

2018



# BAYOU LA BATRE ZONING ORDINANCE

## **CITY OF BAYOU LA BATRE, ALABAMA**

*DEVELOPED BY THE CITY OF BAYOU LA BATRE PLANNING COMMISSION IN CONJUNCTION WITH  
THE SOUTH ALABAMA REGIONAL PLANNING COMMISSION (SARPC)*

*FINAL DRAFT FOR PUBLIC REVIEW ~ MARCH 26 – APRIL 9, 2018*



# BAYOU LA BATRE



Aerial View of Bayou La Batre  
Photo Credit: *City of Bayou La Batre*



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# **BAYOU LA BATRE**

## **ZONING ORDINANCE**

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### **MAYOR**

Terry Downey

### **CITY COUNCIL**

J.C. Smith ~ Place 1  
Kimberlyn Barbour ~ Place 2  
George Ramires ~ Place 3  
Henry Barnes, Sr. ~ Place 4  
Anna Bosarge ~ Place 5

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Virginia Bryant ~ Co- Chair  
Kimberlyn Barbour ~ Council Rep  
Frank Williams ~ Administrative Official  
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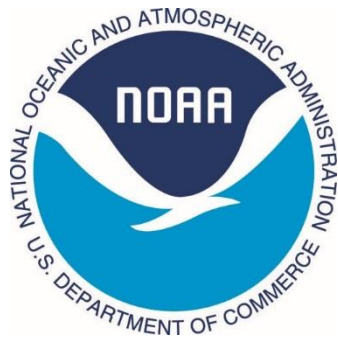
### **ADMINISTRATION**

Marcia Barnes ~ City Clerk  
Rita Reeves ~ Planning Commission Secretary

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***TECHNICAL ASSISTANCE PROVIDED BY:  
THE SOUTH ALABAMA REGIONAL PLANNING COMMISSION (SARPC)  
MOBILE, ALABAMA***





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This Zoning Ordinance was developed by the Bayou La Batre Planning Commission, with assistance provided from the South Alabama Regional Planning Commission (SARPC).

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## CITY OF BAYOU LA BATRE, ALABAMA

CITY HALL

13785 SOUTH WINTZELL AVENUE  
BAYOU LA BATRE, AL 36509





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## § 1.1 TITLE

This Ordinance shall be officially known as the “Zoning Ordinance of the City of Bayou La Batre,” may be cited as the “Bayou La Batre Zoning Ordinance and may be referred to as “the Zoning Ordinance.” This Ordinance shall not be codified.

## § 1.2 LEGISLATIVE AUTHORITY

### A. GENERAL AUTHORITY

The Bayou La Batre City Council of the City of Bayou La Batre, Alabama in pursuance of the authority granted by Title 11, Chapter 52, Article 4, Sections 70-84 inclusive, Code of Alabama, 1975 and 1979 cumulative supplements, hereby ordains and enacts into law the following Articles contained within this Zoning Ordinance.

### B. REFERENCES TO ALABAMA CODE

Whenever any provision of this Ordinance refers to or cites a section of the Alabama Code and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most

nearly corresponds to the superseded section.

## § 1.3 PURPOSE & INTENT

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the citizens and landowners of Bayou La Batre, and to implement the goals, objectives, and policies of the Bayou La Batre Comprehensive Master Plan 2035 and all other city-adopted plans addressing the city’s growth and development. The interpretation and application of the provisions of this Ordinance shall be considered as **minimum requirements**;

- **liberally construed in favor of the governing body;**
- **deemed neither to limit nor repeal any other powers granted under state statutes**

The intent of this Ordinance is more specifically to promote an orderly pattern of land uses and ensure proper development that will:

- Maintain and stabilize the value of buildings and land;
- Reduce the vulnerability of development and residents to storms, flooding, and other natural hazards;
- Ensure the provision of adequate open space between uses for light, air, and fire safety;
- Better manage or lessen traffic congestion and its accompanying hazards;
- Prevent the overcrowding of land and avoid undue concentrations of population; Support the efficient, orderly, and cost-effective provision of needed transportation, water supply, sewerage, schools, parks, public utilities, and other public facilities and services;

- Foster convenient, compatible, and efficient relationships among land uses;
- Preserve and maintain the integrity, character, safety and quality of residential neighborhoods while providing increased housing options;
- Maintain and enhance the unique character and identity of downtown Bayou La Batre, the waterfront, and other areas within the city through an emphasis on design quality;
- Maintain and protect high quality aesthetic standards for development;
- Protect and conserve water resources (e.g. Bayou La Batre, Mississippi Sound, estuaries, bays, rivers, streams, bayous, marshes, wetlands) and their functions (e.g. flood control, fisheries, recreation), as well as other natural resources contributing to the environmental and aesthetic quality of the city and its environs;
- Promote a healthy, diversified, and sustainable economy that meets the needs of Bayou La Batre’s residents and visitors.

## § 1.4 JURISDICTION

### A. GENERAL APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits of the City of Bayou La Batre unless it is expressly exempted by a specific section or subsection of this Ordinance.

### B. APPLICATION TO GOVERNMENTAL UNITS

Except as stated herein, the provisions of this Ordinance shall apply to:

1. Development by the city or its agencies or departments, or on land owned or otherwise

controlled by the city; and

2. To the full extent permitted by law, development by a county, state, or federal government or its agencies, departments or corporate services, or on land owned or held in tenancy by the a county, state, or federal government.

### C. NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE

No land shall be developed without full compliance of this Ordinance and all other applicable city, county, state, and federal regulations.

## § 1.5 LEGAL STATUS & INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the protection, promotion, and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or easements, covenants or agreements, the provisions of this Ordinance shall control.

## § 1.6 RELATIONSHIP TO OTHER LAWS

### A. CONFLICTS WITH OTHER CITY CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other adopted codes or ordinances of the city, the more restrictive provision shall govern unless the terms of the

more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

### **B. CONFLICTS WITH STATE OR FEDERAL LAW**

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

### **C. CONFLICTS WITH PRIVATE AGREEMENTS**

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights previously adopted or issued pursuant to all applicable laws, provided such agreements or rights are lawfully established and remain in effect. The city shall not be responsible for monitoring or enforcing private covenants and restrictions.

### **§ 1.7 SEVERABILITY & VALIDITY**

It is the legislative intent of the City Council in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the city as established in this Ordinance and promote the public health, safety, and general welfare of the landowners and residents of the city. If any section, subsection, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases is declared invalid by a court of competent jurisdiction.

### **§ 1.8 DISCLAIMER OF LIABILITY**

These regulations shall not create liability on the part of the City of Bayou La Batre, the Bayou La Batre Planning Commission, the Bayou La Batre Board of Adjustment or any officer or employee thereof for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

### **§ 1.9 EFFECTIVE DATE**

#### **A. EFFECTIVE DATE**

This Ordinance shall become effective on \_\_\_\_\_. It repeals and replaces all existing and previously adopted Zoning Ordinances and Zoning Maps, and subsequently amended, of the City of Bayou La Batre, Alabama.

#### **B. VIOLATIONS CONTINUE**

Any violation of the previous zoning regulations shall continue to be a violation under this Ordinance and any other applicable ordinances, laws, or statutes. Violations of this Ordinance shall be subject to the penalties set forth in Administration and Enforcement Article of this Ordinance and any other applicable ordinances, laws, or statutes, unless the development complies with the express terms of this Ordinance or the other ordinances, laws, or statutes.

#### **C. COMPLETE APPLICATIONS**

Any development application submitted and accepted as complete before the effective date of this Ordinance, but still pending final action as of that date, shall be reviewed and decided, at the applicant's option, wholly in accordance with the regulations in effect when the application was accepted.

PURPOSE & TITLE
DEFINITIONS
ZONING DISTRICTS
DISTRICT USES & REQUIREMENTS
DEVELOPMENT STANDARDS
GENERAL PROVISIONS
SUPPLEMENTAL REGULATIONS
SIGN REGULATIONS
NON-COMPLIMITES
APPLICATION PROCESS
ADMINISTRATION & ENFORCEMENT
FORMS & APPLICATIONS

## **D. APPROVED APPLICATIONS**

Any development approved before the effective date of this Ordinance may be carried out in accordance with the terms and conditions of its approval and the development procedures and standards in effect at the time of approval, provided the approval has not expired, and otherwise remains valid. If the prior approval expires, is revoked, or otherwise becomes invalid (e.g., for failure to comply with time limits or the terms and conditions of approval), any subsequent development of the site shall be subject to the procedures and standards of this Ordinance.

To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be considered nonconforming.

## **E. NONCONFORMITIES**

If any use, structure, lot, sign, or site feature legally existed on the effective date of this Ordinance but does not fully comply with the standards of this Ordinance, then that use, structure, lot, sign, or site feature shall be considered nonconforming and subject to the provisions listed in the Article of this Ordinance that address nonconformities.

### **§ 1.10 REVERSIONARY CLAUSE**

Any parcel or parcels of land that have been rezoned under the amendment authority of this Ordinance shall revert back to the prior zoning classification IF, after one (1) year from the date City Council granted rezoning approval, no public improvements have been made on said land, or the rezoned land is not being used for the permitted use for which it was rezoned. An extension of such time may be granted by the City Council upon written request by the applicant and recommendation of the Planning Commission.



## ARTICLE 2: DEFINITION OF TERMS & INTERPRETATIONS

### § 2.1 GENERAL RULES FOR INTERPRETATION

### § 2.2 TERMS & USES DEFINED

## § 2.1 GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

### A. MEANINGS AND INTENT

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 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 buildings 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 municipality of Bayou La Batre, Alabama.

### B. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Bayou La Batre, unless otherwise indicated.

### C. MANDATORY AND DISCRETIONARY TERMS

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

### D. TERM NOT DEFINED

If a term used in this Ordinance is not defined in this article, the Planning Commission shall have the authority to provide a definition based upon the definitions used in accepted sources including, but not limited to, the most recent editions of *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions*, published by the American Planning Association (APA).

## § 2.2 TERMS & USES DEFINED

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

### **ABUTTING**

Having a common border with, or being separated from such common border by an alley or easement.

### **ACCESSORY DWELLING UNIT**

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot. As a dwelling unit, an accessory dwelling unit may be used for living, sleeping, sanitation, cooking, and eating purposes, and includes independent kitchen, sanitary, and sleeping facilities.

### **ACCESSORY BUILDING AND/OR STRUCTURE**

A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

### **ACCESSORY USE**

A use that is customarily incidental and subordinate to the principal use of land or a structure within the same lot.

### **ACCRETION**

The creation of land by the recession of a water body, or by the gradual deposit of solid material by water.

### **ADDITION**

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction.”

### **ADJACENT PROPERTY**

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

### **ADMINISTRATIVE APPEAL**

An appeal of an administrative decision-maker’s interpretation or decision on certain applications and other matters, and that is reviewed by the Planning Commission and ruled upon by the Board of Adjustment, in accordance with this Ordinance.

### **ADMINISTRATIVE OFFICIAL**

A designated government official identified as a specific official, such as the municipal clerk, building official, fire chief, etc.

### **ADULT DAY CARE**

A program operated in a structure other than a single-family dwelling that provides group care and supervision on less than a 24-hour basis, and in a place other than their usual place of abode, to adults 18 years of age or older who may be physically or mentally disabled.

### **ADULT ENTERTAINMENT USES**

A use category that includes use types that sell, distribute, or present material or feature performances or other activities emphasizing the depiction or display of specified sexual activities or specified anatomical areas. Example use types include adult arcades, adult bookstores, and adult motion picture theaters (all distinguished by being largely devoted to selling, renting or presenting media emphasizing sexually explicit content), adult motels (which are largely devoted to providing room occupants films or other visual representations emphasizing sexually explicit content), and adult cabarets (which feature live performances or services emphasizing the display of specified sexual activities or specified anatomical areas).

### **ADULT RETIREMENT COMMUNITY**

A planned development designed for active older people that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.

## ADVERSE IMPACT

A significant negative impact to land, water, associated resources or public facilities resulting from development. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources; inadequate capacity for traffic, potable water, wastewater, police, fire, and EMS services and threatened public health.

## AFFECTED PARTY

The owner of land adjoining the land subject to a development application, a person or organization who reasonably believes their property interest will be directly and materially affected by a development proposed by a development application; or any officer or agent of the city.

## AGGRIEVED PARTY

A person with a legally recognized interest (i.e., fee simple ownership) and standing to appeal who has or will suffer a special harm or adverse impact (as distinct from a harm or impact suffered by the general public) caused by a decision or action by the city in administering this Ordinance, and including any officer or agent of the city.

## AGRICULTURE ZONING

Regulations that protect the agricultural land base by limiting nonagricultural uses by prohibiting high-density development, requiring houses to be clustered on small lots, and restricting subdivision of land into parcels that are too small to farm.

## AGRITOURISM

Agricultural uses, such as farms, ranches, and vineyards that, through promotion and advertising, seek to attract visitors and guests.

## ALLEY

An accessway designed and intended primarily to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys may also provide primary vehicular access for dwellings designed to have no

driveway access from the fronting street.

## ANIMAL CARE USES

A use category that is characterized by use types related to the provision of medical services, general care, and boarding services for domestic animals. Example use types include animal shelters, animal grooming, kennels (outdoor and indoor), and veterinary clinics (with and without boarding).

## ANIMAL SHELTER

A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

## APPEAL

A means for obtaining review of a decision, determination, interpretation, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of this Ordinance.

## APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

## APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate city department, board, or commission as part of the review for a development permit or approval reviewed under this Ordinance.

## AQUACULTURE

The propagation, rearing, and harvesting of aquatic organisms in controlled or selected environments, and the subsequent processing, packing, and marketing.

## AQUIFER

A geologic formation, group of formations, or part of a formation capable of storing and yielding ground water to wells or springs.

## ARENA, STADIUM, AMPHITHEATER

A building or structure area designed or intended for use for spectator sports,

entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas

### **ASSISTED LIVING FACILITY**

A building or group of buildings providing individualized personal care in a residential setting to persons who need assistance in performing one or more of the activities of daily living, such as bathing, dressing, and personal hygiene, feeding, and the taking of medication. Assisted living facilities are distinguished from nursing care facilities, which provide residents skilled nursing services and are categorized as a health care use.

### **ATHLETIC FIELD**

Outdoor areas designed for athletic competitions and training for field sports such as soccer, baseball, football, and similar sports requiring outdoor fields. Associated accessory uses may include clubhouses, shelters, bleachers, restrooms, concessions, parking, equipment storage, irrigation system, and athletic equipment.

### **AUDITORIUM OR THEATER**

A building or structure designed or intended for lectures, speeches, dramas, musical performances, or other live presentations or performances, all occurring inside a structure typically limited to a capacity of 500 or fewer seats.

### **AUTO PAINTING OR BODY SHOP**

A facility providing collision repair and painting services for automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting and undercoating work.

### **AUTO PARTS SALES & INSTALLATION**

The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to tires, mufflers, brakes, batteries, audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

### **AUTO REPAIR AND SERVICING (WITHOUT PAINTING OR BODY WORK)**

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.

### **AUTO SALES OR RENTAL**

Premises on which new or used passenger automobiles, trailers, or light trucks in operating condition are displayed for sale, lease, or rental.

### **AUTO WRECKER SERVICE**

An establishment providing towing and temporary storage on-site of wrecked or inoperable vehicles. If an establishment has more than 15 inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.

### **AWNING**

A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

### **BANK OR FINANCIAL INSTITUTION, WITH DRIVE-THROUGH SERVICE**

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up or drive-through customers. These uses include drive-through facilities.

### **BAR OR LOUNGE**

An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food.

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**BASE FLOOD ELEVATION**

The highest point, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood. The base flood elevation represents the estimated height that waters will reach given a storm of certain magnitude; that is, 1-year, 2-year, 100-year, or 500-year. Regulatory agencies permit construction in certain flood-prone areas provided that the new construction is elevated a given distance from the base flood elevation.

**BED AND BREAKFAST INN**

A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.

**BERM**

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

**BEST MANAGEMENT PRACTICES (BMPs)**

Methods that have been determined to be the most effective and practical means of preventing or reducing non-point source pollution to help achieve water quality goals.

**BLOCK**

An area of land entirely surrounded by any combination of streets, parks, railroads, water bodies, or other similar physical features that form a barrier to the continuity of development, see diagram.

**BOARD OF ADJUSTMENT**

An officially constituted body that has legal authority to waive and/or modify the strict parameters of the zoning ordinance; whose principal duties are to hear and rule on situations where a literal interpretation and enforcement of the zoning regulations would render property useless.

**BOARDWALK**

An elevated public pedestrian walkway constructed over a public street or along a waterfront providing public access.

**BOAT AND MARINE PARTS SALES AND INSTALLATION**

The on-site sale and subsequent installation of various boat and marine equipment parts and accessories, including but not limited to deck gear, sails, batteries, navigation and audio systems, and lubricants such as engine oil. Such uses do not include the sale of fuels.

**BOAT AND MARINE REPAIR AND SERVICING**

A business that focuses on the repair or maintenance of boats, marine engines, or marine equipment.

**BOAT AND MARINE SALES AND SERVICE USES**

A use category that includes use types involving the direct sales and servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal transport. This use category also includes use types involving the direct sales and servicing of boat trailers, marine engines, and other marine equipment. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and boat storage. Example use types include boat and marine sales or rental, boat or marine parts sales and installation, boat and marine repair and servicing, boat fueling stations, boat dry storage, marinas, boating clubs, boat docking facilities, and boat launches.

**BOAT AND MARINE SALES OR RENTAL**

Premises on which new or used boats, marine engines, or marine equipment are displayed for sale, lease, or rental.

**BOAT DOCKING FACILITY**

A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels on a commercial basis.

**BOAT DRY STORAGE**

An enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

**BOAT FUELING STATION**

A use involving the dockside sale and dispensing of marine fuel to boats.

**BOAT MANUFACTURING**

A manufacturing facility devoted to the production of boats, marine engines, or marine equipment.

### **BOAT RAMP**

A facility designed to launch and retrieve recreational watercraft from a trailer.

### **BOAT SLIP**

A space designed for the mooring of a single watercraft.

### **BOATHOUSE**

An enclosed or partially enclosed structure constructed wholly or partially over water that is designed to provide shelter for boats or other watercraft and marine-related equipment. Boathouses are generally attached to or closely associated with a pier.

### **BOATYARD**

See *MARINA*

### **BROWNFIELDS**

An abandoned, idled, or underutilized industrial and commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination.

### **BUFFER, RIPARIAN**

An area of trees and other vegetation adjacent to a river, bayou, other watercourse, or shoreline that is managed to maintain the integrity of the water body, to reduce pollution, and to provide food, habitat, and thermal protection for fish and wildlife.

### **BUFFER ZONE/ BUFFER STRIP**

An area of land along the perimeter of a development site that contains any combination of vegetative materials, landscaping, open space, berms, fences, and walls, and provides the physical separation and screening of one use or dissimilar development from another so as to visually shield or minimize potential adverse impacts and nuisances between adjacent properties.

### **BUILDING**

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, goods, or materials of any kind or

nature.

### **BUILDING CODE**

The International Building Code, as adopted and modified. Buildings and Building Regulations, of the Code of Ordinances.

### **BUILDING COVERAGE**

The portion of a lot covered by principal and accessory structures, expressed as a percentage of total lot area.

### **BUILDING FAÇADE**

See *FAÇADE*.

### **BUILDING FOOTPRINT**

The exterior outline of a building where it meets the earth.

### **BUILDING FRONTAGE**

The side of a building that faces and is substantially parallel to a street. For the purpose of determining maximum sign area for a wall or projecting sign for one of multiple establishments within a building, building frontage applies to that portion of the side of the building's street-facing side that is devoted to the particular establishment.

### **BUILDING HEIGHT**

The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for a gable, hip, and gambrel roofs.

***Comment: Cellular towers, water towers, mechanical equipment, chimneys, air conditioners, church spires/steeple, and other similar structures that are appurtenant to a building are exempt from height restrictions.***

### **BUILDING INSPECTOR**

The individual designated by the appointing authority to enforce the provisions of the building code.

### **BUILDING LINE**

A line parallel to the street right-of-way line touching that part of the building closest to the street. Also see *SETBACK LINE*.

**BUILDING PERMIT**

An official document or certification that is issued by the Building Official pursuant to the current adopted Building Code and authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure as being in compliance with Building Code standards.

**BUILDING, PRINCIPAL**

A building in which is conducted the primary use of the lot on which the building is located.

**BULKHEAD**

A retaining wall created along a body of water behind which fill is placed.

**BULKHEAD LINE**

A line along a navigable waterway offshore that defines the permanent shoreline of waterways, where which no fill or structure is permitted.

**CALIPER**

The diameter of a tree trunk.

**CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK**

An outdoor facility designed for overnight accommodation of persons in tents, rustic cabins, recreational vehicles, and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**CAMPING UNIT**

Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established and operated in a campground as temporary living quarters for recreation, vacation, and transient purposes.

**CAMPSITE**

Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

**CANOPY, NONRESIDENTIAL**

A permanent, but not completely enclosed structure that may be attached or adjacent to a

nonresidential building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

**CAPITAL IMPROVEMENT**

An acquisition of real property, major construction projects, or expensive equipment. Usually large, nonrecurring items which are sometimes financed by the sale of bonds.

**CARPORT**

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

**CELLULAR TOWER**

See *WIRELESS COMMUNICATION TOWER*.

**CEMETERY OR MAUSOLEUM**

Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.

**CERTIFICATE OF OCCUPANCY (CO)**

A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

**CHATTEL**

Personal property as contrasted with real estate.

**CHILD DAY CARE FACILITY**

A facility that provides shelter and personal care for any part of a 24 hour day to six or more children under 13 years of age who are not related to the operator(s) of the facility. This includes day nurseries, day care centers, and other facilities that fall within the scope of this definition. It does not include schools; family child care homes; child care facilities that operate for no more than two days a week and whose primary purpose is to provide respite for the primary caregiver of the child or to provide

temporary care during other scheduled or related activities and organized programs that operate for three or fewer weeks per year (such as, but not limited to, vacation bible schools and scout day camps); or membership organizations affiliated with a national organization that charge an annual membership fee, do not receive monthly, weekly, or daily payments for services, and are certified and in compliance with the national association's minimum standards for operation (such as, but not limited to, the Boys and Girls Club of America and the YMCA).

### **CITY**

The City of Bayou La Batre, Alabama.

### **CITY CLERK**

The City Clerk of the City of Bayou La Batre.

### **CITY COUNCIL**

The elected legislative governing body of the City of Bayou La Batre.

### **CLEAR-CUTTING**

The indiscriminate removal of trees, shrubs, and underlying vegetation/undergrowth with the intention of preparing real property for nonagricultural development purposes.

### **CLUB OR LODGE**

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

### **CLUBHOUSE**

A building or room used for social or recreational activities by members of a club (e.g., golf course clubhouse) or occupants of a residential or other development.

### **CODE OF ORDINANCES**

The Zoning Code and Amendments of the City of Bayou La Batre, Alabama.

### **COLD STORAGE FACILITY**

A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing

food products or storing frozen food products.

### **COLLEGE OR UNIVERSITY**

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different use type.

### **COMMERCIAL PARKING DECK OR GARAGE (AS PRINCIPAL USE)**

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building.

### **COMMERCIAL PARKING LOT (AS PRINCIPAL USE)**

The use of a lot for the parking of motor vehicles as a principal use (rather than as accessory to any principal use on the lot), which contains parking spaces that may be rented to the general public or reserved for individuals by the hour, day, week, or month.

### **COMMUNITY CENTER**

A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

### **COMMUNITY GARDEN**

An area of land managed and maintained by an individual or group to grow and harvest food crops or non-food ornamental crops (e.g., flowers and ornamental plants) for personal or group use, consumption, donation, or sale. Community gardens may be divided into separate plots for cultivation by one or more individuals, be farmed collectively by members of a group, include common areas maintained



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and used by group members, or include composting areas. They may be located on private land (vacant or developed) or on public lands and rights-of-way as allowed by the city. Community gardens do not include gardens maintained by individual property owners or occupants for the purpose of their personal consumption or use. Accessory structures may include storage and tool sheds, greenhouses, hoop houses, and cold frames.

**COMPREHENSIVE MASTER PLAN**

A comprehensive, long-range plan intended to guide the physical development of an entire municipality or region over a set period of time, which typically includes inventory and analytic sections leading to the recommendations for the community’s land use, economic development, housing, transportation, community facilities, and the like. Also referred to as MASTER PLAN. As used in this Ordinance, the term refers to the most recently adopted Comprehensive Plan of the City of Bayou La Batre, as amended and supplemented from time to time by order or resolution of the City Council.

**CONDITIONAL USE**

A use permitted in a particular zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the Bayou La Batre Planning Commission.

**CONFORMING USE**

Any lawful use of a building or a lot that complies with the provisions of this Ordinance.

**CONNECTIVITY**

The relative degree of connection between streets, sidewalks, or other means of travel.

**CONSTRUCTION**

The erection of any structure or any preparations (including land disturbing activities) for the same.

**CONTIGUOUS**

Adjacent, adjoining, abutting, next to, or touching and having a boundary or portion thereof, that is

coterminous.

**CONTOUR LINE**

A line on a topographic map that connects all points of the same ground elevation that represent ground formation by indicating the slope of the land.

**CONTRACTOR’S STORAGE YARD**

A use involving the outdoor storage of materials, supplies, and equipment by building, heating, plumbing, or electrical contractors. Accessory uses may include offices. Contractor’s Offices.

**CONTRACTOR’S OFFICES**

A building or portion of a building used by a development contractor both as an office and for the storage of a limited quantity of materials inside the building.

**CONVALESCENT CENTER**

A facility that provides short-term, primarily in-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require continued hospitalization.

**CORNER LOT**

See *LOT, CORNER*.

**COVENANT**

See *RESTRICTIVE COVENANT*.

**CROSS ACCESS**

Vehicular access provided between the vehicular use areas of two or more adjacent development sites or parcels that is intended to allow travel between the sites without the use of a street.

**CUL-DE-SAC**

A short, local street having one end open to traffic and being permanently terminated at the other end by a circular bulb that allows vehicles to turn around without having to stop and back up.

**DAY CARE USE**

A use category that is characterized by use types providing care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less

than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses may include offices, food preparation and dining areas, and recreation areas. Example use types include adult day care facilities, child day care facilities, and family child care homes. This use category does not include drop-in or short-term day care provided in connection with an employment or shopping center, recreational facility, place of worship, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity, see *GROUP CHILD CARE HOME*.

### **DBH (DIAMETER AT BREAST HEIGHT)**

The measurement of the diameter of a tree trunk over ten inches in diameter, taken at a height of four- and-one-half feet above the ground. Trees with multiple tree trunks should be treated as multiple trees and the DBH of each trunk added to the aggregate diameter measurement.

### **DEED**

A legal document conveying ownership of real property.

### **DEMOLITION**

The intentional dismantling or tearing down of all or a part of a structure and all operations incidental thereto.

### **DENSITY**

The number of families, individuals, dwelling units, households, or housing structures per unit of land.

### **DETENTION POND**

A facility for the temporary storage of stormwater runoff.

### **DEVELOPER**

The legal or beneficial owner(s) of land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

### **DEVELOPMENT**

The initiation, construction, change, or

enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any bayou, river, lake, or other body of water or alteration of any wetland; and
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

### **DRIVEWAY**

A private vehicular accessway designed and intended to provide direct vehicular access between a street and origin and destinations points within an abutting development or part of a large development. Driveways generally handle low vehicular travel speeds and traffic volumes, but may handle moderate to high traffic volumes within large commercial and mixed-use developments such as shopping centers and office parks.

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**DRUG OR ALCOHOL TREATMENT FACILITY**

Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

**DUPLEX**

A building containing two single-family dwelling units which are separated from each other by an unpierced wall extending from basement to roof.

**DWELLING UNIT**

A room or group of connected rooms within a building or structure that constitutes a single independent habitable unit used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only, and containing independent kitchen, sanitary, and sleeping facilities.

**DWELLING UNIT, ATTACHED**

A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings. Also known as a town house.

**DWELLING UNIT, MIXED-USE**

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

**DWELLING UNIT, MULTI-FAMILY**

A single, residential structure containing three or more individual dwelling units, each with separate entrances and separate living quarters, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. Individual dwelling units may be rented or individually owned (i.e., a condominium unit). Multifamily dwellings differ from townhouse dwellings in that individual dwelling units are not located on individual lots.

**DWELLING UNIT, SINGLE-FAMILY DETACHED**

A detached, freestanding residential building, other than a manufactured home, containing one dwelling unit that is not attached to any other dwellings by any means, located on a

single lot and designed to house one (1) family as a single housekeeping unit.

**DWELLING UNIT, TOWNHOUSE**

A residential structure containing three or more individual dwelling units, each with its own outside entrance and individual lot, that are joined together along lot lines by a common or party wall.

**DWELLING UNIT, TWO-FAMILY**

A residential building containing two dwelling units located on a single lot. Such units may be part of a single structure, or may be attached by one or more common walls.

**DWELLING UNIT, UPPER STORY (ABOVE NONRESIDENTIAL USE)**

A dwelling unit located on the second or higher floor of a building with nonresidential uses located on the ground or street level.

**EASEMENT**

A grant by a landowner to another individual, or to the public, of the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

**EASEMENT, CONSERVATION**

An easement created between a landowner and another party (usually a public agency, private land trust, or the like) that imposes limitations or affirmative obligations on the use or development of the designated land, for conservation purposes such as retaining or protecting natural, scenic, or open space features or values of the land, assuring the land's availability for agricultural, forest, recreational, or open space use, or maintaining air or water quality.

**EASEMENT, DRAINAGE**

Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**EASEMENT, UTILITY**

The right-of-way acquired by a utility or

governmental agency to locate utilities, including all types of pipelines, telephone, and electric cables, etc. Most utility easements have restrictions on their use; however, some can be used as walkways, bike paths, buffer and transition areas, and community gardens.

### **EASEMENT, VIEWSHED**

An easement that places restrictions on the development of private land in order to preserve a viewshed.

### **EAVE**

The projecting lower edge of a roof that overhangs the wall of a building.

### **EGRESS**

An exit.

### **ELEVATION**

A vertical distance above or below a fixed reference level; A fully dimensioned drawing of the front, rear, or side of a building showing features such as window, doors, and relationship of grade to floor level.

### **EROSION**

The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

### **EROSION CONTROL PLAN**

A plan designed to minimize erosion, ensure proper waste disposal, and protect trees on a building site. See the Supplemental Regulations Article of this Ordinance for detailed requirements.

### **EXISTING USE**

The use of a lot or structure at the time of the enactment of a zoning ordinance.

### **EXPANSION**

An increase in the size of an existing structure or use, including the physical size of the land, building, parking, and other improvements or structures.

### **FAÇADE**

The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades

may be on the front, side, or rear elevation of the building.

### **FACTORY-BUILT HOUSING**

Structures designed for long-term residential use. For the purpose of this Ordinance, factory-built housing consists of three types: modular, mobile homes, and manufactured homes.

### **FAMILY**

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five (5) persons not related by blood, marriage, or adoption living together as a single housekeeping unit.

### **FARMERS' MARKET**

An occasional or periodic market held in a structure or open area where farmers sell their produce or farm products.

### **FILL**

Sand, gravel, earth, or other materials of any composition placed on a site for stabilizing.

### **FLEA MARKET**

A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmers' market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

### **FLOOD HAZARD AREA, also known as SPECIAL FLOOD HAZARD AREA**

An area identified by the United States Federal Emergency Management Agency (FEMA) as an area with a special flood and/or flood related erosion hazard, as shown on a flood hazard boundary map or flood insurance rate map (FIRM).

### **FLOOD INSURANCE RATE MAP(FIRM)**

The official flood boundary map of a community

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on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

**FLOODPLAIN**

Land areas established by FEMA’s Flood Insurance Rate Maps (FIRM) which lie within or adjacent to the 100-year flood elevation contour boundary.

**FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FLOOR AREA, GROSS**

The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**FUNERAL HOME**

An establishment used for the preparation of the deceased for burial that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

**GASOLINE FILLING STATION**

Buildings and premises where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), and where in addition, the following services may be rendered and sales made, and no other:

- Sale and service of spark plugs, batteries, and distributors and distributor parts;
- Tire servicing and repair, but not recapping or regrooving;
- Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light

bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

- Radiator cleaning and flushing;
- Washing and polishing, and sale of automotive washing and polishing materials;
- Greasing and lubrication;
- Providing and repairing fuel pumps, oil pumps, and lines;
- Minor servicing and repair of carburetors;
- Emergency wiring repairs;
- Adjusting and repairing brakes;
- Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- Sales of drinks, packaged foods, tobacco, beer, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- Provision of road maps and other informational material to customers; and
- Provision of restroom facilities.

*Uses permissible at a gas sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations.*

**GENERAL INDUSTRIAL SERVICES**

Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales,

offices, parking, and storage.

### **GLARE**

The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

### **GOLF COURSE**

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

### **GOLF DRIVING RANGE**

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concession stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

### **GOVERNMENT USES**

A use category that includes use types providing for the general operations and functions of local, state, or federal governments. A wide range of accessory uses may be found, depending on the use type. Example use types include courthouse facilities, government administrative offices, post offices, fire and EMS stations, police stations, correctional facilities, and government maintenance, storage, and distribution facilities. This use category does not include passenger terminals for surface transportation services (categorized as transportation uses), or city, county, or state parks (categorized as park and open area uses), or water, wastewater, gas, electric, or other infrastructure services (categorized as utility and communication uses).

### **GRADE, FINISHED**

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

### **GRASSY SWALE**

See *VEGETATED SWALE*.

### **GREEN INFRASTRUCTURE**

An approach to water management that protects, restores, or mimics the natural water cycle. Green infrastructure is effective, economical, and enhances community safety and quality of life. It means planting trees and restoring wetlands, rather than installing structural apparatus for stormwater management.

### **GREEN SPACE**

See *OPEN SPACE*.

### **GREENWAY**

A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.

### **GROUP HOME**

A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for three (3) or more adult resident persons with disabilities, i.e. persons with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others. A group home does not include assisted living facilities, nursing care facilities, rooming or boarding houses, or halfway house/mainstreaming facilities. Five or fewer persons with disabilities who live together in a dwelling are considered a family.

### **GROUP LIVING USES**

A use category that includes use types providing for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a hotel or motel, are generally occupied on a monthly or longer

basis. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities. Example use types include group homes, assisted living facilities, and rooming and boarding houses. Although continuing care retirement communities include household living uses (e.g., dwellings) and health care uses (e.g., nursing care facilities), they are categorized as a group living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development.

### **GROUP CHILD CARE HOME**

A child care facility which is a family home and which receives at least six (6) but no more than twelve (12) non-resident children for day care where there are at least two (2) adults present and supervising the activities and care. Such facility shall be licensed by the State of Alabama.

### **HALFWAY HOUSE**

A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

### **HEALTH CARE USES**

A use category that includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families. Example use types include facilities such as hospitals, medical, dental clinics and labs, outpatient, medical treatment, nursing care, drug and alcohol treatment, psychiatric treatment, and blood or tissue collection facilities. This use category does not include assisted living facilities or group homes, which

focus on providing personal care rather than medical care to residents, and are categorized as group living uses.

### **HEDGE**

A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from on-site or off-site views.

### **HOME OCCUPATION**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot, does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing) and does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes, but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists' or physicians' offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties. A Home Occupation License is required by the City of Bayou La Batre.

### **HOTEL OR MOTEL**

A building or a group of buildings in which individual sleeping rooms with an attached bathroom are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, but not including bed and breakfast establishments or a boarding/rooming house. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Hotels and motels do not

include timeshares or short-term rentals, which are generally offered for longer than overnight occupancy.

### **IMPERVIOUS SURFACE**

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration, and does not effectively absorb water. Any areas of concrete or asphalt are considered to be impervious surfaces.

### **IMPERVIOUS SURFACE RATIO (ISR)**

A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area.

### **INDUSTRIAL SERVICES USES**

A use category that includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, warehousing, and outdoor storage. Example use types include machine shops; tool repair shops; small engine repair shops; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractor storage yards; fuel oil or bottled gas distribution; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses.

### **INFILL**

The development of new housing or other uses on scattered vacant sites in a built-up area.

### **INGRESS**

Access or entry point.

### **LAND USE**

A description of how land is occupied or used.

### **LANDOWNER**

Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

### **LIQUOR STORE**

An establishment licensed by the state exclusively for the retail sale of alcoholic beverages in original packages for consumption off the premises where sold.

### **LIVESTOCK**

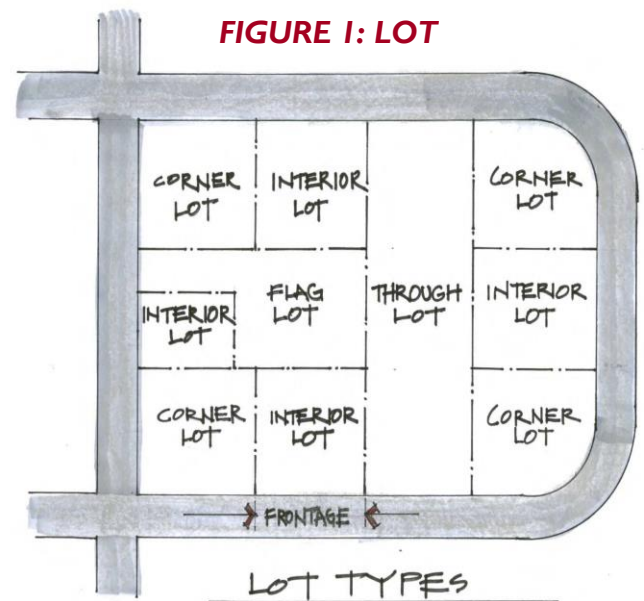
Animals kept on a farm, such as cows, sheep, chickens, and pigs. For the purposes of this Ordinance, the term LIVESTOCK shall mean any animal of the equine (horse), bovine (cow), swine (hog), caprine (goat), ovine (sheep) species or type.

### **LOADING SPACE, OFF-STREET**

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

### **LOT**

A parcel of land that is occupied, or is designed or capable of being occupied, by a principal use or structure, together with any accessory uses or structures, and such accessways, parking areas, yards, and open spaces required under this Ordinance, see *Figure 1*.





## LOT, CORNER

A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees, see *Figure 1*.

## LOT, DEVELOPED

See *LOT, IMPROVED*

## LOT, DOUBLE FRONTAGE

See *LOT, THROUGH*, see *Figure 1*.

## LOT, FLAG

A lot not meeting the minimum frontage requirements and one that is shaped or configured such that the main building site on the lot (i.e., “flag”) is provided access to the public road by a private driveway, access easement, or right-of-way (i.e., “flagpole”), see *Figure 1*.

*Comment: While flag lots provide for the development of backland areas, they don't provide for adequate access should the backland area be further subdivided. Many municipalities only allow flag lots as long as the property will not be further subdivided.*

## LOT, IMPROVED

A lot with buildings or structures.

## LOT, INTERIOR

A lot other than a corner lot, see *Figure 1*.

## LOT, SUBSTANDARD

A lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

## LOT, THROUGH

A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot, see *Figure 1*.

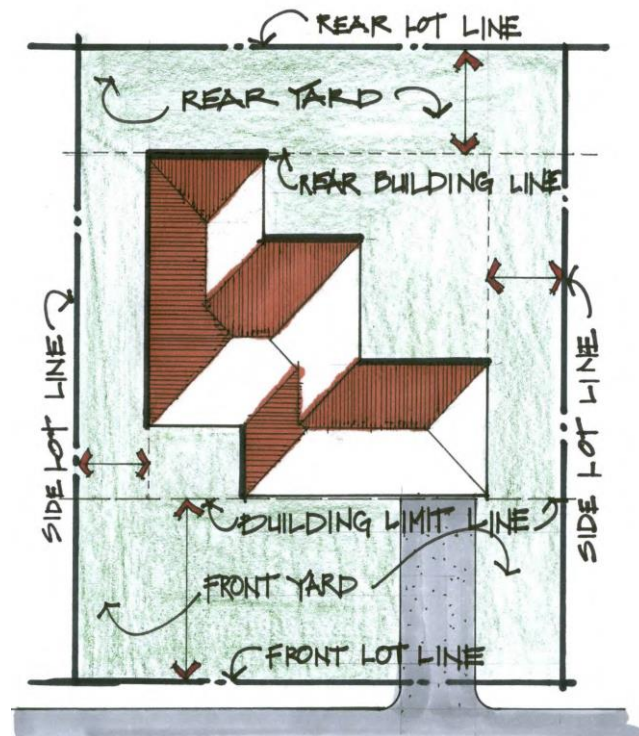
## LOT AREA

The amount of horizontal land area contained within the lot lines of a lot, excluding public street rights-of-way and private street easements.

## LOT COVERAGE

The part of the lot that is covered by impervious surfaces.

**FIGURE 2: LOT LINES**



## LOT DEPTH

The average distance measured from the front lot line to the rear lot line.

## LOT FRONTAGE

The length of the front lot line measured at the street right-of-way line.

## LOT LINE

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

## LOT LINE, FRONT

The lot line separating a lot from a street right-of-way, see *Figure 2*.

## LOT LINE, REAR

The lot line of a lot that connects the lot's side lot lines along the lot boundary opposite its front lot line, see *Figure 2*.

