¼) spaces for each guest bedroom. |
| d. Motels, tourist courts and tourist homes | One and one-half (1½) spaces for each guest bedroom    |
| e. Manufactured home courts and parks       | Two (2) spaces per unit.                               |
| f. Boarding and rooming houses, dormitories | One (1) space for each guest bedroom.                  |

**9.02.03.02 Public Assembly**

| LAND USE   | PARKING REQUIREMENTS  |
|--|---|
| a. Churches or other places of worship   | One (1) space for each four (4) seats in the main auditorium or sanctuary.  |
| b. Private clubs, lodges and fraternal buildings not providing overnight accommodations  | One (1) space for each 100 square feet of building under roof.  |
| c. Theaters, auditoriums, coliseums, stadiums and similar places of assembly   | One (1) space for each four (4) seats.  |
| d. Libraries, museums  | One (1) space for each 500 square feet of gross floor area.   |
| e. Schools, including kindergartens, playschools and day care centers  | One (1) space for each four (4) seats in assembly hall, or one space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school and colleges. |
| f. Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements | One (1) space for each 200 square feet of floor area.   |
| g. Bowling alleys  | Four (4) spaces for each alley.   |

**9.02.03.03 Health Facilities**

| LAND USE  | PARKING REQUIREMENTS  |
|---|---|
| a. Hospitals, sanitariums, nursing homes, homes for the aged and similar institutional uses | One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift.  |
| b. Kennels and animal hospitals   | A parking area equal to thirty (30) percent of the total enclosed or covered area.                |
| c. Medical, dental and health offices and clinics   | One (1) space for each 200 square feet of floor area used for offices and similar purposes.       |
| d. Mortuaries and funeral parlors   | Ten (10) spaces per parlor chapel unit, or one (1) space per two (2) seats, whichever is greater. |

**9.02.03.04 Business**

| LAND USE  | PARKING REQUIREMENTS   |
|---|--|
| <p>a. Commercial establishments and offices, including but not limited to the following:</p> <p style="padding-left: 40px;">Food stores, furniture stores, general business, commercial or personal service establishments catering to the retail trade, but excluding food stores.</p> <p style="padding-left: 40px;">Governmental offices, office buildings, including banks, businesses, commercial and professional offices and buildings but excluding medical, dental and health offices, and clinics.</p> <p style="padding-left: 40px;">Public utilities, such as telephone exchanges and substations, radio and TV stations.</p> | <p>Four (4) parking spaces for up to 400 square feet of gross floor area, plus one parking space for each additional 800 square feet of gross floor area, up to 5,000 square feet plus one parking space for each additional 300 square feet of gross floor area over 5,000 square feet.</p> |
| b. Restaurants, including bars, grills, diners, cafes, taverns, nightclubs, lunch counters, and all similar dining and/or drinking establishments.  | One and one-fourth (1¼) spaces for each four (4) seats.  |
| c. Shopping centers   | One (1) space per 400 square feet gross floor area.  |
| d. Marinas  | Two (2) spaces per berth. Also applies to dry storage.   |

**9.02.03.05 Industries**

| LAND USE   | PARKING REQUIREMENTS  |
|--|---|
| a. Commercial, manufacturing and industrial establishments, not catering to the retail trade | One (1) space for each employee on the maximum working shift, plus one space for each vehicle operating from the premises.  |
| b. Wholesale establishments  | One (1) space for every fifty (50) square feet of customer services area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises. |
| c. Electric power and gas substations  | Twenty-five percent (25%) of the parcel on which located or four (4) spaces, whichever is smaller.  |

**9.02.03.06** Any use not specified by these regulations shall require one (1) parking space for each 300 square feet of gross floor area in the building. Where the use is mixed, total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.

**9.02.04 Permit**

A parking area permit approved by the City Planner shall be required for any parking area with a design capacity for six (6) or more vehicles if not previously permitted.

**9.02.05 Parking Area Dimensions**

The design and dimensions of the parking area shall be in accordance with the following dimensions table and provide for handicap parking spaces and sidewalk accessibility in accordance with ADA.

| Angle of Parking | Curb Length Per Car | Stall Depth | Access Driveway Length |
|------------------|---------------------|-------------|------------------------|
| 0                | 23'0"               | 9'0"        | 12'0"                  |
| 20               | 20'4"               | 15'0"       | 11'0"                  |
| 30               | 18'0"               | 17'4"       | 11'0"                  |
| 40               | 14'0"               | 19'2"       | 12'0"                  |
| 45               | 12'9"               | 19'10"      | 13'0"                  |
| 50               | 11'9"               | 20'5"       | 14'0"                  |
| 55               | 11'1"               | 20'3"       | 15'6"                  |
| 60               | 10'5"               | 21'0"       | 18'0"                  |
| 70               | 9'8"                | 21'0"       | 19'0"                  |
| 80               | 9'8"                | 20'4"       | 24'0"                  |
| 90               | 9'0"                | 19'0"       | 24'0"                  |

**9.02.06 Width of Two-Way Access Driveways**

The minimum width of two (2)-way access driveways within parking areas shall be twenty-four (24) feet.

