

ZONING ORDINANCE
SPANISH FORT, ALABAMA
Ordinance Number 51-96

Adopted May 31, 1996

Amended by Ordinance Number 58-96 on September 23, 1996
Amended by Ordinance Number 74-97 on June 16, 1997
Amended by Ordinance Number 116-2001 on January 18, 2001
Amended by Ordinance Number 118-2001 on February 29, 2001
Amended by Ordinance Number 163-2002 on November 8, 2002
Amended by Ordinance Number 178-2003 April 21, 2003
Amended by Ordinance Number -245-2006 on January 23, 2006
Amended by Ordinance Number -252-2006 on January 23, 2006

TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
I	Purpose, Enactment, Title	1
II	Official Plans and Maps.....	3
III	Adoption	5
IV	Definition of Terms.....	7
V	Districts, Boundaries and General Requirements	25
VI	District Regulations	37
VII	Special Provisions.....	57
VIII	Erosion and Sediment Control.....	79
IX	Coastal Protection	83
X	Landscaping and Tree Protection	89
XI	Zoning Administration.....	93

1996 City Council of Spanish Fort

W. Ray Carter, Mayor

Carol Ray Hall
Joe W. Thomas
Robert E. Pannone
Wanda W. Finch
William L. Dannenberg

1996 Spanish Fort Planning Commission

James R. Myers - Chairman
Ellen E. Thomas - Vice Chairman
Gregory A. Kuhlmann
Carl W. Nelson
Dalton S. Drew
W. Ray Carter
Robert Pannone
Mary Lynn Williams
Robin C. De Laney

ARTICLE I

PURPOSE, ENACTMENT AND TITLE

- 1.1 PURPOSE AND ENACTMENT. The City of Spanish Fort, Alabama, pursuant to the authority granted by Title 37, Chapter 16, Code of Alabama, 1940 (as amended), and Section 11-52-1 et. seq. Code of Alabama, 1975, and for the purpose of promoting the health, safety, convenience, order, prosperity, or the general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air, to prevent the overcrowding of land; to prevent the undue concentration of population; to facilitate the adequate provision of transportation, public facilities, schools, parks; to facilitate initiation of the comprehensive plan; to protect the ecological, physical and visual environment for the public benefit by preventing excessive or unsightly grading which may cause disruption of natural water courses or scar natural land forms; and for other public requirements, hereby ordains and enacts into law an official Zoning Ordinance in accordance with the laws of Alabama. In their interpretation and application, the provisions of this Ordinance shall be:
- 1.11 Considered as minimum requirements;
 - 1.12 Liberally construed in favor of the governing body; and,
 - 1.13 Deemed neither to limit nor repeal any other powers granted under state statutes.
- 1.2 TITLE. This Ordinance shall be known and may be cited as the "Zoning Ordinance" the City of Spanish Fort, Alabama.

THIS PAGE INTENTIONALLY LEFT BLANK.

ARTICLE II

OFFICIAL PLANS AND MAPS

- 2.1 This Ordinance shall be implemented as a part of the City of Spanish Fort's Comprehensive Planning Program.
- 2.2 The Land Use Maps prepared as a part of the Comprehensive Planning Program shall serve as a guide for future development. To the extent practical, they shall be followed in the administration of this Ordinance.
- 2.3 The Official Zoning Map approved by the Planning Commission and City Council is hereby adopted and made a part of this Ordinance. This map shall be signed by the Planning Commission Chairman and the Mayor. The Ordinance shall be filed in the office of the City Clerk and shall show thereon the date of adoption of the Ordinance.³
- 2.4 If, in accordance with the provisions of this Ordinance, changes are made to the Official Zoning Map, changes shall be made on the map as soon as possible after the amendment has been approved by the City Council. Unauthorized alterations of the Official Zoning Map shall be considered a violation of this Ordinance and subject to penalties as prescribed under Penalties.

THIS PAGE INTENTIONALLY LEFT BLANK.

ARTICLE III

ADOPTION

3.1 This Zoning Ordinance, number 51-96, was adopted by the Spanish Fort City Council on the 31st day of May, 1996.

W. Ray Carter, Mayor

(SEAL)

Mary Lynn Williams, City Clerk

THIS PAGE INTENTIONALLY LEFT PAGE.

ARTICLE IV

DEFINITIONS OF TERMS

4.1 USAGE. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The words "shall" and "will" are 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 Map of the City.