## LOT LINE, SIDE

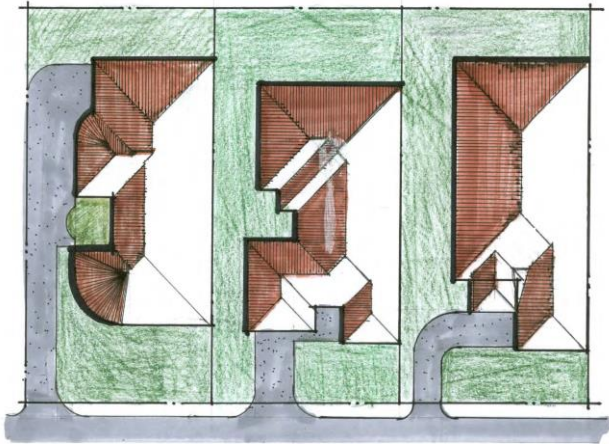
The lot line of a lot that lies along a lot boundary connecting the outer ends of the lot's front and rear lot lines. A lot generally has two side lot lines. A side lot line may abut the boundary of another lot, or the boundary of a public street

right-of-way or private street easement that is not faced by the lot's principal structure, see *Figure 2*.

### **LOT LINE, ZERO**

A lot line that allows a building located on a lot in such a manner that one or more of the dwelling's sides rests on a lot line, see *Figure 3*.

**FIGURE 3: ZERO LOT LINES**



### **LOT OF RECORD**

A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds or County Probate Office.

### **LOT WIDTH**

The average horizontal distance between the side lot lines.

### **LOW IMPACT DEVELOPMENT (LID)**

Land planning and engineering design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality.

### **LUMEN**

A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

### **MANUFACTURED HOME**

A factory-built, residential structure that was manufactured off site and transported to the building site. Must meet the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD Code. For the purposes of

this Ordinance a Manufactured Home shall not have the same definition as a Single Family Dwelling Unit or a Mobile Home.

### **MANUFACTURING & PRODUCTION USES**

A use category that includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms for consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters. Example use types include the specific uses of boating manufacturing and shipbuilding, plus the general sectors of heavy manufacturing and light manufacturing. This use category does not include the manufacturing and production of goods from salvage material or composting material (categorized as waste-related services uses).

### **MANUFACTURING, HEAVY**

The manufacturing, assembly, fabrication, packaging, or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial use having significant potential to produce noise, dust, glare, odors, or vibrations off-site. Heavy manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vessels, vehicles, appliances, communications equipment, computer or electronic equipment, precision items, and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; electric power generation

plants; petroleum refining; asphalt/concrete plants; and the manufacture of chemicals, fertilizers, paint, and turpentine.

**MANUFACTURING, LIGHT**

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

**MAP AMENDMENT (REZONING)**

A change in the zoning district classification applied to land, reviewed and recommended by the Planning Commission and decided by the City Council in accordance with this Ordinance.

**MARINA**

A facility for the docking, mooring, berthing, or storage of five (5) or more watercraft. Such uses may include a wide variety of accessory uses such as boat fuel sales, sales of boating supplies and equipment, boating-related services, laundries, boat repair and rental, and dry storage of boats.

**MARQUEE**

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide

protection from the weather and/or provide business identification.  
 non-surgical nature.

**MASTER PLAN**

See *COMPREHENSIVE MASTER PLAN*.

**MEDICAL TREATMENT FACILITY**

A small-scale facility used for the short term care and treatment of typically up to 20 chronically or terminally ill patients on an overnight basis. Such facilities may include sleeping rooms for care workers and members of patient’s families.

**MINI-WAREHOUSE**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized units for the storage of goods or wares, see *SELF-STORAGE OR MINI-WAREHOUSE*.

**MIXED-USE DEVELOPMENT**

A single tract of land, parcel, or structure developed for a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

**MOBILE FOOD VENDOR**

A food service establishment that is vehicle-mounted, trailer –mounted, or wheeled and is capable of being readily moveable. This does not include vehicles regularly operating on a public road, selling individually packaged items like ice cream trucks. Units may be motorized or not, and may or may not require outside power or utility service, but must be fully mobile and able to be relocated within one hour of notice.

**MOBILE HOME**

A factory-built home produced prior to June 15, 1976, and bearing a label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1 (in effect at the time of manufacture). A mobile home is not a manufactured or modular home.

## **MODULAR HOME**

A factory-built, transportable building consisting of units designed to be fully constructed at a building site on a permanent foundation into a permanent structure according to local and state codes, to be used for residential purposes and which bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission. For the purposes of this Ordinance, a modular home shall have the same meaning as a single family dwelling unit.

## **MORATORIUM**

The legally authorized delay of new construction or development for a set period of time.

## **MORTUARY**

A place for the storage of human bodies prior to autopsy, burial, or release to survivors.

## **MOTOR VEHICLE SALES & SERVICES**

A use category that includes use types involving the direct sales and servicing of automobiles, trucks, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage. Example use types include auto painting and body shops, auto repair and servicing (with and without painting/bodywork services), auto sales or rental, auto wrecker services, car wash and auto detailing, and the sales or rental, and repair, of trucks and recreational vehicles. Also included are gasoline filling stations, tire and muffler shops, transmission shops, taxi service, truck stops, and commercial parking lots, decks, and garages. This use category does not include similar uses and facilities related to boats (categorized as boat and marine sales and service uses), or fueling facilities that are accessory to specific principal uses (e.g., fueling facilities for fleet vehicles), or the storage of inoperable vehicle or vehicle parts (categorized as a waste-related service use).

## **MULTI-FAMILY DWELLING UNIT**

See *DWELLING UNIT, MULTI-FAMILY*

## **MUSEUM**

A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products to the public.

## **NONCONFORMING LOT OF RECORD**

Any lot of record that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the lot standards applied by this Ordinance, or the subsequent amendment.

## **NONCONFORMING SIGN**

Any sign that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the signage standards applied by this Ordinance, or the subsequent amendment.

## **NONCONFORMING SITE FEATURE**

Any off-street parking, landscaping, perimeter buffer, or screening that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the off-street parking, landscaping, perimeter buffer, or screening standards applied by this Ordinance, or the subsequent amendment.

## **NONCONFORMING STRUCTURE**

Any building or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the standards applied by this Ordinance, or the subsequent amendment, that govern its size, height, coverage, setbacks, and other locational aspects.

## **NONCONFORMING USE**

Any use of land or a building, sign, or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the use standards applied by this Ordinance, or the subsequent amendment. If the land or structure is vacant or unused before adoption of this Ordinance, or a subsequent amendment, it shall be conclusively presumed that any use of the

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land or structure is subject to the provisions of this Ordinance, or the subsequent amendment.

**NONCONFORMITY**

A nonconforming use, structure, lot of record, sign, or site feature that lawfully existed before adoption of this Ordinance..

**NOTICE OF VIOLATION**

An initial notice indicating an infraction of this Ordinance.

**NURSING CARE FACILITY**

A facility or any identifiable component of a facility in which the primary function is the provision, on a continuing basis, of skilled nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying designations such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries. This does not include assisted living facilities, where care is limited to personal care and minimal nursing care, or the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.

**OFFICE USES**

A use category that includes use types providing for activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on business, professional, or financial services. Example use types include offices for business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), sales (e.g., real estate agents), and contractor’s offices.

**OPACITY**

A measurement indicating the degree of obscuration of light or visibility.

**OPEN SPACE**

Any parcel or area of land or water that is not occupied by any structures or impervious surfaces and designated, dedicated, or reserved for conservation, preservation, recreation, landscaping, buffering, or park land uses.

**ORDINANCE**

A set of regulations adopted and enforceable as municipal law by a governing body.

**OUTDOOR DISPLAY/SALES**

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

**OUTDOOR STORAGE**

The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

**PARCEL**

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries, and that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit.

**PARK**

Public or private land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

**PARK AND OPEN SPACE USES**

A use category that includes use types focusing on open space areas largely devoted to natural landscaping, outdoor recreation, and conservation uses. Example use types include parks (including recreational and natural area parks), greenways, arboretums and botanical gardens, public squares and plazas, community gardens, and cemeteries.

**PARKING BAY**

The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

**PARKING DECK OR GARAGE**

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed

or located on the deck surface of a building. This definition includes parking garages and deck parking.

### **PARKING LOT**

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

### **PARKING SPACE, OFF-STREET**

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

### **PARKING STRUCTURE**

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

### **PARKING, OFF-SITE**

An off-street parking area provided on a different parcel than the use it is intended to serve.

### **PARKING, ON-STREET**

A location or area within the right-of-way of a street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

### **PARKING, SHARED**

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

### **PERFORMANCE GUARANTEE**

Cash, bond, or other surety provided by an applicant in lieu of completing the construction or installation of public infrastructure or required private site features before application for Final Plat approval for a subdivision or issuance of a Building Permit or other development approval.

### **PERSONAL SERVICE ESTABLISHMENT**

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; hair, tanning, and personal care services; psychics and mediums; massage therapists; and taxidermists.

### **PIER**

A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

### **PLACE OF WORSHIP**

A building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include churches, mosques, synagogues, temples, and other similar religious places of assembly. Accessory uses may include child day care facilities, schools, recreational facilities, offices, and maintenance facilities.

### **PLANNED UNIT DEVELOPMENT (PUD)**

An area of a minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

### **PLANNING COMMISSION AND/OR BOARD**

The Planning Commission and/or the Planning Board of the City of Bayou La Batre.

### **PLANTING STRIP**

Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

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**PLAT, FINAL**

The final map of all or a portion of a subdivision that shows all boundaries of lots, rights-of-way, easements, and open space parcels, and that is reviewed and decided by the Planning Commission in accordance with the city’s Subdivision Regulations.

**PLAT, PRELIMINARY**

A map of a major subdivision that shows the general layout and design of lots, streets, storm water management, utilities, open space, and other subdivision elements, and that is reviewed and decided by the Planning Commission in accordance with the city’s Subdivision Regulations.

**PORCH**

A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

**PREMISES**

A lot of record together with all improvements occupying the lot.

**PRIMARY ENTRANCE**

The place of pedestrian ingress and egress to a building, parcel, or development used most frequently by the public.

**PRODUCE STAND**

A building, structure, or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts—but do not include the sale of commercially packaged handicrafts or commercially processed or packaged foodstuffs . Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

**PUBLIC BOAT LAUNCH OR RAMP**

A public facility used to launch and retrieve recreational boats to and from the water. Launching and retrieval may be done manually

or via motor-driven winches. Launches and ramps may include parking areas for users’ motor vehicles and trailers, docks to assist in launching, restrooms, refuse containers, and breakwater protection structures.

**PUBLIC HEARING**

A hearing on a development application reviewed under this Ordinance held by the Planning Board or City Council that is advertised to the public and provides members of the public the opportunity to present information and testimony related to the application that will be considered as subsequent Planning Board recommendations and City Council decisions are made.

**PUBLIC SQUARE OR PLAZA**

A community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

**RECREATION/ENTERTAINMENT USES, INDOOR**

A use category that includes private use types providing recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, and maintenance facilities. Example use types include auditoriums, theaters, motion picture theaters, and other indoor commercial recreation/entertainment uses (including fitness centers, bowling alleys, game rooms, dancehalls, skating rinks, indoor swimming pools, and indoor tennis club facilities). This use category does not include banquet halls that are part of and accessory to a hotel (categorized as a visitor accommodation use) or restaurant (categorized as an eating and drinking establishment), or private clubs or lodges of community service organizations (categorized as community service uses), or recreational facilities reserved for use by a particular residential development’s residents and their guests (and thus considered accessory to that household living or group living use).

## **RECREATION/ENTERTAINMENT USES, OUTDOOR**

A use category that includes large and generally commercial use types providing continuous recreation or entertainment-oriented activities that primarily take place outdoors. Such uses may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, and maintenance facilities. Example use types include arenas, amphitheaters, or stadiums, athletic fields, golf courses, and other outdoor commercial recreation/entertainment uses (including privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; and privately-owned or membership sports and recreational facilities such as swim or tennis clubs, ball fields, courts, and archery ranges). This use category does not include outdoor recreational facilities that are part of and accessory to community services uses or places of worship, or outdoor recreational facilities reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).

## **RECREATIONAL VEHICLE (RV)**

A vehicle that is built on a single chassis, contains an area 400 square feet or less when measured at the largest projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

## **RECREATIONAL VEHICLE PARK**

A lot on which two or more campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

## **RECREATIONAL VEHICLE SALES OR RENTAL**

Premises on which new or used recreational vehicles in operating condition are displayed for sale, lease, or rental.

## **RECYCLING AND SALVAGE CENTER**

A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.

## **RECYCLING DROP-OFF CENTER**

A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations.

## **RECYCLING DROP-OFF STATION**

A container or set of containers used for the collection and temporary storage of recyclable materials generated on-site.

## **RENOVATION**

The removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation includes the replacement of equipment or fixtures.

## **RESEARCH AND DEVELOPMENT**

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

## **RESTRICTIVE, MORE (LESS)**

A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business use.

## **RETAIL SALES AND SERVICE USES**

A use category that includes use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, assembly



or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display/sales areas. Example use types include specific retail sales establishments such as drug stores, book stores, grocery stores, convenience stores, liquor stores, home and building supply stores, farmers' markets, flea markets, and other retail sales uses. They also include retail service establishments such as banks or financial institutions, laundromats, dry cleaning and laundry drop-off establishments, personal services establishments, personal and household goods repair establishments, funeral homes, and crematories. This use category does not include sales or service establishments related to boats (categorized as boat sales and service uses) or other motor vehicles (categorized as motor vehicle sales and service uses), or entertainment establishments primarily engaged in selling food or beverages for on-site consumption (categorized as eating and drinking establishments), or establishments primarily selling building supplies to contractors or other goods to retailers (categorized as wholesale uses), or the provision of financial, professional, or business services in an office setting (categorized as office uses), or uses providing recreational or entertainment opportunities (categorized as indoor or outdoor recreation/entertainment uses), or uses involving the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content (categorized as adult entertainment uses).

### **RETAIL SALES ESTABLISHMENT**

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos.

### **RE-SUBDIVISION**

See *SUBDIVISION*.

### **RIGHT-OF-WAY**

A portion of land acquired by express or implied dedication or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, water line and other similar public uses.

### **ROOFLINE**

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projections.

### **SALVAGE YARD OR JUNKYARD**

An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This use does not include automobile wrecker services and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

### **SATELLITE DISH**

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

### **SCENIC BYWAY**

A road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Set up by Congress in 1991 to recognize, protect, and promote America's most outstanding roads.

## **SELF STORAGE OR MINI-WAREHOUSE FACILITY**

A building or group of buildings divided into separate compartments offered for rent and used to meet short-term or long-term off-site storage needs.

## **SELF-SERVICE STORAGE USES**

A use category that includes use types providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and campers, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use. Example use types include self-service storage establishments, also called “mini-warehouses.” This use category does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (categorized as a warehousing and freight movement use).

## **SENIOR CENTER**

A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned, but are not operated for a profit.

## **SETBACK**

The required minimum distance between a structure and the lot lines of a parcel of land.

## **SHIP BUILDING**

An establishment primarily engaged in operating a shipyard for the purposes of constructing, repairing, converting or altering ships (watercraft typically suitable or intended for other than personal or recreational use). The use also includes the production of

prefabricated ship sections, and specialized services such as ship scaling. Shipyards include fixed facilities with dry docks and fabrication equipment capable of building a ship.

## **SHIPPING CONTAINER STORAGE YARD**

An operation for storage of empty shipping containers conducted as the principal use of a property.

## **SHIPYARD**

A yard, place, or enclosure where ships and vessels are built or repaired.

## **SHORT-TERM-RENTAL ACCOMMODATION**

A dwelling unit that is rented or leased to individuals or families for transient accommodation for a period of less than 30 days, generally by the week or a two-week period. Short term rentals do not include motels, hotels, bed and breakfast inns, or tourist homes (which are generally rented on an overnight basis), or timeshares, or rooming or boarding houses.

## **SHRUB**

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

## **SIDEWALK**

A hard-surfaced, all-weather pedestrian way, usually alongside a street roadway.

## **SIGHT TRIANGLE**

A triangular area at each corner of intersecting roadways, or at the intersection of a roadway and driveway, within which the structures and vegetation are regulated to ensure safe sight distance for drivers of vehicles approaching the intersection.

## **SIGN**

Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, numbers, designs, symbols, fixtures, colors, illumination

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or projected images.

**SIGN AREA**

The total area of the space enclosed by one continuous line connecting the extreme points or edges of a sign. This does not include the main supporting sign structure, but does include all other ornamental attachments, inner connecting links, and general background. Sign area for a back-to-back or V-type sign shall consist of only the area of one face of the sign.

**SIGN PERMIT**

A permit for a signage that is reviewed and decided by the Planning Commission in accordance with this Ordinance.

**SIGN, ABANDONED**

A sign that identifies, advertises, or otherwise pertains to a business, lessee, owner, product, or activity that has not operated or existed on the premises where such sign is displayed for a period of six months or more.

**SIGN, ANIMATED**

A sign that use flashing, blinking, or traveling lights to create the appearance of motion or action. Animated signs do not include automatic changing signs or public signs.

**SIGN, AUTOMATIC CHANGING**

A sign that displays an electronically or electrically controlled changing message, such as a time, temperature, and date sign, or a message center or reader board.

**SIGN, BENCH**

A sign painted on or attached to a bench for the use of the public (e.g., park bench) and bearing a commercial message.

**SIGN, BILLBOARD**

An outdoor sign that advertises or otherwise pertains to a business, person, commodity, good, service, activity, entertainment, or attraction that is not located on, operated, offered, or otherwise related to the premises on which the sign is located.

**SIGN, CANOPY**

An on-site sign mounted on a permanently roofed shelter that covers a sidewalk, driveway, or similar area and is wholly supported by a building or wholly or partially supported by

columns, poles, or braces extending from the ground.

**SIGN, CONSTRUCTION**

An on-site sign that identifies a construction project and/or the architects, contractors, and other firms or persons involved in the project.

**SIGN, DIRECTIONAL**

An on-site sign that serves solely to designate the location or direction of a place or area.

**SIGN, FREESTANDING**

An on-site sign erected on a permanently set pole or poles, mast, or framework that is not attached to any building.

**SIGN, GARAGE SALE**

A temporary on-site sign announcing a garage, yard, rummage, or like sale.

**SIGN, INSTITUTIONAL BULLETIN BOARD**

An on-site sign that displays the name of a school, library, community center, or religious institution, and an announcement of activities or services conducted therein.

**SIGN, INTEGRAL**

An on-site sign that is carved into a masonry surface of a building or consisting of a tablet made of bronze, aluminum, or other permanent material that is inlaid or otherwise attached as an integral part of a building, and that displays the name of a building, the date of its erection, memorial citations, or other commemorative matter relating to the building.

**SIGN, NAMEPLATE**

An on-site nonelectric sign that identifies only the name and occupation or profession of the occupant of the site. If the site includes more than one occupant, a nameplate sign may identify the name and occupation or profession of all occupants, as well as the name of the building and directional information.

**SIGN, NONELECTRICAL**

A sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

**SIGN, ON-SITE**

A sign that pertains to the site on which it is located.

**SIGN, POLITICAL**

Any sign that displays the name, cause, affiliation, or message of anyone seeking election to a public office, or that displays a message about an issue on which a public election or referendum is scheduled.

**SIGN, PORTABLE**

Any sign that is designed or constructed to be easily moved from one location to another, including signs mounted on or designed to be mounted on a trailer, wheeled carriage, or other nonmotorized mobile structure. A portable sign mounted on a mobile structure that has its wheels removed is still considered a portable sign.

**SIGN, PROJECTING**

A sign, other than a wall sign, that is attached to and projects from a building facade. The sign area of a double-faced projecting sign is calculated for only one face of the sign (which shall be the larger face if they vary in area).

**SIGN, PUBLIC**

A sign of a noncommercial nature and in the public interest that is erected by or on the order of a public officer in the performance of his duty. Such signs include safety signs, memorial plaques, signs of historical interest, and signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest and concern.

**SIGN, PUBLIC WARNING**

A sign that warns the public of possible danger or informs the public of certain restrictions, such as signs reading "Beware of the Dog" or "No Trespassing" or "No Dumping."

**SIGN, REAL ESTATE**

An on-site sign pertaining to the sale, lease, or rental of land or buildings.

**SIGN, ROOF**

An on-site sign erected on, against, or directly above the roof of a building or on top of or above the parapet of a building.

**SIGN, SEASONAL OR HOLIDAY**

Signs used for a holiday and installed for a limited period of time, such as Christmas decorations.

**SIGN, SPECIAL EVENT**

A temporary on-site sign or display that advertises an event, such as a fair, grand opening, anniversary, or special citywide or annual event, church revival, open under new management, fundraising event of a charitable or civic organization, or the like. The advertising of a product shall not constitute a special event.

**SIGN, SUBDIVISION OR MULTIFAMILY DEVELOPMENT**

A permanent on-site sign that identifies a subdivision or multifamily development, usually located at entrances to the subdivision or development.

**SIGN, TEMPORARY**

A sign that is not permanently affixed to the ground or a building—including, but not limited to, banners, pennants, flags (but not the flags of any nation or state), searchlights, sandwich signs, "A"-frame signs, sidewalk signs, curb signs, balloons or other air/gas-filled figures, posters stapled to posts, and posters or the like that are posted, nailed, or stapled to an object.

**SIGN, UNDERCANOPY**

A sign that is situated beneath a permanently roofed shelter that covers a sidewalk, driveway, or similar area and is wholly supported by a building or by columns, poles, or braces extending from the ground.

**SIGN, UNLAWFUL**

A sign that is in violation of this Ordinance at the time erected and does not have the status of a nonconforming sign.

**SIGN, UNSAFE**

A sign that because of its location, coloring, illumination, or animation, interferes with a motorist's view of general vehicular traffic, pedestrian traffic, intersectional traffic, official traffic control devices, or traffic directional signs, or any sign that, because of its construction or state of disrepair, is likely to fall or be blown down or cause possible injury to passersby.

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**SIGN, WALL**

An on-site sign painted or printed on, or attached to and parallel with, the wall of a building.

**SINGLE-FAMILY DWELLING UNIT**

See *DWELLING UNIT, SINGLE-FAMILY DETACHED*

**SITE**

A lot or parcel of land, or any combination of contiguous lots or parcels of land, including buildings and appurtenances located thereon, having a unity of use and ownership or control.

**SITE PLAN**

A development plan drawn to scale showing uses, structures, and other physical features of a proposed lot for a legal lot or lots of record as required by this Ordinance under Site Plan Approval.

**SPECIAL EXCEPTION USE**

A use that may be appropriate in a particular zoning district, but because of its nature, extent, and external effects, requires special use-specific standards and special consideration of its location, design, and methods of operation before it is allowed in the district.

**STOP WORK ORDER**

An order issued by the Building Official or other authorized city staff that directs the person responsible for a development activity or other act in violation of this Ordinance to cease and desist such activity or act.

**STORM WATER RUNOFF**

The flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

**STREET**

A public thoroughfare that affords the principal means of access to abutting property. The term includes all facilities that normally occur within the right-of-way, such as roadways, on-street parking lanes, sidewalks, curbs and gutters, drainage facilities, and utility lines and facilities. Streets are classified as principal arterial streets, minor arterial streets, collector streets, and local streets, but may be known as highways, parkways, throughways, roads, avenues, boulevards, lanes, places and courts. Streets do

not include public alleys.

**STREET, COLLECTOR**

A street, designated on the city’s Street Plan, that is designed and intended both to provide vehicular access to and from abutting development, particularly in commercial and industrial areas, and to provide both travel mobility among neighborhoods and activity centers by connecting local streets and other collector streets with arterial streets. Collector streets also provide bicycle and pedestrian access and circulation.

**STREET, LOCAL**

A street designed and intended primarily to provide direct vehicular access to and from abutting development, or part of a large development, as well as provide travel mobility by connecting driveways and other local streets with collector streets and arterial streets. Local streets generally handle low to medium vehicular travel speeds and traffic volumes, but may handle relatively high traffic volumes within large commercial and mixed-use developments and in urbanized areas such as the downtown. Local streets serve as primary providers of bicycle and pedestrian access and circulation.

**STREET, MINOR ARTERIAL**

A street that is designed and intended primarily to provide traffic mobility among the city’s major activity centers by connecting local streets, collector streets, and other minor arterial streets with principal arterial streets. Minor arterial streets generally handle moderate vehicular travel speeds and traffic volumes, and may provide some direct vehicular access to and from abutting development, particularly in commercial and industrial areas. Minor arterial streets may also provide bicycle and pedestrian access and circulation where potential conflicts with vehicular traffic can be minimized.

**STREET, PRINCIPAL ARTERIAL**

A street that is designed and intended primarily to channel inter-city vehicular traffic to and through the city and to provide travel mobility among the city’s major activity centers, by connecting minor arterial streets with each

other and with collector streets. Principal arterial streets generally handle moderate to high vehicular travel speeds and traffic volumes over relatively long distances, and provide very limited direct vehicular access to and from abutting development.

### **STRUCTURE**

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

### **STRUCTURE, ACCESSORY**

A subordinate structure, detached from but on the same lot as the principal structure, the use of which is incidental and secondary to that of the principal structure.

### **STRUCTURE, PRINCIPAL**

A building in which the main or principal use is conducted in the said building on the lot in which it is located.

### **SUBDIVIDER**

Any person who subdivides land deemed to be a subdivision as defined by this Ordinance.

### **SUBDIVISION**

Any division of a tract or parcel of land into two or more lots, parcels, building sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development; and including any division of land involving the dedication of a new street or a change to or encroachment on an existing street.

### **SUBDIVISION, RE-SUBDIVISION**

The combining of two or more separate lots into one or more new lots of record. For the purposes of this Ordinance, a Resubdivision shall be considered the same meaning as a Subdivision.

### **TELECOMMUNICATIONS TOWER**

See *WIRELESS COMMUNICATIONS TOWER*.

### **TEMPORARY USE**

A use established for a temporary period of time with the intent to discontinue such use upon the expiration of the time period.

### **TEMPORARY USE PERMIT**

A permit authorizing the operation of a temporary use or special event that is reviewed and decided by the Building Official in accordance with the city's Temporary Use Permit.

### **TEXT AMENDMENT**

An amendment to the language of this Ordinance that is reviewed and recommended by the Planning Commission and decided by the City Council in accordance with this Ordinance.

### **TREE**

An evergreen or deciduous upright woody perennial plant having a single main stem or trunk, or several main stems or trunks, and usually a distinct crown of foliage and few or no branches on its lower part, and ordinarily growing to a considerable height (i.e., at least 13 feet).

### **TREE REMOVAL**

The actual removal of a tree by digging up or cutting down, or the effective removal through damage or neglect.

### **TREE REMOVAL PERMIT**

A permit authorizing the removal of trees that is reviewed and decided by the Building Official in accordance with this Ordinance.

### **TREE, CANOPY**

A tree that has an expected height at maturity greater than 30 feet and produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

### **TREE, HERITAGE**

Any species or category of tree listed in this Ordinance. Heritage Trees Identified, with a DBH (Diameter at Breast Height) equal to or greater than the minimum DBH shown in this Ordinance for the particular species or category of tree.

### **TREE, UNDERSTORY**

A tree that has an expected height at maturity of not greater than 30 feet.

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**TRUCK OR FREIGHT TERMINAL**

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

**TRUCK OR TRACTOR SALES OR RENTAL**

An establishment where new or used trucks are displayed for sale, lease, or rental.

**TRUCK STOP**

A facility providing services to the trucking industry, including but not limited to the dispensing of fuel, repair shops, sale of accessories or equipment for trucks and similar commercial vehicles, automated and self-serve automotive wash facilities, restaurants, gift shops, sale of convenience goods, business service centers, restrooms and shower facilities, scales, and overnight parking facilities.

**UTILITY AND COMMUNICATION USES**

A use category that includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. The category also includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and newspapers. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment. Example use types include major utilities, minor utilities, wireless communication towers and antennas, radio and television broadcasting studios, and newspaper printing facilities.

**UTILITY, MAJOR**

Infrastructure services providing community-or region-wide service that normally involve the construction of new buildings or structures, such as water towers, wastewater treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

**UTILITY, MINOR**

Infrastructure services that need to be located

in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, and telephone exchanges.

**VARIANCE**

A permit authorizing a deviation from this Ordinance’s dimensional standards and certain development standards where strict application of the standard creates a hardship due to circumstances particular to a parcel, and that is reviewed and decided by the Board of Adjustment.

**VEGETATED SWALE**

Broad, shallow channels designed to convey and infiltrate stormwater runoff. The swales are vegetated along the bottom and sides of the channel, with side vegetation at a height greater than the maximum design stormwater volume.

**VEHICULAR USE AREA**

That portion of a development site used or proposed to be used for vehicular ingress and egress, off- street parking, parking aisles, internal vehicular accessways, fire lanes, loading areas, and other areas dedicated to vehicular use, but not necessarily including vehicular storage and display areas.

**VETERINARY CLINIC, WITH BOARDING**

A facility for the medical care and treatment of animals, including household pets and larger domesticated animals, and that also boards animals not receiving medical treatment. Such facilities may be entirely indoors or may have both indoor and outdoor components.

**VETERINARY CLINIC, WITHOUT BOARDING**

A facility for the medical care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components, but do not board animals not receiving medical treatment.

**VOCATIONAL OR TRADE SCHOOL**

A public or private school offering vocational or trade instruction to students and that operates

in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

### **WAREHOUSE, DISTRIBUTION**

A use engaged in distribution of manufactured products, supplies, and equipment.

### **WAREHOUSE, MINI**

See *MINI-WAREHOUSE*.

### **WAREHOUSE, STORAGE**

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

### **WAREHOUSING AND FREIGHT MOVEMENT USES**

A use category that includes use types involving the storage or movement of goods for firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas. Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants, including frozen food lockers; and outdoor storage (as a principal use). This use category does not include contractor's yards (categorized as an industrial services use) or uses involving the transfer or storage of solid or liquid wastes (categorized as a waste-related services use).

### **WASTE COMPOSTING**

Uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and

transshipment of by-products.

### **WETLAND**

A land area that is saturated with water, either permanently or seasonally, such that it takes on the characteristics of a distinct ecosystem.

### **WHOLESALE USES**

A use category that includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods. Example use types include: sale or rental of machinery, equipment, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware. This use category does not include uses primarily involving sales to the general public or on a membership basis (categorized as retail sales and service uses), or uses primarily involving storage of goods with little on-site business activity (categorized as warehousing and freight movement uses).

### **WIRELESS COMMUNICATION TOWER**

A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

### **YARD**

An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front,



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rear, waterside, and side yards.

**YARD, FRONT**

The yard between the front façade of the principal structure(s) on a lot and the front lot line, and extending the full width of a lot.

**YARD, REAR**

The yard between the rear façade of the principal structure(s) on a lot and the rear lot line, and extending the full width of the lot.

**YARD, REQUIRED**

The area within a lot that extends inward from front, rear, and side lot lines for the minimum front yard, rear yard, and side yard depths required for the zoning district within which the lot is located, and that is required to remain unoccupied and unobstructed from the ground upward except as may be specifically provided otherwise in this Ordinance (e.g., Section 5.4.D, Allowable Minimum Yard Encroachments).

**YARD, SIDE**

The yard between the side façade of the principal structure(s) on a lot and the nearest side lot line, and extending between the front yard and rear yard of the lot.

**YARD, WATERSIDE**

A yard abutting any body of water and may be either a front, side, or rear yard depending on the orientation of the principal building on the lot.

**YOUTH CENTER**

A facility that is not a school that provides youth-oriented activities and recreation for minors, including but not limited to facilities operated by Boys’ and Girls’ Clubs and other similar non-profit organizations.

**ZONING DISTRICT**

An area delineated on the Official Zoning Map within which a prescribed set of development standards are applied to various types of development.

**ZONING DISTRICT, BASE**

A zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

**ZONING DISTRICT, OVERLAY**

A zoning district that is superimposed over one

or more underlying base zoning districts and that imposes standards and requirements in addition to those required by the underlying base zoning district.

**ZONING MAP**

The Official Zoning Map of the City of Bayou La Batre, upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

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# ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS & BOUNDARIES

- § 3.1 IMPLEMENTATION
- § 3.2 CONFORMANCE WITH FUTURE LAND USE MAP
- § 3.3 OFFICIAL ZONING DISTRICTS MAP
- § 3.4 RULES FOR DETERMINING BOUNDARIES
- § 3.5 AMENDMENTS TO OFFICIAL ZONING MAP
- § 3.6 ZONING DISTRICTS
- § 3.7 ZONING DISTRICT DESCRIPTIONS
- § 3.8 USE COMPLIANCE

## § 3.1 IMPLEMENTATION

This Ordinance is intended to ensure that all development within the city’s jurisdiction will be consistent with the goals, objectives, policies, strategies, and actions of the Bayou La Batre Comprehensive Master Plan 2035. Copies of the Plan are filed in the office of the City Clerk.

## § 3.2 CONFORMANCE WITH FUTURE LAND USE MAP

This Ordinance is intended to ensure that all development within the city’s jurisdiction will be consistent with the Future Land Use Map as contained in the City’s Comprehensive Master Plan 2035, addressing the city’s growth and development and serving as a guide for the future development of the city. To the extent this Ordinance is or becomes inconsistent with any city-wide adopted plan, it should be amended to become or remain consistent with the adopted plans. Additionally, all amendments to this Ordinance’s text or Official Zoning Map should maintain and enhance consistency between this Ordinance and the adopted plans.

## § 3.3 OFFICIAL ZONING DISTRICTS MAP

The boundaries of the zoning districts are shown on the Zoning Map as adopted by this Ordinance and made part hereof and entitled “Official Zoning Map of City of Bayou La Batre, Alabama.” The Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance. The zoning map, which is properly attested, is on file in the official records of the City of Bayou La Batre, Alabama.

The boundaries of the zoning districts which are shown on the Map adopted by this Ordinance or amendments thereto and the regulations of this Ordinance, govern the use of land and buildings, the heights and bulk of buildings, size of yards and other open spaces and other features as herein set forth

are hereby established and declared to be in effect upon all land included within the boundaries of the districts shown upon the Official Zoning Map.

## **MAINTAINING FILES**

The Official Zoning Map designates the location and boundaries of the various base zoning and overlay zoning districts established in this Ordinance. The original official version and all amended versions of the Official Zoning Map shall be certified by the City Clerk and kept on file, in either hard copy or digital form, in the office of the City Clerk. A copy of the Official Zoning Map shall be kept on file at the Bayou La Batre City Hall and made available for public inspection during normal business hours. The Official Zoning Map shall be the final authority as to the status of the current zoning district classification of land in the city, and shall only be amended in accordance with this Ordinance. Any boundary not shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the city's Building Official shall have the authority to interpret the district boundaries. Any decisions may be appealed to the Zoning Board of Adjustment.

## **§ 3.4 RULES FOR DETERMINING BOUNDARIES**

The Bayou La Batre Planning Commission and the city's Building Official shall be responsible for interpretations of the Official Zoning Map in accordance with the standards listed in this Ordinance.

If any property is not shown as being in a zoning district because of error or omission, the classification of such property shall default to SFR-1, Single (One) Family Residential until zoned by an amendment to this Ordinance.

1. Unless otherwise indicated, the zoning district boundary lines shall be construed to follow property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, other bodies of water, or civil boundaries.
2. Where a street or alley is officially vacated or abandoned, the classification of the abutting parcel shall apply to that portion of the street or alley added to such parcel.
3. Boundaries shown as approximately following a river, bayou, canal, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
4. Boundaries shown as approximately following the shoreline of the Mississippi Sound, the Bayou La Batre River, or other body of water shall be interpreted as following the shoreline at low water and as moving with that low water line to the extent the shoreline moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
5. Boundaries shown as entering a body of water shall be interpreted as continuing in the direction at which they enter the body of water and extending until they intersect another zoning district boundary or similarly extended boundary, or the limits of the city's jurisdiction.
6. Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary.
7. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

8. If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or application of the above standards, it shall be determined by using the map’s scale to determine the boundary’s distance from other features shown on the map.

**§ 3.5 AMENDMENTS TO OFFICIAL ZONING MAP**

If, in accordance with the provisions of this Ordinance, changes and amendments are made in zoning district boundaries or other matters portrayed on the Official Zoning Map, changes shall be entered on the Official Zoning Map by the City Clerk promptly after the amendment is approved by the City Council. Unauthorized alterations to the Zoning Map shall be considered a violation of this Ordinance and subject to penalties as prescribed under “Penalties” of this Ordinance.

**§ 3.6 ZONING DISTRICTS**

The City of Bayou La Batre is hereby divided into the following zoning districts as described below and as shown on the official Zoning District Map, in order to:

- ensure the safety and integrity of the residential neighborhoods;
- protect property owners and land values within the city limits;
- classify, regulate, and manage the location of buildings designed for specific uses to ensure proper planning and arrangement of city;
- encourage economic development by providing direct and business friendly development guidelines and requirements;
- limit the height and bulk of buildings hereinafter erected or altered as defined herein;
- regulate and limit the intensity of the use of the land area;
- manage and determine the areas of open spaces within and surrounding such buildings

<b><u>SYMBOL</u></b>	<b><u>DISTRICT</u></b>	<b><u>GENERAL PURPOSE / USE</u></b>
SFR-E	Estate Residential	Residential
SFR-1	Single Family Residential	Residential
SFR-2	Single & Two Family Residential	Residential
RM-3	Multi-Family Residential	Residential
SHR	Safe Harbor Residential	Residential
NC	Neighborhood Commercial	Commercial
GC	Gateway Commercial	Commercial
BMU	Bayou Mixed Use	Commercial/Residential/Industrial
ECO	Eco-Tourism	Recreation/Tourism/Commercial
WR	Waterfront Resort	Residential/Tourism/Recreation
WW	Working Waterfront	Industrial/Commercial/ Tourism
IM	Industrial Manufacturing	Heavy & Light Industrial/Manufacturing

## § 3.7 ZONING DISTRICT DESCRIPTIONS

### RESIDENTIAL DISTRICTS

The following zoning districts provide regulations for residential uses throughout the urban community and apply to most of the City's residential development.

- **Single (One) Family Estate Residential (SFR-E):** The SFR-E district is intended for larger lots where development can occur in a manner compatible with the needs of the residents.
- **Single(One) Family Residential (SFR-1):** This district is provided to afford the opportunity for a low density, suburban residential environment consisting of single family residences on large parcels of land.
- **Single (One) & Two Family Residential (SFR-2):** This district is provided to afford the opportunity for medium density one and two family uses in an urban residential environment consisting of duplex residences on lots of a moderate size.
- **Multi Family Residential (RM-3):** The intent of this district is to provide an opportunity for high density multi-family residential development in specified areas and for their amenities.
- **Safe Harbor Residential (SHR):** This is a residential zoning district that provides single (one) family dwelling units on a single, un-subdivided parcel of land.

### COMMERCIAL DISTRICTS

The following zoning districts provide regulations for commercial uses throughout the community and apply to most of the City's commercial development.

- **Neighborhood Commercial (NC):** This district allows for small-scale commercial uses that provide services for nearby residential areas and surrounding neighborhoods that are compatible with residential uses, and have relatively low impact on neighboring areas. It provides for pedestrian-friendly design of retail, office, and residential mixed use developments. This district encourages residential uses in conjunction with commercial uses. Buildings must be located and designed to relate to the street with a pedestrian scale.
- **Gateway Commercial (GC):** This district is intended to provide locations for wholesale/retail trade and services with a more intense use and a larger building footprint than the Neighborhood Commercial District. It serves local and regional businesses. Processing and very light production activities are included and may require location in proximity to major transportation routes.
- **Bayou Mixed Use (BMU):** Mixed use developments allow for more than one single use on a parcel of land. It's a combination of compatible and integrated land uses such as residential, personal service, light commercial, institutional, or entertainment uses in multiple functions within the same building or the same general area. The intent of the district is to allow a variety of light commercial and light industrial activities to be combined with residential uses. Mixed-use development can take the form of a single building, a city block, or an entire neighborhood. This variety of uses allows

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for people to live, work, play, and shop in one place. It's typically categorized as either A) vertical mixed-use buildings; B) horizontal mixed-use blocks; or C) mixed-use walkable neighborhoods.

## TOURISM, RECREATION & CONSERVATION DISTRICTS

The following zoning districts provide for the protection of environmentally sensitive areas of the community in addition to utilizing lands which may not be suitable for traditional development for commercial uses and for the recreation benefit of the community.

- **Eco-Tourism Commercial (ECO):** This district provides activities that encourage outdoor recreation, such as kayaking, canoeing, boating, fishing, birding, bicycling, walking, hiking, swimming, farming, etc., but will also include light business and tourism commercial, natural preservation areas, beaches, aquaculture farming, and open space.
- **Waterfront Resort (WR):** The intent of this district is to provide an area for public access to the waterfront along the Mississippi Sound. The district provides parks, recreation, single (one) family residential uses, and light tourism commercial opportunities such as lodging and dining. The main purpose of the district is to recognize and utilize the waterfront areas of Bayou La Batre to encourage tourism and economic development, while preserving areas suitable for residential living.

## INDUSTRIAL DISTRICTS

The following zoning districts provide regulations for industrial uses throughout the City and apply to most of the City's industrial development.

- **Working Waterfront (WW):** The intent of the Working Waterfront District is to create a District that preserves and promotes the unique waterfront setting through the combination of industrial uses, commercial activities and public open space. It supports water oriented commercial activities and provides opportunities for pedestrian access and exposure to the waterfront areas of the city.
- **Industrial-Manufacturing (IM):** This District is intended to provide a suitable, protected environment for heavy commercial, industrial, and manufacturing establishments which are clean, quiet and free of hazardous or objectionable operations and emissions, or other factors that may be detrimental to the community environment. Activities in this district include uses such as production and processing, research and wholesale, waste-related services and facilities, and warehousing and storage facilities. This district will keep these heavy land uses separated from residential districts and provide a special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities may be needed.