**9.02.07 Paving Standards**

Parking spaces and driveways shall be paved to standards established by the City of Bay Minette.

**9.02.08 Drainage**

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

**9.02.09 Landscaping**

The design and appearance of parking areas shall be in accordance with *Section 10.10*.

**9.03 OFF-STREET LOADING AND UNLOADING SPACE**

Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.

**9.03.01 Size of Spaces**

Each off-street loading/ unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Planning Commission may reduce the minimum length accordingly to as little as thirty-five (35) feet.

**9.03.02 Connection to Street or Alley**

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

## 9.04 TELECOMMUNICATIONS TOWERS AND FACILITIES

### 9.04.01 Purpose

The purpose of this Section is to establish minimum standards for wireless telecommunications facilities. The underlying principles of these standards are to:

- 9.04.01.01 Achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities;
- 9.04.01.02 Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities;
- 9.04.01.03 Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties; and
- 9.04.01.04 Discourage the proliferation of towers throughout the City of Bay Minette

### 9.04.02 Definitions

**ACCESSORY STRUCTURE COMPOUND.** A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices / auxiliary structures are located.

**ALTERNATIVE SUPPORT STRUCTURE.** Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

**ANTENNA.** An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. Typically, this includes “whips”, “cornucopia horns”, “panels”, and parabolic “dishes”.

**ANTENNA SUPPORT STRUCTURE.** Any structure on which telecommunications antennas and cabling can be attached. Typically, this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three (3) or four (4) “legs” (self-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (*See also Tower*)

**CO-LOCATION.** The placement of more than one (1) wireless communications antenna by one (1) or more telecommunications service providers on a single existing or new antenna support structure.

**CONCEALMENT TECHNIQUES.** Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with the existing vegetation. Example: a tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

**FAA.** Federal Aviation Administration.

**FCC.** Federal Communications Commission.

**HEIGHT.** When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or structure, including if said highest point is an antenna placed on a structure or tower.

**TOWER.** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (*See also Antenna Support Structure*)

### 9.04.03 Procedures and Standards

- 9.04.03.01 Where Permitted.** Wireless telecommunications facilities shall be permitted in the Police Jurisdiction and by Special Exception in M-1 and M-2 zoning districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.
- 9.04.03.02 Height**
- a. Antennas located on alternative support structures shall not exceed fifteen (15) feet in height above the existing structure on which they are placed.
  - b. Tower height shall be limited to 180 feet.
- 9.04.03.03 Setbacks.** Towers (but not guys and accessory structures) may be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property. Where a tower is permitted in a zoning district adjacent to any residential district the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.
- 9.04.03.04 Co-location**
- a. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.
  - b. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
  - c. Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed structures and self-supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas.
- 9.04.03.05 Aesthetics.** The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.
- a. Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area.
  - b. Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
  - c. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
  - d. Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are types of concealment techniques (*See Section 9.04.02, Concealment Techniques*).
- 9.04.03.06 Accessory Structures**
- a. The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
  - b. In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be prohibited.
- 9.04.03.07 Non-Vegetative Screening**
- a. Non-vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non-vegetative screening shall be provided in a manner that is compatible with the surrounding character of

development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of eight (8) feet, and may consist of one (1) of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non-vegetative screening shall be properly maintained by the property owner or lessor.

- b. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non-vegetative screening requirement may be reduced.
- c. Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from screening requirements.

#### 9.04.03.08 Landscaping

- a. Landscaping will be required to reduce the visual impact of the compound and its accessory structures on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.
- b. The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least five (5) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
- c. A row of trees a minimum of eight (8) feet tall and a maximum of ten (10) feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least thirty (30) inches high at planting capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line.
- d. All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

#### 9.04.03.09 Lighting

- a. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, dual lighting (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
- b. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent property.

**9.04.03.10 Environmental Impact.** All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If a NEPA environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

#### 9.04.03.11 Safety

- a. Radio frequency. The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the *FCC Standards for Radio Frequency Emissions*, as adopted by the FCC on August 1, 1996.
- b. Structural. A Professional Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the co-locations requirements of this Ordinance, wind loading and other structural standards contained in the *Building Code* as adopted by the City of Bay Minette and the applicable technical codes established by the *Electronic Industries Association (EIA/TIA 22-E*



*“Structural Standards for Steel Antenna Towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.*

- c. Security of Site. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury.

**9.04.03.12 Obsolete Towers.** In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building Official. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility or dismantle and remove the wireless telecommunications facility.