4.2 WORDS AND TERMS DEFINED. As used in this Ordinance, the following words and terms shall have the meaning defined:

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

Accessory Dwelling. A second dwelling unit that is either contained within the structure of a single family dwelling or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal residential building and may be used as a dwelling or as a guest house.⁸

Accessory Use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

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

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

Apartment. See Dwelling, Multiple Family Unit.³

Arterial Street. A street designed or utilized primarily for high speed vehicular movements and heavy volumes of traffic.

Assisted Living Facilities. An establishment that provides living quarters and care for the elderly.³

Atrium. A space, intended for occupancy within a building, extending vertically through the building, open or enclosed at the top, except as otherwise provided in this Ordinance.³

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

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

Awning. An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached.³

Basement. Any building story having a floor below grade and meeting the height requirements below grade as detailed in the Building Code.³

Bed and Breakfast. The renting of rooms in a private residence for brief periods of time together with the provision of breakfast for the guests by the home owner. All service is to be provided by the home owner.

Block. A tract of land bounded by public highways, streets, or by shorelines, waterways or other definite boundaries.

Board of Adjustment. A Board shall be appointed by the City Council that hears appeals to this Ordinance.

Boarding House, Rooming House, Lodging House, or Dormitory. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Boat Repair. Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

Buffer, Right-of-Way. A strip of land running parallel to a public right-of-way, containing landscaping material such as trees, shrubs and/or other plant material.³

Buffer, Screen Planting. A strip of land containing planted material used as screening between dissimilar land uses and maintained at a height and width as required elsewhere in this Ordinance.³

Buildable Area. The buildable area is the portion of the lot remaining after the required yards have been delineated.³

Building. Any structure attached to the ground, enclosing or covering a space and used for sheltering any occupancy.³

Building, Accessory. A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.

Building, Alterations of. Any change or modification in construction or occupancy of any structure.³

Building Coverage. The percent of total lot area covered by buildings and structures but excluding roof overhangs, unenclosed balconies and unenclosed walkways which do not project more than six (6) feet from the exterior walls of a building or from walls enclosing an atrium.

Building, Existing. Any structure erected prior to the adoption of the Zoning Ordinance or one for which a legal building permit was issued prior to adoption of the Zoning Ordinance.³

Building Height. The vertical distance measured from the average elevation of the proposed finished grade to the highest finished roof surface in the case of a flat roof or to a point at the average height of the highest roof having a pitch.³

Building Inspector. An individual who represents and acts on the behalf of the City in performing the duties and enforcement required by the Zoning Ordinance, Building Code or Subdivision Regulations.³

Building Official. Individual appointed by the City to carry out the duties and enforcement required by the Zoning Ordinance, Subdivision Regulations and Building Code. May be used interchangeably with Building Inspector and Code Enforcement Officer.³

Building Line. A line running generally parallel and at a distance measured from the front property line where it is permissible to build a structure as permitted by this Ordinance.³

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

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

Bulkhead. A structure separating land and water areas, primarily designed to resist earth or water pressures and which, if located in relation to watercourses, a legal permit or authorization is required to be obtained for construction through the U.S. Army Corps of Engineers.³

Canopy. A detachable, roof-like cover supported from the ground, or deck or floor of a building, and from the walls of a building for protection from sun or weather.

Cemetery. Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of Occupancy. Official certification that a structure conforms to the provisions of the Zoning Ordinance and Building Code and may be used or occupied. Such certificate is granted for new construction or for the substantial alteration or addition to existing structures. A structure may not be occupied unless a Certificate of Occupancy is issued by the Building Official.³

Change of Occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Channel. A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

City. Spanish Fort, Alabama.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Club, Private. Any association or organization of a fraternal or social character, not operated or maintained for profit; does not include casinos, night clubs, or other institutions operated for a profit.

Collector Street. A street which carries medium volumes of traffic collected primarily from minor streets and delivered to arterial streets.

Commercial Vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.

Comprehensive Plan. A land management program.

Condominium. A development where all land, including that under the buildings in the

development, is held in single ownership for the common use of unit owners or tenants and where individual residential units are wholly or partly under private ownership. See also Dwelling, Multiple Family.³

Convalescent or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes Extended Care Facilities.

Day Care Center. A place for the care and instruction of young or elderly persons not remaining overnight including the following types:³

Child Care Home Type I - Daytime care in a family home, on a regular basis, of not over six children during a part of the 24-hour day and not requiring licensing by the Alabama Department of Human Resources.³

Child Care Home Type II – Daytime care in a family home, on a regular basis, of over six children during a part of the 24-hour day and which is licensed and regulated by the Alabama Department of Human Resources.³

Child Care Center – A facility licensed by the Alabama Department of Human Resources that provides for the care of thirteen or more children.³

Deck. A flat covered or uncovered area generally adjoining a house, building or pool, and which may be used as an outdoor sitting or recreation area.