### § 3.8 USE COMPLIANCE

In each zoning district, only the uses specifically listed as uses by *Right (R)*, uses *Requiring Planning Commission Review (P)* and *Special Exception (S)* uses shall be allowed. Any use permitted in any district whether by *Right*, *Requiring Review* or as a *Special Exception*, must comply with the requirements of the district in which it is located, unless variance from such requirements is specifically requested and approved by the Board

of Adjustment. In general, any higher use may be permitted in a district as a *Special Exception* in a lower use district, but no lower use shall be permitted in a higher use district.

- Uses Permitted by Right (R)

Unless otherwise noted, uses permitted are permitted by Right subject to the conditions specified in this Ordinance and do not require review.

- Uses Requiring Planning Commission Review (P)

Certain uses require the review of the City of Bayou La Batre Planning Commission to determine if the use is appropriate for the location. Applications are evaluated by the Planning Commission and are permitted upon approval by the Planning Commission based on location and site plan appropriate with regard to transportation, access, water supply, waste disposal, fire, police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and in harmony with the orderly and appropriate development of the district in which the development is to occur.

- Special Exception (S) Uses

Uses permitted by Special Exception are subject to site plan review as to location and other features by the City of Bayou La Batre Planning Commission, but require a public hearing, along with additional review and approval by the Board of Adjustment.

Each application to the Board of Adjustment for approval of a use permitted by special exception shall be accompanied by a site plan, which shall first be reviewed by the Planning Commission. The Board of Adjustment shall consider the recommendations of the Planning Commission, and make them a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

- Uses Prohibited (X)

Uses listed as Prohibited, or not listed in the Zoning Ordinance are to be considered prohibited, but may be considered by the Planning Commission upon request. A detailed letter describing the nature of the use must be submitted to the Planning Commission and a site plan or other material to aid in evaluating may be required.

- Uses Not Specified

In any case where a use is not specifically referred to under Uses Permitted or elsewhere in this Ordinance, its status shall be determined by the Building Official by reference to the most clearly analogous use or uses that are specifically referred to under Uses Permitted. When the status of a use has been so determined by the Building Official, such determination shall thereafter have general application to all uses of the same type.



# ARTICLE 4: DISTRICT USES & REQUIREMENTS

- § 4.1 GENERAL PROVISIONS FOR ALL ZONING DISTRICTS
- § 4.2 GENERAL PURPOSES OF RESIDENTIAL ZONING DISTRICTS
- § 4.3 SINGLE (ONE) FAMILY ESTATE RESIDENTIAL (SFR-E)
- § 4.4 SINGLE (ONE) FAMILY RESIDENTIAL DISTRICT (SFR-1)
- § 4.5 SINGLE (ONE) & TWO-FAMILY RESIDENTIAL (SFR-2)
- § 4.6 MULTI-FAMILY RESIDENTIAL DISTRICT (RM-3)
- § 4.7 SAFE HARBOR RESIDENTIAL DISTRICT (SHR)
- § 4.8 COMMERCIAL BASED ZONING DISTRICTS
- § 4.9 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)
- § 4.10 GATEWAY COMMERCIAL DISTRICT (GC)
- § 4.11 BAYOU MIXED-USE DISTRICT (BMU)
- § 4.12 WORKING WATERFRONT DISTRICT (WW)
- § 4.13 WATERFRONT RESORT DISTRICT (WR)
- § 4.14 ECO-TOURISM DISTRICT (ECO)
- § 4.15 INDUSTRIAL-MANUFACTURING DISTRICT (IM)

## § 4.1 GENERAL PROVISIONS FOR ALL ZONING DISTRICTS

### A. COMPLIANCE WITH DISTRICT STANDARDS

No land within the city shall be developed except in accordance with the zoning district regulations of this article and all other regulations of this Ordinance.

### B. CLASSIFICATION OF ZONING DISTRICTS

All individual land parcels within the city limits are officially designated by this Ordinance to be assigned one (1) base zoning classification per parcel. Some lands located within the city limits may be assigned one base zoning classification and one overlay zoning classification.

Land shall be classified (zoned) or reclassified (re-zoned) into a zoning district only in accordance with the procedures and requirements set forth in this Ordinance.

### C. RELATIONSHIPS BETWEEN BASE AND OVERLAY ZONING DISTRICTS

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. If the standards governing an overlay zoning district expressly conflict with those governing an underlying base zoning district, the standards governing the overlay zoning district shall control.

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**D. ESTABLISHMENT OF ZONING DISTRICTS**

The following zoning districts are established within the corporate limits of Bayou La Batre to implement the Comprehensive Master Plan. The following table identifies the zoning districts established by this Ordinance.

<b>ZONING DISTRICTS</b>	
<b>DISTRICT ABBREVIATION</b>	<b>DISTRICT NAME</b>
<b>RESIDENTIAL DISTRICTS</b>	
SFR-E	Single (One)-Family Estate Residential
SFR-1	Single-Family Residential (One Family)
SFR-2	Two-Family Residential (One & Two Family)
RM-3	Multi-Family Residential
SHR	Safe Harbor Residential
<b>COMMERCIAL DISTRICTS</b>	
NC	Neighborhood Commercial
GC	Gateway Commercial
BMU	Bayou Mixed Use
<b>RECREATION &amp; CONSERVATION DISTRICTS</b>	
WR	Waterfront Resort
ECO	Eco-Tourism & Outdoor Recreation
<b>INDUSTRIAL DISTRICTS</b>	
WW	Working Waterfront
IM	Light & Heavy Industrial-Manufacturing

**§ 4.2 GENERAL PURPOSES OF RESIDENTIAL ZONING DISTRICTS**

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

1. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city;
2. Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse

environmental impacts;

3. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
4. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
5. Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;
6. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
7. Create neighborhoods that are sustainable and preserve existing community character while accommodating new infill development and redevelopment consistent with the city's goals and objectives; and
8. Preserve the unique character and historic resources of the traditional neighborhoods and the community.

PURPOSE  
& TITLE

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SIGN  
REGULATIONS

NON-  
CONFORMITIES

APPLICATION  
PROCESS

ADMINISTRATION  
& ENFORCEMENT


FORMS &  
APPLICATIONS

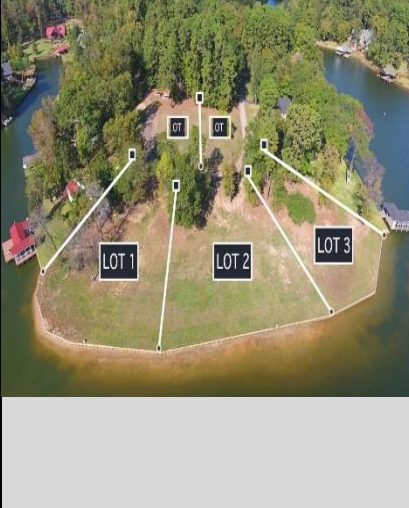
## Zoning Districts Use Table

ZONING DISTRICT		USES PERMITTED BY <u>RIGHT</u> (may include, but not limited to)**
<b>SFR-E</b>	<b>SINGLE FAMILY ESTATE RESIDENTIAL</b>	Single(One)-family residences with larger lots
<b>SFR-1</b>	<b>SINGLE FAMILY RESIDENTIAL</b>	Single (One)-family residences & accessory buildings
<b>SFR-2</b>	<b>SINGLE &amp; TWO FAMILY RESIDENTIAL</b>	Single (One)-family residences, two-family residences & accessory buildings
<b>RM-3</b>	<b>MULTI-FAMILY RESIDENTIAL</b>	Single (One)-family residences, two-family residences, multi-family dwelling units such as apartments, condominiums, and townhomes, and accessory buildings
<b>SHR</b>	<b>SAFE HARBOR RESIDENTIAL</b>	Single(One)-family residences on un-subdivided lots
<b>NC</b>	<b>NEIGHBORHOOD COMMERCIAL</b>	Small-scale commercial uses that provide services for nearby residential areas and surrounding neighborhoods that are compatible with residential uses, and have relatively low impact on neighboring areas. This district provides for pedestrian-friendly design of retail, office, and residential mixed use developments & encourages residential uses in conjunction with commercial uses.
<b>GC</b>	<b>GATEWAY COMMERCIAL</b>	Larger retail, wholesale and trade and services with a more intense use and a larger building footprint than the Neighborhood Commercial District. It serves local and regional businesses. Processing and very light production activities are included and may require location in proximity to major transportation routes.
<b>WW</b>	<b>WORKING WATERFRONT</b>	Commercial, industrial, mixed-use developments, and ecotourism. The majority of the commercial uses should be water oriented and/or support water oriented uses. This district provides opportunities for pedestrian access and exposure to the waterfront areas of the city.
<b>BMU</b>	<b>BAYOU MIXED USE</b>	Allows for more than one single use on a parcel of land. It's a combination of compatible land uses such as residential, commercial, institutional, or entertainment uses in multiple functions within the same building or the same general area. Mixed-use development can take the form of a single building, a city block, or an entire neighborhood. This variety of uses allows for people to live, work, play, and shop in one place.
<b>ECO</b>	<b>ECO-TOURISM</b>	This zoning district is provided to protect environmentally sensitive lands that act as natural flood control buffers. Activities that encourage outdoor recreation, such as kayaking, canoeing, boating, fishing, birding, bicycling, walking, hiking, swimming, aquaculture, farming, etc., but will also include light commercial, natural preservation areas, beaches, and recreation.
<b>WR</b>	<b>WATERFRONT RESORT</b>	This district is intended to provide a variety of land uses along the waterfront of the Mississippi Sound to promote tourism and waterfront residential and entertainment opportunities.
<b>IM</b>	<b>INDUSTRIAL MANUFACTURING</b>	Heavy commercial and light industrial establishments such as manufacturing, research and wholesale, which are clean, quiet and free of hazardous or objectionable operations and emissions, or other factors that may be detrimental to the community environment.

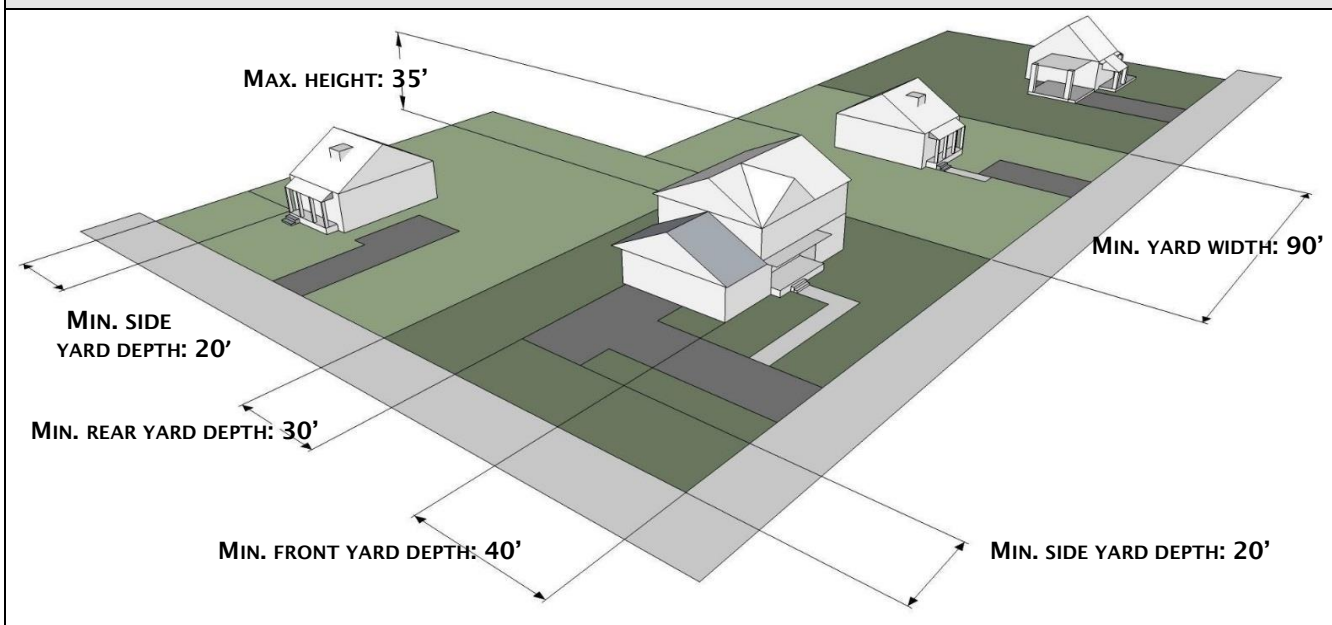
**\*\*Additional uses are allowed for each zoning district but may require additional review by either:**  
**(a) Planning Commission Approval (P): uses requiring Planning Commission review**  
**(b) Special Exception (S): requires additional approval from Board of Adjustment**

### § 4.3 SINGLE (ONE) FAMILY ESTATE RESIDENTIAL DISTRICT (SFR-E)

PURPOSE	TYPICAL BUILDING TYPE
The Single-Family Estate Residential District (SFR-E) is established and intended to accommodate primarily single-family detached dwellings at low densities on lots greater than 1 acre or 43,560 square feet in area in efforts to provide protected waterfront residential living options and to protect property values. The district also accommodates accessory dwelling units and complementary nonresidential uses usually found in low-density urban residential neighborhoods. Some of these nonresidential uses are permitted uses (e.g., parks and personal boat slips, boat house, and/or boat docks).	


PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	43,560 (1 acre)	
Minimum lot width (ft)	90	
Maximum building coverage (% of lot area)	40	
Maximum Impervious Surface Ratio (%)	30	
Maximum height (ft)	35	
Minimum front yard depth (ft)	40	
Minimum side yard depth (ft)	20	
Minimum rear yard depth (ft)	30	
Minimum waterside yard depth (ft)	30	
Minimum first floor living space (sq. ft.)	1,400	

#### TYPICAL DEVELOPMENT CONFIGURATION

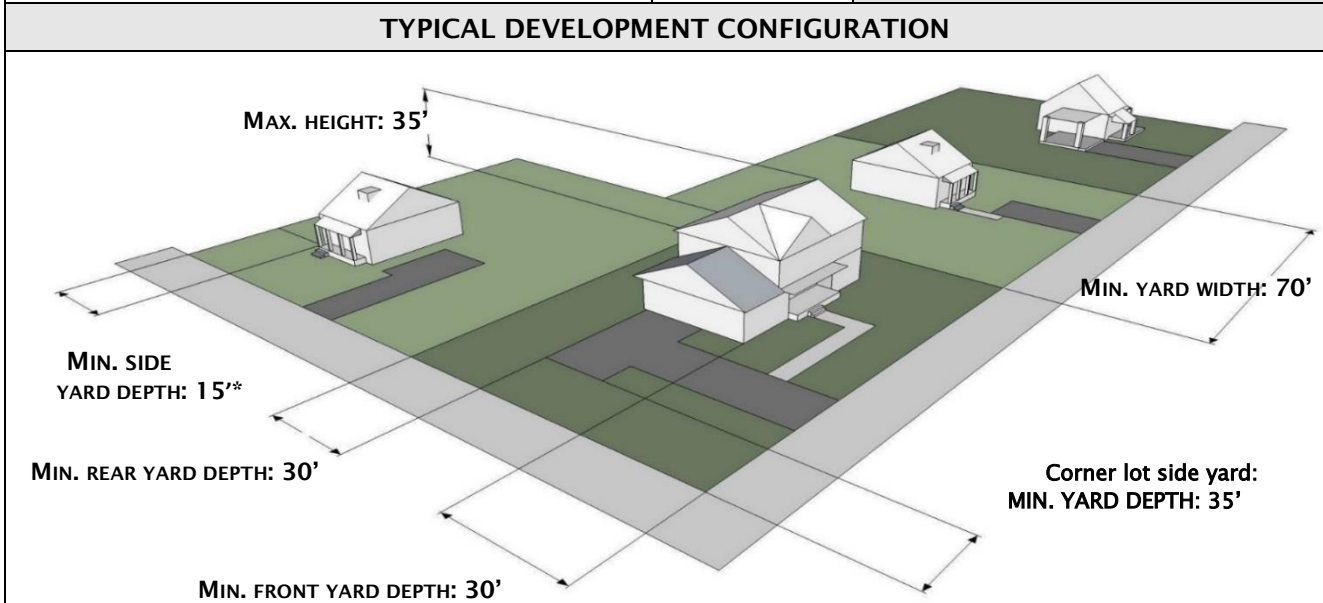


<b>USES ALLOWED BY RIGHT (R)</b>
<ul style="list-style-type: none"> <li>1. Single-Family Dwelling Units (One Family)</li> <li>2. Accessory Structures</li> </ul>
<b>USES ALLOWED WITH PLANNING COMMISSION REVIEW &amp; APPROVAL (P)</b>
<ul style="list-style-type: none"> <li>3. Public parks, playgrounds, and outdoor recreational areas</li> <li>4. Personal wharfs, piers, boat lifts, boat house, boat slip, and boat docks as an accessory structure</li> </ul>
<b>USES ALLOWED AS A SPECIAL EXCEPTION (S)</b> <i>*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT</i>
<ul style="list-style-type: none"> <li>5. Home occupations</li> <li>6. Boat Launch</li> </ul>
<b>USES PROHIBITED (X)</b>
<ul style="list-style-type: none"> <li>7. Manufactured Homes</li> <li>8. Recreational Vehicles (RV)</li> <li>9. Mobile Homes</li> </ul>

**§ 4.4 SINGLE (ONE) FAMILY RESIDENTIAL DISTRICT (SFR-1)**

PURPOSE	TYPICAL DWELLING TYPE
<p>The Single-Family Residential District (SFR-1) is established and intended to accommodate primarily one-family detached dwellings at low densities on lots greater than 15,000 square feet in area in efforts to keep densities low and property values high. The district also accommodates accessory structures and uses, including garages and storage sheds, which are located on the same lot as the principal structure and does not exceed 50% of the size of the principal structure.</p>	

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	15,000	
Minimum lot width (sq ft)	70	
Maximum building coverage (% of lot area)	30	
Maximum Impervious Surface Ratio (%)	30	
Maximum height (ft)	35	
Minimum front yard depth (ft)	30	
Minimum side yard depth (ft) <i>*A 10' side yard is allowed for lots smaller than 70'</i>	15*	
Minimum side yard-corner lot depth (ft)	35	
Minimum rear yard depth (ft)	30	
Minimum waterside yard depth (ft)	30	
Minimum first floor living space (sq.ft.)	1,200	



**USES ALLOWED BY RIGHT (R)**

1. Single-Family (One Family) Dwelling Units
2. Accessory Structures

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

3. Public parks, playgrounds, and outdoor recreational areas
4. Public utility and service structures including but not limited to water, sewer, fire, and police uses

**USES ALLOWED AS A SPECIAL EXCEPTION (S)**

*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT & A PUBLIC HEARING*



5. Home occupations
6. Schools and educational institutions
7. Stadiums in conjunction with school facilities
8. Churches with or without attendant building and facilities
9. Golf courses, tennis courts/centers, and community swimming pools
10. Buildings used exclusively by federal, state, county, or city government for public purposes

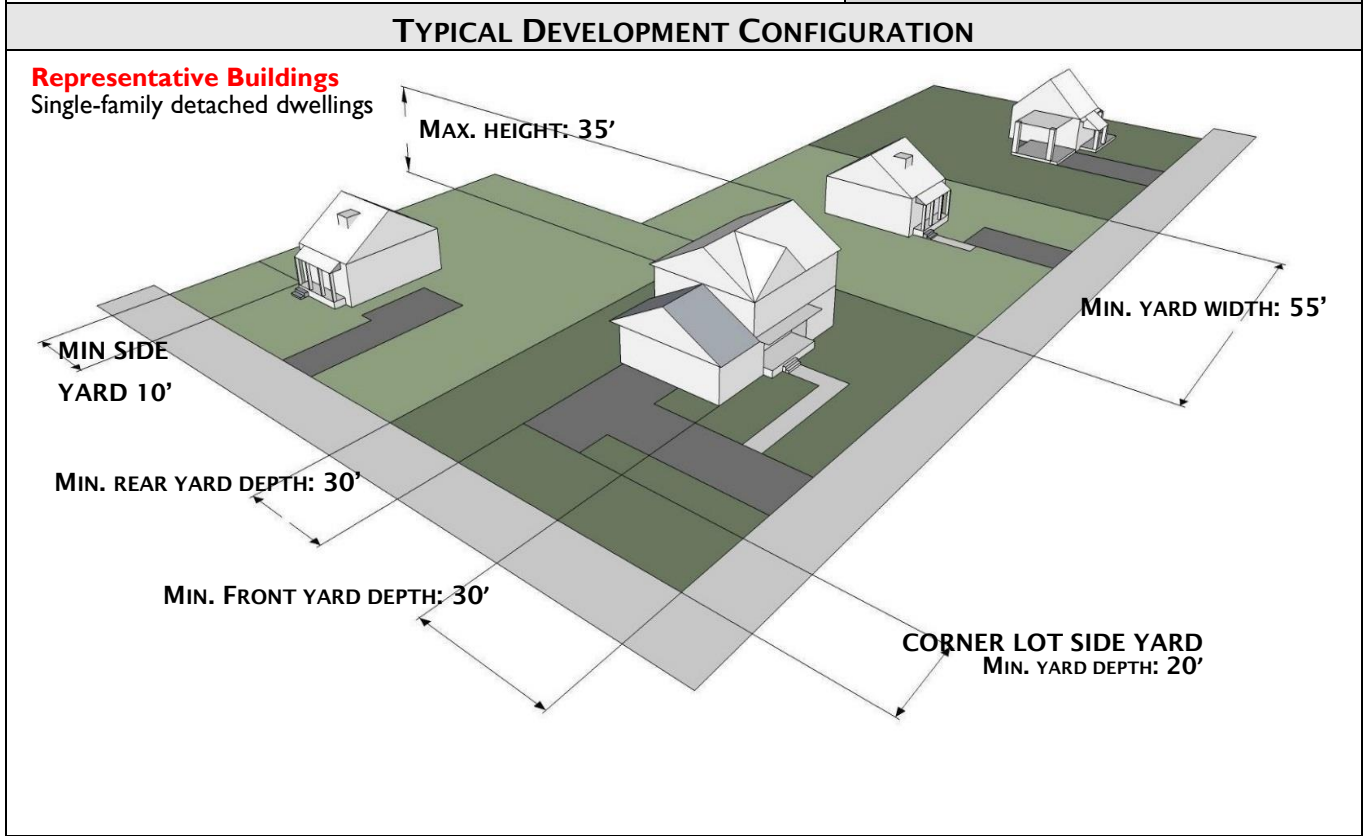
**USES PROHIBITED (X)**

11. Manufactured Homes
12. Recreational Vehicles (RV)
13. Mobile Homes



**§ 4.5 SINGLE (ONE) & TWO-FAMILY RESIDENTIAL DISTRICT (SFR-2)**

PURPOSE		TYPICAL BUILDING TYPE																		
<p>The Single-Family &amp; Two-Family Residential District (SFR-2) is established and intended to accommodate primarily single-family detached dwellings at medium-high densities on lots greater than 6,000 square feet in area. The district also accommodates accessory dwelling units and two-family dwellings (duplex). In addition, the district accommodates complementary nonresidential uses usually found in medium- to high-density urban residential neighborhoods—some as permitted uses (e.g., parks, community centers, schools, churches).</p>																				
<p><b>PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS</b></p> <table border="1"> <tr> <td>Minimum lot area (sq ft)</td> <td>6,000</td> </tr> <tr> <td>Minimum lot width (ft)</td> <td>55</td> </tr> <tr> <td>Maximum building coverage (% of lot area)</td> <td>35</td> </tr> <tr> <td>Maximum impervious surface ratio (%)</td> <td>30</td> </tr> <tr> <td>Maximum height (ft)</td> <td>35</td> </tr> <tr> <td>Minimum front yard depth (ft)</td> <td>30</td> </tr> <tr> <td>Minimum side yard depth (ft)</td> <td>10</td> </tr> <tr> <td>Minimum side yard-corner lot depth (ft)</td> <td>20</td> </tr> <tr> <td>Minimum rear yard depth (ft)</td> <td>30</td> </tr> </table>		Minimum lot area (sq ft)	6,000	Minimum lot width (ft)	55	Maximum building coverage (% of lot area)	35	Maximum impervious surface ratio (%)	30	Maximum height (ft)	35	Minimum front yard depth (ft)	30	Minimum side yard depth (ft)	10	Minimum side yard-corner lot depth (ft)	20	Minimum rear yard depth (ft)	30	<p><b>TYPICAL LOT PATTERN</b></p> 
Minimum lot area (sq ft)	6,000																			
Minimum lot width (ft)	55																			
Maximum building coverage (% of lot area)	35																			
Maximum impervious surface ratio (%)	30																			
Maximum height (ft)	35																			
Minimum front yard depth (ft)	30																			
Minimum side yard depth (ft)	10																			
Minimum side yard-corner lot depth (ft)	20																			
Minimum rear yard depth (ft)	30																			



**USES ALLOWED BY RIGHT (R)**

1. Single-Family Dwelling Units
2. Two-Family Dwelling Units
3. Accessory Structures

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

4. Public parks, playgrounds, and outdoor recreational areas
5. Buildings used exclusively by federal, state, county, or city government for public purposes
6. Public utility and service structures including but not limited to water, sewer, fire, and police uses

**USES ALLOWED AS A SPECIAL EXCEPTION (S)**


*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT*


7. Home occupations
8. Schools and educational institutions
9. Stadiums in conjunction with school facilities
10. Churches with or without attendant building and facilities
11. Golf courses, tennis courts/centers, and community swimming pools

**USES PROHIBITED (X)**

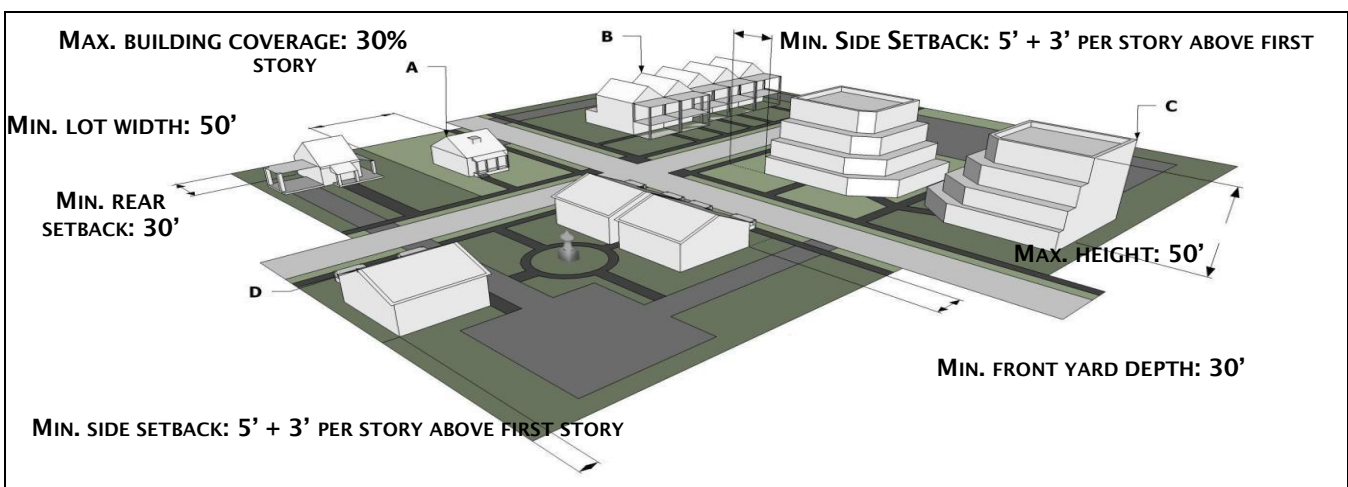
12. Recreational Vehicles (RV)
13. Mobile Homes
14. Manufactured Homes

**§ 4.6 MULTI-FAMILY RESIDENTIAL DISTRICT (RM-3)**

PURPOSE	TYPICAL BUILDING TYPE
The Multi-Family Residential District (RM-3) is established and intended to accommodate a mix of residential dwelling types, including one & two-family detached dwellings, townhouse dwellings, multifamily dwellings, apartments, and condominiums. The district also requires a minimum of 30% open and natural space to ensure the multi-family development needs and also accommodates parks, community centers, libraries, day care, schools, churches, fire/EMS/police stations, while others as special uses (e.g., post offices, government offices, restaurants, convenience stores).	

PRINCIPAL INTENSITY AND DIMENSIONAL		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	5,000	
Minimum lot area per dwelling unit (sq ft)	8,000 for first 2 units + 2,500 per additional unit	
Minimum lot width (ft)	50	
Minimum floor area per dwelling unit (sq ft)	Single-family detached dwellings: 800	
	All other dwellings: 600	
Maximum building coverage (% of lot area)	30	
Maximum height (ft)	50	
Minimum front yard depth (ft)	30	
Minimum side yard depth (ft)	5' + 3' per story above first story	
Minimum rear yard depth (ft)	30	
Minimum Impervious Surface Ratio (%)	30	
Minimum Open Space Land (%)	30	

**TYPICAL DEVELOPMENT CONFIGURATION**



**USES ALLOWED BY RIGHT (R)**

1. Single-Family Dwelling Units
2. Two-Family (Duplex) Dwelling Units
3. Multi-Family Dwelling Units (Apartments, Condominiums, Townhomes, Etc.)
4. Accessory Structures

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

5. Public parks, playgrounds, and outdoor recreational areas
6. Buildings used exclusively by federal, state, county, or city government for public purposes
7. Public utility and service structures including but not limited to water, sewer, fire, and police uses
8. Manufactured Housing



**USES ALLOWED AS A SPECIAL EXCEPTION (S)**

*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT*

9. Home occupations
10. Schools and educational institutions
11. Stadiums in conjunction with school facilities
12. Churches with or without attendant building and facilities
13. Golf courses, tennis courts/centers, and community swimming pools

**USES PROHIBITED (X)**

14. Recreational Vehicles (RV)
15. Mobile Homes

<b>§ 4.7 SAFE HARBOR RESIDENTIAL DISTRICT (SHR)</b>	
<b>PURPOSE</b>	<b>TYPICAL DWELLING TYPE</b>
<p>The Safe Harbor Residential District (SHR) is established and intended to accommodate primarily single-family (one-family) detached dwellings on a shared parcel of land. The district also accommodates accessory dwelling units and complementary nonresidential uses usually found in low-density urban residential neighborhoods, such as parks, playgrounds, and open space areas.. The housing community provides cottage-style, single or one-family homes that provide residents with affordable, safe, and community-driven housing, aimed at supporting and improving the lives of Bayou citizens. It is the only non-subsidized, non-income based, affordable housing community in the United States. Due to the homes sharing a common parcel, intensity and dimensional standards shall be at the determination of the Safe Harbor Housing Authority. Site plan review is required by the Building Official and Planning Commission if three (3) or more dwelling units are constructed at a time.</p>	
<b>PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS</b>	
Minimum lot area (sq ft)	n/a
Minimum lot width (sq ft)	n/a
Maximum building coverage (% of lot area)	n/a
Maximum Impervious Surface Ratio (%)	n/a
Maximum height (ft)	n/a
Minimum front yard depth (ft)	n/a
Minimum side yard depth (ft)	n/a
Minimum side yard-corner lot depth (ft)	n/a
Minimum rear yard depth (ft)	n/a
Minimum waterside yard depth (ft)	n/a
Minimum open space required (%)	n/a
<b>TYPICAL LOT PATTERN</b>	
	
<b>USES ALLOWED BY RIGHT (R)</b>	
<ol style="list-style-type: none"> <li>1. Single-Family (one family) Residential Dwelling Units</li> <li>2. parks, playgrounds, and outdoor recreational areas</li> <li>3. Public utility and service structures including but not limited to water, sewer, fire, and police uses</li> </ol>	



## § 4.8 COMMERCIAL BASE ZONING DISTRICTS

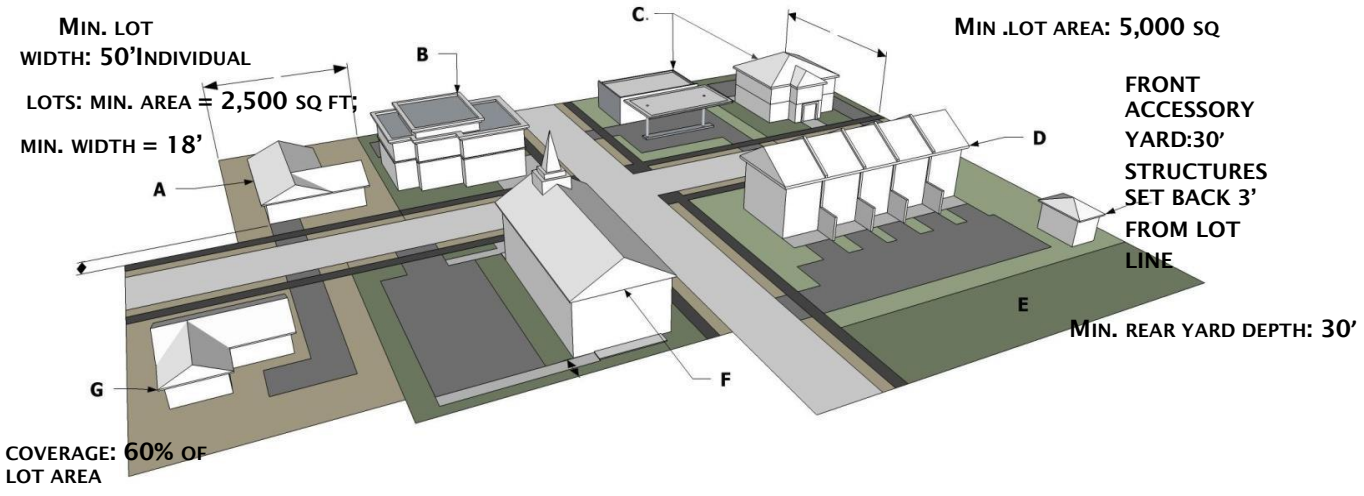
### A. GENERAL PURPOSES OF COMMERCIAL BASE ZONING DISTRICTS

The commercial base zoning districts are established for the general purpose of ensuring there are lands in the city that provide a wide range of retail, personal service, institutional, and related uses to meet household and business needs, and more specifically to:

1. Provide appropriately located lands for the full range of commercial uses needed by the city's residents, businesses, and workers, consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city;
2. Strengthen the city's economic base and provide employment opportunities close to home for residents of the city and surrounding communities;
3. Create suitable environments for various types of commercial uses and protect them from the adverse effects of incompatible uses;
4. Create suitable environments for various types of mixed use development, where office, retail, service, institutional, and residential uses are designed and integrated in compatible ways;
5. Preserve the unique character and historic resources of the downtown and gateways into the downtown;
6. Minimize the impact of commercial development on residential districts and uses and promote sustainable commercial development.

### § 4.9 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

PURPOSE		TYPICAL BUILDING TYPE
<p>The Neighborhood Commercial District (NC) is established and intended to accommodate primarily small-scale, low-intensity, and convenience commercial uses and personal service establishments that provide goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods (e.g., personal services uses, recreational facilities, restaurants, banks, convenience stores, coffee shops, etc.) plus neighborhood-serving institutional uses (e.g., libraries, parks, recreational areas). The district also accommodates one, two, and multi-family dwellings, as well as mixed use developments. District standards are intended to ensure uses and development intensities are consistent with a neighborhood scale, compatible with surrounding uses, and do not encourage high traffic areas. Commercial uses are limited to a maximum size of 1,500 square feet.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	5,000	
Maximum lot area per dwelling unit (sq ft)	2,500	
Minimum lot width (ft)	50	
Maximum building coverage (% of lot area)	60	
Maximum gross ground floor area (sq. ft.)	1,500	
Maximum height (ft)	35	
Minimum front yard depth (ft)	30	
Minimum side yard depth (ft)	10	
Minimum rear yard depth (ft)	30	
Maximum Impervious Surface Ratio (%)	30	
TYPICAL DEVELOPMENT CONFIGURATION		



**USES ALLOWED BY RIGHT (R)**

1. Small scale commercial no greater than 1,500 sq. ft. first floor living space
2. Personal Service Establishments
3. Small scale dining, restaurants, Bistros, Cafes, etc.
4. Professional & business offices such as attorney or accountant.

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

5. Small scale strip malls
6. Banks and similar convenience goods
7. Healthcare Facilities
8. Drive-thru uses
9. Public parks, playgrounds, and outdoor recreational areas
10. Buildings used exclusively by federal, state, county, or city government for public purposes
11. Mixed-use developments
12. Schools and other Educational and/or Institutional Facilities
13. Churches and places of worship
14. One and two family Residential Uses
15. Eco-tourism uses
16. Retail uses

**USES ALLOWED AS A SPECIAL EXCEPTION (S)**

*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT*



17. Small scale lodging facilities (sq. ft.to be determined)
18. Bed & Breakfasts
19. Home occupations
20. Multi-family housing
21. Car and boat sales lots
22. Gas Stations

**USES PROHIBITED (X)**

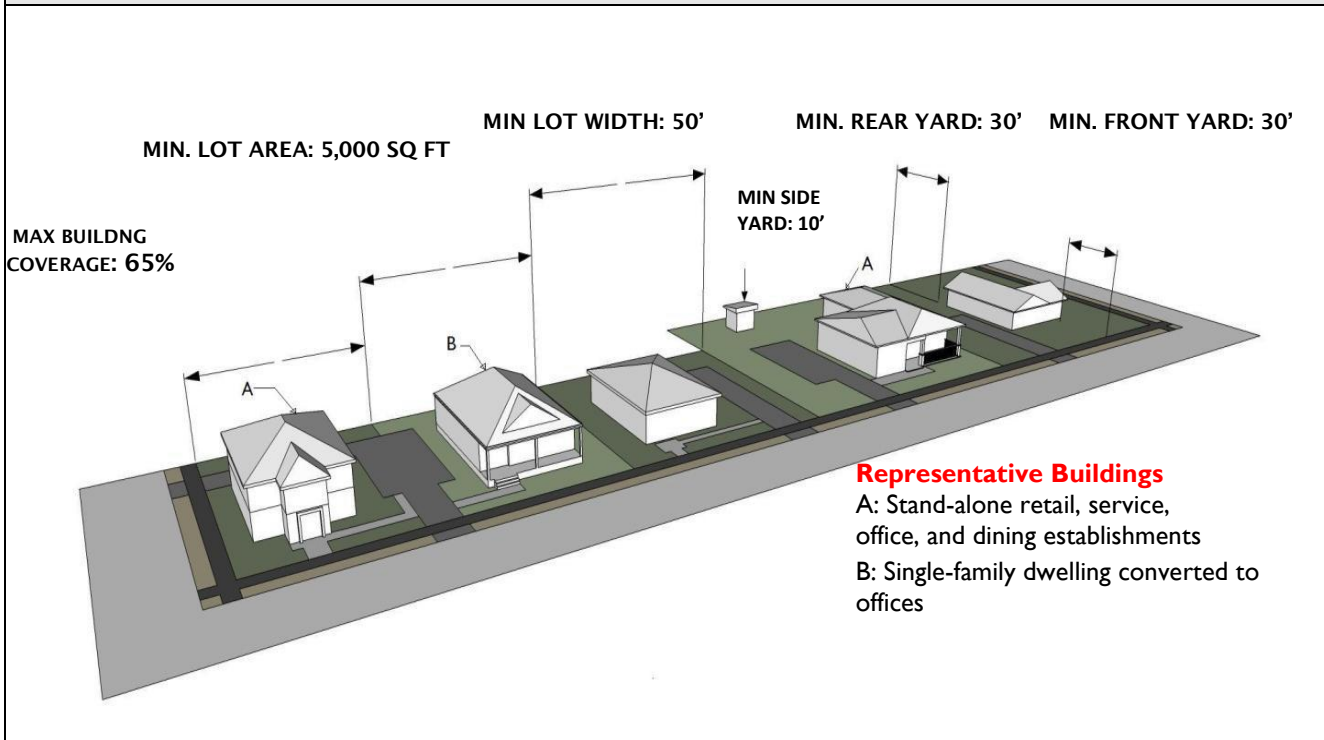
23. Manufactured housing
24. Car and boat repair shops and garages
25. Storage yards
26. Industrial and/or manufacturing uses
27. Recreational Vehicles (RV)
28. Mobile Homes



## § 4.10 GATEWAY COMMERCIAL DISTRICT (GC)

PURPOSE		TYPICAL BUILDING
<p>The Gateway Commercial District (GC) is established and intended to create a gateway from Padgett Switch Road into the city’s main “downtown” area, along Wintzell Avenue. District standards are intended to encourage development that provides an appropriate transition from the suburban areas of Mobile County into the City of Bayou La Batre. Design guidelines are required in this district to establish a civic identity and a welcoming atmosphere along the City’s most traveled roadways.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	5,000	
Minimum lot area per dwelling unit (sq ft)	2,000	
Minimum lot width (ft)	50	
Maximum building coverage (% of lot area)	65	
Maximum height (ft)	50	
Maximum impervious surface ratio (%)	30	
Minimum front yard depth (ft)	30	
Minimum side yard depth (ft)	10	
Minimum rear yard depth (ft)	30	

### TYPICAL DEVELOPMENT CONFIGURATION



<b>USES ALLOWED BY RIGHT (R)</b>
<ol style="list-style-type: none"> <li>1. Retail Services</li> <li>2. Grocery Stores, liquor stores</li> <li>3. Auto Parts Stores</li> <li>4. Personal Service Establishments</li> <li>5. Dining-Restaurants, Bistros, Cafes, etc.</li> <li>6. Professional &amp; business offices such as attorney or accountant.</li> <li>7. Large scale strip malls</li> <li>8. Banks and similar convenience goods</li> <li>9. Healthcare Facilities</li> <li>10. Commercial Uses</li> <li>11. Entertainment Uses</li> <li>12. Big-box and regional retailers</li> <li>13. Drive thru uses</li> <li>14. Lodging</li> </ol>
<b>USES ALLOWED WITH PLANNING COMMISSION REVIEW &amp; APPROVAL (P)</b>
<ol style="list-style-type: none"> <li>15. Public parks, playgrounds, ball fields, picnic areas, and outdoor recreational areas</li> <li>16. Buildings used exclusively by federal, state, county, or city government for public purposes</li> <li>17. Mixed-use developments</li> <li>18. Schools and other Educational and/or Institutional Facilities</li> <li>19. Public and semi-public facilities and civic uses-clubs, libraries, post office, public safety</li> <li>20. Churches and places of worship</li> <li>21. One and two-family Residential Uses</li> </ol>
<b>USES ALLOWED AS A SPECIAL EXCEPTION (S)</b> <i>*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT</i>
<ol style="list-style-type: none"> <li>22. Home occupations</li> <li>23. Gas Stations</li> <li>24. Car &amp; boat sales lots</li> <li>25. Multi-family housing</li> </ol>
<b>USES PROHIBITED (X)</b>
<ol style="list-style-type: none"> <li>26. Manufactured housing</li> <li>27. Car &amp; boat repair</li> <li>28. Recreational Vehicles (RV)</li> <li>29. Mobile Homes</li> </ol>

The Gateway Commercial corridors, located along Padgett Switch Road and Wintzell Avenue inside the city limits, are important gateways into the City of Bayou La Batre with regard to establishing a civic identity for the community and for creating an important welcoming area that provides visitors with the first impression of the city. Building design guidelines are established for these corridors, along with additional landscaping, signage, and lighting requirements. A landscape plan will be required for all establishments along these corridors. See Article 5 of this Ordinance for landscaping requirements.