**9.05 APARTMENTS, TOWNHOUSES AND CONDOMINIUMS**

Within the Districts permitting multi-family units, the following requirements shall apply:

- 9.05.01 No more than eight (8) continuous apartments, townhouses and condominiums per floor shall be built in a row with approximately the same front line.
- 9.05.02 No side yard is required except that on corner and interior lots the end of the building in any grouping shall conform to the side yard requirements of the district.
- 9.05.03 No more than thirty-five (35) percent of the lot area shall be occupied by buildings.
- 9.05.04 Insofar as practicable, off-street parking facilities shall be under habitable floors of buildings or grouped in bays, either adjacent to streets or in the interior of blocks, and no off-street parking shall be more than 100 feet by the most direct pedestrian route from a door of the structure it intends to serve.
- 9.05.05 All multi-family developments shall be required to tie into a public or private water system and a public or private sanitary sewer system operating under the conditions of an NPDES Permit from the ADEM. No other means of water supply and waste disposal shall be permitted.
- 9.05.06 All other requirements within the district in which the apartments, townhouses or condominiums are located shall prevail.

**9.06 AUTOMOBILE SERVICE STATIONS**

Within the districts permitting automobile service stations, the following requirements shall apply:

**9.06.01 Location**

The property on which an automobile service station is located shall not be within 100 feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children, elderly or dependents.

**9.06.02 Site Requirements**

An automobile service station shall have a minimum frontage on the primary street of 120 feet and a minimum lot area of 23,000 square feet. All buildings shall be setback forty (40) feet from all street right-of-way lines, fifty (50) feet from major arterials, and all canopies shall be setback fifteen (15) feet from all street right-of-way lines.

**9.06.03 Access to Site**

Vehicular entrances or exits at an automobile service station:

- 9.06.03.01 Shall not be provided with more than two (2) curb cuts for the first 120 feet of street frontage or fraction thereof.

**9.06.03.02** Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.

**9.06.03.03** Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

**9.06.04 Gasoline Pump Islands**

All gasoline pump islands shall be setback at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way. However, the pumps shall be at least sixty (60) feet from the center line of an arterial street, fifty-five (55) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.

**9.06.05 Off-Street Parking**

A minimum of two (2) off-street parking spaces is required with an additional off-street parking space for each lubrication or wash bay.

**9.06.06 Other Site Improvements**

In addition to the above requirements, the following additional site improvements shall be adhered to:

**9.06.06.01** A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height, plus a hedge or shrubbery screen, shall be erected along all adjacent property lines facing any adjacent residential lot.

**9.06.06.02** Exterior lighting shall be arranged so that it is deflected away from adjacent properties.

**9.06.06.03** Signs, whether permanent or temporary, shall not be placed within any public right-of-way within the corporate limits of the City of Bay Minette. Signs permitted for display on private property shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

**9.06.06.04** All driving, parking storage, and service areas shall be paved and a good stand of grass shall be maintained on the remainder of the lot.

**9.06.06.05** A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.

**9.06.07 Storage of Flammable Products**

Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases shall be restricted to the requirements set forth in this Ordinance and State regulations.

**9.07 CEMETERIES**

Within the districts permitting cemeteries, the following requirements shall apply:

**9.07.01** The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.

**9.07.02** Any new cemetery shall be located on a site containing not less than twenty (20) acres.

**9.07.03** There shall be a fifty (50) foot buffer around the perimeter of the property and all structures shall be set back no less than fifty (50) feet from any property line or minor street right-of-way.

**9.07.04** All graves or burial lots shall be set back not less than fifty (50) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector or arterial street.

**9.07.05** The entire cemetery property shall be landscaped and maintained.

**9.07.06** An application must be made to the Planning Commission for any extension of existing cemeteries.

## **9.08 MOBILE FOOD VENDING VEHICLES AND MOBILE MERCHANDISE VENDING UNITS**

### **9.08.01 Mobile Vending Units, Generally**

For the purposes of this Section, a "Mobile Vending Unit" refers to both Mobile Food Vending Vehicles and Mobile Merchandise Vending Units.

**9.08.01.01** Mobile Vending Units are permitted to operate in non-residential zoning districts (B-1, B-2, M-1 or M-2) on private property with express written permission from the property owner. Units are encouraged to locate on sites developed with a principle building that has a current City Business License and an operating use.

**9.08.01.02** Mobile Vendors are required to obtain a Business License and Mobile Vending Permit from the City of Bay Minette prior to commencing operations within the City.

**9.08.01.03** Vendors must operate in a safe and sanitary manner and kept in a clean, well-maintained condition to ensure units are free of excessive dirt, rust, mud, grease or other unsightly, unsanitary or otherwise undesirable condition.

**9.08.01.04** Mobile Vending Units shall be permitted to a location that does not block drive aisles, ingress or egress from the property, or fire and emergency access.

**9.08.01.05** Mobile Vending Units shall be removed at times other than the hours of operation and the set-up and take-down periods. Vehicles shall not be left unattended or stored at any time on an authorized operating site when vending is not taking place or during restricted hours of operation.