Density. A unit of measurement; the number of dwelling units per acre of land.

- a. Gross Density - the number of dwelling units per acre of the total land to be developed.
- b. Maximum Density - the density allowable in a given zoning district not otherwise limited by other applicable requirements of this Ordinance.
- c. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Detached Storage. An accessory building used for storage of equipment, materials or supplies which use is incidental to the primary use of the land on which it is located.³

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of use of land.⁴

District. A section of the area zoned, within which the zoning regulations are uniform.

Drive-In Restaurant. A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.

Dry Well. A cavity of sufficient size, filled to the surface with compacted rocks to allow water storage capacity.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy.

Dwelling Unit. Any building, or portion thereof or other enclosed space or area used as or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.^{3,5}

- a. Single-Family Unit - A building designed for and occupied by one family as a home, with cooking and housekeeping facilities.^{3,5}
- b. Two-Family Unit - a building occupied by or designed for occupancy by two families only, with separate cooking and housekeeping facilities for each, separated by a common wall and sharing a common roof and foundation.^{3,5}
- c. Multiple-Family Unit - a building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each and with each unit containing not more than eight continuous one-family dwellings per floor.^{3,5}

Double Frontage or Through Lot. A lot or plot, but not a corner lot, that abuts upon two streets, the two frontages being non-contiguous.

Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

Elderly Care Home – Daytime care of the elderly in a family home on a regular basis meeting all the requirements and regulations of the Alabama Department of Human Resources.³

Engineer. A professional engineer licensed and registered in the State of Alabama.³

Erected. The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill, drainage, and the like shall be considered a part of erection.

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

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

Expansion, Building or Use. The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

Expected Future Use. A land use that is anticipated to be appropriate for a site after reclamation has been completed.³

Fall-Out Shelter. A structure or portion of a structure intended to provide protection of human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

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

Farm Buildings. Structures, other than residential structures and residential accessory structures, used specifically for farming or other agricultural purposes such as barns, sheds, poultry houses, livestock shelters and similar type buildings.³

Filling Station. (See Service Station.)

Fixed Dwelling. A dwelling unit (or structure containing several units) attached to a permanent foundation.

Flashing or Intermittent Illuminating Signs. Time and temperature announcements, excluding other advertising copy, are not deemed to be flashing or intermittent illuminating signs.

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

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

Flood Plain. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in one hundred (100) years, based on topography.

Flood Prone Area. Any area with a frequency of inundation of once in 100 years as defined by qualified hydrologists or engineers using methods that are generally accepted by persons engaged in the field of hydrology and engineering.

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

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

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

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

- a. Lot Line - shall mean the lot line which abuts a street or separates the lot from a street.
- b. Street Line - all the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

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

Garage, Private. A building or part thereof designed and/or used for inside parking of self propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular business.³

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

Garage, Repair. (See Automobile Repair.)

Habitable Rooms. All living spaces within a dwelling unit arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used as a room for the carrying on of general family activities and intended to conform to applicable building codes.

Height of Building. (see Building, Height.)

Home Association. An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or homeowner in a planned or other described

land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

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

Homeowners Association. A group of homeowners in a geographical area banded together for a specific purpose.

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

Improvement, Non-substantial. Any improvement which is not a substantial improvement.

Improvement, Substantial. Any addition to any structure; any extension, enlargement or expansion of any structure; or any repair, reconstruction or improvement; the cost of which equals or exceeds 50 percent of the fair market value of the existing structure either before the repair, reconstruction or improvement is started, or if the structure has been damaged and is being restored, before the damage occurred.³

Institution or Institutional. A non-profit organizational building, for use, publicly or privately owned, for the benefit of the public (schools, churches, temples, hospitals, clubs, fire stations, police stations, sewerage lift pumps, libraries, museums, city offices, etc.).

Interval Occupancy Facility. A facility comprised of one or more dwelling units in which the exclusive right of use, possession, or occupancy of each dwelling unit circulates among twelve (12) or more owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

Jetty or Groin. A rigid structure built out from a shore to protect the shore from erosion, to trap sand or to direct current, and which may also be used as a pier or landing wharf.