PURPOSE & TITLE
DEFINITIONS
ZONING DISTRICTS
DISTRICT USES & REQUIREMENTS
DEVELOPMENT STANDARDS
GENERAL PROVISIONS
SUPPLEMENTAL REGULATIONS
SIGN REGULATIONS
NON-CONFORMITIES
APPLICATION PROCESS
ADMINISTRATION & ENFORCEMENT
FORMS & APPLICATIONS

**Design Guidelines:**

- No buildings shall be constructed or renovated with metal facades or metal sided walls along Wintzell Avenue and Padgett Switch Road. Acceptable materials for external buildings or facades include stucco, brick, scored or split face block, wood shingles, wood lap, vinyl siding, or board and batten siding and fiber cement lap siding.
- The size and number of doors and windows shall be proportionate to the structure. False windows are permitted to avoid long expanse of walled sides of buildings.
- Sidewalks meeting ADA requirements are required for any new construction along the corridors. Pervious surface materials are required, or elevated boardwalks.
- Ground, monument, and pole signs are allowed. See Article 8 of this Ordinance for sign requirements.
- Decorative lighting is required if new installation is required on the site. Lighting design shall be in conformance with design guidelines established by the city.
- The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
- Commercial buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall.
- All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk.



**Landscaping Guidelines:**

A landscaping plan is required for all establishments along the commercial corridors of Padgett Switch Road and Wintzell Avenue. Such plan shall be submitted to the City’s Building Official prior to commencing any stripping of land or construction activities.

- The plan shall clearly show what existing trees, shrubbery and other vegetation will be retained; and
- Types of trees, shrubbery and other vegetation will be added to complete the final landscaping of the property.
- No trees greater than six (6) inches in breast height diameter shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm fire or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs. In such case, the developer shall be required to plant replacement trees listed in Article 5 of this Ordinance.
- All lands within fifty (50) feet of the ROW of Padgett Switch Road and Wintzell Avenue must submit a land disturbance permit to the City’s Building Official before any land clearing activity can begin.
- All new developments along Padgett Switch Road and Wintzell Avenue shall maintain a minimum of ten (10) feet of the required foot setback as a greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer’s required landscape plan. Said greenbelt must be maintained at all times by the property owner. The trees shall be shade trees such as the Live Oak or flowering trees such as the dogwood and shall be at least two (2) inches in diameter and ten (10) feet tall at planting.
- There shall be a minimum of one (1) tree planted for every twenty-five (25) feet or fraction thereof lot frontage, fifty (50%) percent of which shall be shade trees having a maximum height of seventy

- (70) feet and maximum crown of seventy (70) feet. If any of the front setbacks is used for parking, said greenbelt shall be in addition to any landscape requirements for parking areas.
- A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities. If required, such areas shall be planted with a combination of trees, shrubs, flower shrubs, and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building Official. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this section; provided that such agreement and the planting maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.
- More stringent design and landscape standards may be required by the Planning Board of special exceptions permitted in any district.

**§ 4.11 WORKING WATERFRONT DISTRICT (WW)**

PURPOSE		TYPICAL BUILDING TYPE
<p>The Working Waterfront District (WW) is intended to accommodate light &amp; heavy industrial uses associated with shipbuilding, repair and servicing of ships and associated equipment, the docking of ships, the transfer of a wide range of products and cargo to and from ships, and the storage of products and cargo pending distribution or loading. The district may be applied to other lands intended to be developed for similar uses. Seafood processing plants are allowed in this District as well as most other water-oriented and water related uses. Additional land uses allowed are ecotourism activities and fishing piers. Public access is encouraged through the use of boardwalks and waterfront parks. Commercial activities are permitted as well through the establishment of entities such as dining and entertainment opportunities. The intent of the Working Waterfront District is to create a District that preserves and promotes the unique waterfront setting through the combination of industrial uses, commercial activities and public open space. It supports water oriented commercial activities and provides opportunities for pedestrian access and exposure to the waterfront areas of the city.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum setback from public street right-of-way (ft)	30	
Maximum impervious surface ratio (%)	30	
Minimum lot area (sq ft)	N/A	
Minimum lot width (sq ft)	N/A	
Maximum building coverage (% of lot area)	N/A	
Maximum height (ft)	N/A	
Minimum front yard depth (ft)	N/A	
Minimum side yard depth (ft)	N/A	
Minimum side yard-corner lot depth (ft)	N/A	
Minimum rear yard depth (ft)	N/A	

**USES ALLOWED BY RIGHT (R)**

1. Light & Heavy Industrial Uses
2. Light & Heavy Manufacturing Uses
3. Shipbuilding
4. Seafood Processing
5. Marinas
6. Boat Docks & Piers
7. Bait Shops
8. Marine Supply and/or Repair
9. Charter Fishing Services
10. Boat Sales/Repair/Rentals/Storage
11. Water-dependent and water oriented activities
12. Commercial uses
13. Retail/wholesale establishments
14. Markets, open air included

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

1. Public parks, boardwalks, and outdoor recreational areas
2. Ecotourism activities
3. Schools and Institutional Facilities
4. Dining establishments
5. Clubhouses



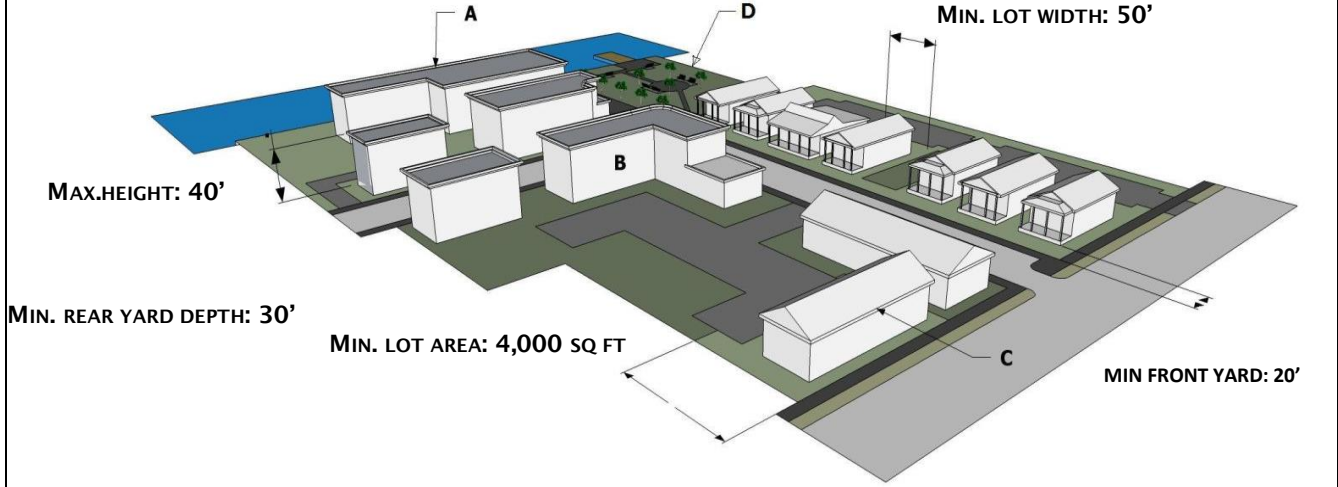
**USES ALLOWED AS A SPECIAL EXCEPTION (S)**

*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT*

**USES PROHIBITED (X)**

6. Recreational Vehicles (RV)
7. Mobile Homes
8. Manufactured Homes

## § 4.12 BAYOU MIXED-USE DISTRICT (BMU)

PURPOSE		TYPICAL BUILDING TYPE
<p>The Bayou Mixed-Use District (BMU) is established to allow for light industrial and commercial activities to be integrated with residential uses. Mixed use developments allow for more than one single use on a parcel of land. It's a combination of compatible and integrated land uses such as residential, personal service, light commercial, institutional, or entertainment uses in multiple functions within the same building or the same general area. The intent of the district is to allow a variety of light commercial and light industrial activities to be combined with residential uses. Mixed-use development can take the form of a single building, a city block, or an entire neighborhood. This variety of uses allows for people to live, work, play, and shop in one place. It's typically categorized as either A) vertical mixed-use buildings; B) horizontal mixed-use blocks; or C) mixed-use walkable neighborhoods.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	4,000	
Minimum lot area per dwelling unit (sq ft)	1,500	
Minimum lot width (ft)	50	
Maximum building coverage (% of lot area)	30	
Maximum height (ft)	40	
Minimum front yard depth (ft)	20	
Maximum Impervious Surface ratio (30%)	30	
Minimum side yard depth (ft)	10	
Minimum rear yard depth (ft)	30	
TYPICAL DEVELOPMENT CONFIGURATION		
		

**USES ALLOWED BY RIGHT (R)**

1. One & Two Family Residential
2. Light Industrial Uses
3. Light Manufacturing Uses
4. Mixed-use developments
5. Boat Docks & Piers
6. Charter Fishing Services
7. Commercial uses
8. Retail Services
9. Personal Services Establishments
10. Markets, open air included

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

11. Public parks, boardwalks, and outdoor recreational areas
12. Ecotourism activities
13. Schools and Institutional Facilities
14. Dining establishments
15. Small scale grocery
16. Bait shops
17. Marine supply
18. Seafood processing/wholesale

**USES ALLOWED AS A SPECIAL EXCEPTION (S)**

*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT*


21. Multi-family developments
22. Boat and car Repair/Sales/Rentals/Storage
23. Home occupations

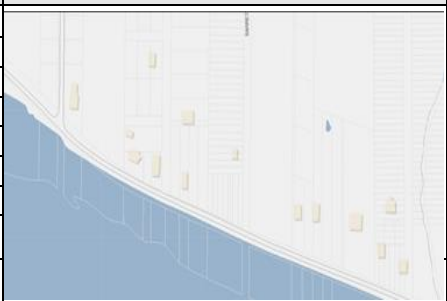
**USES PROHIBITED (X)**

24. Manufactured Housing
25. Recreational Vehicles (RV)
26. Mobile Homes

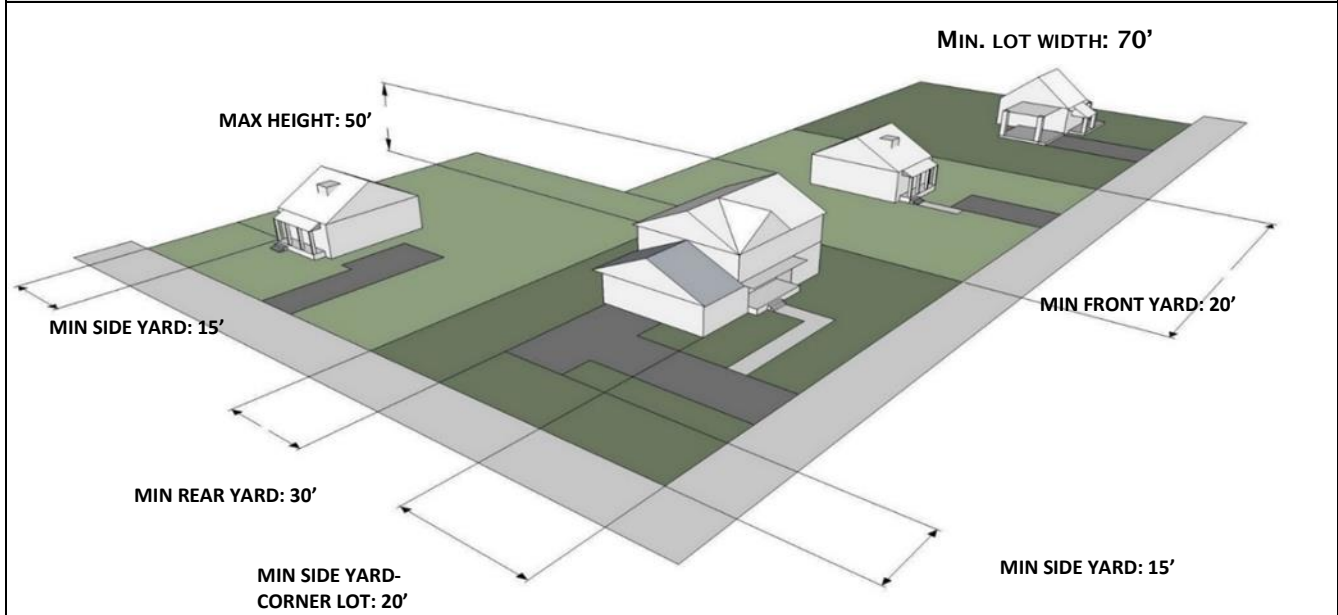


## § 4.13 WATERFRONT RESORT DISTRICT (WR)

PURPOSE	TYPICAL BUILDING TYPE
<p>The Waterfront Resort (WR) District is established and intended to accommodate primarily single-family (one-family) detached dwellings on the waterfront of Bayou La Batre to accommodate and promote waterfront living opportunities. The intent of this district is to provide an area for public access to the waterfront along the Mississippi Sound. The district provides parks, recreation, single (one) family residential uses, and light tourism commercial opportunities such as lodging and dining. The main purpose of the district is to recognize and utilize the waterfront areas of Bayou La Batre to encourage tourism and economic development, while preserving areas suitable for residential living. The district also accommodates accessory dwelling units and complementary nonresidential uses usually found in low-density urban residential neighborhoods, such as parks and personal boat slips, boat house, and/or boat docks. Due to the district's proximity of the Mississippi Sound, the district also allows a limited amount of commercial uses that cater to tourist and seasonal populations, such as dining and lodging opportunities.</p>	

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	15,000	
Minimum lot width (ft)	70	
Maximum building coverage (% of lot area)	30	
Maximum height (ft)	50	
Minimum front yard depth (ft)	20	
Maximum Impervious Surface ratio (30%)	30	
Minimum side yard depth (ft)	15	
Minimum rear yard depth (ft)	30	
Minimum side yard-corner lot depth (ft)	20	

### TYPICAL DEVELOPMENT CONFIGURATION



**USES ALLOWED BY RIGHT (R)**

- 1. Single-Family (one family) Residential
- 2. Accessory Structures
- 3. Dining Establishments-Restaurants, Bistros, Cafes, etc.
- 4. Lodging Establishments- Hotels, Bed & Breakfasts, Cottages
- 5. Public parks, playgrounds, and outdoor recreational areas

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

- 6. Fishing piers, docks, boat houses, and boat launches
- 7. Public Beaches

**USES ALLOWED AS A SPECIAL EXCEPTION (S)**





*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT*

- 8. Home occupations

**USES PROHIBITED (X)**

- 9. Recreational Vehicles (RV)
- 10. Mobile Homes
- 11. Manufactured Homes

## § 4.14 ECO-TROURISM DISTRICT (ECO)

PURPOSE		TYPICAL BUILDING TYPE
<p>The intent of this District is to establish, preserve and maintain land for conservation, open space and outdoor recreational uses. Land uses allowed in this District shall not compensate the integrity of the environmentally sensitive areas, but may be used to promote eco-tourism and public awareness of critical habitats. Lot coverage area does not apply in this district and yard setbacks are not required as well due to the amount of open space Eco-tourism developments will provide. The goal of this District is as follows:</p> <ul style="list-style-type: none"> <li>To provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards or by environmental regulations, which may limit the amount or type of development on such properties;</li> <li>To enhance quality of life by promoting the creation of accessible green space;</li> <li>To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;</li> <li>To reduce erosion, sedimentation, land disturbance, and removal of vegetation;</li> <li>To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and</li> <li>To reduce perceived density by providing a maximum number of lots with direct access to open spaces areas and view of open space and natural areas.</li> </ul>		  
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	n/a	
Minimum lot width (ft)	n/a	
Maximum building coverage (% of lot area)	n/a	
Maximum height (ft)	n/a	
Minimum front yard depth (ft)	n/a	
Maximum Impervious Surface ratio (30%)	n/a	
Minimum side yard depth (ft)	n/a	
Minimum rear yard depth (ft)	n/a	
Minimum side yard-corner lot depth (ft)	n/a	

### Yard Setbacks and Lot Requirements


Since the establishment of standard and flexible building setback lines or other restrictions tend to force construction of buildings to be directly behind and directly to the side of other houses or buildings with the possibility of detrimental effects on privacy, view, preservation of important trees, etc., no specific setback lines or types of construction are established for this District. The Planning Commission shall approve the precise site and location of any structure. Such approval shall be based upon the location of the structure with regard to topography, location of large trees and similar considerations. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure.


<b>USES ALLOWED BY RIGHT (R)</b>
<ol style="list-style-type: none"> <li>1. Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping sites and similar uses.</li> <li>2. Parks, open space, and green belt areas.</li> <li>3. Historic and archaeological sites and structures.</li> <li>4. Aquaculture Farming</li> <li>5. Beaches</li> <li>6. Elevated Boardwalks</li> <li>7. Conservation and horticultural uses</li> </ol>
<b>USES ALLOWED WITH PLANNING COMMISSION REVIEW &amp; APPROVAL (P)</b>
<ol style="list-style-type: none"> <li>8. Hunting lands</li> <li>9. Agriculture uses</li> <li>10. Uses which are secondary to the conservation purpose of the District.</li> <li>11. Public or private piers , floating docks, and boat docks.</li> <li>12. Accessory uses associated with uses permitted in this District.</li> <li>13. Water and sewer lines and other utilities including easements and roads subject to the approval of the U.S. Corps of Engineer, if required.</li> <li>14. Boat and kayak launches or other similar related structures</li> <li>15. Marinas</li> <li>16. U-pick farms</li> </ol>
<b>USES ALLOWED AS A SPECIAL EXCEPTION (S)</b> <i>*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT</i>
<ol style="list-style-type: none"> <li>18. Golf course, driving range, clubhouse, and other similar outdoor recreation.</li> <li>19. Small scale commercial, dining, and lodging</li> </ol>
<b>USES PROHIBITED (X)</b>
<ol style="list-style-type: none"> <li>20. Recreational Vehicles (RV)</li> <li>21. Mobile Homes</li> <li>22. Manufactured Homes</li> </ol>

### **Building Requirements**

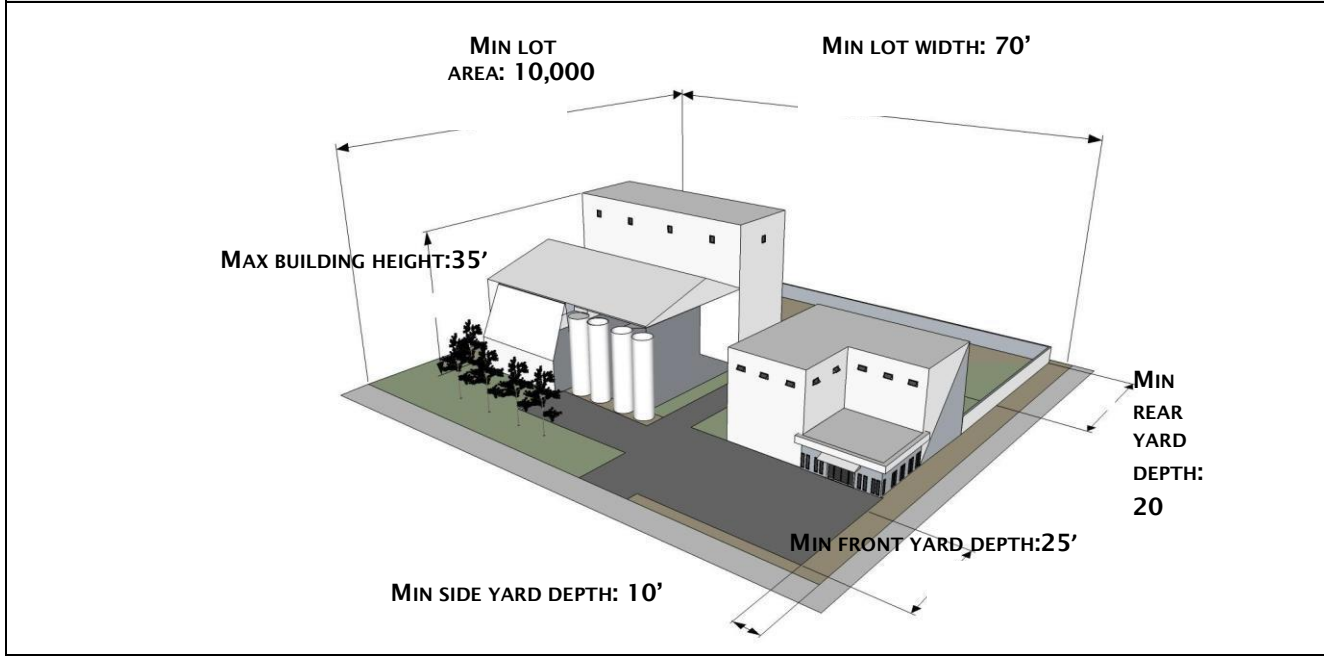
- No metal exterior siding shall be visible, and building facades should be of brick, stone, siding, wood, stucco, or other masonry materials that give the appearance of the above mentioned;
- Building design with regard to construction materials and awnings requires Planning Commission approval.
- All mechanical equipment and trash receptacles shall be screened from view from the public.

## § 4.15 INDUSTRIAL-MANUFACTURING DISTRICT (IM)

PURPOSE	TYPICAL BUILDING TYPE
<p>The Industrial Manufacturing District (IM) is established and intended to accommodate heavy industrial uses that are large-scale or generally involve greater potential for off-site adverse impacts on the environment and surrounding uses (e.g., from dust, fumes, smoke, odors, noise, vibration or due to extensive exterior movement of vehicles, materials, and goods). Allowable uses include heavy manufacturing, assembly, fabrication, processing, and research and development uses, as well as functionally related distribution, storage, and industrial service uses. Shipbuilding, sandblasting, seafood processing, and other related uses are allowed. Waste-related and recycling services and facilities, warehouse storage yards and the like are allowed as well. District standards are intended to minimize potential nuisances or damage to the environment and adverse impacts on surrounding uses.</p>	 <p data-bbox="1079 745 1380 787">TYPICAL LOT PATTERN</p>

PRINCIPAL INTENSITY AND DIMENSIONAL		
Minimum lot area (sq ft)	10,000	
Minimum lot width (ft)	70	
Maximum building coverage (% of lot area)	65	
Maximum height (ft)	35	
Minimum front yard depth (ft)	25	
Maximum Impervious Surface Ratio (%)	30	
Minimum side yard depth (ft)	10	
Minimum rear yard depth (ft)	20	

### TYPICAL DEVELOPMENT CONFIGURATION



**USES ALLOWED BY RIGHT (R)**

1. Heavy & Light Industrial Uses
2. Heavy & Light Manufacturing Uses
3. Heavy Commercial uses
4. Seafood Processing
5. Shipbuilding
6. Waste-related services and facilities
7. Recycling Plants
8. Production & Processing Activities
9. Construction services
10. Distribution uses
11. Research
12. Warehousing & storage uses
13. Outdoor storage
14. Wholesale uses
15. Self Storage/mini warehouses
16. Boat and car Repair/Sales/Rentals/Storage

**USES ALLOWED WITH PLANNING COMMISSION REVIEW & APPROVAL (P)**

**USES ALLOWED AS A SPECIAL EXCEPTION (S)**

*\*REQUIRES APPROVAL FROM ZONING BOARD OF ADJUSTMENT*

**USES PROHIBITED (X)**

18. Recreational Vehicles (RV)
19. Manufactured Homes
20. Mobile Homes

# ARTICLE 5: DEVELOPMENT STANDARDS

- § 5.1 PURPOSE & INTENT
- § 5.2 OFF STREET PARKING REQUIREMENTS
- § 5.3 OFF STREET PARKING LANDSCAPING REQUIREMENTS
- § 5.4 PARKING DECKS & PARKING GARAGES
- § 5.5 OFF STREET LOADING & UNLOADING SPACE
- § 5.6 CURB CUTS & VISION CLEARANCE
- § 5.7 STORAGE & PARKING OF TRAILERS & COMMERCIAL VEHICLES
- § 5.8 DRIVEWAY & SIDEWALK REQUIREMENTS
- § 5.9 FENCING REQUIREMENTS
- § 5.10 FENCING DESIGN & MATERIALS
- § 5.11 TREE PROTECTION & LANDSCAPING
- § 5.12 STORMWATER MANAGEMENT STANDARDS
- § 5.13 DRAINAGE & STORM SEWERS
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- § 5.15 DRAINAGE EASEMENTS
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- § 5.18 EROSION CONTROL DESIGN REQUIREMENTS
- § 5.19 EROSION CONTROL DESIGN REQUIREMENTS
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- § 5.21 STORMWATER DETENTION
- § 5.22 MINIMUM REQUIREMENTS & STORMWATER DESIGN
- § 5.23 STORMWATER PLAN REQUIREMENTS
- § 5.24 EASEMENTS
- § 5.25 MAINTENANCE
- § 5.26 LOW IMPACT DEVELOPMENT (LID) REQUIREMENTS

## § 5.1 PURPOSE & INTENT

The intent of this Article is to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Bayou La Batre, while maintaining the perception of Bayou La Batre is one of a pleasant, charming, and livable community. In order to reflect and preserve the city's underlying architectural foundations and features, design standards have been established to govern the future development of the city so that good planning practices are achieved, so that new developments will be consistent with the purpose and intent of the Bayou La Batre Comprehensive Master Plan 2035 and this Ordinance, and that the health, safety and welfare of local citizens are protected.

## § 5.2 OFF STREET PARKING REQUIREMENTS

All off street parking requirements shall be in accordance with the provisions set forth in the City's adopted building code. The City's Building Official is responsible for providing the off street parking requirements for all applications and ensuring the building code has been met before the Planning Commission can grant any final site plan approval.

## § 5.3 OFF STREET PARKING LANDSCAPING REQUIREMENTS

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas which accommodate ten (10) or more parking spaces:

- (a) 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.
- (b) At least fifteen percent (15%) of the total interior area intended for off-street parking shall be suitably landscaped.
- (c) Interior portions of the parking area at intervals of twelve (12) parking spaces shall be broken by provision of landscaped islands. Such landscape islands shall include the placement of shade or flowering trees at least two and one half (2 ½) inches or greater in caliper and ten (10) feet in height at planting.
- (d) Each separate landscaped area must be a minimum of ninety (90) square feet if it is to be counted toward the minimum landscaped area requirements.
- (e) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- (f) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- (g) A minimum of five (5) feet side and rear landscaping may be required in the landscape plan depending on the topography and arrangement of parking facilities.

If required, such areas shall be planted with a combination of trees, shrubs, and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Building inspector.

- (h) Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirements of this Article; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties, his successors in interest, heirs, and assigns.



- (i) Innovative landscape designs using “natural cluster of trees” rather than the required one (1) tree at intervals of twelve (12) parking spaces may be approved by the Planning Commission if it is determined that the design is compatible with the character of the community and is shown not to be a safety hazard.

## § 5.4 PARKING DECKS & PARKING GARAGES

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

Parking deck or garage design shall be compatible with the design of the principal structure. Parking deck or garage plans must be submitted together with the building site plan and must be approved by the City Building Official and the Planning Commission.

Required landscaping and additional parking, if required, shall be provided at ground level around the parking deck or garage and principal structure so that the entire development is aesthetically pleasing. In no case shall the impervious surface to open space exceed a 1 to 5 ratio.

## § 5.5 OFF STREET LOADING & UNLOADING SPACE

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

Location. All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or an adjacent lot when shared with the use occupying said adjacent lot.

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.

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.

Floor area less than 10,000 square feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

Floor area over 10,000 square feet. There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one off-street loading/unloading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

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Trucking terminals. There shall be provided sufficient space to accommodate the maximum number of trucks to be stored or to be loaded at the terminal at any one time.

Permanent reservation. Areas reserved for off-street loading/unloading in accordance with the requirement of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified except where equivalent loading/unloading space is provided and approved by Planning Commission.

## § 5.6 CURB CUTS & VISION CLEARANCE

The requirements for controlling curb cuts and maintaining vision clearance and corner visibility shall be as follows:

Curb cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than fifty (50) feet to other curb cuts or closer than fifty (50) feet to any intersection of two (2) streets measured along the curb line.

Vision clearance. In all use districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and fifteen (15) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroad lines, or of a street intersection with a railroad line.

## § 5.7 STORAGE & PARKING OF TRAILERS & COMMERCIAL VEHICLES

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall be allowed to be parked or stored on any lot occupied by a dwelling or any lot in any residential district, providing that they are in accordance with the following requirements:

- A maximum of one commercial vehicle or trailer per dwelling unit shall be permitted if parked or stored behind the front building set back line; Where the physical dimensions of the lot do not permit an item of such equipment to be, placed in the rear or alongside the dwelling structure, it shall be permissible to park such equipment in the front yard of such premises.
- A commercial vehicle that exceeds two (2) axels is not permitted.
- A commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products is not permitted. A recreational vehicle (RV), camping or travel trailer, hauling trailer or self-propelled camping trailer or other such equipment shall not be permitted to be used for human habitation while it is parked or stored in any area except in an RV Park, as authorized under this Ordinance.
- A junked vehicle, or one that cannot be moved under its own power or one without a license plate for the current year, shall not be permitted to be located on or near lots with dwelling units. These junked autos shall be confined to junk yards.

## § 5.8 DRIVEWAY & SIDEWALK REQUIREMENTS

All new developments and/or construction is required to install a twelve (12) foot wide driveway, comprised of pervious surface, when applicable, or concrete, brick or brick pavers, and must include a two (2) foot wide winged apron connecting to the right-of-way or the existing street.

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Additionally, all new development and/or construction is required to install a sidewalk extending along the entire frontage of the lot where the construction is occurring. All new streets in all zoning districts must provide sidewalks to meet ADA requirements to promote a more walkable community. See the City of Bayou La Batre’s Subdivision Regulations for sidewalk standards.

**§ 5.9 FENCING REQUIREMENTS**

Fences are permitted in every zoning district. A building permit shall be obtained prior to construction of any fence. Fences may be permitted on the property lines or anywhere else on the lot provided that:

- Fences shall not be constructed in a drainage easement, floodway, or other watercourse;
- Fences or walls shall not block any local lot drainage; and
- Fences shall not be constructed in any required clear sight distance.

All fences, hedges, screen plantings, and walls within the required yard areas shall comply with the following requirements which regulate height, location, and design, except where special requirements are set forth for specific screening purposes elsewhere in this Ordinance or where modifications are required to meet the requirements of this Ordinance.

Front Yards: All fences and walls within a required front yard, and a street side yard where applicable, shall not exceed four (4) feet in height, except that in all multi-family and non-residential districts. Fences and walls of greater height may be permitted as needed to enclose garbage and trash receptacles and above ground components of a public utility system, provided that the Building Official determines that:

- It is not practical to locate such facilities in locations other than in a required front yard;
- The area enclosed and the height of fences and walls are the minimum necessary to screen such facilities from view;
- The encroachment of such walls and fences onto a required front yard is the minimum necessary;
- The materials used, and the method of constructions for such fences, plantings and walls, meet all standards prescribed by the City of Bayou La Batre Building Official;
- The maximum height of any fence or wall used for the enclosure of such facilities and in no case shall exceed a height of eight (8) feet.

Side and Rear Yards: All fences and walls within the required side or rear yards shall not exceed seven (7) feet in height, except for a required street side yard, a required street rear yard of a corner lot, or a waterside side and rear yard, all of which shall be considered a front yard for these purposes and the height shall not exceed four (4) feet.

Waterside Yards: All fences and walls within the required waterside yard shall not exceed four (4) feet in height and shall maintain specific design guidelines in order to protect the viewshed of the waterfront scenescape.

Boundary Between Residential and Other Districts: Along the boundary between a residential and a business or industrial district, the height of walls or fences within any required yards shall not exceed eight (8) feet in height.

Exceptions for Projects: Walls or fences not higher than eight (8) feet may be used to enclose part or all of a housing or non-residential project or used to enclose all or portions of yards around individual housing units provided that, if the project is residential, it shall contain four (4) or more dwelling units.

## § 5.10 FENCING DESIGN & MATERIALS

A. The finished side of a fence shall always face the exterior. Support members, when located on one side of wooden privacy fences, shall be on the interior side.

B. Chain-link fencing shall not be permitted forward of any front building line except in Industrial Districts, and only in such cases where the premises faces industrial uses on the opposing block frontage. Only vinyl-coated, chain link fencing shall be permitted in residential districts. Chain link fencing is not permitted in a waterside yard.

C. Barbed-wire, razor-wire, above ground electric fence and other similar fencing shall not be used within any residential district and shall not be permitted within fifty (50) feet of any residential district boundary.

Fences in a waterside yard shall not exceed four (4) feet in height and must be designed and constructed as an “open” fence that don’t block the view, but rather enhances it. “Open” means and includes all fence and wall sections which have an opacity of at twenty-five (25) percent, excluding vertical support posts in order to prevent a view obstruction. Some examples include split rail and spaced picked. Chain link fencing materials are not permitted in a waterside yard.

Fences located between a building line and a street line that are more than fifty (50) feet in length in one direction, shall provide hedges and/or other fence plantings along the exterior fence side, in order to soften the long expanse of fence.

## § 5.11 TREE PROTECTION & LANDSCAPING PLAN

**(a) Purpose:** The purpose of this section is to establish minimum standards for protection and restoration of trees and natural features for any major subdivision or site plan that requires land disturbing activity. Trees provide the City of Bayou La Batre with aesthetics, historical values, environmental quality, and increased land values. The objectives are to increase the current canopy coverage by trees and to increase the green space areas preserved within the city limits and the extra territorial planning jurisdiction of the City of Bayou La Batre.

**(b) Exemptions:** The following are exempted from compliance with the tree and landscape provisions of these regulations.

1. Utility easement for power lines, pipelines, drainage ditches, etc.
2. Public utility construction activities within the public rights-of-way.

3. Trees irreversibly damaged or destroyed by natural disaster.

**(c) Definitions:** For the purposes of these regulations, certain words or terms herein shall be defined as follows. Words not defined herein shall be interpreted so as to give them the meaning they have in common usage. The word “shall” is mandatory and not discretionary. The word “may” is permissive.

1. *Caliper:* The diameter or thickness of the main stem of a young tree or sapling as measured at six inches above the ground.
2. *Circumference:* The distance around the periphery of a tree at 4 ½ feet above existing grade.
3. *Diameter Breast Height:* The diameter, in inches, of a tree trunk measured at 4½ feet above existing grade. DBH is also referred as the diameter of a tree.
4. *Greenspace:* Any area retained as permeable unpaved ground and dedicated to supporting vegetation.
5. *Heritage Tree:* A healthy, protected native tree and its root system with a diameter at breast height equal to or greater than 15 inches. (See “Overstory” Tree list) Also redbuds and dogwoods with a diameter at breast height equal to or greater than 6 inches. Any tree determined by the Building Official and Planning Commission, as provided herein, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size.
6. *Overstory Tree:* Trees which, at maturity, comprise the canopy of a natural forest which are generally greater than fifty (50) feet at mature height.
7. *Site Clearing:* Any development or other activity which alters the land upon which it is located, except for normal sodding and placement of signs.
8. *Site Plan:* A plan describing for a particular site where the building(s), driveway, utility easements, parking, and stormwater management facilities are to be located and where greenspace is to be retained or planted in compliance with these regulations.
9. *Species Diversity:* A diverse planting or retention of tree species on a site within the City to prevent dominance by any single type of tree. The purpose of this diversity is to prevent the destruction of the entire urban forest in the event of disease or pestilence.
10. *Understory Trees:* Trees, which, at maturity, comprise the sub-canopy of a natural forest. These are generally less than fifty (50) feet at a mature height.

**(d) Requirements:**

A Landscape Plan shall be required for any land disturbing activity prior to the issuance of a Land Disturbing Permit. The Plan shall clearly show the existing trees, shrubs, and other vegetation to be retained. The Plan shall be submitted with the Preliminary Plat to the Building Official and the Planning Commission for review and include the following items:

- **Natural Features:** Preservation of outstanding and irreplaceable natural features may be required by the Planning Commission, and shall be determined on a case-by-case basis. These features may include, but are not limited to, watercourses, historical lands, wetlands, and protected species habitat.
- **Heritage Trees:** Heritage trees in excess of 24 inches in diameter are hereby protected and cannot be cut or intentionally harmed without the expressed written permission of the City of Bayou La Batre Planning Commission. Species include, but are not limited to, long leaf pine, live oaks or southern magnolia. Replacement trees shall be required for the removal of all heritage

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trees. The developer is required to plant two (2) trees for each heritage tree removed without permission. The replacement trees shall correspond to the tree removed. For example a heritage live oak could be replaced by two live oak plantings. Replacement trees must be native non-invasive trees. The Landscape plan shall show the placement and species of the proper number of required new trees.

**(e) Heritage Tree Removal:** Any developer/builder wishing to remove or relocate a heritage tree shall submit a heritage tree removal plan to the Building Official and Planning Commission accompanied by a site plan for reviewing the plan for consistency with these requirements. The site plan must identify the location and type of heritage tree to be removed and the location and type of plantings for replacement. Heritage trees may be removed, subject to review, if it is in immediate threat to life, safety and welfare. Examples:

1. The tree is located in an area where a structure or improvement is to be placed in accordance with the proposed plan.
2. The tree is diseased, injured, or in danger of falling too close to an existing or proposed structure, interferes with the existing utility service, creates an unsafe vision clearance or conflicts with other Ordinances, Articles or Regulations.
3. The tree shall be prior to or after construction in violation of federal, state or local laws or regulations including, but not limited to, laws and regulations pertaining to government programs for the financing of the construction.

**(f) Tree Survey:**

All major subdivisions and site plans involving land disturbing activities shall detail the following:

- a) All heritage trees to be preserved and to be removed;
- b) Areas of tree preservation in common areas and/or buffer;
- c) Areas of tree plantings to include replacement heritage plantings and plantings per these requirements.

**(g) Tree Density:** All residential lots shall have a minimum of two (2) overstory trees, one of which must be between the front setback line and the right-of-way. These individual trees per lot may be counted as part of the required tree density units per acre for the development, but they may be an additional requirement if the appropriate units per acre requirement are met elsewhere on the site. This tree per lot requirement shall apply to the developer or homebuilder, whoever is responsible for obtaining the building permit for the individual lot, but if it is applied to the homebuilder, the developer will be given credit on the whole project for the trees which will be required to be planted on the lots which may be built upon later.

Residential subdivisions developments shall have a minimum tree density of four (4) native trees per acre. All preserved and planted trees shall be included in the tree density, which includes trees located in the buffers, parking areas, perimeter, individual lots, and common areas.

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**(h) Tree Planting:** The following standards shall apply to all trees planted as required as part of these regulations.

1. All tree plantings shall be installed to current nursery industry standards.
2. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
3. Tree plantings and overstory shall measure a minimum of 3 inches, 4 feet above grade and shall measure a minimum of 5 feet of clear trunk.
4. Understory trees shall have an initial caliper diameter of at least 1 inch and shall measure a minimum of 4 feet of clear trunk.
5. No overstory trees shall be planted within twenty (20) feet of overhead wires.
6. All plantings that die or are destroyed must be replaced by developer or builder during the next suitable planting season.
7. Maintenance of new plantings after the initial warranty period is the responsibility of the property owner.

**(i) Maintenance:** Maintenance shall include the replacement of all dead plants. Dead plant material shall be replaced within a time appropriate to the growing season of the species in question, not to exceed one year. The maintenance for the initial twelve (12) months will be the responsibility of the developer or burden of record.

**(j) Abrogation and Greater Restrictions:** This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**(k) Allowable Overstory Trees:** The following species are acceptable for planting. Other species that are recognized as suitable for this area may be used if approved by the Planning Commission and are native to coastal Alabama.