**9.08.01.06** Mobile Vending Units shall not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers.

**9.08.01.07** Any auxiliary power, water or sewer utilities required for the operation of the Mobile Vending Unit shall be self-contained or provided by the property owner.

**9.08.01.08** Vendors shall serve only walk-up customers, no drive-thru service allowed.

### **9.08.01.09 Parking Considerations**

- a. The Mobile Vendor Unit, nor related customer vehicles, cannot obstruct any street or sidewalk, or interfere with the free passage of persons/vehicles on such streets or sidewalks.
- b. Parking of the Mobile Vending Unit cannot be located in City right of way in municipal limits.
- c. Mobile Vendors should encourage pedestrian access where possible. When vehicular access is required, Vendor must ensure customer parking is contained on property where parking permission has been obtained for that purpose.

**9.08.01.10** The provisions of this Section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.

### **9.08.02 Mobile Food Vending Vehicles**

**9.08.02.01** All Mobile Food Vending Vehicles must be inspected initially by the City of Bay Minette Fire Inspector. Annual inspections are required, and each Mobile Food Vending Vehicle is subject to re-inspection at any time.

**9.08.02.02** The selling of non-food or non-drink items shall be limited to merchandise displaying the Mobile Food Vending Vehicle company logo and/or branding. No items shall be displayed outside of the vehicle.

**9.08.02.03** No signage is allowed except signage physically affixed to the Mobile Vending Unit identifying the vendor and no more than two (2), 24" x 48" sandwich board-type signs displaying menu, pricing or other similar information. The signs may be displayed only during business hours and shall not obstruct or impede pedestrian or vehicular traffic. Electronic or illuminated signs are not allowed.

- 9.08.02.04** Mobile Food Vending Vehicles shall not provide furniture, objects or structures outside of the vehicle for customer use with the exception of trash receptacles and shade structures attached to the vehicle.
- 9.08.02.05** All Mobile Food Vending Vehicles shall offer a trash receptacle for customer use that must be removed with the vehicle each day at the vendor's expense. Mobile Food Vendors shall keep the permitted premise and adjacent public property clean and free from all trash, litter, debris or waste generated from the operation of its business.
- 9.08.02.06** Any auxiliary power, water or sewer utilities required for the operation of the Mobile Food Vending Vehicle shall be self-contained or provided by the property owner.
- 9.08.02.07** The provisions of this Section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and are approved by the City.
- 9.08.02.08** No more than two (2) mobile food units shall operate on the same site per day.
- 9.08.02.09 Mobile Food Vending Location Requirements**
- a. A minimum of 150 feet from the front door of any restaurant in current operation, without written permission from the restaurant owner.
  - b. A minimum of 150 feet from Primary schools within City limits, measured from the nearest lot line of the school, without written permission from the School's Principal.
  - c. A minimum of 500 feet from any stadium, ballpark, festival, special event or other similar sponsored event licensed or authorized by the City, unless authorized by the sponsor to be participants in the event.
  - d. A minimum fifteen (15) foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
  - e. A minimum ten (10) foot clearance from buildings, fire lanes, sidewalks or utility box.
  - f. When located on or adjacent to a street, food service shall be solely from the side of the unit that opens away from the street.

**9.08.03 Mobile Merchandise Vending Unit**

- 9.08.03.01** Merchandise is limited to non-consumable items and/or items not intended for individual consumption at the point of sale.
- 9.08.03.02** No more than two (2) Mobile Vending Units shall operate on the same site per day.
- 9.08.03.03** No signs shall be allowed, other than that which is physically attached to the unit. One (1), 24" x 48" sandwich board-style sign identifying the vendor or indicating pricing, may be displayed within ten (10) feet of the unit. The sign may be displayed only during business hours, shall not obstruct or impede pedestrian or vehicular traffic, and shall be located on-site. Electronic or illuminated signs are not allowed.

**9.08.03.04 Mobile Merchandise Vending Unit Location Requirements**

- a. A minimum fifteen (15) foot clearance from fire hydrants, driveway entrances and handicap parking spaces/ramps.
- b. A minimum ten (10) foot clearance from buildings, fire lanes, sidewalks or utility box.
- c. When located on or adjacent to a street, service shall be solely from the side of the unit that opens away from the street.

**9.08.04 Mobile Vending Unit Permit**

- 9.08.04.01 Fees for a Mobile Vending Permit** are as follows and will not be prorated:
- a. Daily Permit (single twenty four (24) hour period) - \$25.00
  - b. Monthly Permit (per calendar month) - \$50.00

- c. Annual Permit (January 1 – December 31) - \$100.00
- d. In addition, a \$25.00 Administrative Land Use Review is required per site, prior to commencing operations.