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

Junk Yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or

handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable second-hand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Kennel. Any place or premises where four or more dogs over four months of age are kept for pay for boarding, breeding, sale or other commercial purposes. This definition does not include the raising of a litter by an owner who intends to sell or give away the puppies as soon as they are old enough.

Land Area. The total land area within the property lines of a lot.

Land Use Certificate. Certificate issued by the Zoning Administrator indicating that a proposed use of land is in conformity with the zoning regulations, a prerequisite to issuance of a building permit.⁴

Land Disturbing Activity. Any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity that alters land topography or vegetative cover.⁴

Land Use Application. Application issued by the Zoning Administrator that when approved indicates that a proposed use of land is in conformity with the zoning regulations; a prerequisite to issuance of a building permit. Term may be used interchangeably with Application for Land Use.³

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

Lot. A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in this Ordinance, or as are intended to be used with such piece, parcel, or plot of land.

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

Lot, Interior. A lot other than a corner lot.

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

Lot Line, Front. The lot line of shortest length adjacent to the street right-of-way line of the principal street on which the lot abuts.

Lot Line, Rear. The lot line opposite and most distant from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

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

Lot of Record. A lot which is a part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

Maneuvering Space. The space entirely on private property required for maneuvering vehicles into and out of spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Manufactured Home. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes, mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes.

Manufacturing, Extractive. Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource, except for oil and natural gas resources.

Manufacturing, General. Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances.

Marina. A harbor or boat basin providing moorage, docking facilities, supplies and minor services for pleasure boats.

Marina, Full Service. A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, water, electricity and sewer services, and the provision of lodging, food, beverages, and entertainment as accessory uses. Dry boat storage may also

be provided, but not major boat repair. A yacht club shall be considered as a marina, but a hotel, or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multi-family structure where no boat related services are rendered.

Mini-warehouse. A building or group of buildings in a controlled access compound that contain varying sizes of individual, compartmentalized and controlled-access stalls, cubicles and/or lockers used for storage only.

Mobile Home. Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes and not meeting the Manufactured Housing Construction and Safety Standard Act of 1974 (not a recreational vehicle as defined by this Ordinance).

Modular Structure. Any pre-built or pre-manufactured structure mass produced in a factory and delivered as a single module or as a series of modules for placement and connection on a building site or lot approved for the intended use; provided that such structure meets State and Building Code specifications for modular structures. This definition does not include manufactured homes or mobile homes.

Motel, Motor Hotel. (See Hotel.)

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

Nightclub. A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

Non-Conforming Use. A use of land or structures existing lawfully at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment and which does not conform with the regulations of the district in which it is located.

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

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

Nursery School. A place for the day care and instruction of children not remaining overnight; includes day care centers.

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

Off-Premises Sign. A billboard or other sign relating its subject matter or any portion thereof to a premises other than the premises on which said sign is located.

Oil. Crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of a condensation of gas after it leaves the pool.

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

- a. Open Space, Permanent Usable, in Planned Unit Development: (1) privately-owned and occupied area of a separate lot, outside of any buildings on the lot; (2) privately-occupied open space assigned to an individual dwelling unit in a project and not occupied by the dwelling; (3) public open space are any spaces not occupied by buildings or privately-owned lots or privately-occupied space. This public open space may consist of access driveways, off-street parking spaces, pedestrian walkways, play areas, landscaped areas and any other areas suitable for the common enjoyment of the residents of the project.

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

Permit. Any written authorization by a duly appointed City Representative for an individual, firm, trust, partnership, association or corporation to undertake activities related to any development, land disturbing activity, subdivisions, zoning, PUDs, land use, or building in the City.⁴

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

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

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

Planned Unit Development (PUD). A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved

programmed series of development operations for dwelling units and related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated or maintained at public expense.

Planning Commission. The Spanish Fort Planning Commission.

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

Principal Building. A building in which is conducted the predominant or primary function or activity of the lot upon which it is located.

Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category also includes motor homes as well as campers and camping trailers capable of being towed by a motor vehicle.

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

Regulatory Base Flood Protection Elevation. The elevation required for protection from the regulatory flood by the Federal Emergency Management Agency (FEMA); an elevation established by the Federal Insurance Rate Map (FIRM) for construction in a special or high hazard flood zone.³

Residential Dock or Pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

Restrictive Covenants. Private regulations recorded with the Final Plat, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

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

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

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

Roadside Stand. A temporary structure designed or used for the display or sale of products of a seasonal nature.

Rooming House. Any building or portion thereof, other than a hotel or motel, which contains rooms which are designed or intended to be used, let, or hired out for occupancy, more or less transiently, by individuals for compensation whether paid directly or indirectly, and without provisions for cooking by guests or meals for guests.