*Acer rubrum* – Red Maple

*Betula nigra* – River Birch

*Carya spp* – Hickory (*any species native to coastal Alabama*)

*Fraxinus spp* – Ash (*any species native to coastal Alabama*)

*Liriodendron tulipifera* – Yellow-poplar/Tulip-Tree

*Nyssa sylvatica* – Black Gum, Tupelo

*Quercus spp.* – Live, Southern Red, or Laurel Oak

*Taxodium distichum* – Bald Cypress

**(l) Recommended Understory Trees:** The following species are recommended for planting. Other species that are recognized as suitable for this area may be used if approved by the Planning Commission and are native to coastal Alabama.

*Amelanchier aboreum* – Downy Serviceberry  
*Cercis Canadensis* – Eastern Redbud  
*Chamaecyparis thyoides* – Atlantic White Cedar  
*Chionanthus virginicus* – Fringe-tree/Grandsie-graybeard  
*Cornus florida* – Flowering Dogwood  
*Ginkgo biloba* – Ginkgo/Maidenhair Tree (use male plants only)  
*Halesia caroliniana* – Carolina Silverbell  
*Halesia diptera* – Two-wing Silverbell  
*Ilex spp.* – Holly/Ilex (arborescent species native to coastal Alabama)  
*Juniperus virginiana* – Eastern Red Cedar  
*Juniperus silicicola* – Southern Red Cedar  
*Lagerstroemia indica* – Crape-myrtle  
*Magnolia Magniflora*- Southern Magnolia  
*Myrica cerifera* – Southern Bayberry, Wax Myrtle  
*Nyssa ogeche* – Ogeeche Gum  
*Osmanthus americanus* – American Olive, Devilwood  
*Oxydendrum arboretum* – Sourwood  
*Persea borbonia* – Redbay  
*Styrax americanum* – American Snowbell

The following plants are exotic species, which are difficult to control, or otherwise unsuitable for this area, and are not acceptable to meet any of the requirements for overstory trees, understory trees or buffer zone planting.

*Ailanthus altissima* – Tree of heaven  
*Cinnamomum camphora* – Camphor Tree  
*Melia azedarach* - Chinaberry  
*Pawlonia tomentosa* – Princess Tree  
*Sapium sebiferum* – Chinese Tallowtree/Popcorn Tree

Additionally, all species of bamboo and all invasive exotic vines (such as Kudzu, Chinese Wisteria, Japanese Honeysuckle, and Air Potato) are not acceptable.



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## § 5.12 STORMWATER MANAGEMENT STANDARDS

All land within the floodplain is subject to regulations contained in the Stormwater Management Standards of this Ordinance. These regulations include provisions that: restrict or prohibit certain uses deemed dangerous to health, safety, or property; require uses vulnerable to flooding to be constructed to provide protection against flood damage; control the alteration of natural floodplains, watercourse channels, and natural protective barriers that accommodate floodwaters; control the filling, grading, dredging, or other land disturbance that might increase flood damage; and prevent or regulate construction of barriers that unnaturally divert floodwaters or increase flood hazards. For any major subdivision or site plan involving land disturbing activity, the preliminary plat shall be accompanied by the additional construction plans required for any land disturbing activity in accordance with the Stormwater Management Standards Article of these regulations. No said plat or plan which does not make adequate provision for storm or flood water runoff channels or basins will be approved. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plats and plans submitted for a major subdivision or site plan with land disturbance shall bear the seal, original signature, name, address, telephone number, and certification of the project engineer, who shall be registered to practice as a Professional Engineer in the State of Alabama and who is qualified by reason of education and experience in the field of stormwater management.

Each person, firm, corporation, utility, entity, or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Building Department prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a preliminary plat by the Planning Commission. A copy of all other required state and federal permits shall be submitted with any plat or site plan before any approval is granted and construction activities can occur.

## § 5.13 DRAINAGE & STORM SEWERS

### I. General Requirements.

The responsible Design Engineer shall not submit any plat of a subdivision which does not appear to make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

The applicant shall submit a design narrative and complete drainage calculations, including but not limited to, assumptions, maps, and computations for each inlet, pipe, or ditch section. The design data and calculations shall be prepared, sealed and submitted by a licensed, professional engineer in the State of Alabama. The design narrative shall summarize the assumptions, calculations, and results of the design. Adequate provision shall be made for the disposal of storm waters into existing channels, pipes, or body of water.

All subdivisions shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding.

Low-lying lands along existing watercourses subject to flooding or overflowing during a storm event up to and including the 100 year storm shall be preserved and retained in their natural state within a common area, except where improvements are warranted as may be proposed by the applicant and approved by the Planning Commission.

## **2. Accessibility of Public Storm Sewers**

Where a public storm sewer is accessible, the applicant will be required to install storm sewer facilities or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm waters, subject to the specifications and calculations submitted by the Design Engineer.

If a connection to a public storm sewer will be provided eventually, as a result of phased construction, the developer shall make arrangements for future storm water disposal by a storm sewer system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat. Where a storm drainage system is not accessible, the subdivider shall install all drainage structures necessary to convey the water to a location acceptable to the City. All open drainage ditches shall be paved with an acceptable material.

## **3. Accommodation of Upstream Drainage Areas.**

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential developed property runoff from its entire upstream drainage area, whether inside or outside the subdivision.

## **4. Effect on Downstream Drainage Areas.**

The Design Engineer shall also review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Engineer or his/her designee, may withhold approval of the subdivision until provision has been made for the necessary downstream improvement.

- (a) All developments shall be provided with adequate storm drainage facilities.
- (b) Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer or subdivider makes necessary provisions to eliminate such flooding in conformity with the National Flood Insurance Program.
- (c) Inlets shall be provided so that surface water is not carried across any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.
- (d) The drainage system(s) shall accommodate flows from at least a 25 year frequency design storm. Bridges and box culverts shall accommodate a minimum of a 50 year frequency design storm, unless the City Engineer, or his/her designee, requires a 100 year frequency design storm.
- (e) On any single drainage structure requiring 20 square feet or more of end area, a special design drawing will be required for approval. All roadway cross drain pipes shall be reinforced concrete and have a minimum size of 18 inches in diameter, or an equivalent arch pipe. Only pipe that meets specifications equaling Alabama State Highway Department Specifications or

Mobile County Standards will be acceptable. Pipes other than cross drain pipes may utilize other ALDOT approved materials. Concrete box culverts used shall be designed and constructed according to the latest edition of the ALDOT Standards and Specifications for Road and Bridge Construction.

- (f) The method of determining storm runoff shall be based on acceptable engineering practice and/or these standards.
- (g) *Headwalls and Riprap.* A concrete headwall shall be required on all pipe culverts. Special types of headwalls, rip-rap, and other materials may be required by the City Engineer of his/her designee when deemed necessary for erosion control, protection of existing downstream drainage facilities, and roadside safety.

## § 5.14 DRAINAGE DESIGN & PLAN REQUIREMENTS

### Drainage Plan Requirements

The Design Engineer shall submit detailed drainage plans to the County for review and approval. Said plans shall be prepared by a Professional Engineer licensed in the State of Alabama and shall contain the following information. A Drainage Plan shall show adequate provision for storm and flood water control by channel, conduit or basins, which takes into account the ultimate or saturated development of the tributary area in which the proposed subdivision is to be located, and which includes but shall not be limited to:

- (a) Topography map of proposed developed areas.
- (b) Existing and proposed contours at 2 foot intervals.
- (c) Existing drainage system, including, but not limited to, pipes, culverts, inlets, ditches, and ponds.
- (d) Proposed drainage system, including pipes, culverts, junction boxes, inlets, ditches, detention and retention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section.
- (e) Structure location, type and size, and the Inlet and Outlet Flow line Elevation.
- (f) Cross-section of each ditch section.
- (g) Other pertinent information necessary for review of the drainage plans as may be required by the City Engineer, or his/her designee.
- (h) Copy of notice of coverage and storm water pollution plan for coverage under the Alabama Department of Environmental Management for issuance of NPDES Permit, and permits from any other agency, where required.
- (i) A complete erosion and sedimentation control plan showing the requirements listed in these regulations.
- (j) All off project drainage, draining onto the subdivision, shall be shown on contour maps and/or construction plans showing the areas in acres the subdivision will have to accommodate.
- (k) Where the subdivider has open ditches, a maximum of three to one (3:1) front slopes and flat bottom ditch is required; the width of the ditch shall be determined by the required flows and the existing conditions and as determined by the Design Engineer. V-bottom ditches or other special designs may be permitted in special cases if they are concrete slope paved.

The provisions of this Article shall apply to all developers and/or subdividers.

## **Construction Requirements**

- (a) All pipes shall be placed in excavated trenches to the line and grade shown on the plans. The maximum width of the excavated trenches shall not exceed the outside diameter of the pipe by more than 1.5 feet on either side of the pipe.
- (b) Material used for backfilling pipe trenches shall consist of small diameter uniform material and shall be free of large rock or other unsuitable material. The backfill material shall be placed in uniform 8 inch lifts and mechanically compacted to 95% of relative density. The backfill shall be placed uniformly on each side of the pipe and all pipe shall be laid in accordance with City standards.
- (c) A minimum of 12 inches cover shall be placed over each pipe 48 inches or less in diameter and 24 inches or more of cover shall be placed on all larger diameter pipes.
- (d) When a battery of pipes is used, a clear spacing of  $\frac{1}{2}$  the pipe diameter or span shall be provided between adjacent pipes.
- (e) The maximum cover allowed, pipe class, and strength requirements shall be in accordance with the manufacturer's recommendation.
- (f) A structure suitable for maintenance and inspection access shall be provided at least every 300 feet for continuous pipes of 24 inches in diameter or less and at least every 400 feet for larger continuous pipes, and at each angle point and at each change in grade.

## **§ 5.15 DRAINAGE EASEMENTS**

- (a) *General Requirements.* Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially to the lines of such water course, and of such width and construction or both as will be adequate for the purpose.
- (b) *Drainage Easements.* Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. No obstructions of any kind are allowed in the drainage easement. Easements shall be indicated on the Preliminary and Final plat.

## **§ 5.16 EROSION & SEDIMENT CONTROL PLANS**

During construction accelerated erosion will occur during storm water runoff with a proportionate increase in visible erosion, scour and siltation both within and outside of the construction site. The following provisions impose requirements on persons engaged in land disturbing activities which require planning and implementation of effective sedimentation controls for subdivision development sites. All

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developments must adhere to the design, implementation, maintenance, and inspection of adequate, effective Best Management Practices (BMP's) for the control and management of erosion and sedimentation.

(a) *Construction Requirements.* An erosion and sedimentation control plan shall be a part of the construction plans and shall be filed with the City Engineer, or his/her designee prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal.

(b) *Protection of Property.* Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways, from damage by such activities.

(c) *More Restrictive Rules Shall Apply.* Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees the more restrictive provision shall apply.

The basic control objectives which should be considered in developing and implementing an erosion and

## § 5.17 EROSION CONTROL OBJECTIVES

sedimentation control plan are to:

(a) *Identify Critical Areas.* On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

(b) *Limit Exposed Areas.* All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time.

(c) *Limit Time of Exposure.* All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time. Per ADEM requirements, any land area not actively worked for thirteen(13) days or more, and any area where construction activities have permanently cease, are to be immediately stabilized.

(d) *Control Surface Water.* Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(e) *Control Sedimentation.* All land-disturbing activities should be planned and conducted so as to minimize off-site sedimentation damage as per standards listed in the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas.*

(f) *Manage Storm water Runoff.* When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans shall include low impact development (LID) measures listed in ADEM's *Low Impact Development (LID) Handbook for the State of Alabama* to control both the velocity

and rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel.

## § 5.18 EROSION CONTROL DESIGN REQUIREMENTS

### Mandatory Standards

1. No land-disturbing activity subject to these provisions and requirements shall be undertaken except in accordance with the following mandatory requirements.
2. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless an undisturbed natural buffer zone is provided along the boundary with a minimum width of 25 feet to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or adjacent property. A minimum thirty (30) foot natural undisturbed buffer area is required when a federally classified wetland is located on property.
3. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within the shortest feasible time of feasible grading, be planted or otherwise provided with ground cover, devices, or structures.
4. Design and Performance Standards. Erosion and sedimentation control measures, structures, and devices shall be so planned to best management practices, designed, and constructed as to provide control from the calculated peak rates of runoff from a 25 year storm event. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area. Persons engaged in planning, designing, installing and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or practices such as the Alabama Soil Conservation Service manual for standards and specifications for erosion control. All plans will be subject to review by the City.
5. Permanent Downstream Protection of Stream Banks And Channels. Provision may be required for the permanent protection of on-site or adjacent stream banks and channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities. These can include, but are not limited to, slope paving, rip rap, energy dissipaters, solid sodding, and grassing.
6. Borrow and Waste Areas. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered a part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.
7. Access and Haul Roads. Temporary access and haul roads, other than public roads, constructed or used in connection with land-disturbing activity shall be considered a part of such activity.
8. Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural water course shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be

planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

9. In any event, slopes left exposed shall within thirty (30) working days of completion of final grading be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.
10. Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one (1) contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on the portion of the tract upon which further active construction is not being undertaken, provided this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.

## § 5.19 EROSION CONTROL DESIGN REQUIREMENTS

The design Engineer shall submit an erosion and sediment control plan for review and approval to the Building Official and Planning Commission. Said plan shall be prepared by a Qualified Credentialed Professional (QCP) such as a Professional Engineer (PE) or a Certified Professional in Erosion and Sediment Control (CPSSC), as required by ADEM, licensed in the State of Alabama. If the City determines, upon review of such plan that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan to be prepared. An Erosion Control Plan shall show the required items:

1. Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe adequately the proposed development of the site and the measures planned to meet best management practices (BMP's). Plan content may vary to meet the needs of specific site conditions. Large and/or complex sites shall include the proposed stages of construction and the proposed erosion and sediment control measures proposed to be used in each different stage of construction.
2. Data on historical runoff, developed runoff, detention pond details, and method of discharge.
3. Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs during development and documents providing for continued inspection and maintenance after completion of development and sale of all lots, such documents running as a covenant with the lands.
4. An Operations and Maintenance (O&M) Agreement signed by the developer or owner for any required detention facilities or other storm water quantity and quality BMPs must be submitted with the proposed plans. The agreement must contain a long-term maintenance plan prepared by the design engineer for each BMP. The maintenance plan must include a description of the storm water conveyance system and its components, inspection priorities, schematics for each BMP, and inspection schedule for each water quantity and quality BMP. The O&M Agreement must be recorded prior to final plans approval. If the final configuration of the storm water system or BMPs differs from the original design on the approved plans, the O&M Agreement must be revised, finalized, and rerecorded. Failure to follow the O&M Agreement could result in enforcement action.
5. The long-term maintenance plan within the O&M Agreement contains the inspection priorities and schedule for the storm water BMPs. The owner is responsible for inspecting the storm water system and BMPs according to the schedule and submitting reports to the Building Official every three (3) years to document that inspections have been completed and necessary maintenance has been performed.

6. Prior to the full release of the performance bond for any new or substantially improved storm water facilities, an Alabama registered engineer shall submit to the Building Official certification that the proposed storm water management system and BMPs for the development are complete and functional in accordance with the approved plans and shall also provide as-built drawings for the storm water management systems and BMPs.
7. Basic Design Data and calculations including routing calculations in legible tabulated form and proof of adequacy of volume of retention and sizing computations for low flow structures.
8. Copy of notice of coverage and storm water pollution plan for coverage under the Alabama Department of Environmental Management for issuance of NPDES Permit, and permits from any other agency, where required.
9. Any additional engineering information the Planning Commission deems necessary to make a decision on subdivisions and other development where adequacy of drainage is reasonably questioned.
10. A natural, unimproved buffer adjacent to any waterbody located in the subdivision or on an existing lot of record for all construction projects that involves land disturbing activities. Buffer zones are required to be shown on the Erosion Control Plan and adhere to the following:
  - (a) A 25 foot natural buffer zone is required for all water bodies located on the land being disturbed unless said water body is a federally classified wetland, which requires a 30 foot buffer zone.
  - (b) Allowable uses in the buffer include: flood control structures; utility easements as deemed necessary and approved by the Planning Commission; natural footpaths; greenways; pedestrian and bikeway crossings perpendicular to the streamside including approaches, dock and ramp access, and other uses as determined by the Planning Commission. All buffer disturbances associated with allowable uses shall be to the minimal extent practicable and all disturbed areas shall be stabilized as soon as possible.
  - (c) The vegetated target for the buffer shall be undisturbed natural vegetation. Any of the allowable uses shall be designed and constructed to minimize clearing, grading, erosion, and water quality degradation.
  - (d) All new platted lots shall be designed to provide sufficient land outside of the buffer to accommodate primary structures. Buffers should be delineated before streets and lots are laid out to minimize buffer intrusion and to assure adequate buildable area on each platted lot. Land within the buffer can serve to meet the minimum lot requirements.
  - (e) In order to maintain the functional value of the buffer: dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed at the discretion of the landowner; debris in the buffer that is a result of storm damage may be removed; and, invasive plant species may be removed if they are replaced by native species.
  - (f) Stream boundaries including each buffer zone must be clearly delineated on all grading plans, subdivision plats, site plans and any other development plans.
  - (g) Buffers must be specified on all surveys and recorded plats and noted on individual deeds. Buffer requirements must be referenced in property owner's association documents and shall



be labeled on the plat.

## § 5.20 INSPECTIONS & MAINTENANCE

(a) Notification. The applicant shall notify the City Building Official or his/her designee as soon as the initial best management practices (BMP's) have been installed so that an inspection of the BMP's can be made. Such Inspection shall be made within two (2) working days of said notice. No land disturbing activities, except those necessary to install the BMP's shall take place until after the inspection is complete and no additional BMP's are required.

(b) Inspection. The City may perform periodic inspections of the BMP's on the job site. Upon finding that erosion and sedimentation is taking place; or that the proposed BMP's are not installed, installed incorrectly, or not operating properly, the applicant will be notified verbally and in writing that all work affecting the BMP's in question shall have five (5) days per ADEM requirements to be repaired, otherwise construction activities will be immediately suspended until proper, adequate, and functioning BMP's are installed.

After a rainfall event of  $\frac{3}{4}$ " or more in a 24-hour time period, an inspection will be required as per ADEM standards, for a visual observation by the Building Official. Monthly inspections of the construction site may be required as well at the request of the Building Official.

(c) Responsibility for maintenance. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after site development is completed shall lie with the landowner, until such time adequate vegetative cover and site stabilization is achieved. Maintenance of these facilities lies with the landowner until assumed by other parties.

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## § 5.21 STORMWATER DETENTION

Developments which produce an increase in the amount of storm water runoff will be required to construct stormwater management facilities. The developer shall submit, detailed engineering calculations and plans to the City including historical runoff, developed runoff, storm water facility details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the detention pond after the development is completed.

The natural condition of the land before development is in relative balance with the natural capacity of the receiving streams. The undeveloped conditions provide greater permeability and longer time of concentration. By modification of the surface from the irregular, pervious, areas are changed to a more impervious and more effectively drained and in most cases denuded of vegetation.

In order to provide some control of these possible harmful elements of development and to reduce economic losses due to erosion and flooding, the criteria of differential runoff and storm water detention are hereby established. Post-development release rates shall not exceed pre-development rates. When feasible, the differential runoff should be less.

Post development release rates shall not exceed pre-development rates. Provisions shall be made to address 100 year storm events to ensure that detention facilities survive such events. Detention facilities shall be owned, operated and maintained by development entities and shall not be accepted for maintenance by the City Council.

## § 5.22 MINIMUM REQUIREMENTS & STORMWATER DESIGN

Detention criteria shall consist of a maximum release rate equivalent to the pre-development flow from a 10 year storm event. The minimum detention capacity must be adequate to accommodate the volume of a 50 year post development storm event. All outfall structures shall be sized so that the post development runoff from a 100-year storm may safely pass out of the detention facility. All storm water detention areas must be shown on the plans and denoted on the record plat as a common area that will be maintained without cost or expense to the City, and the details of the maintenance plan for such areas, including appropriate provision for assumption by the developer or his successors in interest of the financial responsibility for such maintenance, must be provided in form and substance satisfactory to the Planning Commission.

(a) *Liability.* The design criteria establish minimum elements of design which must be implemented with good engineering and good workmanship. Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by the City of Bayou La Batre, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.

(b) *Engineer's Seal.* All plans and specifications submitted for review and/or approval shall be prepared by, or under the direct supervision of a registered professional engineer, licensed in the State of Alabama, and shall meet the minimum standards and requirements of the City, and other applicable authorities. Each of the plans, profiles and special drawing sheets for a project shall bear a legible stamp of the Professional Engineer in charge. If the name or license number is not clear, the signature and number shall be added. It is imperative that the professional design engineer be qualified in the area of drainage per the State of Alabama registration laws.

(c) *Pre-design Conference.* The developer and the consulting engineer are encouraged to contact the City for a pre-design conference at the conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

(d) *Method of Evaluation.* Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of detention and verification of adequacy of discharge and control structures. Design should be based on a 25 year storm, a 24 hour event, or greater if required by the Planning Commission. This shall be based on sound engineering criteria and computations shall be submitted to the City's Building Official for review.

(e) *General Location.* Detention facilities shall be located within the parcel limits of the project under consideration. No detention or ponding will be permitted within public road rights-of-way. Location of detention facilities immediately upstream or downstream of the project, will be considered by special request unless proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.

(f) *Common Ground Projects.* It is preferred that detention facilities be always located in common ground. Projects developed under these procedures shall establish (in the recorded plat) maintenance and access easements for the detention facilities and include provisions for maintenance in the Trust Indentures.

(g) The entire reservoir area of the open channel shall be seeded, fertilized and mulched, sodded, paved, or lined prior to final plat approval by the City.

(h) The hydraulic elevations resulting from channel detention shall not adversely affect adjoining properties.

(i) *Permanent Lakes.* Permanent lakes with fluctuating volume controls may be used as detention areas provided that the limits of maximum ponding elevations are no closer than thirty (30) feet horizontally from any building and less than two (2) feet below the lowest sill elevation of any building.

I. Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three

(3) feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.

2. Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet.

3. Special consideration is suggested to safety and accessibility for small children in design of permanent lakes in residential areas.

4. Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the minimum depth of twenty-five percent (25%) of the permanent pool area be no less than eight (8) feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year is also recommended.

5. The entire fluctuating area of the permanent reservoir shall be seeded, fertilized and mulched, sodded or paved prior to release of surety if required by the City. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.

(j) *Other Methods.* Other methods of detention such as seepage pits, french drains, etc. are discouraged. If other methods are proposed, proper documentation of soils data, percolation, geological features, etc. will be needed for review and consideration. Infiltration controls (including grass-lined ditches) will be needed if the project runoff volume, for the set of 1 year, exceeds the pre-development runoff volume.

(k) *Verification of Adequacy.* Analysis of all elements of design is always performed by the registered professional engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance with the aims of design:

1. volume of retention for the total project
2. tributary (Q) peak runoff to basin
3. balanced maximum outflow rate from the low-flow structure
4. ratios of inflow to outflow
5. sizing of the overflow facilities
6. stability of dikes
7. safety features
8. maintenance features

For projects up to 200 acres, routing calculations shall be submitted in legible tabulated form. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

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Projects over 200 acres in area shall provide documented verification of adequacy according to scope and complexity of design.

(l) *Control Structures.* Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

1. The maximum overflow opening or emergency spillway shall be designed to accept the total peak runoff of the improved tributary area during the 100 year storm.

2. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream. Review with the maximum probable precipitation event is recommended.

3. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for under sizing of pipes may be undertaken by the City upon receipt of written request from the engineer specifying the run or runs desired to be undersized. Applicant shall submit a plan/profile view and appropriate calculations of the entire undersized system (if less than 600 feet in length), or a minimum of 600 feet. No under sizing will be allowed if the requested under sizing will affect the performance of an existing structure.

### § 5.23 STORMWATER PLAN REQUIREMENTS

The Design Engineer shall submit detailed plans for review and approval. Said plans shall be prepared by a Professional Engineer licensed in the State of Alabama and shall contain, the following information:

- (a) Topography map of the proposed detention facility area(s);
- (b) Existing and proposed contour lines at 2 foot intervals;
- (c) All proposed pipes, control structures, headwalls, riprap, junction boxes, including location, size, flow line elevations;
- (d) Detailed drawings of the control structure(s);
- (e) Cross sections of each storm water facility.

### § 5.24 EASEMENTS

Two types of easements shall be provided in plans for detention facilities.

(a) *Maintenance Easement.* All detention reservoirs with the exception of parking lot and roof detention shall be enclosed by a maintenance easement. The limits of the easement shall extend ten (10) feet beyond

the maximum anticipated ponding area for a base flood event.

(b) *Drainage Easement.* A minimum fifteen (15) foot wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of detention.

### **Dedication of Drainage Easements**

(a) *General Requirements.* Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to the lines of such water course, and of such width and construction or both as will be adequate for the purpose. Easement width must allow for maintenance access.

(b) *Drainage Easements.* Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, common areas with perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. All existing and proposed easements shall be clearly indicated in the plan view of the Preliminary and Final plats.

(c) *Side and Rear Lot Lines:* A minimum 15 foot (total width) drainage easement shall be provided along all side and rear lot lines to allow for the proper drainage of stormwater from both rear yards and off-site areas.

## **§ 5.25 MAINTENANCE**

Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational prior to the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain close to full storage capacity.

The responsibility for maintenance of the detention facilities in subdivision projects, if such has been required, shall remain with the developer until such time as applicable escrows are released. Upon release of escrows the maintenance responsibility shall be vested in the Trustees of the subdivision, by virtue of the trust indenture. The indenture of trust shall clearly indicate resident responsibility for maintenance in cases of projects without common ground. These maintenance requirements do not imply that any drainage structures or systems are or will become the maintenance responsibility of City of Bayou La Batre. A letter from the owner/developer indicating responsibility for maintenance of all drainage structures or systems shall be submitted and will become part of the official record that will run with the land.

## § 5.26 LOW IMPACT DEVELOPMENT (LID) REQUIREMENTS

The design and integration of the following low impact development (LID) techniques are intended to promote the health, safety, and general welfare of the community and are designed to work in a complimentary fashion with the required drainage plan for the proposed development. All major subdivision plats and site plans involving land disturbing activities require the following LID techniques to be shown on the plat or plan and implemented into the project, when applicable. Design guidelines and project implementation are referenced in ADEM's Low Impact Development Handbook for the State of Alabama. The following illustrations are taken from the handbook as well.

1. **Permeable Pavement Systems:** The benefits of permeable pavement systems are, among other items, flow attenuation, infiltration, and filtration of stormwater. There are many products and strategies that can be utilized and the Building Official and Planning Commission is open to the use of varied products in accordance with manufacture recommendations and suggestions listed in the Low Impact Development Handbook for the State of Alabama, see *Figure 5.1*. Consultation and approval with the Building Official and Planning Commission prior to design of the product to be utilized is required.
2. **Vegetated Swales:** Vegetated swales are highly effective and an inexpensive method in straining stormwater, providing limited quality treatments, while providing some moderate flow attenuation, see *Figure 5.2*. Special design considerations are: Typically, swales work best in smaller drainage areas where volumes are reduced, special consideration should be given in pervious soils, not recommended with high swell soils, should have low slopes, adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.

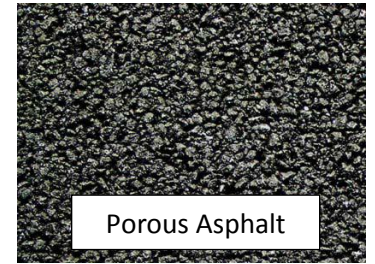


*Figure 5.2*

*Figure 5.1*



Pervious Concrete



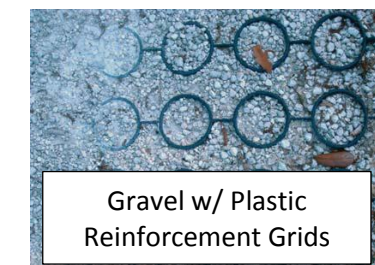
Porous Asphalt



Permeable Interlocking  
Concrete Pavers



Concrete Grid Pavers



Gravel w/ Plastic  
Reinforcement Grids

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3. **Open and/or Natural Space:** The installation of this LID technique provides numerous active and passive recreation opportunities and benefits for wildlife corridors. This technique allows for the creative integration into a development proposal that is frequently linked with other natural or recreation systems that extend past the property lines of the proposed development. They are frequently utilized as linear parks and often include sensitive wetland areas, steep slopes, gullies or other natural land forms, creeks, and unique wildlife habitat for protected species.

4. **Curb Cuts:** Curb cuts convey stormwater into vegetated areas such as roadside swales, parking lot islands, grassy fields, and yards. They are an easy and inexpensive retrofit that can be used in residential and commercial areas. They are highly effective at moving stormwater to landscaped areas and are often used to convey stormwater into another LID facility. They minimize erosion by creating diffuse flow into other stormwater control measures, reducing stormwater quantity in the receiving water body. They typically intercept perpendicular stormwater flow and redirect stormwater to vegetated areas that can hold, filter, and slow the rate of runoff.



5. **Wet Basins:** The potential benefits of wet basins are, among other items, allowing sedimentation to fall out of stormwater, attenuating flows, assisting in evapotranspiration, and improving the stormwater quality. Special design considerations are: groundwater elevations, large surface areas are encouraged, special attention should be given in pervious soil, surface area of the basin should take into account nutrient loading from lawns for example in order to treat and improve stormwater quality to the maximum extent possible, ensuring that an adequate base flow is provided to maintain water levels. They are not recommended to be constructed in an inline facility, utilize low slopes; however, the use of forbays are recommended. Upstream and downstream areas shall be considered in the design in accordance with Bayou La Batre standards.

6. **Site design for habitat, wetland, and water body conservation:** Proper site design that incorporates the natural features of the property can help to minimize erosion and reduce stress on natural water conveyance and attenuation systems by preserving a natural vegetated state of native plants, water courses, and flood prone areas. This design method uses only native plants in the development process and take special consideration to restore portions of the site to predevelopment native ecological communities, water bodies or wetlands with more than 10% of the development footprint. An example of such is a living shoreline that utilizes the placement of



native plants and vegetation, stone, sand, and other organic materials which allow for proper, natural coastal process to occur, while creating a more stabilized and natural shoreline, see Figure 5.4. This stormwater management practice is recommended in place of bulkhead or other hard surface construction adjacent to shorelines to minimize flooding and decrease erosion rates that occur on neighboring properties.

7. **Bioretention:** This technique removes pollutants in stormwater runoff through adsorption, filtration, sedimentation, volatilization, ion exchange, and biological decomposition. A Bioretention



Cell (BRC) is a depression in the landscape that captures and stores runoff for a short time, while providing habitat for native vegetation that is both flood and drought tolerant. BRCs are stormwater control measures (SCMs) that are similar to the homeowner practice, of installing rain gardens, with the exception that BRCs have an underlying specialized soil media and are designed to meet a desired stormwater quantity treatment storage volume. Peak runoff rates and runoff volumes can be reduced and groundwater can be recharged when bioretention is located in an area with the appropriate soil conditions to provide infiltration. Bioretention is normally designed for the water quality or "first flush" event, typically the first 1" -1.5" of rainfall, to treat stormwater pollutants. Suggested characteristics are: To be used as both a stormwater and aesthetic feature frequently throughout developments. Special attention should be given to plant and ground cover considerations given the volume and duration of the designed stormwater. Special design considerations are: Typically work best in small drainage areas with frequent use and distribution, special attention is required in pervious soils and should be used in areas with high permeable soils, but not recommended in high swell soils.

8. **Greenways:** Greenways provide for beneficial use of Low Impact Developments for potentially active and passive recreation opportunities and wildlife corridors. This technique allows for the creative integration into a development proposal that is frequently linked with other natural or recreation systems that extend past the property lines of the proposed development. Suggested characteristics: Typically greenways are easier to integrate into a development proposal on larger acreages. They are frequently utilized as linear parks and often include sensitive wetland areas, steep slopes, gullies or other natural land forms, creeks, and unique wildlife habitat for protected species.
9. **Grass Buffers:** The potential benefits of grass buffers are, among other items, their ability in straining stormwater, providing limited quality treatments, while providing some moderate flow attenuation. Special design considerations are: Typically work best in smaller drainage areas where volumes are reduced, special consideration should be given in pervious soils, not recommended with high swell soils, should have low slopes, adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.

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# ARTICLE 6: GENERAL PROVISION

§ 6.1	APPLICATION OF REGULATIONS
§ 6.2	ONE PRINCIPAL BUILDING PER LOT
§ 6.3	LOTS OF RECORD
§ 6.4	LOT MEASUREMENTS
§ 6.5	YARD REQUIREMENTS
§ 6.6	YARD SETBACKS & PROJECTIONS
§ 6.7	BUILDING HEIGHTS
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§ 6.18	FUTURE STREETS

## § 6.1 APPLICATION OF REGULATIONS

Except as hereinafter provided, the following shall generally apply to all zoning districts within the corporate limits of the City of Bayou La Batre:

- A. Compliance With District Requirements  
Any use permitted in any zoning district, whether by Right, with Planning Commission Approval, or by Special Exception must comply with the requirements of the zoning district in which it is located.
- B. Use  
No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

In general, any use that is more restrictive may be permitted in a zoning district that requires a less restrictive use. No less restrictive use may be permitted in a zoning district that requires a more restrictive use.

In any instance where a use is not specified in this Ordinance, its status shall be determined by the Bayou La Batre Planning Commission to the most clearly analogous use.

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C. Utilities

All utility structures necessary for the transmission and distribution of electric power, telephone lines, gas, and water lines, etc. shall be allowed in zoning districts within the City of Bayou La Batre. This does not include the use of electric substations.

D. Residential Uses in Business District

Residential uses established in any business district must comply with the minimum requirements set forth in this Ordinance using residential setbacks.

## § 6.2 ONE PRINCIPAL BUILDING PER LOT

Every residential building, including hotels, motels, condominiums, single-family and multi-family dwellings, and duplexes hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot except as follows:

- A. In the SFR-1, SFR-2, and SFR-E Residential zoning districts only, any single-family and/or two-family residential structure located in said zoning districts that is hereafter erected or moved, shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot.
- B. In any district where multi-family structures, motels or hotels are permitted, two (2) or more duplexes and other multi-family residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings.
- C. If the structure is located in a Flood Zone, as indicated on the Official Zoning Map, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section.

## § 6.3 LOTS OF RECORD

A. Lot Size

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side, or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained.

B. Lot Requirements for Sanitary Sewer

Developments or individual lots in all districts must connect to public or private community water and sewer systems where such systems border any development or lot lines or are reasonably available and the appropriate utility has the capacity to provide the service; otherwise, lots must meet the minimum size requirements of the health department, for on-site wells and/or septic systems. Existing private wells and septic systems that are functioning properly and meet the health department requirements may continue to be used.

It is the intent of this ordinance to eliminate by attrition all existing private wells and septic systems in areas where public or private community water and sewer systems are available. Therefore, at such time as any private well or septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sewer system where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service.

See *Subdivision Regulations* for more information and sewer requirements.

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In the event that a property owner wishes to install an on-site well for irrigation purposes, this activity shall be allowed after obtaining approval from the Building Official.

C. Access to Lots

Access to public streets shall be maintained in accordance with the following requirements:

Frontage

Each principal use shall be placed on a lot or parcel which provides frontage on a public street having a right-of-way of not less than fifty (50) feet, except where existing public rights-of-way are less than fifty (50) feet.

Access

Any additional dwelling, duplex or multi-family dwelling unit shall have access to a public street at least fifteen (15) feet in width.

Minimum Lot Area and Width

Except as provided herein, any lot not meeting the required lot width and lot frontage of the applicable district shall be considered a flag lot and shall only be permitted in accordance with the applicable provisions of the Subdivision Regulations.

D. Use of Non-Conforming Lot of Record

Where the owner of an existing Lot of Record or his successor to the title thereto, does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the Lot of Record may nonetheless be allowed to be used as a building site, without meeting the minimum lot area and lot width requirements, provided that:

- i. The use is permitted in the zoning district;
- ii. The lot has been in separate ownership from abutting lands at all times since it became non-conforming;
- iii. The lot was created compliant with official controls in effect at that time; and
- iv. The setback requirements of this Ordinance are met.

H. When two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, the lots shall not be considered as separate parcels of land for the purposes of sale or development. Such lots shall be platted or re-parceled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.

I. Lot Size Requirement for Re-Zoning

Any size lot or parcel of land may apply for a re-zoning classification; however, a size requirement of at least one (1) acre is required when creating a new zoning district.

J. Waterfront Lots

Any lot that is adjacent to the waterfront encompassed within the municipal limits of the City of Bayou La Batre must provide viewshed protection to ensure waterfront views are protected and available for all citizens of Bayou La Batre to enjoy. See the District Requirements article of this Ordinance for specific standards and requirements for waterfront lots.

## § 6.4 LOT MEASUREMENTS

### LOT AREA

Lot area shall be determined by measuring the total horizontal land area (in square feet) within the lot lines of the lot—excluding any area within existing or proposed public street rights-of-way or private street easements.

### LOT AREA PER DWELLING UNIT

Lot area per dwelling unit shall be determined by dividing the total lot area by the total number of dwelling units located or proposed on the lot and multiplying the result by 43,560 .

Lot width shall be determined by measuring the horizontal distance along a line delineating the minimum front yard depth applicable to the lot, between its intersections with the side lot lines

### FLOOR AREA PER DWELLING UNIT

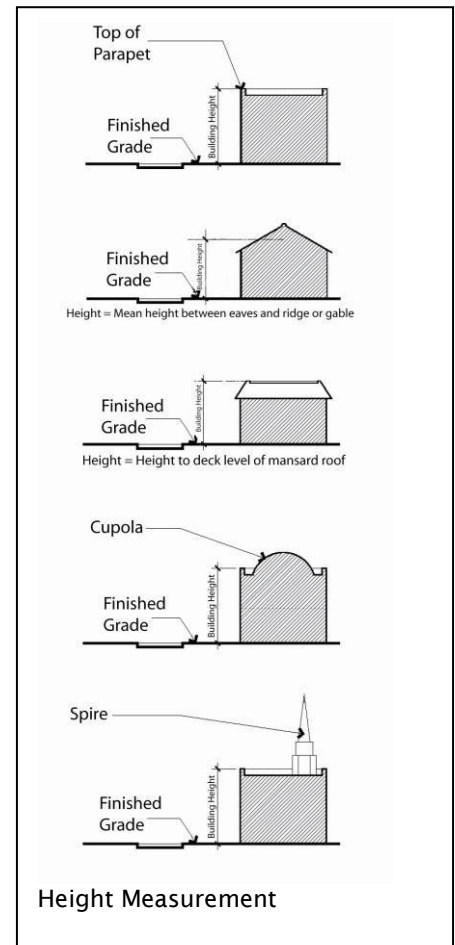
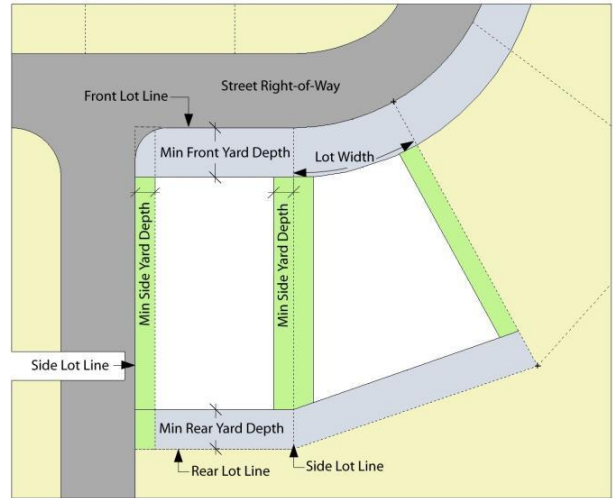
Floor area per dwelling unit shall be determined by measuring the gross horizontal area of each floor of a dwelling unit, and adding up the areas for all floors of the dwelling.

### BUILDING COVERAGE

Building coverage (as a percentage of lot area) shall be determined by measuring the total horizontal land area (in square feet) covered by all principal and accessory buildings and structures on the lot, dividing that coverage area by the total lot area and multiplying by 100.

### HEIGHT

The height of a structure shall be determined by measuring the vertical distance from the elevation of the average finished grade around the exterior of the structure's foundation (or base of supporting columns) to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridge of a gable, hip, cone, gambrel, or shed. In the Floodplain, the height of the structure shall be measured from the base flood elevation (BFE) applicable at the structure's location or from an elevation eight feet above the average finished grade around the exterior of the structure's foundation (or supporting columns), whichever is higher.



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## YARD DEPTH

Front, side, waterside, and rear yard depths on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot's front, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot. Allowable encroachments and projections into required minimum yards shall be ignored when measuring yard depths.

### FRONT YARD DEPTH

**Corner Lot:** A corner lot shall have only one front lot line as determined in accordance with the definition of front lot line. On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the front yard depth shall be measured from the front lot line defined by one right-of-way boundary as extended to form an intersecting angle with an extension of the side lot line defined by the other right-of-way boundary.

### Through Lot

For purposes of this subsection, a through lot shall be deemed to have a front lot line along each street it abuts, or when a lot has a front lot line along a street and a body of water. Front yard depths shall be measured, and minimum front yard depth requirements shall be applied, from each such front lot line.