- 9.08.04.02** Mobile Vendors shall have express written permission of the property and/or business owner(s) for each location at which the Mobile Vending Unit operates. This approval shall be in writing, signed by the property and business owner(s), shall always remain on the Mobile Vending Unit and must be made available for inspection upon request of any City Official at any time during the operation of the mobile vending unit.
- 9.08.04.03** Prior to the issuance of a City of Bay Minette Business License or Mobile Vending Permit, Vendors are required to obtain all applicable licenses/permits, including but not limited to ADPH permits and ADMV licensing.
- 9.08.04.04** Mobile Vending Units and site locations are subject to the review and approval of the Bay Minette Police Department and the Bay Minette Fire Department at any time.
- 9.08.04.05** Compliance with *Section 9.08* shall be determined at the time of application or at the discretion of the Planning Staff if determined in the field. Mobile Vending Units determined to be non-compliant shall immediately institute all corrective action(s) deemed necessary.
- 9.08.04.06** Operation without a Mobile Vending Permit will result in a \$500.00 fine. If found in violation of any section of this Ordinance, vendor may be issued a ticket for violation and fined an amount of \$25.00 - \$250.00 Each violation is considered a separate and distinct offense; and each day is a separate violation.

## 9.09 TEMPORARY WORK FORCE HOUSING PILOT PROGRAM

### 9.09.01 Purpose and Applicability

The purpose of this pilot program is to provide for the issuance of Temporary Use Permits (TUPs) and establish standards and procedures related to the placement, operation, and duration of Temporary Work Force Housing Facilities to promote safe, healthy, and sanitary living conditions for temporary workers while ensuring that Temporary Work Force Housing Facilities do not negatively impact surrounding land uses. This Section is intended to provide flexibility in land use regulation in order to address a critical need while ensuring that the temporary uses and activities do not negatively impact surrounding property or create public health and safety hazards. As a pilot program, *Section 9.09* has an automatic sunset and shall only be effective for forty-eight (48) months from the date of adoption by the City Council. *Section 9.09* shall cease to exist if no further action is taken by the City Council to extend the effective date beyond the 48-month time frame.

### 9.09.02 Definitions

**MANUFACTURED/MOBILE HOME.** A structure, transportable in one (1) or more sections, and which is built on a permanent chassis, and not designed normally to be drawn or pulled on the highway except to change permanent locations but is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems, if any, contained therein. For the purposes of this chapter, this category also includes mobile homes and similar structures whether the same be equipped with wheels, or on a foundation.

**MANUFACTURED/MOBILE HOME PARK.** A residential development under unified ownership providing rental spaces for 2 (two) or more manufactured/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. Said development shall be located, established, and maintained in accordance with City regulations, ordinances and adopted plans. With the exception of provisions found in *Section 9.09.04(b)* below, a Manufactured/Mobile Home Park does not qualify for use as a Temporary Work Force Housing Development.

**OPERATOR.** The person, firm, corporation, or other entity responsible for the management and operation of the Temporary Work Force Housing Facility.

**RECREATIONAL VEHICLE.** A self-contained vehicle used for temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this chapter, this category also includes travel trailers, campers, motor homes, and camping trailers capable of being towed by a passenger motor vehicle and motor homes. For this chapter, this category does not include tents, vehicles with camper shells, vehicles retrofitted for occupancy or other similar quarters that are not self-contained.

**RECREATIONAL VEHICLE PARK.** A development for the accommodation of tourists or vacationers on a short-term basis as temporary living quarters for recreation or vacation purposes, providing rental spaces for each individual recreational vehicle, travel trailer, camper, motor home, etc., and service facilities for the use of the tenants, whether publicly or privately owned and whether operated for or without compensation. Said development shall be located, established and maintained for the short-term occupancy of tourists or vacationers in accordance with City regulations, ordinances and adopted plans. For the purposes of this chapter, this category also includes camps and campgrounds. With the exception of provisions found in *Section 9.09.04(b)* below, a Recreational Vehicle Park does not qualify for use as a Temporary Work Force Housing Development.

**TEMPORARY USE PERMIT (TUP).** A permit issued by the City Council that authorizes a temporary use or activity for a specified period of time.

**TEMPORARY WORK FORCE HOUSING FACILITY.** A group dwelling facility located in one (1) or more buildings that are occupied on a temporary basis by workers that are not from the immediate area but are employed in the area for large-scale construction projects and for a defined period of time. The Facilities are intended to accommodate temporary housing and living quarters for construction-related workers, but do not include Recreational Vehicle Parks, a mobile home, a mobile home park, a manufactured home, a manufactured home park, a tourist camp, a tourist campground, a tourist home, a trailer or a trailer camp as defined and regulated herein, except for the occupancy of recreational vehicles in accordance with *Section 9.09.04(b)* below.

**TEMPORARY WORK FORCE HOUSING UNIT.** A temporary dwelling unit located within a Temporary Work Force Housing Facility that is intended for the temporary occupancy and use as the living quarters for individual workers.