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

Seat. For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

Semi-Public Land Uses. Philanthropic and charitable land uses including: Y.M.C.A.'s, Y.W.C.A.'s, Salvation Army, churches and church institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

Service Station, Automobile. Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

Setback Line. A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure, may be located above ground, except as may be provided in said Ordinance.

Sewers, Public or Community. An approved sewage disposal system which provides a collection network and disposal system and central sewage and treatment facility for a single community, development, or region.

Sewage Treatment, On-Site. A septic tank or similar installation on an individual lot which utilizes a bacteriological or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Shopping Center. A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

Special Exception. A land use permitted that is not similar in nature to the uses permitted in the City, but that is desired and for which a suitable district is not available. Such use may be permitted upon appeal and in compliance with any special conditions which may be required.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, Habitable. A story having its floor elevated at or above base flood elevation, as established by the City, regardless of the intended use of the story or its floor area and complying with applicable building codes.

Street. Any public or private way set aside for common travel more than twenty (20) feet in width.

Structural Alteration. Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders and complying with applicable building codes.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something having a location on the ground, including, but not limited to, a house, building, deck, pool, parking lot, gazebo or other object.

Structure, Existing. Any structure the construction of which was initiated prior to the effective date of this Ordinance and for which all required state, local and federal authorizations were obtained prior to the effective date of this Ordinance.

Structure, New. Any structure which is not an existing structure.

Subdivision. The division or redivision of a parcel of land into two or more parcels as provided for in the Subdivision Regulations of the City of Spanish Fort.

Tourist Home. A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

Townhouse or Condominium. An attached dwelling unit having a separate ground floor entrance and separate private yard space, with common side walls on one or both sides of the dwelling unit.

Travel Trailer Park. A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants.

Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance. A modification of the strict terms of the relevant regulations in the City with regard to placement of structures, developmental criteria or provision of facilities. Examples include: (1) allowing smaller yard dimensions because an existing lot of record is of substandard size; (2) waiving a portion of required parking and/or loading space due to some unusual circumstances; (3) allowing fencing and/or plant material buffering different from that required, due to some unusual circumstances. Available only on appeal to the Board of Adjustment.

Waterway. Any body of water, including any creek, canal, river, lake or bay, natural or artificial.

Wholesale Establishment. Business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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

- a. Yard, Front. An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its

least dimension. On waterfront lots the front yard shall be considered from the front line of the building to the water.

- b. Yard, Rear. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.
- c. Yard, Side. An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.
- d. Yard, Minimum. That yard space that must remain when the property is developed to the fullest extent allowable under applicable ordinances and codes.

Zero Lot Line. A developmental approach in which a dwelling unit is sited along one or more lot lines.

Zoning Administrator. The officer or other designated authority appointed by the City, or their duly authorized representative, charged with the administration and enforcement of the Zoning Ordinance and Subdivision Regulations. May be used interchangeably with Zoning Enforcement Officer and Code Enforcement Officer.³

Zoning Enforcement Officer. Individual appointed by the City to carry out the duties and enforcement required by the Zoning Ordinance and Subdivision Regulations. May be used interchangeably with Zoning Enforcement Officer, Zoning Administrator and Code Enforcement Officer.

Zoning Map. The map which is part of this Zoning Ordinance and which delineate the boundaries of zoning uses.

THIS PAGE INTENTIONALLY LEFT BLANK.

ARTICLE V

DISTRICTS, BOUNDARIES AND GENERAL REQUIREMENTS

(As amended by ORDINANCE NO. 271-2006, an ORDINANCE AMENDING
ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT, ALABAMA)

SECTION 1. Section 5.1 DISTRICTS, BOUNDARIES AND GENERAL REQUIREMENTS of Ordinance Number 51-96 is hereby amended to read in its entirety as follows:

- 5.1 ESTABLISHMENT OF DISTRICTS. In order to regulate and restrict the height, number of stories and size of buildings or structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land. The City of Spanish Fort shall establish zoning use districts based on the following use classifications or variations thereof.
- 5.11 R-1, Single Family Low Density Residential District. This district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.
 - 5.12 R-2, Single Family Medium Density Residential District. The purpose of this district is to provide for medium density residential developments in single family structures on medium sized lots.
 - 5.13 R-3A, Single Family High Density Residential District. The purpose of this district is to provide for medium density residential developments in single family structures on smaller sized lots.
 - 5.14 R-3B, Single Family Patio or Garden Home Residential District. The purpose of this district is to provide for high density residential developments in single family structures on small patio or garden home sized lots.
 - 5.15 R-3C, Low Density Multi-Family Residential District. The purpose of this district is to provide for lower density residential developments in single family, duplex and multi-family structures, on large sized lots.
 - 5.16 R-3D, Medium Density Multi-Family Residential District. The purpose of this district is to provide for medium density residential developments of multi-family apartment or condominium structures on parcels no smaller than 3 acres.