### Flag Lot

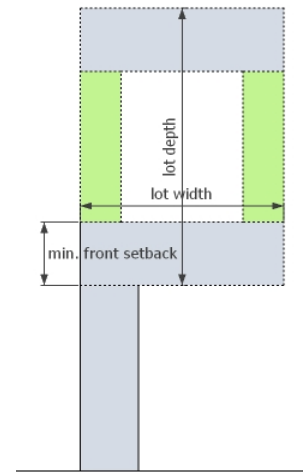
On a flag lot, the front yard depth shall be measured within the "flag" portion of the lot, from the lot line delineating the base of that portion.

### Measured from Future Street Right- of-Way

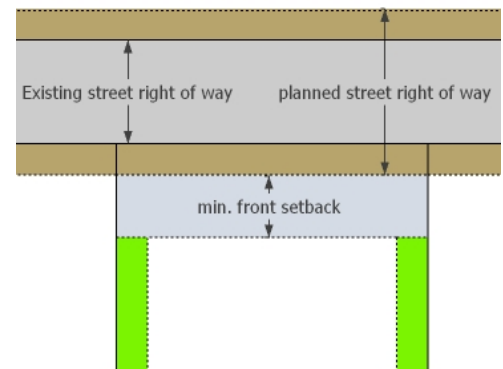
Where city-adopted plans call for the future widening of the street right-of-way abutting a lot and identify the future right- of-way boundary (e.g., by delineating the boundary or establishing its distance from the street's centerline), the front yard depth on the lot shall be measured from the future right-of-way boundary.

### SIDE YARD DEPTH

On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the side yard depth shall be measured from the side lot line defined by one right-of-way boundary as extended to form an intersecting angle with an extension of the front lot line defined by the other right-of-way boundary.



Flag Lot Front Yard



## § 6.5 YARD REQUIREMENTS

### Yard Requirements

Yard requirements shall be modified subject to the following conditions:

- i. On double frontage lots, the required front yard shall be provided on each street.
- ii. Whenever a rear or side property line of a lot abuts upon an alley, one-half (1/2) of the alley width shall be considered as a portion of the required yard.
- iii. An unroofed porch shall not project into a required front yard for a distance exceeding five (5) feet
- iv. On substandard lots of record, the front, side and rear setbacks may be less than required in this ordinance; provided that, no front setback shall be less than the average setback of the existing developed lots on the same block and on the same side of the street; no side setback shall be reduced to less than five (5) feet; and no rear setback shall be reduced to less than fifteen (15) feet. The amount of reduction up to these limits shall be determined by the Building Inspector in consideration of the lot size and the size of the proposed structure.
- v. The setback requirements for side yards and/or front yards on corner lots shall not apply to any lot where the average setback on residentially developed lots located, wholly or in part, one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

## § 6.6 YARD SETBACKS & PROJECTIONS

Setbacks shall be measured as the distance between the property line and the nearest point of the structure along a line at a right angle to the property line.

### A. Purpose

This section establishes standards for the use of and the minimum size of yards. The purpose of these standards is to provide for open areas around structures for:

- visibility and traffic safety;
- access to and around structures;
- access to natural light, ventilation, and direct sunlight;
- separation of incompatible land uses; and space for privacy, landscaping, and recreation.

### B. Setback Requirements

All structures shall conform with the setback requirements established for each zoning district in this chapter, except as otherwise provided by this section. In no case shall any portion of any structure, including eaves or roof overhangs, extend beyond a property line or into an access vehicular easement

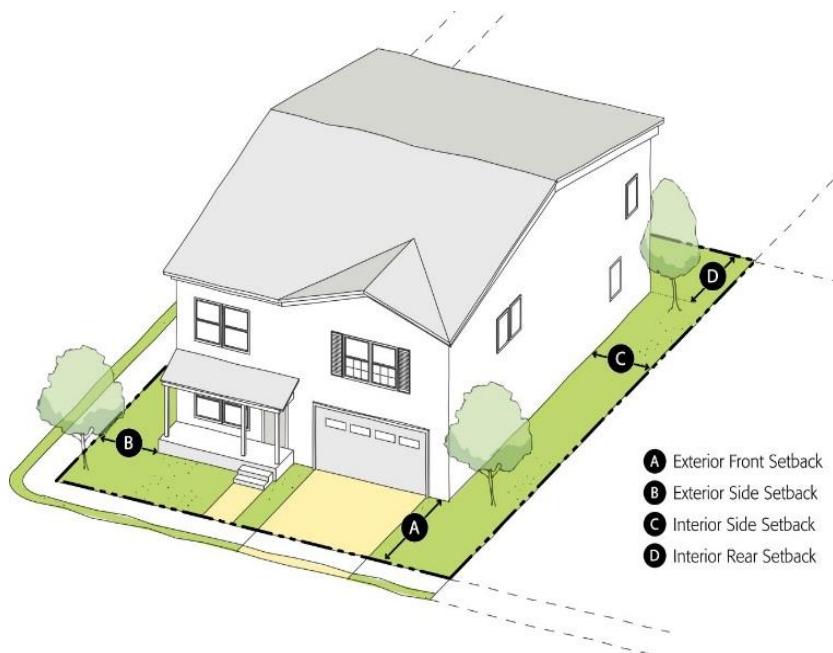


or street right-of-way. Each required yard shall be open and unobstructed from the ground upward, except as provided in this section.

### C. Permitted Yard Projections

Building features may extend into required setback areas as shown in the table below, subject to the requirements of the City's existing adopted Building Code.

**FIGURE 6.1: YARD SETBACKS**

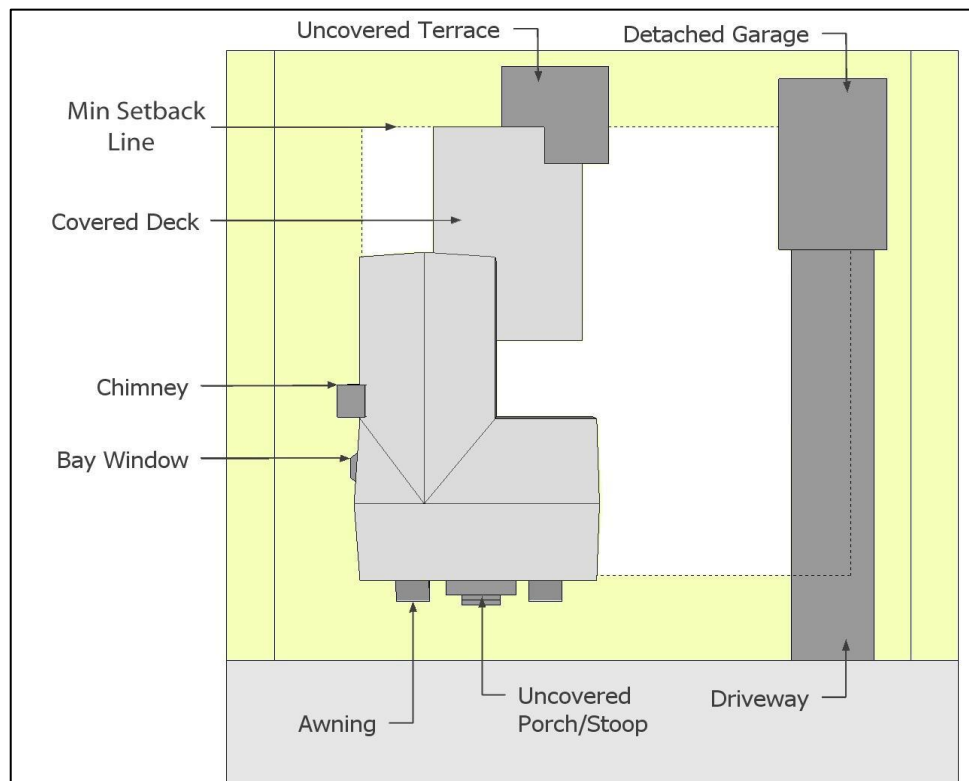


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**TABLE 6.1: ALLOWABLE MINIMUM YARD PROJECTIONS**

FEATURE	Extent & Limitations in Required Minimum Yard
Open or unroofed porches, balconies, fire escapes, or stairways	5 Feet
Bay windows	3 Feet
Chimneys or fireplaces	
Moveable awnings	
Roof eaves and overhangs, or marquees	
Uncovered and/or open stoops, decks, patios, terraces, or walkways	
Sills or entablatures	1 Foot
Signs, projecting or free-standing	Allowed, See Sign Ordinance
Carports, attached or detached	Must be set back from side and rear lot lines by at least 5 feet
Flagpoles	May be located in any required minimum yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
Lighting fixtures	May be located in any required setback area if less than 20 feet high
Fences or walls	See District for required height, See Development Standards
Accessory structures other than those listed above	May be located in a required minimum side or rear yard, subject to the requirements in Article regulating <a href="#">Accessory Uses and Structures</a>
Vegetation and landscaping features such as retaining walls, fountains, ponds, and similar landscaping features	May be located in any required setback area

**FIGURE 6.2: YARD PROJECTIONS**



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In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of three and one-half feet and 15 feet above street level shall be permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroads or of right-of-way lines of a street and a railroad. Accessory structures within 25 feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required

**§ 6.7 BUILDING HEIGHTS**

on the side street.

No building shall hereafter be erected, constructed, or altered so as to exceed the height requirement specified in the regulations for the zoning district in which the development is to occur, except as otherwise provided herein.

- Height Measurements. Building height shall be measured from finished grade except where base flood elevations apply, in which case building height shall be measured from the minimum base flood elevation as established by Flood Insurance Rate Maps (FIRM).
- Height Exceptions. The height limits for the various districts shall not apply to church spires, cell towers, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio and television transmitting and receiving antennas, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

**§ 6.8 STORMWATER MANAGEMENT REQUIREMENTS**

Land owners, particularly developers of larger paved areas such as those in connection with multi-family residential structures, shopping centers, etc., shall be responsible for increased stormwater runoff resulting from these developments which cause flood damage to neighboring property. The building official shall, in

consultation with a certified engineer, consult with the property owner and notify the applicant of the required provisions for properly handling of surface drainage and stormwater management to ensure these provisions have been made in the applicant's design and report these findings for the planning commission's consideration in acting on building applications. If such reasonable provisions are not made in the applicant's design, the planning commission shall make such remedies as may be available to the applicant as a condition of the building permit issuance. It is the responsibility of the applicant to consult with the Building Official and the requirements of this Ordinance set forth in the Stormwater Management Standards of Article 5: Development Standards, to provide the proper plans required, including the required LID guidelines when developing property in the City of Bayou La Batre.

**§ 6.9 EROSION & SEDIMENT CONTROL**

Erosion and sediment control measures shall be in accordance with the provisions listed in the Alabama Low Impact Development (LID) Handbook. It is the responsibility of the applicant to consult with the Building Official and the requirements of this Ordinance set forth in the Stormwater Management Standards of Article 5: Development Standards, to provide the proper plans required, including the required LID guidelines when developing property in the City of Bayou La Batre.

**§ 6.10 BUFFERS, FENCING, LIGHTING, AND SCREENING**

A protection buffer is required between any residential district or use and any non-residential district or use in efforts to ensure the integrity and protection of the residential areas of the city. The protection buffer may be a wall, fence, or screen-planting strip and shall be placed in the required yard of the property containing the non-residential district or use.

In any commercial district, any operation not conducted within a building, such as drive-in

businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six feet in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.

- In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less than six feet in height.
- Any outdoor storage equipment or materials shall be properly screened as to the requirements of this Ordinance. Any car, boat, or equipment repair lot of any kind shall be properly screened as to the requirements of this Ordinance.
- Outdoor lighting of all types shall be directed so as to reflect away from all adjacent properties and shall be so situated as not to reflect directly into any public right-of-way.
- All screening, lighting, space, etc., shall be in good condition and appearance. The building official may cause to be removed, replaced, repaired or corrected, at the owner's expense, any screening, lighting and space improperly maintained.

### § 6.11 EXISTING COVENANTS

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants shall apply if they are more stringent than the requirements of this ordinance; otherwise, the requirements of this ordinance shall apply.

### § 6.12 ABATEMENT OF NUISANCES

The board of adjustment may require the conduct of any use, conforming or

nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard health, comfort, and convenience. The board of adjustment may direct the city building official to issue an abatement order, but such order may be directed only after a public hearing by the said board; the notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the board of adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the board. An abatement order shall be directed by the board of adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

### § 6.13 SITE PLAN APPLICABILITY

A development site plan shall be required for the following and shall be reviewed by the City's Building Official and Planning Commission to ensure full compliance of the Zoning Ordinance. The site plan shall identify all the required elements listed in the Application Process Article of this Ordinance and the corresponding check list in the Forms & Applications Article of this Ordinance.

- Any construction of all residential projects involving the construction of three (3) or more dwelling units;
- Any construction of all non-residential structures;
- Any construction project that increases the exterior building footprint;
- Any change of occupancy or change of use of a non-residential or multi-family structure.

*\*Note: A Master Plan shall be required for all projects with multiple phases and/or multiple structures.*

**§ 6.14 WATER & SEWER CONNECTIONS**

Developments or individual lots in all districts must connect to public or private community water and sewer systems where such systems border any development or lot lines or are reasonably available and the appropriate utility has the capacity to provide the service; otherwise, lots must meet the minimum size requirements of the health department, for on-site wells and/or septic systems. Existing private wells and septic systems that are functioning properly and meet the health department requirements may continue to be used.

- It is the intent of this ordinance to eliminate by attrition all existing private wells and septic systems in areas where public or private community water and sewer systems are available. Therefore, at such time as any private well or septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sewer system where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service.
- See Subdivision Regulations

**§ 6.15 GARBAGE & TRASH DISPOSAL**

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers approved by the City Council.

**§ 6.16 SATELLITE RECEIVING DISHES & ANTENNAS**

Satellite receiving dishes are permitted accessory uses in any district, provided they comply with setback, height, and other standards of this ordinance. In any district the dish antenna shall be located to the rear of the front building line

and must be setback ten (10) feet from any interior or rear lot line. Special setbacks indicated herein apply on corner lots. The dish antenna together with the principal building and accessory building may not exceed the maximum lot coverage permitted in the district in which it is located. In residential districts where the antenna is detached from the main building, its maximum height may not exceed fifteen (15) feet. When roof mounted, it must conform to the zoning district's height limits and its installation must be checked for safety by the Building Inspector. Installation and construction must also comply with the building code. No form of advertising or identification is allowed on the dish or framework other than manufacturer's small identification plates.

Radio and TV Antennas

Private radio and TV antennas for individual homes or for amateur use are permitted as accessory structures in any district and may be placed on roof or in rear or side yards so that they do not occupy more than fifty (50) percent of said yard, nor come closer than five (5) feet to any right-of-way or property line. Antennas in excess of the normal height limitations for the district in which they are located are subject to approval and permit by the Building Inspector. Said permit shall include a clause that shall indemnify, hold harmless and protect the Town against any and all liabilities that may result from the erection and use of such radio and TV antennas. Antennas must be properly constructed in compliance with the requirements of the Federal Communications Commission (FCC), the American Radio Relay League, Inc. (ARRL), or equivalent standards and good engineering practices as determined by the Town Engineer.

**§ 6.17 JUNKED VEHICLES & VESSELS**

A junked vehicle, or one that is not in use or cannot move under its own power shall not be permitted to be located on any lot. Such vehicles shall be confined to junk yards. (Note: This provision does not apply to antique vehicles.)

## **§ 6.18 FUTURE STREETS**

Any lot, which at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, which may be reduced in area by the widening of a public street to a future street line, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

# ARTICLE 7: SUPPLEMENTAL REGULATIONS

§ 7.1	PURPOSE & INTENT
§ 7.2	ACCESSORY BUILDINGS & STRUCTURES
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§ 7.10	WATER POLLUTION
§ 7.11	RESIDENTIAL DOCKS, PIERS & OTHER RELATED STRUCTURES
§ 7.12	TELECOMMUNICATION (CELLULAR) TOWERS & FACILITIES

## § 7.1 PURPOSE & INTENT

The provisions of this article are intended to supplement standards and regulations found in the individual zoning districts of this Ordinance. These regulations are more detailed and require additional explanation. Unless otherwise stated in such district regulations or in this article, the standards stated herein are applicable to all uses.

## § 7.2 ACCESSORY BUILDINGS & STRUCTURES

Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

1. Is customarily incidental to and is maintained and operated as a part of the principal use;
2. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
3. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use;
4. Have a maximum of two (2) located on the same lot; and,
5. Is not constructed or established on any lot prior to the construction of the principal structure.
6. Does not cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.
7. Does not exceed thirty (30) percent of the principal structure.
8. Does not exceed a height of fifteen (15) feet.

9. Is placed no less than ten (10) feet from the rear lot line and five (5) feet from the side lot line.
10. Does not occupy more than fifteen (15) percent of the yard.
11. Is not located closer than five (5) feet to any other accessory structure.
12. Is not located in any side yard unless the lot that said accessory structure is located on is a waterfront lot. In this instance, the accessory structure may be placed in the side yard to protect the viewshed of adjacent neighbors in a waterfront area.

Accessory buildings/structures in Residential Districts: In residential districts an accessory use will conform to the following requirements:

- a. Minimum lot area and width: None specified, only that the lot be large enough to accommodate the principal building plus the accessory building or buildings and meet the yard and other requirements specified in this Ordinance.
- b. Yard Requirements: An accessory structure may be located in a rear or side yard but shall not be closer than ten (10) feet to any side or rear lot line and no closer than ten (10) feet to the principal structure.

Front Yard. Detached accessory buildings shall not be located or extended in the front yard.

Side yard. Detached accessory buildings shall not be located or extended in the side yard, unless the lot is a waterfront lot.

Rear yard. Detached accessory buildings shall maintain a rear yard of not less than ten (10) feet.

Waterside yard. The detached accessory structure shall be located a minimum of five (5) feet away from the principal structure and a minimum of twenty (20) feet away from the waterfront line and a maximum of eight (8) feet in height to protect the viewshed of the waterfront.

- c. A detached accessory building shall not be closer than seven (7) feet from the lot lines for properties that abut a public alley or right-of-way.
- d. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a common wall or a party wall, and therefore, such requirements applicable to the main building shall apply.
- e. A detached accessory building, not more than one (1) story or fifteen (15) feet in height.
- f. Accessory buildings must be compatible with the main structure and the general character of the surrounding neighborhood.
- g. A detached accessory building shall not be located on a lot by itself.
- h. Maximum building coverage is not specified, only that the principal building, combined with the accessory building(s) must comply with the requirements applicable to the maximum building coverage specified in the Residential zoning districts of this Ordinance.

## § 7.3 TEMPORARY STRUCTURES & USES

### Temporary Uses

The regulations contained in this section are necessary to govern the operation of transitory,



temporary, seasonal and/or tent events and uses that are considered to be -nonpermanent in nature. Temporary uses are only permissible in non-residential zoning district and require a temporary use permit, obtained from the city Building Official and shall contain the following information:

1. A survey or legal description of the property to be used, rented or leased for a temporary use, including enough information to specifically identify the property;
2. A description of the proposed use; and
3. Sufficient information to determine the yard requirements, setbacks, zoning, sanitary facilities, and availability of parking space to service the proposed use.
4. Documentation from the Mobile County Health Department must be provided that adequate arrangements for temporary sanitary facilities have been made.
5. No permanent or temporary lighting shall be installed without an electrical permit and inspection.
6. All uses shall be confined to the dates specified in the permit.
7. Hours of operation shall be confined to those specified in the permit.
8. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within seven (7) days after the closing event.
9. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
10. Property owners shall be responsible for restitution and/or repair of any damage resulting to any public right-of-way or property as a result of the event.

The following uses are classified as temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of the zoning district in which said use is located:

- Christmas Tree/Seasonal Sale Lot – In any non-residential district a temporary use permit may be issued for the display and open lot sales of Christmas trees and/or seasonal promotions for a maximum of forty-five (45) days.
- Tent Events/Religious Gatherings – A temporary use permit is required for any tent event or other temporary structure to house an event or meeting. Such permit shall be valid for not more than thirty (30) days and is subject to renewal prior to the terminal date. Tents used in commercial districts shall be temporary in nature, as for the protection of surplus or sale goods, or as temporary uses incidental to an established business or industry. No tent shall be used, erected or maintained as living quarters.
- Fireworks Stand- No front yard setbacks are required. Side and rear yard setbacks shall conform to the minimum required for the zoning district said fireworks stand is located in. A minimum of five (5) off-street parking spaces per fireworks stand is required, no improvements are required. Maximum length of permit shall be 30 days.
- Carnival or circus- Maximum length of permit shall be 15 days. No structure of equipment shall be permitted within 500 feet of any residential property line.

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- Construction Support. Temporary buildings or mobile type trailers used in conjunction with construction work only, may be permitted in any district where the use is incidental to a construction project. Shall not contain sleeping or cooking accommodations, and shall be removed immediately upon completion of construction. Maximum length of permit shall be one (1) year.
- Business Establishment Support- Permitted only in a commercial district while a permanent structure is actively being constructed. Shall not contain sleeping or cooking accommodations, and shall be removed immediately upon completion of construction. Maximum length of permit shall be six (6) months.

### **Temporary Structures and Buildings**

Temporary buildings or mobile type trailers used solely in conjunction with construction work shall be permitted in any zoning district and shall be removed immediately upon completion of construction. A temporary use permit is required and may be issued by the City Building Official for a contractor's temporary office, an equipment shed or a real estate sales office, all of which are incidental to a construction project and subject to annual renewal.

## **§ 7.4 HOME OCCUPATION**

It is the purpose of this Section to provide residents of the City of Bayou La Batre a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

### **Applicability.**

All home occupations require a City of Bayou La Batre business license. Applications for any home occupation that receive customers, require signage, and require parking at the home, shall be heard by the Planning Commission with a recommendation sent to the Board of Adjustment. The home occupation application shall be reviewed and acted on by the Board of Adjustment at a public hearing, where the application will be approved, approved with conditions, or denied.

Applications for any home occupation that will not receive customers, require signage or parking, may be handled administratively, however, a business license is required.

### **A. General Regulations.**

All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At the Planning Commission's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its

residential character or from the character of the neighborhood.

3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.

4. No new accessory structure shall be built, nor shall any existing accessory structure be used, for the purpose of operating the home occupation.

5. One (1) professional or announcement sign may be used to identify the customary home occupation. See Sign Ordinance for sign requirements. No such sign shall be directly illuminated.

6. No more than two (2) company or commercial vehicles shall be parked at the premises at any time, including but not limited to cars, vans, trucks, and utility trailers. Off-street parking shall be provided on the premises, as required by the provisions of this Ordinance. No parking of commercial or residential vehicles shall be permitted on the street or in the required front yard.

7. Employment shall be limited to members of the family residing in the dwelling, and in no case shall more than two (2) persons be engaged in the home occupation. A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation.

8. No merchandise shall be distributed to customers on the premises for retail sales purposes.

9. All advertising material indicating the business hours, address and/or physical location of the business shall also state “By Appointment Only” and/or “No On Site Service”.

10. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.

11. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.

12. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.

13. The on-site repair of vehicles shall be prohibited as a home occupation.

14. Hours of operation will be determined by the Board of Adjustment, if applicable.

**B. Application Procedures.**

Any applicant for a home occupation shall pay a fee as established in this Ordinance, acquire a city business license, and submit an application form, together with any required attachments, to the Building Official or staff. All home occupation applications shall be heard by the Planning Commission with a recommendation sent to the Board of Adjustment. The home occupation application shall be heard and reviewed by the Board of Adjustment at a public hearing, where the application will be approved, approved with conditions, or denied.

Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner

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a signed and notarized letter of authorization to apply for home occupation approval.

No more than one (1) home occupation shall be approved in any residential dwelling unit.

A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

### **C. Other Provisions.**

- The Building Official, or staff, shall be permitted upon reasonable request to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.
  
- Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:
  - a) the home occupation was approved prior to the effective date of these regulations;
  - b) the home occupation is in compliance with all regulations in effect at the time of its approval;
  - c) the business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
  - d) the home occupation holds a valid business license issued by the City of Bayou La Batre Business License Office;
  - e) the home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
  - f) all signs shall be removed immediately;
  - g) Limitation on company vehicles and outside display/storage of materials shall become effective immediately upon adoption of this Ordinance.
  - h) Home Occupations are not transferrable from one property owner to another. Upon sale of property the existing nonconforming home occupation shall cease operation. New owners wishing to conduct the same or a different home occupation must petition the City for a new home occupation license and must come into compliance with all home occupation regulations in place at that time.

## **§ 7.5 RECREATIONS VEHICLES (RV'S) & RV PARKS**

The following regulations apply to all developments provided for the accommodation of transient recreational vehicles, including travel trailers, campers, small mobile homes used for vacation purposes, motor homes and similar transient residential vehicles.

Recreational vehicle parks are uses that may be permitted in specific zoning districts and subject to the approval of the Planning Commission and the requirements of the following provisions.

1. No recreational vehicle park shall be located except with direct access to a county, state or federal highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
2. The minimum lot area per park shall be two (2) acres.
3. Use of spaces in recreational vehicle parks shall be limited to recreational vehicles (RVs), travel trailers, motor homes, and campers.
4. Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an account of such space shall remain in the same RV park for a period of not more than fourteen (14) days and must vacate the property for a period of fourteen (14) days.
5. Any occupied recreational vehicle or other similar transient residential vehicle that is being used

for temporary habitable purposes, must be located inside an RV Park.

6. Management offices, supply stores, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed, provided:
  - Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
  - Such establishments shall be used in compliance with local regulations determined by the park management.
  - Minimum sanitary facilities shall include one (1) toilet, one (1) shower, and one (1) lavatory basin per twenty-five (25) camp sites in the park.
7. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty (30) feet of the right-of-way line of any major, or collector street, or of any minor street.
8. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the county health department.

## § 7.6 MANUFACTURED HOMES

Manufactured homes not meeting HUD standards (U.S.C. 5401) and not having the HUD Stamp Certification permanently attached, shall not be installed, erected or permitted. A manufactured home shall be allowed to be placed or erected in certain zoning districts upon compliance with the following requirements:

- A manufactured home may be located within any RM-3 Residential Zoning District.
- The manufactured home shall be reviewed and approved or disapproved by the Building Official and Planning Commission as to compatibility standards.
- It is intended that manufactured homes be designed and erected to be similar in appearance to permanent houses - not mobile units - generally with design guidelines that include: pitched roofs, eaves overhanging six inches or more, and typical to an on-site conventionally built single family permanent dwelling as built in accordance with the Standard Building Code.
- Manufactured homes shall be erected on permanent foundations meeting HUD standards (U.S.C. 5401) or current adopted ICC Code standards and conforming to Title 24, Housing Code of Alabama, Chapter 535-X-13 and are deemed to be real property and taxed as such.

Design Guidelines: Manufactured homes shall be compared to site-built and other homes in the immediate general areas within the same zoning or residential district or area. Approval shall be granted upon the finding that the manufactured home is substantially similar in size, siding material, roof material, foundation enclosure and general aesthetic appearance to an existing development (s) or proposed development (s) in the same zoning district or area. Items subject to compatibility comparison will include the following:

- Shape & Appearance

The general shape and appearance of the manufactured home shall be similar to housing in adjacent areas.
- Minimum Width

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The general shape, width, and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to ensure compatibility of site-built houses and manufactured housing.

- Roof pitch, overhang and materials

The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.

- Exterior Finish

Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.

- Site Orientation

Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.

- Garages, carports, etc.

Garages and/or carports, landings, stairs, porches, entrance platforms, ramps or other means of entrance for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or nearby locations and constructed in accordance with the currently adopted ICC codes at the time the manufactured home is sited.

- Towing Devices

All towing devices, including but not limited to wheels, axles, hitches and transportation lights must be removed.

- Foundation Enclosure

The manufactured homes foundation forms an enclosure under exterior walls, unpierced except for ventilation and access, and conforms to Title 24, Housing Code of Alabama, Chapter 535-X-13. The type of material and method used for underpinning shall be consistent with the compatible to the underpinning for site-built houses in adjacent or nearby locations.

Contractors doing any and all work required by this Ordinance in the siting of a manufactured home shall be licensed by the State of Alabama and licensed by the City of Bayou La Batre. Licensing by the State is required prior to receiving a license from the City of Bayou La Batre. Compliance with this Ordinance and other Ordinances of the City of Bayou La Batre, as is the same for erecting other types of structures, is a requirement prior to the issuance of a Building Permit.

Manufactured homes shall be constructed according to standards established either by the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama as amended from time to time or the currently adopted ICC codes, or the National Manufacturing Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401.

Manufactured homes shall meet current National Flood Insurance Program (NFIP) standards and adhere to the provisions set forth in this Ordinance, Article 5, regarding Stormwater Management Standards, if applicable.

Manufactured homes are subject to all regulations of the zoning district in which they are permitted and

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shall meet the minimum compatibility standards herein set, in addition to all other regulations set forth in this Ordinance.

Placement of a manufactured home may be permitted after it has been reviewed and determined that the manufactured home is compatible with the general appearance of homes in the surrounding area and has been reviewed by the Building Official and Planning Commission as to compatibility standards and received Planning Commission approval.

## § 7.7 STANDARDS FOR MULTI-FAMILY DWELLING STRUCTURES

Multiple family housing, because of increased densities, often generates large, bulky buildings and large parking areas. This type of development can be incompatible with surrounding uses. If these developments are not properly designed the large buildings and parking areas can dominate the site and leave only small remnants of open space that does not adequately provide for proper storm water drainage as well as the recreational needs of the residents.

Within the zoning districts that permit multi-family dwelling units, such as, apartments, townhouses and condominiums the following requirements shall apply:

- **Location:** Multiple family residential sites shall be located in areas consistent with the Comprehensive Master Plan and shall only be permitted where multiple family residential land use are indicated on the adopted land use map in the plan.
- **Layout:** Arrangement of buildings should provide functional public and private outdoor spaces and avoid any developments that are "facing inward" and offer no relationship to the adjoining neighborhoods and greater community. The front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.
- **Design:** Orient multiple family buildings to the adjacent public streets by providing large windows, porches, balconies and entryways or other entry features on the street side of the buildings. Avoid the creation of blank street-facing walls that create unattractive streetscapes.
- **Density:** No more than thirty-five (35) percent of the lot area shall be occupied with buildings. No more than eight (8) continuous apartments, townhomes or condominiums per floor shall be built in a row with approximately the same front line.
- **Yards:** See Article 4 of this Ordinance for specific yard and setback requirements for each zoning district.
- **Parking:** Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts. Parking areas visible from the public street rights-of-way and adjacent properties shall be screened from view with landscape elements, low profile walls or berms, or other types of visual barriers and screens. To such extent as practicable, off-street parking facilities shall be located 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 one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
- **Landscaping:** A landscaping plan shall be required for all multi-family housing developments. Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or structure. Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics. Other

requirements are as follows:

- a. Adequate landscape screens shall be provided along the perimeter of all multiple family developments. Where multiple family developments are located adjacent to single family residential district, a dense landscape screen of at least six (6) feet in height and four (4) feet in width, shall be provided.
  - b. On perimeter streets, sidewalks, streetscape plantings shall be provided. These screens shall include street trees and landscaping where necessary to screen parking and other areas.
  - c. Dense landscaping and/or architectural elements shall be provided to screen unattractive views and features, such as outdoor storage areas, trash enclosures, mechanical equipment and other similar equipment.
  - d. Exterior storage of boats and/or recreational vehicles and trailers shall be fully enclosed or sufficiently screened when visible from public street or adjacent properties.
  - e. Retain existing mature trees within the new project design and landscaped areas where possible. Extra effort should be made to retain existing trees and vegetation adjacent to single family residential areas.
- Open Space: Open space and natural areas provided in multiple family residential developments shall address both active and passive outdoor open space uses. Open space shall be designed to enhance the overall appearance and compatibility of the development. Include sufficient open spaces in the form of squares, greens and parks. A minimum of 30% of open space shall be required for open space in all multiple family developments. Storm water retention areas are not included in this 30% open space requirement, unless it is properly designed and determined to be acceptable open space by the Building Official and Planning Commission.
  - Utilities: All utility lines including electric, telephone, gas and cable television lines shall be placed underground in each development, when applicable. Wall-mounted or ground-mounted utility equipment such as transformers, electric and gas meters, electrical panels, junction boxes and transformers shall be screened by walls, berms, fences and/or landscaping.
  - Accessory Structures and Elements: Multiple family developments with 50 or more dwelling units shall provide recreation facilities to include items such as swimming pools, tennis courts, and the like. The design of accessory structures and elements shall be consistent with the predominate architectural theme of the residential buildings with regard to roof pitch, exterior materials and colors. Accessory structures and amenities, such as community rooms, recreation facilities, swimming pools, mail rooms/kiosks, laundry rooms, garages and carports shall be centrally located and easily accessible by residents.
  - Trash Receptacles: Trash and garbage storage areas shall be located convenient to all residents. These enclosures shall be sufficient to accommodate both waste disposal and recycling containers. Trash and garbage storage areas shall be enclosed by solid, durable and attractive walls with solid screen doors. The materials shall be similar in color to the residential buildings. These enclosures shall be screened with appropriate landscaping. They shall be situated to minimize views from public streets and to avoid impacting adjoining properties.
  - Lighting: All exterior lighting shall be architecturally integrated with the building style, materials, and colors. Parking areas, entry drives, and pedestrian walks shall be illuminated to allow for proper vehicular movements and promote pedestrian safety and security. All lights shall be pedestrian in scale and spaced for proper energy efficiency. This lighting shall be inward directed and not impact adjacent properties. Light standards shall be no taller than 16 feet in height. The use of building lights to illuminate parking areas is prohibited.

All multi-family developments shall be in compliance with applicable City ordinances and/or health department regulations for public or private water and sanitary sewer systems.



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All other requirements within the district in which the apartments, townhouses or condominiums are located shall prevail.

## § 7.8 STANDARDS FOR MIXED-USE DEVELOPMENTS

Mixed use developments allow for more than one single use on a parcel of land. It’s a combination of compatible and integrated land uses such as residential, personal service, light commercial, institutional, or entertainment uses in multiple functions within the same building or the same general area. The intent of the district is to allow a variety of light commercial and light industrial activities to be combined with residential uses. Mixed-use development can take the form of a single building, a city block, or an entire neighborhood. This variety of uses allows for people to live, work, play, and shop in one place. It’s typically categorized as either A) vertical mixed-use buildings; B) horizontal mixed-use blocks; or C) mixed-use walkable neighborhoods.

Mixed use residential and commercial uses may be permissible subject to the following conditions:

- The use is located in the following zoning districts: Neighborhood Commercial (NC), Gateway Commercial (GC), and Bayou Mixed Use (BMU).
- The commercial use in the development may be limited in hours of operation, size of delivery trucks and type of equipment.
- The residential uses shall be designed so that they are compatible with the commercial uses.
- The commercial use shall be considered the primary use.
- The commercial and residential uses cannot occupy the same space. The commercial use must be located in the front of the building or on the bottom floor of the building, while the residential use shall be located in the rear of the building or on the upper floor of the building.
- The project shall comply with all dimensional standards of the zoning district.
- All lighting, landscaping and parking requirements required shall be met.

## § 7.9 GAS STATIONS & AUTOMOBILE REPAIR SERVICES

Within the districts permitting gas stations and automobile repair services, the following requirements shall apply:

### Location

Gas stations may only be allowed in the Gateway Commercial Zoning District. The property on which an automobile service station is located shall not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children, elderly or dependents.

### Site Requirements

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

### Access to Site

- Vehicular entrances or exits at an automobile service station:
- Shall not be provided with more than two (2) curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.
- 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.
- 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.

### 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.

### Off-Street Parking

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

### Other Site Improvements

- In addition to the above requirements, the following additional site improvements shall be adhered to:
- A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
- 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.
- Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
- Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
- All driving, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

### 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.

## **§ 7.10 WATER POLLUTION**

To ensure the protection of water quality in Bayou La Batre's water bodies and other neighboring water bodies, no operation shall discharge, or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Alabama Department of Environmental

Management (ADEM) and the Alabama State Board of Health Statutes and any regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the county health department and appropriate permitting agency.

## § 7.11 RESIDENTIAL DOCKS, PIERS, BULKHEADS & OTHER RELATED STRUCTURES

The construction of all boat docks, bulkheads, piers, boathouses and other similar structures shall require a building permit from the city Building Official in conjunction with any other applicable permits. The allowances permitted are as follows:

1. All state and federal regulations relating to the construction of said structures shall be followed explicitly.
2. Said structures shall be set back a minimum of ten (10) feet from the lateral riparian rights line.
3. One pier shall be permitted per lot.
4. A maximum of three (3) boat slips shall be permitted per pier.
5. A maximum of one (1) boathouse and one pier deck shall be permitted per pier.
6. Boathouse width is limited to 45% of the shoreline width of the property. Boathouse side setbacks shall conform to the projected side setbacks for the lot.
7. Maximum boathouse square footage is based on the feet of shoreline and the following is allowed provided the square footage meets the following:
  8. Lots less than 50 feet: 600 sq. ft.
  9. Lots 51 - 75 feet: 900 sq. ft.
  10. Lots 76 – 100 feet: 1,200 sq. ft.
  11. Lots greater than 100 feet: 1,600 sq. ft.
12. Height of boathouse shall be calculated by the Building Official and reviewed by the Planning Commission in order to protect the viewshed of the surrounding waterfront property owners and neighborhood.
13. Boat slips and boathouses shall be for the owner of the property uses only. Rental and leasing of said structures is prohibited.
14. Shoreline stabilization should be accomplished by the establishment of appropriate native vegetation found along all adjacent water bodies in the city limits. Vertical bulkheads are discouraged and considered by the city to be the least preferable method of shoreline stabilization. Alternative methods that do not compensate the integrity of the shoreline are encouraged and include, but are not limited to:
  - Pervious interlocking brick system
  - Rip rap
  - Filter mats
  - Living shorelines and natural beaches

## § 7.12 TELECOMMUNICATION (CELLULAR) TOWERS & FACILITIES

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

- a. Achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities;
- b. Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities;
- c. Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties

### ***Procedures and Standards.***

**a. Location.** Wireless telecommunications facilities shall be permitted by special exception in all non-residential zoning districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.

**b. Height.**

1. Antennas located on alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.
2. Tower height shall be limited to 180 ft.

**c. 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.

**d. Co-location.**

1. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.
2. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
3. 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..

**e. Aesthetics.** The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.

1. Appearance. The design of the tower shall be of a type that has the least visual impact on the surrounding area.
2. 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.
3. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
  4. 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 *Concealment techniques*).
  5. 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.
  6. 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 8 feet, and may consist of one 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.
  7. 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 10 feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.
    - (d) All landscaping shall be of the evergreen variety. All landscaping shall be of the type that reduces or eliminates the need for supplemental water from irrigation or is irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

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f. **Lighting.**

1. 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.

2. 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.

g. **Environmental impact.** All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an 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.

h. **Safety.**

1. **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.

2. **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 Chickasaw 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.

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

i. **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.

# ARTICLE 8: SIGN REGULATIONS

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## § 8.1 PURPOSE & INTENT

The City of Bayou La Batre recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. This Ordinance is enacted to protect the health, safety, welfare, convenience, and enjoyment of the general public by establishing regulations for the erection placement and maintenance of signs. It is determined that while signs are a proper commercial use of private property, an important function in identifying properties, businesses, services, residences, events and other matters of public interest which are entitled to the protection of the law, such signs should be reasonably regulated in the interest of the public safety and welfare and to safeguard and promote the aesthetic quality of the City of Bayou La Batre by establishment of standards for the number, size, height, spacing, placement and illumination of such signs. These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, or installed in every zoning district in the City. No sign shall be erected or installed unless it is in compliance with the regulations of this Ordinance. No sign shall be erected or installed without a permit, except for such signs as set forth in exemptions, which shall not require a permit. This Ordinance is not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

## § 8.2 DEFINITIONS

Words and phrases used in this Ordinance shall have the meanings herein ascribed to them. Words and phrases not defined in this Section but defined elsewhere in the Zoning Ordinance shall be given the meanings in the definitions sections.

- **Advertisement:** The calling of a service, product, or activity to the attention of the public, including identifying such service, product, or activity and emphasizing desirable qualities, so as to produce a desire to buy or patronize.
- **Alteration:** The replacement, enlargement, reduction, or reshaping of, or addition to, a sign, sign trim, frame, pole, brackets, or any supporting member; or any change in the number of poles supporting a sign. Except as authorized under the definition of "maintenance" herein defined. The replacement or modification of an words, letters, numerals, symbols, or other surface features of a sign in order to create a substantially different visual effect, or to advertise a

business, activity, product, or service of a different type, category, or nature than the business, activity, product, or service which it advertised before the replacement or modification.