### 9.09.03 Temporary Use Permit Required

The use of Temporary Work Force Housing Facilities, as set forth below, requires approval of Temporary Use Permit. The Planning Commission shall review and make a recommendation to the City Council for the issuance of a Temporary Use Permit. A permit may be approved or denied based on the criteria herein, including the compatibility with surrounding land uses and compliance with the *Zoning Ordinance*.

### 9.09.04 Standards for Temporary Work Force Housing Facilities

**9.09.04.01** Temporary Work Force Housing Facilities shall only be permitted in areas designated in the R-A, B-1, B-2, M-1 or M-2 zoning districts with an approved Temporary Use Permit, provided:

- a. The parcel on which the Temporary Housing Facility is located meets the lot area and width requirements for the district in which it is located.
- b. Placement of Temporary Work Force Housing Units and related facilities shall comply with all setbacks, buffer, and other zoning requirements applicable to the zoning district in which it is located.
- c. Temporary Work Force Housing Facilities shall not be located within 500 feet of any residential zoning district or residential use.
- d. The Temporary Housing Facility is located along, or with direct access to a paved roadway. If the roadway is not improved, the Developer/Operator would be responsible for construction and paving of said roadway to City, County or State standards, if required based on site location, prior to operation of the Temporary Housing Facility.
- e. No primary entrances or exits shall direct traffic into adjacent residential districts.
- f. The Temporary Housing Facility is able to provide accommodations for at least twenty (20) workers and no more than 800 workers.
- g. The density of the Temporary Housing Facility does not exceed twenty (20) units per acre.

- h. Adequate waste disposal and garbage facilities shall be provided.
- i. The Temporary Housing Facility must be fenced and access limited.
- j. The Temporary Housing Facility shall be constructed to minimize erosion, alteration of natural features and removal of vegetation to the greatest extent possible.
- k. The Temporary Housing Facility must comply with all applicable State and Federal requirements, including the requirements of the ADPH and/or the ADEM.
- l. The Temporary Housing Facility shall be provided with adequate parking for residents based on design capacity, to accommodate personal vehicles, work vehicles, and other vehicles and equipment parked on the site. Off-street loading and unloading space for service and supply vehicles shall also be provided with satisfactory ingress and egress for trucks.
- m. The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility.
- n. The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents.

**9.09.04.02** Temporary Work Force Housing Facilities may be permitted as part of an existing Manufactured/Mobile Home Park or Recreational Vehicle Park in areas designated in the R-5, B-2 or M-1 zoning districts based on review and approval by the Planning Commission and City Council, provided:

- a. The Manufactured/Mobile Home Park or Recreational Vehicle Park is properly zoned in accordance with the Table of Permitted Uses.
- b. The units intended as Temporary Work Force Housing Units must meet the criteria as defined herein.
- c. Placement of Temporary Work Force Housing Units and related facilities shall comply with all setbacks, buffer and other zoning requirements applicable to the zoning district in which it is located.
- d. The Temporary Housing Facility is located along, or with direct access to a paved roadway. If the roadway is not improved, the Developer/Operator would be responsible for construction and paving of said roadway to City, County or State standards, if required based on site location, prior to operation of the Temporary Housing Facility.
- e. No primary entrances or exits shall direct traffic into adjacent residential districts.
- f. The Temporary Housing Facility is able to provide accommodations for at least twenty (20) workers and no more than 800 workers.
- g. The density of the Temporary Housing Facility combined with existing sites does not exceed twenty (20) units per acre.
- h. Adequate waste disposal and garbage facilities shall be provided.
- i. The area used for Temporary Housing Facility must be fenced.
- j. The Temporary Housing Facility shall be constructed to minimize erosion, alteration of natural features and removal of vegetation to the greatest extent possible.
- k. The Temporary Housing Facility must comply with all applicable State and Federal requirements, including the requirements of the ADPH and/or ADEM.
- l. The Temporary Housing Facility shall be provided with adequate parking for residents based on design capacity, to accommodate personal vehicles, work vehicles, and other vehicles and equipment parked on the site. Off-street loading and unloading space for service and supply vehicles shall also be provided with satisfactory ingress and egress for trucks.
- m. The Temporary Housing Facility shall provide for adequate access for emergency vehicles, and adequate security for the facility.

- n. The Operator of the Temporary Housing Facility is responsible for establishing and enforcing any house rules or regulations for residents.

#### 9.09.05 Standards for Temporary Work Force Housing Units

Temporary Work Force Housing Units shall comply with the following standards:

- a. All Temporary Work Force Housing units shall be designed, sited, constructed, and maintained in accordance with applicable State and Local Building Codes, Health Codes, and Fire Codes. It is the responsibility of the Operator and occupants to ensure that all applicable health and safety requirements are met.
- b. The Temporary Housing Units or spaces must be numbered in a logical fashion in order to facilitate emergency response and subject to the review of Baldwin County E-911.
- c. All Temporary Work Force Housing Units provided by the Operator shall be equipped with smoke detectors and carbon monoxide detectors.
- d. All Temporary Work Force Housing Units provided by the Operator shall have adequate heating, ventilation, and air conditioning systems to maintain safe and healthy living conditions.