- 5.17 R-4, Manufactured/Mobile Home Residential District. The intent of this district is to provide space at appropriate locations consistent with community objectives for the location of individual Manufactured/Mobile homes on single lots and the establishment of Manufactured/Mobile Home parks which provide for the establishment of permanent manufactured/mobile homes and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Health Department requirements for private wells and septic systems.
- 5.18 B-1, Professional Business District. This district is established to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale.
- 5.19 B-2, Local Business District. This district is intended to provide for limited retail convenience goods and personal service establishments near residential neighborhoods and to encourage the concentration of these uses in one location for residential neighborhoods rather than in scattered sites occupied by individual shops throughout a neighborhood.
- 5.20 B-3, General Business District. This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business districts. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Very light production and processing activities are included.
- 5.21 B-4, Major Business District. This district is intended to provide opportunity for activities causing noise, bright lights, and heavy traffic, not considered compatible in the more restrictive general business district. These uses also serve a regional and interstate market and require location in proximity to major transportation routes. Auto dealerships, large scale retail developments and light production work are included.
- 5.22 B-5, Hotel/Motel District. This district is intended to provide opportunity for development of hotels and motels normally associated with regional and interstate business districts.
- 5.23 M-1, Light Industrial District. The purpose of this Light Industrial District is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Locations should be in accordance with the City's Comprehensive Plan.

5.24 T-1, Telecommunication Tower District. The purpose of this District is to provide a suitable environment for construction of telecommunication towers. Locations should be in accordance with the City's Comprehensive Plan and the Telecommunication Tower Ordinance.

5.2 RULES FOR DETERMINING BOUNDARIES. The boundaries of the districts are shown on the map adopted for the City. Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Officially Adopted Zoning Map, the following rules shall apply:

5.21 Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

5.22 Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

5.23 Where a public road, street or alley or other public property is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

5.24 In case the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Administrator shall interpret the map and render a decision. Any such decision may be appealed to the Board of Adjustment.

5.3 GENERAL REQUIREMENTS. Except as hereinafter provided, the following shall generally apply:

5.31 Use. No building, structure 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.

5.32 Building Heights. Building height shall be measured from finished grade except where base flood elevations apply, in which case two (2) stories shall be allowed above the minimum base flood elevation as established by Flood Insurance Rate

Maps (FIRM), except as provided for elsewhere in this Ordinance or the Flood Damage Prevention Ordinance.³

5.321 Height Exceptions. The height limits for the various districts shall not apply to church spires, 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.

5.322 Building height shall be measured from finished grade except where base flood elevations apply, in which case two (2) stories shall be allowed above the minimum base flood elevation as established by Flood Insurance Rate Maps (FIRM), except as provided for elsewhere in this Ordinance or the Flood Damage Prevention Ordinance.³

5.33 Lots. 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. This section shall not apply when a portion of a lot is acquired for public use.

5.34 Yards. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.

5.35 Multi-Family. Site plans for all multi-family dwellings intended for occupancy by three or more families shall be submitted to the Planning Commission for approval and at the least shall contain an accurate plot plan drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines, within which the proposed buildings and structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building(s) is/are designed to accommodate, the topography, the proposed drainage system, the zone or intended zone for the use proposed, and the names of streets adjoining said property.