- Area: The size of a sign measured by the smallest square, rectangle, triangle, circle, or other geometric shape or combination thereof, which will encompass the entire sign. Including any border or trim but excluding the base, apron, supports, and other structural members.
- Billboard: See Sign, Off Premise.
- Canopy: An awning or similar structure.
- Digital Sign: See Sign, Digital
- Dysfunctional Sign: A sign which no longer serves the purpose for which it was erected because of disrepair or otherwise.
- Enforcement Officer: Member of the Bayou La Batre Planning Commission who is charged with enforcement of the provisions of this Ordinance.
- Frontage, Building: The outside wall surface of a building, excluding porch or deck, nearest to the front lot line. For the purpose of this Ordinance “Lot Line” shall mean the lot line which abuts a street or separates the lot from a street, or another lot.
- Frontage: The length of the property line of any one premise along a street on which it abuts.
- Grade Level: In cases where the sign is located below the grade level of the road or street to which it is oriented, the sign height shall be measured from the grade level of that road or street.
- Height: The vertical distance of a sign measured from the road or grade of the site (to which the sign is oriented, whichever is higher) to the top of the sign, including border, trim, frame, supports, and all other structural members or appurtenances; except as relates to roof mounted signs, or where the context within which the term is used clearly indicates otherwise.
- Kiosk: A small, light structure open on one or more sides for displaying information.
- Length: The horizontal distance of a sign measured from one of the sign to the other, including border, trim, frame, supports, and all other structural supports and appurtenances.
- Maintenance: The normal care, repair, and landscaping necessary to maintain safe, attractive, and finished sign structure, trim, frame, poles, brackets, and surface.
- Marquee: A permanent covered structure projecting from and supported by a building when such covered structure extends beyond the building alignment or the property line.
- On-Premise Sign: Any sign that is located on the same site or parcel as the structure. See Sign, On-Premise.
- 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/or used as an outdoor display.
- Sign, Animated: For purposes of this Ordinance, an animated sign is any sign displaying movement of lights, borders, arrows, components, streamers, foil, inflatables or any other regular or cyclical movement, however achieved.
- Sign, Attached: A sign fastened or affixed to, mounted against, or otherwise connected to, a building or other non-sign structure, provided however, that the primary purpose of said structure is not the display of the sign.
- Sign, Business Center: A detached sign which identifies a complex of two (2) or more occupants



or tenants on the same lot or tract of land.

- Sign, Changeable Copy: A sign upon which a display or message is changed by physical replacement of the display or message or electronic change of the display or message not more than once every five (5) seconds.
- Sign, Construction: Any sign listing principal contractors, architects, and any establishments for the construction site where the sign is placed.
- Sign, Copy: The wording on a sign surface in either permanent or removable letter form.
- Sign, Development: See Sign, Construction.
- Sign, Digital: A form of electronic display that shows programming, menus, information, advertising and/or other messages. Digital signs utilize technologies such as LCD, LED, plasma displays or projected images to display content.
- Sign, Directional: A sign permanently or temporarily erected of a non-commercial nature which directs the reader to the location of a public, religious, or educational institution, or to the location of an historical structure or area, or to the location of a public park or building; or signs directing traffic on private property, such as ingress and egress signs; or signs displaced for the direction and convenience of the public, including signs which identify restrooms, location of public telephones, public entrances, freight entrances, and the like. Such signs may display a business name or logo and directional information or symbols, but shall not bear nor display any advertisement.
- Sign, Double-faced: A sign having two (2) display surfaces, displaying the same copy, which are attached parallel, and back to back, not more than twelve (12) inches apart.
- Sign, Electric: A sign with electric wiring or lighting therein or thereon, or used in conjunction with the sign, including use of neon or florescent tubing.
- Sign, Erection: The act of posting, affixing or installing any sign which is attached to or requires a location upon the ground or any building or structure.
- Sign, Erector: The person or company who constructs or builds the sign or sign(s).
- Sign, Façade: See SIGN, ATTACHED.
- Sign, Face: The area of a sign on which the copy is placed.
- Sign, Flashing: A sign which, through the use of electricity or otherwise, flashes or blinks. Any and all Flashing Signs are considered non-conforming under this Ordinance.
- Sign, Free Standing: See SIGN, GROUND.
- Sign, Ground: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- Sign Height: The total height of the sign shall be measured from the top of the sign face, or its frame or supporting structure, whichever is higher, to ground level or grade level.
- Sign, Historical: A sign of, relating to, based on, or concerned with history or historical events.
- Sign Identification Tag: A weatherproof tag required to be affixed to the sign or sign frame by the sign contractor and displaying the sign number, date of installation and the name, address and telephone number of the sign contractor or erector.
- Sign, Illuminated: A sign designed or arranged to reflect light from an artificial source.

- Sign, Institutional: A church or school identification sign, bulletin board, or directional sign.
- Sign, Internally Illuminated: A light source which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.
- Sign, Mansard: Any sign attached to a mansard-type roof with sloping sides will for the purpose of this Ordinance be considered a wall sign.
- Sign, Monument: a two-sided sign attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole, posts, or similar uprights. Monument signs include ground signs.
- Sign, Non-conforming: A sign not prohibited herein as a public nuisance that conformed in all respects to the sign regulations and applicable zoning provisions in effect when it was located, but which now violates one (1) or more provisions of this Ordinance as of the date of the official adoption and passage of this Ordinance. Any sign, which does not meet the requirements of this Ordinance.
- Sign Number: The serial number of the permit issued for installing or erecting a sign, said number to be included on the identification tag furnished by the sign contractor.
- Sign, Off Premise: A sign that draws attention to or communicates information about a business, service, product, commodity, accommodation, attraction, church, school, public or charitable institution or other enterprise or activity that exists or is being conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located, or otherwise conveys a commercial or noncommercial message unrelated to the premises upon which the sign is located. A sign relating its subject matter or any portion thereof to the premises other than the premises on which it is located.
- Sign, On Premise: A sign relating its subject matter to the premises on which it is located. A sign that draws attention to or communicates information about a business, service, product, commodity, accommodation, attraction, church, school, public or charitable institution, or other enterprise or activity that exists or is being conducted, sold, offered, maintained, or provided on the premises where the sign is located; provided that an on premise sign may also display a non-commercial message, whether or not such message relates to the premises in question.
- Sign, Outdoor Advertising: Any sign for which a permit for erection or display is required by this Ordinance shall be deemed an outdoor advertising sign, any such sign visible from the exterior of any building including window signs.
- Sign, Painted Wall: Any sign painted directly on the surface of a structure.
- Sign, Permanent: A sign affixed to a building or the ground.
- Sign, Pole: a permanent sign that is mounted on a freestanding pole or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure.
- Sign, Political: A sign identifying and urging voter support for or opposition to a particular issue, political party, or candidate for public office.
- Sign, Portable: A sign which is designed to be moved from one place to another. A sign of any material, with or without changeable lettering, which is designed to be or is portable, and which is mounted on a vehicle, trailer, stand, or similar structure, with or without wheels, and is not permanently embedded in the ground; also known as a trailer sign, or mobile sign. For the purposes

of this Ordinance, such signs shall be considered detached signs, and as such, shall meet all the requirements specified for detached signs. Portable signs must conform to wind load and electrical requirements, as well as other applicable provisions of the codes and Ordinances enforced by the City of Bayou La Batre, and must be anchored or supported in such a manner as to guard against the effects of the wind.

- Sign, Projecting: Any sign other than a wall sign, any part of which extends beyond the building or wall; a prohibited sign for purposes of this Ordinance.
- Sign, Promotional: A sign designed and intended to promote the sale of land or buildings. A sign to advertise the opening of a business, special promotions, or similar events.
- Sign, Real Estate: A sign which advertises the sale, lease, or development of the premise or part of the premises on which it is located.
- Sign, Revolving: Any sign erected or constructed so as to rotate.
- Sign, Roof: Any sign erected, constructed, and maintained with the principal support on the roof structure.
- Sign, Sandwich: And double-faced sign, which may readily be moved from place to place.
- Sign, Shopping Center: A ground sign identifying a shopping center as defined herein, by name only; a wall sign located on a store within the shopping center to identify the tenant therein.
- Sign, Snipe: Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post, or any similar object located or situated on public or private property, not otherwise exempt. Snipe Signs are considered non-conforming under this Ordinance.
- Sign Structure: Any construction used or designed to support a sign.
- Sign, Subdivision, Condominium, and Apartment: Any sign designed to identify the name of a residential subdivision, condominium development, apartment complex, or neighborhood.
- Sign, Surface Area: The surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed. The surface area of a sign shall be measured from the outside edges of the sign or the sign frame or sign structure whichever is greater.
- Sign, Temporary: A sign or advertising display intended to be displayed for a limited period of time. Nonpermanent that is used in conjunction with a circumstance, situation, or event that is designed, intended and expected to take place or to be completed within a reasonably short and definite time period after the erection of such sign.
- Sign, Wall: A sign entirely attached against the wall of a building or the slope of a mansard-type roof. Wall signs attached to any wall of a building other than the wall which contains the primary entrances to the building are non-conforming signs.
- Sign, Window: Any sign placed inside or upon a window and which is intended to be seen from

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the exterior.

- Shopping Center: A group of retail and service establishments on the ground floor and located on commonly owned property, or sharing the same parking facilities.
- Sight Triangle: An area adjacent to street intersections maintained clear of visual obstructions; a superimposed upon the intersection street centerlines for a distance of 150 feet back from the point of intersection of the centerlines, the third and closing side terminating at the respective point 150 feet from the point of centerline intersection.
- Special Event: An occasion intended to attract a large number of people and includes events that have an admission fee or free admittance to the general public, including to but not limited to grand openings, fairs, carnivals, circuses, festivals, animal shows, contests, races, and entertainment shows.
- Special sales event or promotion: An event conducted on the premises of licensed business or merchant that features a special pricing promotion or similar type of event of goods and services normally offered for sale during the regular course of the business's or merchant's conduct of trade.
- Standard Building Code: The currently adopted building code of the City of Bayou La Batre.
- Street: A public or private right-of-way for vehicular and pedestrian in traffic.

### § 8.3 GENERAL PROVISIONS

This Ordinance is enacted to protect the health, safety, and welfare of the citizens of the City of Bayou La Batre and the general aesthetics of the City of Bayou La Batre by providing uniform standards for the location, spacing, height, setback, size, and other regulations of off-premises and on premise signs within the City.

The purpose of this section are as follows:

1. To protect property values within the City;
2. To protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs;
3. To promote the economic well-being of the Bayou La Batre community by creating a favorable physical image;
4. To allow signs appropriate to the planned character of each zoning district;
5. To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination one over the other;
6. To protect the right of citizens to enjoy Bayou La Batre's natural scenic beauty;
7. To protect the community from signs not in keeping with desired objective of insuring the general aesthetics values of the community;
8. To protect the natural view and vista of the area in around the waterfront;
9. To regulate the construction, erection, maintenance, and size of outdoor signs which may constitute a direct danger to pedestrians and property, especially during periods of high winds;

10. To preserve and promote the public health, safety, and welfare in the Bayou La Batre Community.

The provisions of this Section shall govern the location, size, setback, and height of signs in each of the use districts established in this Ordinance in order to insure safe construction, light, air, and open space, to reduce hazards at intersections, to prevent the accumulation of trash, and to protect property values of the entire community. The following is applicable to all signs:

A. Building Code: All signs must comply with the building code and all other applicable Codes and Ordinances of the City; as such codes and Ordinances are in effect.

B. Electrical Code: Any sign that may require electrical wiring or connections shall comply with the electrical code and all other applicable codes and Ordinances of the City, as such codes and Ordinances are in effect. All electrical devices used in signs must be inspected by Underwriters Laboratories (i.e., "UL Listed").

C. Sign Height: No freestanding and/or ground sign or feather flag shall exceed sixteen (16) feet in height at the top of the sign and the bottom of a sign may not exceed twelve (12) feet above ground, measured from the average elevation of the nearest road centerline. Air dancers may not exceed twenty (20) feet in height.

D. Obstruction to Passage: No sign shall be erected, displayed, or maintained so as to obstruct or interfere with any fire escape, any required exit way, window, door opening or any other means of egress, or of any opening required for ventilation required by the building code and all other provisions of the City Code.

E. Signs in Public Rights-of-Way: No sign, other than an official sign and officially approved directional signs, shall be placed in public rights-of-way or shall project into a public right-of-way, or shall be attached to private property placed in a public right-of way, except as expressly provided in this Ordinance. Any sign so placed or located, except in conformance with this Ordinance, shall be confiscated, and destroyed. In addition to other remedies, the City shall have the right to recover from the owner of such sign or the person placing such sign the full costs of removal and disposal of such sign.

F. Illumination, Lighting and Glare: Signs may be illuminated through the use of direct or indirect illumination, backlighting, internal illumination, neon tube illumination, or a combination of the aforementioned. Neon must comply with the City's Building Code and the neon may not extend more than eight (8) inches from any side or face. Any device that illuminates a sign shall be placed and shielded so that the direct light shall not cause direct glare into the windows of any adjacent property or be cast into the eyes of passing motorist. Flashing lights, messages or images are not permitted. A flashing sign contains a sequential flashing light source where the period of time of illumination is generally equal to the period of non-illumination, and is used solely to attract attention in a non-informative way. There must be a minimum five (5) second period for each change of color, message, or lighting for all illuminated signs.

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## § 8.4 PERMITS, APPLICATIONS, & INSPECTIONS

### Permits and Inspections:

a. Permits Required: Except as otherwise provided in this Ordinance, it shall be unlawful to erect, alter, or relocate any sign without first obtaining a sign permit. When a sign permit has been issued, it shall be unlawful to change, modify alter or otherwise deviate from the terms or condition of said permit without prior approval of the Planning Commission. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City. The following activity shall not require a sign permit: The changing of advertising copy or message on signs.

b. Application: In order to obtain a permit to erect, alter, or relocate any sign under the provision of this Ordinance, an applicant therefor shall submit to the City a sign permit application, along with the sign fee, which shall set forth in writing a complete description of the proposed sign including:

- (1) The name, address, and telephone number of the land owner or persons entitled to possession of the sign and of the sign contractor or erector.
- (2) The location by street address and legal description of the site of the proposed sign structure.
- (3) Complete information as required on application forms provided by the City, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign (for identification purposes only), such other data as is pertinent to the application.
- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
- (5) Application, and required information for such application, for an electric permit for all electric signs if the person erecting the sign is to make the electrical connection.
- (6) The sign must withstand a wind tolerance of 124 miles per hour.

Each application shall contain an agreement to indemnify and hold the City harmless for all damages, demand, or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the City on request, a certificate of liability insurance prior to the issuance of a sign permit. The Planning Commission, upon reviewing the application and plans, shall act upon as filed, or as amended, without unreasonable or unnecessary delay.

c. Certificates: Signs are required to be certified by a registered civil engineer. All ground signs larger than fifty (50) square feet in area shall, when required by the Planning Commission, be designed and certified by an Alabama registered engineer, who shall submit sufficient data to enable the Planning Commission to determine whether the sign complies with all applicable codes and Ordinances.

d. Issuances of permit if application in order: It shall be the duty of the City, upon receipt of a completed application to the Planning Commission which will then examine such plans and specification and other data, and, if the proposed structure is in compliance with the requirements of this Ordinance, notify the City of the same, who will then issue to the applicant, a written permit evidencing the applicant's compliance therewith. Issuance of the permit shall in no way prevent the Planning Commission from later declaring the said sign to be non-conforming if upon further review

of information submitted with the application, or of newly acquired information, the sign is found not to comply with the requirements of this Ordinance.

e. Permit duration: A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six (6) months after from the date of issuance.

f. Identification Tag: The sign contractor shall attach to the sign a weather-proof tag which shall have printed or impressed thereon:

“CITY OF BAYOU LA BATRE SIGN PERMIT”  
The permit number, the year of its issuance,  
And the telephone number of the sign erector.

No sign as herein defined, and unless specifically exempted, shall be erected, displayed, rebuilt, repaired, painted or otherwise maintained which does not have such tag securely attached thereto or to its supporting structure in such manner as to be plainly visible. The absence of an identification tag shall be prima facie evidence that the sign or advertising structure is being operated in violation of the provisions of this Ordinance.

### § 8.5 REMOVAL & MAINTENANCE OF SIGNS

#### Removal, alteration, or maintenance of signs.

a. All signs which are no longer functional or are abandoned, shall be removed or relocated, at the owner’s expense in compliance within the provisions of this Ordinance with thirty (30) days following dysfunction as determined by the City Council.

b. All outdoor advertising signs and sign structures shall be kept in repair and in proper state of preservation.

c. Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of the ground signs for a perimeter distance of the (10) feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

### § 8.6 PROHIBITED & ILLEGAL SIGNS

#### Prohibited Signs PROHIBITED SIGNS ARE SUBJECT TO IMMEDIATE REMOVAL

- a. Any sign erected or painted upon a sloping roof, fence, tree, stand pipe, fire escape, or utility pole.
- b. Any sign which uses the word “Stop” or “Danger” prominently displayed and/or which is a copy or imitation of official traffic control signs.
- c. Signs which flash or illuminate intermittently.
- d. Signs which emit visible smoke, vapor, particles, or odor.
- e. Signs with any lighting or control mechanism which causes radio or television or other communication interference.
- f. Any sign or sign structure placed upon any street or highway right-of-way, except directional signs provided by the City for a fee.
- g. Any sign affixed to trees, utility pole, or traffic sign.

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- h. Any sign attached to or painted onto a vehicle parked adjacent to or on a public thoroughfare for the principal purpose of advertising.
- i. Snipe Signs
- j. Window signs which identify or advertise activities, services, or product available within the building which collectively cover more than fifty (50) percent of the window glass surface area.
- k. Tethered inflatable signs, either on-site or off-site.
- l. Portable Signs
- m. Streamers
- n. Revolving signs

## § 8.7 NON-CONFORMING SIGNS

Non-Conforming Signs: Any non-conforming sign in existence on the date of enactment of this Ordinance, including off-premise sign and signs which have been made non-conforming due to annexation, shall be subject to the following conditions:

- a. The following to be removed or made to conform to this Ordinance within three (3) years:
  - 1. Non-conforming signs made of paper, cloth or other nondurable material.
  - 2. All temporary signs other than those permitted herein.
- b. If any non-conforming sign is removed or more than 50% is destroyed above ground level the replacement sign shall be in conformity with the requirements for this Ordinance. No non-conforming sign existing at the time of the enactment of this Ordinance may be improved or expanded.
- c. Where a change in use, occupancy, or ownership occurs which necessitates the altering of a sign, with the exception of off premise signs, in any manner, the altered or changed sign shall be in conformance with the requirements of this Ordinance.
- d. All non-conforming signs, other than off premise signs, 15% or more in excess of allowed maximum area shall be either removed or replaced with a conforming sign within five (5) years of the date of enactment of this Ordinance, except as otherwise provided by law.
- e. Upon failure to comply within the time specified, the Planning Commission is hereby required to recommend to the City that it cause removal as provided by law of such sign and any expense incident thereto shall be paid by the owner, agent, or lessee of said sign or of the property upon which the sign is located.
- f. Existence of any non-conforming sign on the premises will prohibit issuance of further sign permits while non-conforming use exists.

## § 8.8 EXEMPT SIGNS

Except as otherwise provided, the following on-site signs are exempt from provisions of this Ordinance and any permit fees, and may be erected without securing a permit, subject, however, to meeting all other applicable codes and regulations.

- 1. One (1) professional nameplate for each occupant. Each professional nameplate shall not exceed six (6) square feet in area.
- 2. One (1) identification sign for each precise, denoting only the name, street, number and business of an occupant in a commercial building or public institutional building. An identification sign shall not exceed six (6) square feet in area.
- 3. One (1) bulletin board or identification sign per site for public, charitable, educational or



- religious institution located on the premises of said institution and not exceeding thirty-two (32) square feet in area.
4. Legal notices and official instruments.
  5. Flags or insignias of a governmental organization mounted on a single pole. Flags or insignias of a religious, charitable, fraternal, or special interest organization, mounted on a single pole for a seven (7) day period. Flags or insignias shall be limited to fifty (50) total square feet in area.
  6. Decorative flags, banners, and bunting authorized by the City Council for a city-wide celebration, conventions, or commemorations.
  7. Seasonal or holiday lights and decoration only during customary duration of holiday period.
  8. Memorial signs, tablets or cornerstones, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
  9. Non-advertising [not to exceed two (2) square feet in area] directional signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of non commercial private property.
  10. Identification signs at the entrance drive of residences, estates, farms, ranches, and plantations which do not exceed two (2) square feet in area.
  11. One (1) non-illuminated, double-faced, temporary, real estate for sale sign per street frontage not exceeding in face area:
    - a. In residential zoning districts;
      1. Six (6) square feet where the property being advertised has a frontage of less than five hundred (500) lineal feet.
      2. Sixteen (16) square feet where the property being advertised has a frontage of five hundred (500) lineal feet or more.
    - b. In all other districts, sixteen (16) square feet where the property or structure being advertised has a frontage of less than two hundred (200) lineal feet.
    - c. In all other districts, thirty-two (32) square feet where the property or structure being advertised has a frontage of two hundred (200) lineal feet or more.
    - d. Multiple listing strips and sold signs may be allowed when attached to a real estate for sale sign. Signs shall be removed immediately when ownership has changed or the property is no longer for sale, rent, or lease. Open for inspection signs not exceeding two (2) square feet in area may be allowed on property that is open for inspection.
  12. One (1) construction sign per street frontage located on property where building is actually in progress under a current building permit. This shall be a ground sign not to exceed thirty-two (32) square feet for non-residential structures and sixteen (16) square feet for residential structures and may include the names of persons and firms performing services or labor, or supplying materials to the premises. Such sign must be removed BEFORE a certificate of occupancy is issued.
  13. Political signs, on private property provided such signs shall not exceed 16 sq. ft. in area (6 sq. ft. in a residential district). Such signs shall not be erected more than 45 days before an election and must be removed within 5 days after the election.
  14. Window signs which identify or advertise activities, services, goods, or products available within the building and which collectively cover twenty (20) per cent or less of the window glass surface area.
  15. Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or

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equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps and do not exceed two (2) square feet per piece of equipment.

16. Directional and regulatory signs erected by an agency or government or any lawfully constituted utility.
17. One under-canopy sign per business not to exceed 3 sq. ft., in area, not lower than 5 ft. clear above the walkway surface and not illuminated.
18. Historical signs erected by a state or government agency or any lawfully constituted historical society. Historical signs shall be in conformity with this Ordinance.

## § 8.9 SIGN STANDARDS

- a. **Visual Obstruction:** Signs shall not obscure vision between heights between three and nine feet above the grade level of the primary roadway which they face. Signs shall not be allowed in a sight triangle.
- b. **Protection of Residential Districts:**
  1. Except as may otherwise be provided herein, permanent signs are prohibited in single family residential districts.
  2. Signs in commercial or industrial districts which abut residential districts shall not be located closer than twenty five (25) feet to any residential boundary line.
  3. Illuminated or neon signs shall be diffused and shall not shine directly onto residential dwellings.
- c. **Ground Signs, wall signs, mansard signs, marquee and canopy signs shall be subject to the following conditions:**
  1. Temporary signs on private single family residential property are permitted at the property owner's discretion, provided, however, the sign shall be removed upon termination of the activity, such as, garage or yard sale, political campaign, real property sale or other like activity, for which it was erected. Signs permitted hereunder shall not exceed six (6) square feet in surface area.
  2. No new ground sign shall be larger than one hundred (100) square feet, except as otherwise provided herein.
  3. Aggregate surface area of all signs shall not exceed one square feet of area for each two feet of building frontage occupied by the business displaying signs. Maximum aggregate surface area allowed for each frontage:
    - In professional business area developments, fifty (50) square feet.
    - In all other districts where allowed, one hundred and fifty (150) square feet if said sign is located more than 300 feet from the roadway sitting nearest to the applicable building. For setbacks greater than 300 feet any increase in sign area must be approved by the Planning Commission.
  4. **Signs in multiple occupancy non-residential building:**

Where a single building or complex of buildings contains two (2) or more separate activities or establishments, the individual establishment located therein shall be permitted a wall sign and wall sign area based on portion of building frontage used by establishment as though they were individual street frontage. Such multiple occupancy buildings will be permitted one (1) directory on a common single multi-listing sign with a surface area not to

- exceed then (10) square feet and with a maximum height of sixteen (16) feet.
5. **Maximum number of signs.** Only one (1) ground sign and one (1) wall sign, mansard marquee or canopy, shall be allowed for each premise; except that on corner and double frontage lots, two (2) ground signs are allowed, provided that premises with more than one (1) street frontage may utilized up to the maximum sign surface area allowed for each frontage, but no transfers of allowable area may be made from one frontage to another.
  6. **Ground Signs.** All ground signs shall have a maximum of sixteen (16) feet above natural ground level or grade level (See definition) to the top of sign face or frame or supporting structure, whichever is higher.
  7. **Wall sign projection.** Wall signs may not project more than twelve (12) inches from the building to which they are attached.
  8. **Mansard signs.** Unless otherwise specified, the mansard type roof portion of a structure may be used for the mounting of a sign, provided such sign shall not extend above the break point of the mansard type roof line upon which the sign is mounted.
- d. **Shopping Center Signs:** Each shopping center sign bearing the name and identification of the shopping center and logo shall be allowed subject to the following requirements:
- a. One (1) ground sign with a maximum height of twenty (20) feet and a maximum surface of one hundred (100) square feet is permitted to identify the name of the shopping center only.
  - b. Signs or sign structures located on a marquee or canopy shall be affixed flat to the surface and shall not be greater that six (6) feet in vertical dimension and shall not extend beyond the marquee or canopy.
- e. **Subdivision Signs:** One (1) permanent subdivision sign may be located at each entrance to a subdivision provided the following requirements are met:
- a. Such sign shall contain only the name of the subdivision and motto, if any. It shall not contain promotional material.
  - b. The sign shall not create a physical or visual hazard for motorists entering or leaving the subdivision.
  - c. An acceptable legal entity shall be provided to assure the maintenance of the subdivision sign.
  - d. The sign shall not exceed seven (7) feet in height.
  - e. The sign shall not exceed thirty-two (32) square feet in area.
- f. **Multi-family residential development signs:** One (1) wall or ground sign may be located on the site of a multiple family residential development or mobile home park provided that it is not more than thirty-two (32) square feet. Such sign shall not be more than eight (8) feet in height. Where a multiple family residential development or mobile home park is located on more than one (1) street, one (1) sign may be displayed on each street.
- g. **Gasoline pricing signs:**
- a. One sign advertising the price of gasoline is permitted, provided that it shall not exceed twelve (12) square feet per sign face and an aggregate area of twenty-four (24) square feet. If freestanding, the sign shall not exceed five (5) feet in height.
  - B. Signs which are placed on gasoline pumps in order to provided required information

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to the public regarding price per gallon or liter type of fuel and octane rating are permitted, however, such signs may not exceed three (3) square feet per side in surface area and six (6) square feet in total area.

h. **Digital Signs:**

Programming, menus, information, advertising and/or other messages displayed by digital signs utilizing technologies such as LCD, LED, plasma displays or projected images, cannot display flashing or pulsating light to display content. Digital signs shall be limited to one (1) digital sign per building, per lot of record. Lots with multiple businesses shall be allowed one (1) digital sign to service all businesses located on that lot. The digital sign shall not exceed sixteen (16) square feet in total area and shall change graphics, color or message no more than one (1) time per five (5) seconds. During the hours of 10:00 p.m. and 6:00 a.m., digital signs shall remain static with no changes.

Setback from Other Digital Signs. Digital signs must be separated from other digital signs by at least fifty (50) feet.

- i. **Awning Signs:** Shall be flat against the surface of the awning and must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.

- j. **Off Premise Sign:** Each business issued a Bayou La Batre business license (excluding Home Occupation Businesses) is allowed one (1) off-premise sign. The off-premise sign may only advertise goods and services provided by that business to which the off-premise permit is issued. The sign may be single faced or double faced and may not exceed more than thirty-two (32) square feet per face. No sign may be erected on any public right-of-way, publically owned property or conservation-park property. Off-premise sign(s) erected on residential property must obtain written permission of all adjoining residential improved property owners. If an adjoining residential unimproved lot is improved and the owner of the residential improved lot objects to the sign, the sign shall be removed by the owner.

Every business that has an off-premise sign is required to purchase a permit and pay the applicable fee for same per calendar year or any portion thereof. Signs shall be maintained by the individual business advertised thereon.

Indemnify and Hold Harmless: The owner of any off-premise sign must execute an Indemnity and Hold Harmless Agreement with the City of Bayou La Batre.

- k. **Roof Signs:** May only be permitted one per establishment. The Building Official shall insure that roof signs are appropriately fit to and are properly secured to the buildings to which they are to be attached. Roof signs painted directly on the roof of a business will be considered part of the Façade/Attached Sign Aggregate Display Area for the business if the sign is visible from ground level.

l. **Marina and Fleet Signage:**

**Attached Signage:** The total signage area for all charter fleet vessels at a marina shall not exceed 50% of the street face of the main office/ships store building. Signage for an individual charter fleet vessel may not exceed eight (8) square feet of attached signage on the building.

**Dock or Pier Signage at Marina:** Signage for an individual charter fleet vessel may not exceed eight (8) square feet of signage at the berthing dock of a vessel.

- m. **Suspended Sign:** A suspended sign must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.

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# ARTICLE 9: NONCONFORMITIES

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## § 9.1 PURPOSE

It is the purpose of this Article to provide for the regulation of nonconforming buildings, structures, lots of record, and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue, expanded, or modified; and the circumstances under which a legal nonconformity shall be terminated. It is necessary and consistent with the regulations prescribed by this Ordinance that nonconformities not be permitted to continue without restriction to ensure orderly development, property values, and property rights are protected and not subject to adverse effects.

It is the intent of this Ordinance that legal nonconformities be allowed to continue in accordance with the requirements of this Article, but not to be increased, expanded, or enlarged, which would result in an increase in the nonconformity. It is also the intent of this Ordinance that any illegal nonconformity shall not be allowed to continue. Any building, structure, lot of record, or use that was not lawfully permitted shall be considered in violation of this Ordinance and will be subject to the fines and penalties set forth in this Ordinance.

Nonconformities are existing buildings, structures, lots, and land uses (activity that defines how the land is being used), that were previously legally

## § 9.2 NONCONFORMANCE DEFINED

allowed and lawfully permitted prior to the adoption of this Ordinance, but are no longer in compliance with the provisions of the currently adopted zoning ordinance and subsequent amendments. Nonconformities do not conform to the current zoning regulations of the zoning district in which they are located.

Grandfathered is a term used for an existing use of land, building or structure, or building and land use combined that was in existence prior to the incorporation of zoning in a municipality. A building in existence at the time a new zoning ordinance is adopted is said to be "grand-fathered" or "legally nonconforming" and cannot be declared "illegally nonconforming" or in violation of the new Ordinance. Legally nonconforming properties have rights and are allowed to continue on indefinitely with restrictions set forth in the Ordinance. Nonconforming rights only apply to a building, structure, lot, or use as it existed at the time of the adoption of the new zoning ordinance or subsequent amendment(s). The nonconformity may not be increased or expanded. The nonconforming portion of a structure may not be expanded, and a nonconforming use may not be extended to other areas of the property.

## § 9.3 GENERAL PROVISIONS

Any building, structure, lot, or use of land existing at the time of the enactment of this Ordinance and amendments thereto and not in conformance with its use regulations and provisions may be continued subject to the following provisions:

- Alterations- No nonconformity shall be enlarged upon, expanded, or extended unless such alteration is in full compliance with all requirements of this Ordinance, except as noted in this Article. Normal maintenance and incidental repair of nonconformity shall be permitted, provided that this does not violate any other section of the Article.

- Unsafe Structures- Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.
- Maintenance- Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, and/or internal renovations, provided the total value of such activities does not exceed 50% of the appraised value of the structure as determined by the County Tax Assessor.
- Relocation- No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- Accessory Uses & Structures- Regardless of any other provision of this Article, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
- Change in use- A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.
- Discontinuance- A nonconforming use which became such upon the adoption of this Ordinance and which has been discontinued for a continuous period of one (1) year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.
- Adjacent land- The presence of a nonconforming use in a zoning district shall not be legal grounds for the granting of variances for other surrounding properties by the board of zoning adjustment.

## § 9.4 RELATED TERMS

### ***ILLEGAL NONCONFORMING***

Uses, buildings, structures, and lots that were illegally established and not lawfully permitted prior to the adoption of this Ordinance. Any illegal nonconformity shall remain illegal and be subject to penalties, remedies, and fines that are pursued and set forth in this Ordinance.

### ***LEGAL CONFORMING***

A project meets all zoning district requirements including, but not limited to: use, area, setback, height, density, and parking according to the most recently adopted zoning ordinance, and has legally established and/or permitted. A proposed use that is allowed and permitted in the zoning district in which the lot is located, the use, building, or structure may be expanded, increased in accordance with all other requirements, within the buildable area defined by this Ordinance, provided that a building permit has been issued and all local building codes have been met.

### ***LEGAL NONCONFORMING***

Any land use activity or physical design of a building, structure, or lot of record that was legally established and/or permitted prior to the effective date of a new Ordinance, and was conforming to the zoning requirements of the previous Ordinance, but is currently not in full compliance with the regulations of the new Ordinance. Legal Nonconformities shall be permitted to continue indefinitely subject to the provisions of this Article.

The municipal code recognizes the following categories of legal nonconformities:

- ***Nonconforming buildings, structures, and/or development site.*** These are buildings and/or structures and/or development sites that were legal at the time they were established or constructed, but now do not fully comply with the standards of the new Ordinance because of their physical design concerning minimum yard setbacks, height or area limitations, and other requirements. A building or structure



nonconforming only as to height, area, yards, or bulk requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase the degree or nonconformity in any respect.

*\*Concerning Nonconforming Mobile Homes: If a nonconforming mobile home has to be removed in case of an emergency situation only (hurricane or flooding), said unit may be returned to its original location. Mobile homes removed for any other purpose shall not be re-established; and an existing mobile homes shall not be increased, enlarged, added on to, or replaced with a new unit.*

- **Nonconforming lots of record.** Any legally recorded lot which at the time was recorded in full compliance of all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum lot area, width, depth, access, street frontage, or other requirements of the zoning ordinance.
- **Nonconforming uses of land.** These are activities and/or uses that are occurring on the land in which define how the land is currently being used, which were established and permitted prior to the adoption of this Ordinance.
- **Nonconforming uses of buildings and structures.** These are uses occurring inside a building and/or structure that were established prior to the adoption of this Ordinance.
- **Nonconforming site features.** This is something of a catch-all category that covers all other nonconformities on the parcel to the parking, landscaping, signage or other requirements of the zoning ordinance.

## § 9.5 CONTINUANCE RIGHTS

Except as otherwise provided in this Article, any nonconforming lot, use, building or structure lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful. A nonconforming building or structure and related

use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

A. **Nonconforming Developed Lot of Record**  
When the use occurring on the land complies with the requirements of the zoning district in which the use is located, but the lot has been developed in a manner that does not comply with the lot area, yard, and setback requirements at the time of adoption of this Ordinance, or any subsequent amendment, it shall be considered a nonconforming developed lot of record.

B. **Nonconforming Vacant Lots of Record**  
When a vacant or undeveloped lot exists that does not consist of sufficient land to comply with the lot area, yard, and setback requirements at the time of adoption of this Ordinance or any subsequent amendment, it shall be considered a nonconforming vacant lot of record.

Subject to the provisions of this Article, a nonconforming vacant lot of record may be used for any principal use permitted in the zone in which the lot is located.

### • Appeal to Build on Nonconforming Vacant Lot of Record

A nonconforming vacant lot may be used as a building site for any use permitted in the zoning district in which the lot is located provided:

- a. Other requirements of this Ordinance are complied with; or
- b. Application is made to the Board of Zoning Adjustment for a variance from applicable requirements that can not be met.
- c. A variance for a nonconforming vacant lot of record shall conform, as closely as possible to the lot area, yard and building setback and other requirements and:
- d. The front yard set back shall not be less than the average of the setbacks of existing buildings within two hundred (200) feet on each side of

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the lot; except, no front yard shall be less than twenty (20) feet;

- e. At least one side yard shall not be reduced to less than ten (10) feet in width and the other side yard not less than five (5) feet in width;
- f. The rear and waterside yard setback shall not be less than twenty (20) feet, and
- g. No more than one principal use and building shall be allowed on a nonconforming vacant lot of record.

C. Nonconforming Lots, Buildings, and Structures

A lot, building, or structure nonconforming only as to height, area, yards, or bulk requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase, expand, or enlarge the degree or nonconformity in any respect. A nonconforming building or structure and related use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

D. Nonconforming Uses of Buildings and Structures

When a building or structure and related uses exist at the time of adoption of this Ordinance, or any subsequent amendment, that does not comply with these regulations, that building or structure and related use shall be allowed to continue subject to the following conditions:

- The expansion of nonconforming use within an existing building or structure shall be allowed provided the use will be expanded in a space contiguous with the existing use.
- The expansion shall be limited to within the existing building or structure.
- A nonconforming use shall not be expanded or relocated, in whole or part,

to a non-contiguous part of a building or structure.

- All required on-site improvements, such as parking, loading and buffer areas shall be provided before the use is expanded within the building.

## § 9.6 TERMINATION OF NONCONFORMING STATUS

The following explains the circumstances under which a legal nonconformity shall be terminated, losing its nonconforming status and coming in to compliance with the currently adopted zoning ordinance.

A. Discontinuance of Use Due to Vacant, Abandoned, and/or Idle Buildings/Structures

In the event that a building, structure, or premise occupied by a nonconforming use becomes and remains vacant, abandoned, or idle for a period of twelve (12) months, or the use has been discontinued for a period of twelve (12) months, the use shall thereafter conform to the use regulations of the district in which such building, structure, or premise is located, regardless of the intent of the owner or occupant, and regardless of the status of the building or structure. The nonconformity shall not be re-established if such building or structure and related use has been legally abandoned, or has been changed to, or replaced by a conforming use.

B. Destruction of Nonconforming Buildings & Structures and Related Uses (50% Rule)

- A building, structure, or mobile home which has been damaged by any cause whatever to the extent of more than fifty (50) percent of the County tax-assessed value of the building shall be allowed to be repaired and restored, provided it is in conformity with the regulations contained in this Ordinance. In this

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event, the nonconforming status and rights of the affected building or structure and related use shall be terminated and said building and structure and related use must comply with the regulations set forth in this Ordinance.

- If a building, structure, or mobile home is damaged by less than fifty (50) percent of the County tax-assessed or appraised value, it may be repaired and used as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve (12) months of the time of such damage.

C. Modification of Nonconforming Site Features

A development site that is nonconforming by physical design (i.e., insufficient parking, landscaping, setbacks, etc.), may be utilized for any land use which is permitted in the zoning district in which it is located. However, any permits for new construction, additional floor area, or the replacement of any structure on the development site, shall be contingent upon bringing the entire site into conformity with all requirements of this Ordinance.

D. Relocation & Rebuilding of Nonconforming Buildings and/or Structures

If a use, building, or structure is rebuilt on the existing site or relocated to another location, the lot, use, building, or structure shall comply with all zoning and applicable development regulations after it is rebuilt or relocated.

**§ 9.7 PROTECTION OF EXISTING APPROVALS**

Nothing in this Ordinance shall be interpreted as requiring a change in existing approved plans,

construction, use, or occupancy of land, buildings or structures on which construction was lawfully begun, and legally permitted, and has been diligently continued prior to the adoption this Ordinance or any subsequent amendment that would make said plans, use, building, structure, or occupancy nonconforming.

- Construction shall mean the erection and fastening of building materials in a permanent manner in accordance with approved plans.
- Where demolition and removal of an existing building has begun in preparation for rebuilding, or where excavation has begun for building, construction shall be deemed to have begun provided the work is diligently continued.
- The storage of building materials or location of a temporary office on a lot shall not be deemed as having begun construction.

**§ 9.8 INTERPRETATION & ADMINISTRATION**

1. The Building Official shall conduct a survey of all nonconforming uses of land or structures at least two (2) times a year to determine where they exist and whether or not they have been discontinued.
2. The Building Official shall maintain an accurate and up-to-date record of all nonconforming uses, buildings, structures, and land and dates of their discontinuance.
3. The question as to whether a nonconforming use, building, structure, or lot exists shall be a question of fact. In case of doubt or challenge raised, the determination shall be made by the Building Official.



# ARTICLE 10:

## APPLICATION APPROVAL PROCESS

- § 10.1 PURPOSE
- § 10.2 SUBDIVISIONS
- § 10.3 SITE PLANS
- § 10.4 DEVELOPMENTS REQUIRING SITE PLAN APPROVAL
- § 10.5 SITE PLAN REVIEW CONSIDERATIONS
- § 10.6 PRE-DESIGN REVIEW (SKETCH PLAN)
- § 10.7 SITE PLAN APPLICATION PROCEDURE
- § 10.8 SITE PLAN PACKAGE SUBMISSION
- § 10.9 SITE PLAN REQUIRED CONTENTS
- § 10.10 SITE PLAN APPROVAL
- § 10.11 ZONING AMENDMENTS
- § 10.12 PROCEDURE TO REQUEST A HEARING
- § 10.13 ANNEXATION PROCEDURES

### § 10.1 PURPOSE

This Article sets forth the procedures required for obtaining development approval within the City of Bayou La Batre. Site plans, subdivisions, building permits, certificates of occupancy, zoning amendments, rezoning process, and annexation procedures are addressed herein. However, the approval of a development under the provisions of this Article does not imply any variation or waiver of any provisions of the building code, housing code, fire code, or any other applicable code, standard, or regulation adopted by the City of Bayou La Batre, the State of Alabama, or the United States Government. All required applications, fees, and checklist are found in Appendix I of this Ordinance.

### § 10.2 SUBDIVISIONS

Any subdivision or resubdivision of land, or combining of lots within the City of Bayou La Batre, and within unincorporated areas lying within two (2) miles of the Bayou La Batre city limits, shall be carried out in accordance with the Bayou La Batre Subdivision Regulations which are hereby reference in this Ordinance. All development

within subdivisions shall be consistent with applicable sections of this Ordinance.

### § 10.3 SITE PLANS

This Section shall apply to all site development plans. The site plan procedures shall be required in order to ensure that site-specific development projects meet the requirements of this Ordinance prior to the issuance of a zoning certificate authorizing a building permit. It is the intent of this Section that the site plan and design review process be a part of the building permit application process, and that the site plan shall be the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.