#### 9.09.06 Application

The Temporary Use Permit application shall be submitted as a Site Plan Approval request on the applicable form, in accordance with the meeting and fee schedule as established. The Planning Commission may waive certain requirements contained in *Section 9.09.06* if it is determined that the requirements are not essential to a proper decision on the project; or, it may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development. In addition to the Site Plan required submittals, the application shall be accompanied by the following information unless some or all of these requirements are waived by the Planning Commission:

- a. A written narrative that includes a general description of the operation, including a good faith estimate of the duration of use; a description of the Temporary Housing Units to be used and how the Housing Units are to be set and/or anchored to the ground; a description of how the Units are to be numbered; and a description of the source of potable water supply, method of sewage disposal, method of waste disposal, method of dust control and proposed maintenance of the site.
- b. A scaled Site Plan showing the overall dimensions of the site; required setbacks; the location of Housing Units, other structures, parking areas, fences, and landscaping; the location of existing and proposed roads and access ways within and adjacent to the site; and the location of wells, sewage treatment system(s), and waste management areas.
- c. Plans for essential services, including emergency medical and fire facilities and security services
- d. Service Availability Letters for utilities
- e. A Storm Water Management Plan
- f. A traffic impact analysis, if required by the City's Engineer, to determine if any improvement to City, County or State roadways, including the paving of roadways or the installation of turning lanes, is warranted. If warranted, roadway improvements will need to be installed at the Operator's expense prior to operation of the Facility.
- g. Copies of the Facility's proposed house rules and regulations, onsite security plan, and on-site Emergency Management Plan (including contingencies for fire, tornado, hurricane and other natural disasters).
- h. Consent of Landowner. Prior to the approval of any proposed temporary residence under this Section, the applicant must demonstrate proof of the consent and approval of the property owner if the property is not owned by the proposed Operator. An Agent Authorization form or lease will suffice.
- i. Submittals shall include any other information required to meet the minimum standards noted in *Sections 9.09.04, 9.09.05 and 9.09.07* as needed by the Planning Commission or City Planner to make an informed decision on the request.

#### 9.09.07 Review Criteria



The Planning Commission shall review the request at a regularly scheduled meeting and make a recommendation to the City Council for final determination. The Planning Commission and City Council may attach any conditions or reporting requirements to the Temporary Use Permit that it deems necessary and prudent. A TUP may be issued by the City Council for a temporary use or activity that meets the following criteria:

- a. The proposed use or activity will be of a temporary nature and will not create a permanent change to the site or surrounding area.
- b. The proposed use or activity will not create a significant impact on surrounding land uses or the environment.
- c. The proposed use or activity will comply with all applicable health, safety, and building codes.
- d. The proposed use or activity will not create a public nuisance or hazard.
- e. The zoning authority may impose conditions on the issuance of a TUP in order to ensure compliance with the above criteria.

#### **9.09.08 Approval**

If the TUP is approved, all required City, County and State permits shall be obtained prior to construction/installation of the temporary housing facilities, including, but not limited to, building permits, electrical permits, plumbing permits and mechanical permits. After a TUP is granted, the following shall be provided to the City in conjunction with construction and prior to operation of the Temporary Housing Facility:

- a. The name and address of the onsite manager and contact information.
- b. Copies of required permits or approvals from the Alabama Department of Health and/or the Alabama Department of Environmental Management, Baldwin County Commission, Alabama Department of Transportation, and US Army Corps of Engineers.
- c. A plan for the closing of the facility and reclamation of the site, including how structures and equipment will be removed; how trash and construction debris will be removed; how concrete footings and foundations will be removed or buried; how the sewage disposal system will be removed and disposed of; how the site will be graded and re-contoured to blend into the surrounding topography; how topsoil will be replaced and the site seeded with an appropriate seed mix to establish sufficient cover to stabilize the site and prevent erosion, and how unneeded access roads will be re-graded and re-vegetated. Alternatively, if the TUP was issued pursuant to *Section 9.09.04.02*, the Operator agrees that all recreational vehicles will be removed from the site on or before the expiration of the TUP.
- e. An irrevocable surety bond shall be submitted to the City Administrator in an amount equal to an engineer's estimate of the cost of removing, demolishing and disposing of such Facilities following termination of the use in accordance with the approved plan and shall be held for the duration of the Temporary Work Force Housing Facility operation. The amount of the bond may be reviewed by the City Council on an annual basis and adjusted if needed.