5.36 One Principal Building on 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:

- 5.361 In any district where multi-family structures, motels or hotels are permitted, two or more such 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. In Flood Hazard areas identified on the Flood Insurance Rate Maps (FIRM), the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, 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.³
- 5.362 In any district where Accessory Dwellings are permitted, the minimum lot size shall be five (5) acres, and the Accessory Dwelling shall not exceed 60% of the size, in square feet, of the principal dwelling. All other provisions of the Ordinance shall be met.⁸
- 5.37 Residential Uses in Business District. Residential uses established in any Business District must comply with the minimum requirements for the high density.
- 5.4 NON-CONFORMANCE. It is the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights. Any structure or use of land existing at the time of the enactment of this Ordinance and amendments thereto, not in conformity with its use regulations and provisions, may be continued subject to the following provisions:
- 5.41 Unsafe Structures. Any structure or portion thereof declared unsafe by any authority shall be restored to a safe condition subject to the provisions of this Ordinance.⁵
- 5.42 Alterations. Any change in a non-conforming building site or yard area is subject to the following:
- 5.421 Any improvements, alterations, repairs or installation of new fixtures or equipment for an existing non-conforming structure may be accomplished by the owner of the structure upon obtaining the proper permits from the Building Official, provided that such improvements will bring into conformity, if possible, or that it will at least not increase, unnecessarily, the non-conformity and will in all other respects, meet the requirements of the district in which it is located.
- 5.422 Should a non-conforming building be moved, all non-conforming yard areas shall be eliminated.
- 5.423 A non-conforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this Ordinance.

- 5.424 If a non-conforming structure is hereafter destroyed or damaged by any cause, and the cost of reconstruction or repair of the structure does not exceed fifty percent (50%) of the fair market value of the structure prior to sustaining damage, the structure may be repaired and restored to a condition comparable to its nonconforming condition prior to sustaining damage; provided that such repairing, rebuilding or replacement will bring it into conformity, if possible, or that it will at least not increase, unnecessarily, the non-conformity, and will, in all other respects, meet the requirements of the district in which it is located.⁵
- 5.43 Change in Use. A non-conforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.
- 5.44 Discontinuance. A non-conforming use which became such upon the adoption of this Ordinance and which has been discontinued for a continuous period of nine months shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.
- 5.45 Adjacent Land. The presence of a non-conforming use in a zoning district shall not be allowable as legal grounds for the granting of variances or zoning amendments for other surrounding properties by the Board of Adjustment or the City Council.
- 5.46 Access to Public Streets. Access to public streets shall be maintained in accordance with the following requirements:
- 5.461 Each principal use shall be placed on a lot or parcel which provides frontage on a public or private street having a right-of-way of not less than forty (40) feet.
- 5.462 Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least 15 feet in width.
- 5.47 Lots of Record. Where the owner of a 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 following exceptions may be allowed:
- 5.471 Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, said lot may be used for a single-family dwelling in any Residential District, provided the lot to be so used has a minimum area of 4,000 square feet and a minimum lot width at the building line of 40 feet, provided it is located on a public sewer. In Business/Commercial and Industrial Districts, such lot may be used for any use permitted in the district in which it is located.

- 5.472 When two 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, such lots may be platted or re-parcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.
- 5.473 Buildings or structures located on substandard lots of record may be improved provided that such improvement is not detrimental to the area, does not increase the non-conformance, or is required by other laws or ordinances of the City.
- 5.48 Yard Requirements. Yard requirements shall be modified subject to the following conditions:
- 5.481 On double frontage lots, the required front yard shall be provided on each street.
- 5.482 Whenever a rear 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 rear yard.
- 5.483 An unroofed porch shall not project into a required front yard for a distance exceeding five (5) feet.
- 5.484 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 Zoning Administrator in consideration of the lot size and the size of the proposed structure. In no case shall any structure be placed on or across an existing utility or drainage easement.³
- 5.485 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, 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.
- 5.486 Where the Coastal Construction Control Line applies and the yard requirements cannot be met, the Building Official may reduce the yard setback up to one-half the required distance, and even more reduction may

be obtained by variance, except as otherwise required by ADEM or the Flood Damage Prevention Ordinance. In no case shall the setback from the water edge of any water front lot to any primary structure be reduced to less than thirty-feet. (see Article IX).³

5.5 SCREENING, LIGHTING AND SPACE.

- 5.51 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 (6) 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.
- 5.52 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 (6) feet in height.
- 5.53 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.
- 5.54 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.³
- 5.6 SURFACE DRAINAGE. Owners, particularly developers of larger paved areas such as those in connection with apartment complexes, shopping centers, etc., shall be responsible for increased runoff resulting from these developments which cause flood damage to neighboring property. The Building Official shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage 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.³
- 5.7 EROSION AND SEDIMENT CONTROL. Where more than one acre of land will be disturbed for construction purposes, developers shall be required to submit a sediment and erosion control plan for approval (see Article VIII).
- 5.8 UTILITIES.
- 5.81 Septic Tanks. In areas where there are no sewerage facilities, septic tanks may be used in accordance with current regulations of the Alabama Department of Public Health and the Baldwin County Health Department.