### § 10.4 DEVELOPMENTS REQUIRING SITE PLAN APPROVAL

Prior to issuance of a building permit, site plan approval and design review shall be required for all residential multi-family projects involving the construction of three (3) or more dwelling units and all proposed non-residential construction projects.

### § 10.5 SITE PLAN REVIEW CONSIDERATIONS

Site plan reviews shall be accomplished by the Building Official in conjunction with the Planning Commission to assure compliance with the provisions of this Ordinance and the City's Subdivision Regulations in conformity with its purpose as stated in this Ordinance. The Building Official and Planning Commission shall establish regular site plan review meetings at which both pre-design conferences and formal reviews will take place.

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The following criteria shall be used in determining whether to approve a site plan:

- A.** Completeness of application information as required
- B.** Consistency with adopted policies and standards of the Comprehensive Master Plan.
- C.** Uses permitted on the development site under the provisions of this Ordinance;
- D.** Whether the site plan meets applicable design standards and stormwater management standards, if applicable, that are established by this Ordinance;
- E.** Availability and adequate capacity of public facilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles); and
- F.** Compatibility with surrounding land uses.

## § 10.6 PRE-DESIGN REVIEW (SKETCH PLAN)

A pre-application conference shall be **required** for each site plan to be submitted. At that time the the Building Official and staff will provide the applicant or their authorized representative with advice and guidance regarding the requirements of this Ordinance, and any other regulations which apply. Preliminary sketches shall be reviewed and overall development concepts finalized at this time.

At the pre-design conference, the applicant shall provide the Building Official and staff with basic information regarding the proposal. This information should form the basis upon which the Building Official may advise the applicant on the subsequent steps required to gain final site plan approval and the necessary information which will be submitted with the formal application.

It shall be the applicant's responsibility to allow for plenty of time for the pre-application conference, and any other available guidance, in order to have a complete application package submitted and formal review completed before their desired construction start date.

## § 10.7 SITE PLAN APPLICATION PROCEDURE

Proposed development site plans shall be prepared and sealed by an architect, professional engineer or land surveyor. When required for land disturbing activities, full engineering drawings must be submitted by an engineer registered in the State of Alabama. The Building Official may choose to require additional information as necessary.

**Completeness of Plans.** Site plans submitted without complete information in accordance with the Article shall not be reviewed by the Building Official or staff or placed on the Planning Commission Agenda.

Additional plans shall be provided for review by appropriate state, regional and county agencies upon staff request.

**Staff Review.** The Building Official and other appropriate city staff members shall review the site plan with specific regard to this Ordinance and other regulations of the City of Bayou La Batre. The staff review shall identify matters of development policy concern to which the applicant shall address particular attention.

**Cutoff Time.** All applications to be heard by the Planning Commission must be received by the Building Official and staff no later than thirty (30) days prior to the next regularly scheduled Planning Commission meeting.

**§ 10.8 SITE PLAN PACKAGE SUBMISSION**

The following items will be required for formal site plan review by the building official and the planning commission:

- Three (3) paper copies of the site plan
- one (1) digital copy of the site plan are required,
- a completed application form,
- Site Plan checklist
- a landscape plan
- All necessary stormwater management plans, if applicable
- all other necessary attachments and copies of required permits
- requisite application fees

**§ 10.9 SITE PLAN REQUIRED CONTENTS**

Site plans shall include the following information. A checklist is available in Appendix I of this Ordinance and is required with site plan package submission.

- a. The location and size of the site including its legal description and a current certified survey.
- b. A vicinity map showing the site relation to surrounding property.
- c. The recorded ownership or developer's interest, if the developer is not the owner.
- d. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features. This information may be combined with requirements for the vicinity map specified in this section.
- e. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.
- f. The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.
- g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.

- h. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.
- i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
- j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
- k. A traffic impact analysis and corrective measures to address detrimental conditions brought about by the development may be required if applicable.
- l. Architectural renderings, elevations and representative floor plans in preliminary form.
- m. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.
- n. Landscape plans.
- o. Any additional data, plans, or required permits that address stormwater management, if applicable.

## **§ 10.10 SITE PLAN APPROVAL**

The Planning Commission may approve, approve with conditions or disapprove an application as submitted. For all applications that are approved with conditions, the Planning Commission shall indicate the nature of the conditions to the applicant in writing. When a site plan is disapproved, the reason(s) for the disapproval shall be provided in writing to the applicant within ten (10) days of the hearing at which the decision to disapprove was made. No site plan shall be approved which is inconsistent with any term contained in this Ordinance.

Upon approval of a site plan, a minimum of three (3) paper copies, and any additional copies as may be required by the city, of the approved site plan shall be submitted to the Planning Commission prior to issuance of a building permit.

## **§ 10.11 ZONING AMENDMENTS**

The City Council may, occasionally after examination, review and hold public hearing thereon, amend, supplement or change the regulations of the zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by an Applicant, City Council, or the Planning and Zoning Commission, shall be treated in accordance with the following procedure:



1. An application must be submitted on appropriate forms and in writing at least thirty (30) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.
2. Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper legal notice published in a newspaper of general circulation in the jurisdiction, at least fifteen (15) days prior to the said public hearing. In addition, the subject property is to be posted by the City building Official fifteen (15) days before the Planning commission meeting stating the property’s present zoning, proposed zoning, and the date, time, and place of the public hearing. The posting shall remain in place until such time as the City Council makes its final determination.
3. The Council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within 45 days from the date of the public hearing.

Any petition for zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the Clerk.

A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.

**§ 10.12 PROCEDURE TO REQUEST A HEARING FROM THE BOARD OF ADJUSTMENT (BOA)**

Request for a hearing before the Board Adjustment for an administrative review, special exception or a variance shall observe the following procedure:

1. A completed application form must be filed with the zoning enforcement officer from whom the appeal is taken and the Board of Adjustment, at least two (2) calendar weeks prior to the regular meeting of the Board of Adjustment. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.
2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the zoning enforcement officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing proposed structures; yard dimensions and the use of structures; easements (private and public), water course, and if existing and proposed, fences, street right-of-way lines; and such other information regarding abutting property as directly affects the application.
3. The Board of Adjustment shall hear the appeal of its next regularly scheduled meeting, or, if for good reason this is not feasible, shall fix a reasonable time within twenty (20) days after the date of their regularly scheduled meeting for hearing the appeal. Public notice of the hearing shall be given by all of the following methods:

- A printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision, and,
- Notice by registered mail to the owners of all adjacent property of the affected property on the same side of the street, across the street, and to the rear of the affected property.

The Board of Adjustment shall render a decision on any appeal or other matter before it within forty-five (45) days from the date of the public hearing on it.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.

In exercising the powers granted the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Enforcement Officer and may issue or direct the issuance of a Zoning Compliance Permit.

**Limitation, Withdrawal, Citizen Appeals:**

A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than one every year or twelve (12) months on the same variance.

Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the decision of the person initiating such a request upon written notice to the Secretary of the Board.

Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may take, within fifteen (15) days thereafter appeal to the circuit court or like jurisdiction, by filing with such Board a written notice of appeal specifying the judgment of decision from which appeal is taken.

**§ 10.13 ANNEXATION PROCEDURES**

Municipal Annexation is a process by which a municipality expands its boundaries into adjacent areas not already incorporated into the municipality. The process may occur because the neighboring urban areas seek city services or because a city seeks control over its suburbs or neighboring unincorporated areas to ensure proper development standards are achieved in the municipal planning jurisdiction.

The City Council may, after thorough examination, review and public hearing thereon, consider proposals for annexation, whether initiated by the City Council, the Planning Commission, or any person, firm, or a corporation.

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All applications shall be treated in accordance with the following procedure:

(a) An application on the prescribed form shall be submitted in writing to the City Clerk thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.

(b) The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

(c) Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law.

(d) Said notice shall be published in full for one (1) insertion and an additional insertion of a synopsis of the proposed amendment one (1) week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) days prior to the said public hearing. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

(e) Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

(f) In such case, the Council shall not make any change in or departure from the text or maps, as recommended and certified by the Planning Commission, unless such change or departure can be first resubmitted to the Commission for an additional review and recommendation. The Commission shall have thirty (30) days to resubmit its recommendation.

(g) Any petition for annexation may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the City Clerk.

Unless otherwise requested at time of annexation, any new land annexed into the City of Bayou La Batre, hereafter shall be classified with a zoning designation of SFR-I. Annexed land with an established zoning shall at the time of annexation be rezoned to a use compatible with the City's own zoning district or to an entirely new zone consistent with established procedure.

# ARTICLE II:

## ADMINISTRATION, ENFORCEMENT & FEES

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### § 11.1 REVIEW BOARDS

- CITY COUNCIL**  
The City Council shall exercise all final legislative authority over zoning matters as provided in this Ordinance.
- PLANNING COMMISSION**  
The Planning Commission shall exercise the authority granted by the Code of Alabama and the Zoning Ordinance.
- BUILDING OFFICIAL & ZONING ENFORCEMENT**  
The Zoning Enforcement Officer shall be the City Building Official as designated by the City Council whose duties shall be to enforce the provisions of this Ordinance.
- BOARD OF ADJUSTMENT**  
The Board of Adjustment provides relief to regulations in this Ordinance that when literally interpreted, would render property useless.

### § 11.2 POWERS & DUTIES OF THE PLANNING COMMISSION

The Planning Commission of the City of Bayou La Batre, Alabama, is hereby established according to Title 11, Chapter 52 of the Code of Alabama (19115), as amended. The members are responsible for preparing the Comprehensive Plan, making recommendations to City Council on developmental policies and issues and administering developmental regulations. Their role is mainly advisory, except in relation to the city's Subdivision Regulations for which they have sole decision making power.

- Membership & Implementing Authority:** The Bayou La Batre Planning Commission shall be the implementing authority for this ordinance, except that where required by law, action of the Bayou La Batre City Council or Board of Adjustment is necessary. Such deliberative action of the council or the board shall take place after due consideration of recommendations made by the planning commission.

The Planning Commission shall consist of nine (9) members; The mayor, or a person representing and appointed by the mayor, six (6) mayoralty appointed citizens, one (1) administrative official, appointed by the mayor and one (1) elected official, appointed by the City Council.

2. **Rules of Procedure:** “Robert’s Rules of Order” shall generally govern the order of business and conduct of meetings of the planning commission or any committee of said commission.
  - The Planning Commission shall observe the following procedures:

The commission is charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion therefore which are adopted.
  - The Planning commission shall hear matters “on review” or require Commission “approval” as herein specified.
  - The Commission shall hear and recommend to the City Council on all matters of zoning, rezoning, and annexation.

Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

3. **Meetings:** The planning commission shall hold at least one (1) regular scheduled meeting per month. The date, time, and place of such meeting shall be determined by the planning commission.
4. **Agenda:** An agenda for each meeting shall be prepared by the commission secretary for each regular meeting of the planning commission.
5. **Quorum:** Five (5) members of the Planning Commission must be present in order to hold an official meeting. Unless otherwise provided by statute, a majority of the members shall constitute a quorum for the conduct of business. Amendments to the Comprehensive Plan and any business regarding a Subdivision requires a quorum of six (6) members.
6. **Applications:** All development applications and recommendations regarding the development of land shall be filed and handled in accordance with the provisions hereinafter detailed in this ordinance.
7. **Study:** The planning commission may defer action on any matter submitted to it at a regular meeting until the next regular meeting so that proper study of the matter may be made by the membership; provided, however, that the commission shall take action on any matter submitted to it within the time limitation as required by law.

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### § 11.3 POWERS & DUTIES OF ZONING ENFORCEMENT OFFICER

- The Zoning Enforcement Officer is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance.
- The Zoning Enforcement Officer does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings before the Board of Adjustment, the Planning Commission, and/or the City Council.
- The Zoning Enforcement Officer shall keep records of all and any permits, the Certificates of Occupancy (CO) issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.

### § 11.4 BUILDING PERMITS & CERTIFICATES OF OCCUPANCY

Permits and certificates shall be issued in accordance with the following provisions:

- **Building Permits:** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Official of the City has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this Ordinance. Additionally, in any instance where one (1) acre or more of land will be disturbed, the applicant is required to submit a Stormwater Management Plan, see City of Bayou La Batre’s Post-Construction Stormwater Management Ordinance, for detailed information regarding procedure. Application for the building permit shall be made to the Building Official of the City on forms provided for that purpose.
- **Approval of Plans and Issuance of Building Permit.** The Building Official is authorized to issue building permits for single-family residences without referral to the Planning Commission but shall not issue any building permit for structures other than single-family residences without the prior approval of the Planning Commission in the manner herein after described. It shall be unlawful for the City Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the City Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the City Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

- a) To actual shape, proportion and dimensions of the lot to be built upon.
- b) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structure already on the lot.
- c) The existing and intended use of all such buildings or other structures.
- d) The location of off-street parking spaces, and, wherever applicable, off-street loading areas.
- e) The adequacy of provisions to control surface drainage.
- f) The provision for control of traffic, if required.

If the proposed excavation, construction, moving or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, the Building Official of the City shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official of the City shall state in writing on the application the cause for such disapproval. Issuance of a building permit, shall, in no case, be construed as waiving any provision of this Ordinance.

- **Filing for Permit.** The filing deadline for consideration at the next regular or specially scheduled meeting of the Planning Commission can be determined by consulting the Building Inspection Department of the City, which may require filing fifteen (15) days prior to such scheduled meeting in order to carry out its responsibilities of examining the life-safety factors, and Health Department requirements. During this fifteen (15) day period, all members of the Commission shall try to familiarize themselves with all aspects of the application for a building permit so that they may be in a position to act on it with dispatch when the Building Inspection department provides them with its findings and recommendations.
- **Issuance of Permit:** Approval by the Commission on any project shall be in the form of two (2) stamped and signed sets of drawings and specifications returned to the Building Official's Department (one for files, and one for the owner). The chairman of the Planning Commission shall sign the approval. Only the Building Inspection Department may issue the building permit. Conditions may be applied under the approval when the proposed building or structure does not comply with the criteria in this ordinance and shall be such as to bring said structure or project in to conformity.
- **Expiration of Building Permit:** A building permit shall not be transferable and shall be issued only to the applicant. It shall expire if the foundation work for the entire scope of the permitted project has not been completed within one (1) year after issuance of the building permit. Request for a single one-year extension will be considered upon the applicant's request if made prior to the permit expiration.
- **Certificate of Occupancy:** No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the building Official of the City shall have issued a certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance and the currently adopted ICC codes. Within three (3) days after the owner or his agent has notified the Building Official of the City that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official of the City to make a final inspection thereof, and to issue a Certificate of

Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

## § 11.5 CONTINUANCE OF PREVIOUSLY ISSUED PERMITS

All permits which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

## § 11.6 FUNCTION & ROLE OF THE BOARD OF ADJUSTMENT

The Board of Adjustment is known by various names, including Board of Zoning Adjustment, Zoning Board of Adjustment and Zoning Board of Appeals. Regardless of the exact title, the purpose and function of the Board is the same.

The Board of Adjustment of the City of Bayou La Batre, Alabama, is hereby established and functions as a means for providing relief to the citizen from the regulations of this Zoning Ordinance, in situations where the literal enforcement or interpretation of regulations renders property useless.

1. **Membership:** The Board of adjustment shall consist of five (5) members, appointed by the Council of Bayou La Batre, Alabama, for overlapping terms of three (3) years. In addition, two supernumerary members shall be appointed to serve at the call of the chairman only in the absence of regular members. Such members shall be appointed for three years and shall be eligible for reappointment.
2. **Initial Appointment:** The initial appointment of the Board of Adjustment shall be as follows: two members for one year; two members for two years; and one member for three years.
3. **Vacancies:** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the City Council upon written charges and after public hearing thereon.
4. **Public Offices Held:** No members shall hold any other public office or position, except that one member may be a member of the City Council.
5. **Rules of Procedure:** The Board of Adjustment shall observe the following procedures:
  - a) Said Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
  - b) Said Board shall elect one of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.
  - c) The meetings of said Board shall be held at the call of the Chairman and at such other items as said Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance to witnesses by subpoena.
  - d) All meetings of said Board shall be open to the public.



e) Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the Office of the Clerk and shall be a public record.

6. **Duties and Administrative Powers:** The function and purpose of the Board of Adjustment is to hear and rule on applications for the following three (3) cases pertaining to this Zoning Ordinance.

1) **Appeals:** To hear and decide appeals where it is alleged there is error in any determination, decision, order or requirement made by the Zoning Enforcement Officer, or other administrative official, in the enforcement of this Ordinance.

2) **Special Exceptions:** To hear and consider applications for the approval of certain uses of land, which are listed as *Special Exceptions* land uses in the Zoning Ordinance.

3) **Variances:** To hear and decide applications for variances from the requirements of this Zoning Ordinance in cases where it is claimed that the literal enforcement or interpretation of said regulations would result in the unnecessary hardship to the property owner. To authorize upon appeal in specific cases, such variance from the terms of this Ordinance, as it will not be contrary to the public interest, and where public safety, health and welfare are secured. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:

a) *There are unique and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;*

b) *In using the property in full compliance with the application of this Ordinance to the particular piece of property would create an unnecessary hardship;*

c) *Such conditions are peculiar to the particular piece of property involved; and,*

d) *Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance.*

## § 117 ENFORCEMENT, PENALTIES & REMEDIES

1. **Enforcement:** Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance *per se*. The Zoning Enforcement Officer is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Zoning Enforcement Officer has declared a structure to be nonconforming with the provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from the issuance of a notice from the Building Official to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.

2. **Penalties:** Any person violating any provision of this Ordinance shall be fined upon conviction, not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) and costs of court for each offense, and could incur a jail sentence of up to six (6) months jail time. Each day such violation continues shall constitute a separate offense.
  
3. **Remedies:** In case any building or structure is to be erected, constructed, reconstructed, altered, or converted, in violation of this Ordinance, the Building Official, legal officer, or other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of said building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offence.

**§ 11.8 FEES**

Schedule of Fees of this Ordinance for a complete list of application fees as adopted by the City Council of the City of Bayou La Batre.

Fees required for applications for filing of appeals, variances, special exceptions, amendments, site plan review and signs shall be established as follows:

Applications for zoning amendment.....	\$50.00
Applications for variance, appeals or special exceptions.....	\$50.00
Application for Site Plan/Master Plan review.....	\$50.00
Sign permit.....	\$250.00
Sign inspection.....	\$10.00

Fees for sign permits shall be forty cents (\$0.50-\$1.00) per square foot per face, but in no case less than twenty-five dollars (\$25.00).

In addition the fees identified here, the actual costs for legal advertisement of the request and notification of parties in interest shall be paid by the applicant prior to any decision by the Board of Adjustment or the Building Official.

**§ 11.9 ADOPTION**

This ordinance shall take effect upon its adoption by the City Council of the City of Bayou La Batre .and its publication in the manner provided by law.

ADOPTION

This ordinance was adopted by the City of Bayou La Batre, Alabama, on the \_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

/s/ \_\_\_\_\_  
Mayor

/s/ \_\_\_\_\_  
City Clerk

I, \_\_\_\_\_, City Clerk of the City of Bayou La Batre, Alabama, certify that the document described herein, identified as the "Zoning Ordinance Of The City of Bayou La Batre, Alabama, is a true and correct copy of the Ordinance number \_\_\_\_\_, adopted by the City of Bayou La Batre, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ .

SEAL OF THE CITY OF BAYOU LA BATRE

# Appendix I

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## **OFFICIAL FORMS**



DEADLINE FOR SUBMITTAL IS NOON \_\_\_\_\_

HEARING DATE \_\_\_\_\_

CITY OF BAYOU LA BATRE  
APPLICATION FOR SITE PLAN APPROVAL

APPLICANT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

DAYTIME TELEPHONE \_\_\_\_\_

FAX NUMBER \_\_\_\_\_

EMAIL \_\_\_\_\_

<i>OFFICE USE ONLY</i>	
SITE ADDRESS	
PROJECT NAME	
CURRENT ZONING	ADM. APPROVAL? Y / N
PERMITTED USE	CONDITIONAL USE*
CASE #	X-REF CASE #

**A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION.** If the applicant is not the owner, then a letter allowing the applicant to act as an "authorized agent" must be on file. All associated fees will be charged to the applicant unless otherwise arranged.  
**Five (5) copies (24 x 36) shall be submitted along with this Application and all other supporting documentation.**

Current Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Gross Area of Subject Property: \_\_\_\_\_ Number of Individual Units: \_\_\_\_\_

General Location: \_\_\_\_\_

Tax Parcel I.D. \_\_\_\_\_

Type of Approval Requested:  
Administrative (Zoning Certificate also required)  
Permitted Use  
Conditional Use

Proposed Cladding/Façade Material \_\_\_\_\_

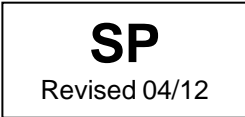
Is site plan approval contingent on any other official action by the City? If so, please specify:  
Annexation  
Rezoning  
Subdivision plat approval  
Other: \_\_\_\_\_

Member of Planning Dept. reviewing this application: \_\_\_\_\_

*I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I understand that any development approval(s) granted pursuant to this application shall be subject to all applicable regulations of the City of Anywhere, and that such approval(s) shall expire unless construction has commenced within one (1) year following date of approval.*

APPLICANT NAME (please print):	DATE:
APPLICANT'S SIGNATURE:	

Site Plan Review Fee: \$250.00 Paid By: Cash or Check # \_\_\_\_\_ Date: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_



**CITY OF BAYOU LA BATRE**  
**SITE PLAN REVIEW CHECK LIST**

\_\_\_\_\_  
**Project**

*Necessary elements for site plan review applications.* Design plans shall include site plans, architectural plans and landscaping plans. A site plan shall be prepared, signed and sealed by an architect, landscape architect, surveyor or an engineer, currently licensed in the State of Alabama, and shall be drawn to a scale of not smaller than 1 inch = 50 feet. Plans shall address the following requirements:

- \_\_\_\_\_ a. Name of development;
- \_\_\_\_\_ b. Location map and north arrow;
- \_\_\_\_\_ c. Dimension, slope and size in square feet of lot; acreage of property;
- \_\_\_\_\_ d. Adjacent properties, streets, service roads, curbs and dimensions of same;
- \_\_\_\_\_ e. Zoning classification of site and of adjacent properties;
- \_\_\_\_\_ f. Existing and proposed buildings, location, size and dimensions;
- \_\_\_\_\_ g. Proposed use of buildings, number of lots and lot numbers if applicable;
- \_\_\_\_\_ h. Number of dwelling units, commercial and density per acre;
- \_\_\_\_\_ i. Lot frontage on public streets and proposed access thereto;
- \_\_\_\_\_ j. Front, side and rear yard (setbacks);
- \_\_\_\_\_ k. Marginal access road and flood plain provisions (as applicable);
- \_\_\_\_\_ l. Off street loading berths or spaces;
- \_\_\_\_\_ m. USGS - MSL - Contours at five-foot intervals;
- \_\_\_\_\_ n. Paved, off street parking, including handicapped parking spaces;
- \_\_\_\_\_ o. Interior/exterior roads, sidewalks, curb and gutters - dimensions and type;
- \_\_\_\_\_ p. Location and specifications of utility lines by type and size. Utility and right-of-way easements;
- \_\_\_\_\_ q. Landscaping plan (signed and sealed by a registered landscape architect). If a landscape architect is not available, the applicant may employ a landscape designer;
- \_\_\_\_\_ r. Name and address of owner, development/engineer, architect, landscape architect and contractor (including current license numbers);
- \_\_\_\_\_ s. Location of lighting facilities and on-premise signs;
- \_\_\_\_\_ t. Location of garbage disposal facilities; and
- \_\_\_\_\_ u. Elevations of all faces of buildings and structures, at a scale of 1/8" = 1'0". Such shall indicate:
  - \_\_\_\_\_ 1. Design character of buildings and structures;
  - \_\_\_\_\_ 2. Specific materials existing/planned for use on buildings and structures, including colors of any and all materials employed, with their locations indicated on the elevations;
  - \_\_\_\_\_ 3. Heights of buildings and structures;
  - \_\_\_\_\_ 4. Roofs and overhangs;
  - \_\_\_\_\_ 5. Special design features, including compliance with American Disabilities Act requirements;
  - \_\_\_\_\_ 6. Typical locations, shape(s), and type of signs

**CITY OF BAYOU LA BATRE  
AUTHORIZATION TO ACT AS APPLICANT**

I, \_\_\_\_\_, being owner of the property which is the subject of this application hereby authorize \_\_\_\_\_, to act as my representative with the City of Consistency's (Board of Zoning, and/or Planning Commission, and/or City Council), as required by the type of request listed on the attached application form.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Mailing Address: \_\_\_\_\_

Phone# \_\_\_\_\_

Authorized Agent's Mailing Address: \_\_\_\_\_

Phone# \_\_\_\_\_

**STATE OF ALABAMA**

**COUNTY OF FAIRPLAY**

I, \_\_\_\_\_, a Notary Public in and for said County and State, hereby certify that \_\_\_\_\_, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



## CITY OF BAYOU LA BATRE BOARD OF ZONING ADJUSTMENT APPLICATION

Applicant Name: _____	Subdivision Name: _____
Mailing Address: _____	Gross Area: _____
_____	Phone Number: _____
Email Address: _____	Fax Number: _____

1. **A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION.** If the applicant is not the owner, then a letter allowing the applicant to act as an "authorized agent" must be on file. All associated fees will be charged to the applicant unless otherwise arranged.
2. The applicant is responsible for providing the Board of Adjustment with the names and addresses of all adjoining property owners, including those across a street or railroad right-of-way, as shown in the public records of Fairplay County. Failure to provide complete and up-to-date information could invalidate any change in zoning granted under this application.
3. **The Board of Adjustment will submit on the applicant's behalf, a legal advertisement to The Consistency Villager for this application.** One will be submitted for notification of the Board of Adjustment hearing; two will be submitted for notification of the City Council meeting. All associated fees will be charged to the applicant unless otherwise arranged. These advertisements must be paid in advance of publication, or the case will not be heard.

Site Address: \_\_\_\_\_ Current Zoning District: \_\_\_\_\_

Current Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

General Location: \_\_\_\_\_

Type of Action Required:  Variance                       Appeal of Administrative Decision                       Special Exception

Please list and describe all requested variances, appeals, and/or special exceptions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

In addition to this request, does the subject property and/or proposed development require any other official action by the City? If so, please specify:

- Rezoning                                       Conditional Use approval  
 Site plan approval                       Subdivision plat approval  
 Other: \_\_\_\_\_

*I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I understand that any variance or reversal of administrative decision granted under this request shall apply to the subject property only, and is contingent upon any special conditions established by the Board of Zoning Adjustment. Any regulation, interpretation, or policy of the City of Consistency which is not addressed in this application shall remain in full force with regard to the subject property. I hereby agree to allow the City of Consistency to post a sign on the subject property notifying the general public of this request.*

Applicant's Signature: _____	Date: _____
Applicant's Name (Please print): _____	

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

**907.03 Standards for variances.** No variance in the strict application of the provisions of this Ordinance shall be granted by the Board of Zoning Adjustment unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to public welfare. Please use the space provided below to address the standards outlined.

- A. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare. [Public welfare is defined as the well-being of the general public, with specific attention to those members of the public that could be directly affected by the proposed variance. Can you establish that the variance will be in harmony with the intent and purpose of the Ordinance? Please explain fully.]

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- B. The granting of the variance will not permit the establishment of any use which is not permitted in the district.

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- C. There must be proof of unique circumstances: there must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.[Does the property have a disadvantage which is not common to other properties in the area? The variance request must be a unique condition, oppressive, and not common to other property. The dilemma necessitating the request of a variance is the result of exceptional physical characteristics of the property that are unique to the subject property and distinct from those of nearby properties and the district in general. The unique condition from which the hardship arises must not be the result of the actions of the property owner themselves and must not be merely financial in nature. Please explain fully.]

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- D. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered. [Can you establish that this disadvantage is not due to the owner's actions? The hardship must be caused by the property itself, for reasons such as exceptional size or shape, topography or other physical conditions of a parcel of land. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only; and must relate to the very property for which the variance is sought. Please explain fully.]

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E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose. [The granting of the variance is in accordance with the zoning ordinance and that the variance is granted with the purpose of modifying the application of the zoning ordinance as it applies to a specific property, and in doing so permit it to be reasonably used on the same basis as other property in the same zoning district. Can you establish that this disadvantage prevents reasonable use of the property? Please explain fully.]

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F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood. [This standard also examines the potential of the variance to influence or change the image or perception of the locality, as defined by its built environment, landscaping, natural features and open space, types and style of housing, and other elements that contribute to its distinct identity. Can you establish that the variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property? Will the granting of the variance influence the ability of an adjacent property to be used in a manner appropriate to the zoning district to which it conforms? Please explain fully.]

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G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

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***The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.***

# ADJOINING PROPERTY OWNERS

**CITY OF CONSISTENCY PLANNING DEPARTMENT**  
333 Admin Drive, Consistency, AL 00000  
(333) 333-3333/FAX (331) 333-3331  
www.xxxxxxxx.xxx

Note: The applicant must provide the names and addresses of the OWNERS of all properties adjoining the subject property, as listed in the records of the Fairplay County Tax Assessor. These names and addresses must be listed below (attach additional sheets if necessary).

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
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Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
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Address: \_\_\_\_\_  
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Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
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Address: \_\_\_\_\_  
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Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
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Address: \_\_\_\_\_  
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Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
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Address: \_\_\_\_\_  
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Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
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Address: \_\_\_\_\_  
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Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel # \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Case #: \_\_\_\_\_

X-Ref Case #: \_\_\_\_\_

I certify that the adjoining property owners listed above accurately represents the most current information available according to the Fairplay County Courthouse Tax Assessor's Office.

<i>Applicant's Signature:</i>	<i>Date:</i>
<i>Applicant's Name (Please print):</i>	

# CITY OF BAYOU LA BATRE SIGN PERMIT APPLICATION

\_\_\_\_\_  
CONTRACTOR'S NAME

\_\_\_\_\_  
CONTRACTOR'S ADDRESS

\_\_\_\_\_  
DAYTIME TELEPHONE

\_\_\_\_\_  
EMAIL

\_\_\_\_\_  
DATE OF APPLICATION

\_\_\_\_\_  
BUSINESS LICENSE #

\_\_\_\_\_  
SITE ADDRESS

<i>OFFICE USE ONLY</i>		ZONE: _____
SITE ADDRESS: _____		
BUSINESS NAME: _____		
CASE # _____	XREF CASES: _____	
<b>FREESTANDING SIGNS:</b>	<b>WALL SIGNS:</b>	
Total Display Area Allowed _____	Total Display Area Allowed _____	
Existing Display Area _____	Existing Display Area _____	
Display Area Approved Under this Permit _____	Display Area Approved Under this Permit _____	
Display Area Remaining _____	Display Area Remaining _____	

**THIS APPLICATION IS FOR:**

- New Sign                       Painting, Repair or Replacement of Existing Sign(s)

**THE FOLLOWING SIGN TYPES ARE INCLUDED IN THIS PERMIT REQUEST:**

- Freestanding Sign(s):

<i>Dimensions Of Sign Face</i>	<i>Area (s.f.)</i>	<i>Height Of Sign</i>	<i>Base Type</i>	<i>Cladding Material</i>
_____	_____	_____	___Monument___Pole    ___Other	_____
_____	_____	_____	___Monument___Pole    ___Other	_____
<b>Total Area</b> _____				

- Wall Sign(s) (includes signage for accessory structures):

<i>Dimensions</i>	<i>Area (s.f.)</i>	<i>Length of main or entry façade:</i>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

**Total Display Area:** \_\_\_\_\_

Multi-Family Residential = 32 s.f.

HDC, SMR & RCI = 1 s.f./linear foot of facade

All Other = 2 s.f./linear foot of facade

COMMENTS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DEMINSIONED DRAWINGS OF ALL PROPOSED SIGNS MUST BE ATTACHED TO THIS APPLICATION. FOR FREESTANDING SIGNS, A DIAGRAM MUST BE PROVIDED SHOWING THE LOCATION (including setbacks) OF THE SIGN ON THE LOT.**

**NOTE: PERMIT FEES WILL BE DOUBLED FOR SIGNS INSTALLED PRIOR TO ISSUANCE OF A PERMIT**

*I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I understand that any incorrect information may void this permit*

Applicant's Signature \_\_\_\_\_

Amount Due \$ \_\_\_\_\_ Cash \_\_\_\_\_

by: \_\_\_\_\_ Date: \_\_\_\_\_

**Planning or Zoning Department Approval**

Check# \_\_\_\_\_ Received \_\_\_\_\_

<b>SG</b> Revised 08/17
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# CITY OF BAYOU LA BATRE APPLICATION FOR HOME OCCUPATION

\_\_\_\_\_  
 APPLICANT NAME

\_\_\_\_\_  
 ADDRESS

\_\_\_\_\_  
 DAYTIME TELEPHONE

\_\_\_\_\_  
 EMAIL

\_\_\_\_\_  
 DATE OF APPLICATION

--OFFICE USE ONLY--	
SITE ADDRESS: _____	
CURRENT ZONING DISTRICT: _____	
CASE # _____	XREF CASES: _____
DATE APPROVED: _____	DATE DENIED: _____
CONDITIONS OF APPROVAL: _____	

**APPLICANT MUST SUPPLY EITHER A COPY OF DEED OR A NOTARIZED LETTER FROM LANDLORD GRANTING PERMISSION FOR A HOME OCCUPATION**

**ANSWER ALL QUESTIONS CAREFULLY AND COMPLETELY:**

Do you live at the address listed above? \_\_\_\_\_

Does anyone else living at the above address have an approved home occupation in this residence? \_\_\_\_\_

What specific type(s) of service and/or product will you provide through this business? \_\_\_\_\_

\_\_\_\_\_

What is the approximate floor area of your home? \_\_\_\_\_ sq. ft.  
 How much of this area will be used for the home occupation? \_\_\_\_\_ sq. ft. (25% or 500 sq. ft. maximum)  
 Will the outside appearance of the residence be altered to accommodate the business? If so, explain: \_\_\_\_\_

\_\_\_\_\_

Will these activities be carried out inside your home? If no, where? \_\_\_\_\_

\_\_\_\_\_

Will customers or clients visit your home in connection with your business? \_\_\_\_\_

How many people other than yourself will work for this business on the premises? \_\_\_\_\_

Will merchandise be sold from the premises?      If so, explain: \_\_\_\_\_

What materials, supplies, equipment and/or vehicles will be used for the business? \_\_\_\_\_

Where will they be stored? \_\_\_\_\_

How will they be transported to and from the business? \_\_\_\_\_

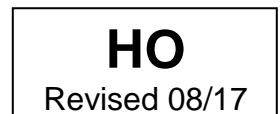
How many trips per day will you (and any partners) make to and from the business?       0-5    6-10    11 or more

How many off-street parking spaces are available for your residence? \_\_\_\_\_

I, the applicant, understand and agree to the conditions for approval of my home occupation use, as set forth in the City of Bayou La Batre Zoning Ordinance. All of the above facts are true and correct to the best of my knowledge. I will inform the City of Bayou La Batre of a change in location or any other change in my business relating to these requirements.

APPLICANT NAME (please print): _____	DATE: _____
APPLICANT'S SIGNATURE: _____	

Received by: \_\_\_\_\_ Date: \_\_\_\_\_



DEADLINE FOR SUBMITTAL IS NOON ON \_\_\_\_\_

HEARING DATE \_\_\_\_\_

### CITY OF BAYOU LA BATRE APPLICATION FOR REZONING

*PLEASE READ ALL INFORMATION CAREFULLY AND COMPLETE FULLY*

APPLICANT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

DAYTIME TELEPHONE \_\_\_\_\_

FAX NUMBER \_\_\_\_\_

EMAIL \_\_\_\_\_

<i>OFFICE USE ONLY</i>	
ADDRESS (if applicable):	
CURRENT ZONING DISTRICT:	
REQUESTED ZONING DISTRICT	
GROSS SITE AREA	ac./s.f.
CASE #	X-REF CASE #

**NOTE:**

- (A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION.)** If the applicant is not the current owner, then a signed statement allowing the applicant to act as an "authorized agent" must be on file. All associated fees will be charged to the applicant unless otherwise arranged.
- The applicant must provide a plat or certified survey of the subject property, including a written legal description matching the area to be rezoned (Tax ID# may not be used as a legal description). Applicant must sign a statement certifying that the submitted legal description accurately represents his/her request.
- The applicant is responsible for providing the City of Bayou La Batre with the names and addresses of all adjoining property owners, including those across a street or railroad right-of-way, as shown in the public records of Mobile County. Failure to provide complete and up-to-date information could invalidate any change in zoning granted under this application.
- The Planning Commission's decision regarding this request will be based on the entire range of permitted uses in the requested zoning district, and not solely on the applicant's proposed use(s).

Current Owner: \_\_\_\_\_

General Location or Address of Subject Property: \_\_\_\_\_

Current Use: \_\_\_\_\_

Prior Action(s) on Subject Property: \_\_\_\_\_

Describe briefly the proposed use and character of any proposed development: \_\_\_\_\_

If development is proposed on the property, what other approvals from the City are required? \_\_\_\_\_

Subdivision    Site Plan    Conditional Use    Variance

Other \_\_\_\_\_

Member of Planning Department reviewing this application: \_\_\_\_\_

Required Documents Attached:    Deed    Plat/Survey    Legal Description    APO List

*I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Bayou La Batre to notifying the general public of this request and to pay all applicable fees associated with this application.*

APPLICANT'S SIGNATURE:	DATE:
PRINT NAME:	

Received: \_\_\_\_\_ Date: \_\_\_\_\_

<b>RZ</b>
Revised 08/12



**CITY OF BAYOU LA BATRE  
PETITION FOR ANNEXATION**

*PLEASE READ ALL INFORMATION CAREFULLY AND COMPLETE FULLY*

	--OFFICIAL USE ONLY--
APPLICANT'S NAME	
	CITY ADDRESS ASSIGNMENT
	ORDINANCE #
ADDRESS	CASE #
	XREF. CASES:
DAYTIME TELEPHONE	
	REQUESTED ZONING (if other than AG):
EMAIL	
<i>County Address (if any) of subject property</i>	

**Applicant must attach deed(s) covering the entire subject property. All metes and bounds descriptions must be supplied in a compatible electronic format (Microsoft Word).**

**OWNERSHIP CONFIGURATION:**     single parcel/single ownership     multiple parcels/single ownership  
     single parcel/multiple ownership     multiple parcels/multiple ownership

**THE FOLLOWING INFORMATION IS REQUIRED BY THE U.S. JUSTICE DEPT. AND BUREAU OF THE CENSUS.**  
 Answers to the following questions should reflect the conditions existing on the subject property at the time of annexation.

1.    a. Is this property your principal residence?     YES     NO (if "yes," answer part B)
- b. Applicant's Marital Status:     Now Married     Separated     Divorced     Widowed     Never Married
2.    a. Total number of buildings on subject property: \_\_\_\_\_  
        Number of houses     Number of manufactured homes     Other:
- b. Number of persons living on subject property: \_\_\_\_\_
- c. Of all persons residing on the property, how many are of voting age (18 years or older)?
- d. Of all persons residing on the property, how many are:  
        White     Black     Hispanic     Asian or Pacific Islander     American Indian/Eskimo/Aleut     Other
- e. Number of children in household : \_\_\_\_\_ Ages: \_\_\_\_\_
- f. Proposed Use of Property (if any): \_\_\_\_\_

**GENERAL DESCRIPTION OF PROPERTY** (Include Acreage, Subdivision Name, Lot Number, etc.):

\_\_\_\_\_

*I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge.*

APPLICANT'S SIGNATURE:	DATE:
PRINT NAME:	

*Note: If Applicant is not the current owner of record a "Designation of Agent" form must be completed and submitted with this petition*

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

*(Received Date is considered official date of submission)*



Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Map or Survey Attached? \_\_\_\_\_

Legal Description Attached? \_\_\_\_\_

Recorded Subdivision Plat Attached? \_\_\_\_\_ or Metes and Bounds descriptions in electronic format? \_\_\_\_\_

**Any Property which is found to have been divided in violation of the City of Bayou La Batre subdivision regulations in effect at the time of said division, will be required to be legally subdivided in accordance with the current regulations prior to, or concurrent with, this petition.**

# Appendix II

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## **SCHEDULE OF FEES**



**Appendix II**  
**SCHEDULE OF FEES**

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A.	Sketch Plan Review	NoFee
B.	Residential Subdivisions (MINOR)	
	<b>Preliminary Plat*</b>	
	Filing fee .....	\$ 50.00
	Preliminary site inspection fee .....	\$ 5.00/lot or unit
	Public Hearing fee.....	\$ 100.00
C.	Residential Subdivisions (MAJOR)	
	<b>Preliminary and Final Plat*</b>	
	Filing fee .....	\$ 50.00
	Preliminary site inspection fee .....	\$ 5.00/lot or unit
	Public Hearing fee.....	\$100.00
	<b>Final Plat</b>	
	Filing fee .....	\$ 50.00
	Engineering inspection fee.....	\$ 5.00/lot or unit
	Additional inspection by Engineer (if required).....	\$3.00/lot or unit
D.	Nonresidential Subdivisions	
	<b>Preliminary Plat*</b>	
	Filing fee .....	\$ 50.00
	Preliminary site inspection fee .....	\$100.00
	Public Hearing fee.....	\$100.00
	<b>Final Plat</b>	
	Filing fee .....	\$ 50.00
	Engineering inspection fee.....	\$100.00
	Additional inspection by Engineer (if required) .....	\$ 50.00

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*\*Full payment of all fees is required for resubmission of plats denied by the Planning Commission. Any resubmission of denied plats must be in compliance with the requirements of these Subdivision Regulations.*

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