#### **9.09.09 Term**

A Temporary Use Permit for a Temporary Housing Facility approved in accordance with this Article shall be valid for a period of one (1) year and is renewable in one (1) year increments upon submittal of a request for an extension and approval in accordance with the provisions of this Article. The request for an extension must also include a written narrative describing the Facility, its compliance with the requirements contained herein and any conditions placed upon it and demonstrate the continued need for the Facility. In no case shall a Temporary Use Permit or Renewal extend beyond the sunset provisions of *Section 9.09*.

#### **9.09.10 Revocation and Modification**

TUPs may be revoked or modified by the zoning authority if the temporary use or activity fails to comply with the criteria for issuance or any conditions imposed by the City Council.

#### **9.09.11 Operation and Maintenance**

The Operator of Temporary Work Force Housing shall comply with the following requirements:

- 9.09.11.01** The Operator shall obtain all necessary permits and licenses required by the zoning, permitting and access authority jurisdiction, including a permit for Temporary Work Force Housing.
- 9.09.11.02** The Operator shall maintain accurate records of all occupants of the Temporary Work Force Housing, including their names, addresses, and employment information.
- 9.09.11.03** The Operator shall maintain the Temporary Work Force Housing Units in a clean and sanitary condition, and shall provide regular cleaning and trash removal services.
- 9.09.11.04** The Operator shall provide adequate security measures to ensure the safety and well-being of occupants.
- 9.09.11.05** The Operator shall ensure that all occupants of the Temporary Work Force Housing Facility comply with all applicable rules and regulations.
- 9.09.11.06** The Operator of a Temporary Worker Housing Facility permitted by the Planning Commission shall notify the City Planner of the sale of the Facility or the transfer of ownership of the property.
- 9.09.11.07** The Operator shall provide the following to the City on an ongoing basis for the duration of operations:
- a. The name and address of the onsite manager and contact information.
  - b. A current occupancy list to be maintained and provided to the City on a quarterly basis.
  - c. Any changes to the Facility's house rules and regulations, on-site security plan, and on-site emergency management plan.
- 9.09.12 Restoration of Site**
- 9.09.12.01** The applicant shall provide a written plan and agreement setting forth how the Facility will be dismantled, and the area restored to an unoccupied condition. The Temporary Housing Facility and any associated structures, Housing Units and infrastructure must be removed from the site within ninety (90) days of closure. Within ninety (90) days after the removal of the Facility is complete, a reclamation report shall be submitted to the City Planner indicating that the site was reclaimed as set forth in the approved reclamation plan. In the event that the site is not restored in accordance with the approved plan, the City Council may call on the surety bond to complete the restoration in a satisfactory manner.
- 9.09.12.02** For Temporary Work Force Housing Facilities which are permitted as part of an existing Manufactured/Mobile Home Park or Recreational Vehicle Park under *Section 9.09.04(b)*, the applicant shall provide a written plan and agreement setting forth how the Temporary Housing Units will be removed from the site. Within ninety (90) days after the removal of the Facility is complete, a reclamation report shall be submitted to the City Planner indicating that the site was reclaimed as set forth in the approved reclamation plan. In the event that the site is not restored in accordance with the approved plan, the City Council may call on the surety bond to complete the restoration in a satisfactory manner. Infrastructure installed as part of the Temporary Work Force Facility must be removed from the site and the property restored to a state consistent with the Manufactured Home Park or Recreational Vehicle Park use existing prior to the development of the Facility unless the zoning authority determines the following:
- a. Allowing the TUP infrastructure to remain promotes the purpose and intent of the *Zoning Ordinance* and provides an overall benefit to the general health, safety and welfare of the residents of the City; and,
  - b. Allowing the TUP infrastructure to remain does not confer on the applicant any special privilege that is denied by this Ordinance to other citizens or other uses, lands, structures, or buildings in the same district; and,
  - c. Due to the existence of the infrastructure:

1. The existing use has become compliant with the zoning district requirements and other applicable City regulations; or
2. The existing use will become substantially non-compliant due to the removal of the infrastructure; or
3. The infrastructure substantially decreases the nonconformity of the Manufactured Home Park or Recreational Vehicle Park use existing prior to the development of the Temporary Work Force Facility.

**9.09.13 Enforcement and Penalties**

Violation of any provision of this Ordinance shall be a violation of the *Zoning Ordinance* and shall be subject to the penalties provided therein. In addition, the zoning authority may revoke the permit for the Temporary Work Force Housing if the Operator fails to comply with any provision of this Ordinance.

**9.09.14 Compliance**

The City Council, at its discretion, may require a bond or other financial guarantee to ensure that all essential facilities and services are provided. In the event the Developer or Operator fails to provide the essential services and facilities required, the Temporary Use Permit shall be revoked and the Facility ordered to vacate. These remedies are in addition to the remedies provided in this Ordinance for failure to comply with the zoning requirements.

**9.09.15 Consistency**

To the extent that language in *Section 9.09* is inconsistent with other City Ordinances, the provisions of *Section 9.09* shall control.