- 5.82 Water and 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 line 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.
- 5.821 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 is destroyed 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.
- 5.83 Other. All new utilities shall be placed underground.
- 5.9 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.
- 5.010 GRANDFATHER CLAUSE. Any use of buildings or land existing on the date of adoption of this Ordinance and not in compliance with its provisions shall be allowed to continue as a non-conforming use. Any land development projects in the City under legal authority of this Ordinance that are not located in a zoning district designated for their intended use may be permitted to continue provided that:
- 5.0101 The project was under construction prior to the date of adoption of this Ordinance. For the purposes of this Section, under construction shall mean that a legal building or construction permit has been issued and that actual construction has been or will be started within the initial period of validity of the permit, exclusive of any time extensions, or that a permit application has been submitted to the Alabama Department of Environmental Management.
- 5.0102 The project complies in other aspects with the requirements of this Ordinance for districts in which similar uses are permitted.
- 5.0103 The developer complies with other conditions that may be required by the Planning Commission due to the unique circumstances of the land.

THIS PAGE INTENTIONALLY LEFT BLANK

ARTICLE VI
DISTRICT REGULATIONS

6.1 GENERAL

The following limitations and requirements are placed on uses in each district established under the authority of this Ordinance, in accordance with the intent of the Ordinance.

Any use requiring planning approval is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent (see Section 6.33).

Any use permitted by special exception is subject to review by the Planning Commission and review and approval of the Board of Adjustment. Each application to the Planning Commission and the Board of Adjustment for approval of a use permitted by special exception shall be accompanied by a site plan prepared by the applicant or his agent.

In any case where a requested use is not specifically listed in the Table of Permitted Uses section of this Ordinance, its status shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses. When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.

In general, any higher use may be permitted as a Special Exception in a lower use district, but no lower use shall be permitted in a higher use district, except as otherwise noted in the Table of Permitted Uses or where such use exists at the time of enactment of this Ordinance, in which case it is subject to the requirements of Non-Conformance section of this Ordinance.

Every use in any district, except in the M-1 district, shall be conducted entirely within a completely enclosed structure unless expressly exempted from enclosure requirements in this Ordinance.

It shall be the responsibility of the owner/developer to show (prove) compliance with the requirements of this Ordinance.

6.2 PERMITTED USES AND CONDITIONS.

Permitted uses are listed in the Permitted Use Table of this Ordinance.

6.21 Uses by Right. Uses in the Tables identified by (R) are permitted by right, subject to the conditions specified in the Tables or elsewhere in this Ordinance.

- 6.22 Uses Requiring Planning Approval. Uses in the Tables identified by (P) are permitted upon approval by the Spanish Fort Planning Commission of the location and the site plan as being appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located.
- 6.23 Special Exceptions. Uses in the Tables identified by (S) are subject to the same approval of location and site plan as uses requiring Planning Approval; in addition, these uses are subject to approval of the Board of Adjustment.
- 6.24 Compliance With District Requirements. Any use permitted in any district whether by Right, with Planning Approval, 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; or unless approved under the Planned Unit Development (PUD) provisions of the Subdivision Ordinance.
- 6.241 Other provisions of this Ordinance notwithstanding, any tracts of farmland under cultivation or pastureland and timberland presently being used for such purposes may continue to be used for such purposes regardless of the zoning district in which they may be located.
- 6.242 Undeveloped land or land used for agricultural purposes or timber growing shall automatically be rezoned for single family use.
- 6.25 Uses Prohibited. Where any use or analogous use has blank spaces under any zones listed in the headings of the Tables of Permitted Uses, such use is specifically prohibited in such zones.
- 6.3 A site plan shall be required for all projects except single-family structures. Site plan reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of the Zoning Ordinance and Subdivision Regulations in conformity with its purpose as stated in Article I.
- 6.31 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Zoning Administrator may approve an Application for Land Use, and the Building Official may issue a building permit for a portion or all of the proposed development; provided that the Application for Land Use is in compliance with all applicable City, County, State and Federal requirements.³
- 6.32 The City Engineer may recommend waiving certain requirements contained in Section 6.33 of this Ordinance if, in his opinion, the requirements are not essential to

a proper decision on the project; or, he may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

- 6.33 An application for site plan approval shall include the following information unless some or all of these requirements are waived by the Planning Commission.
- a. The location and size of the site including its legal description and a current certified survey.
 - b. A vicinity map showing the site relation to surrounding property.
 - c. The recorded ownership interests, including liens, encumbrances, title certification in the form of a current title policy, title opinion or title report and the nature of the 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 Section 6.33b above.
 - 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. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for: screening, lighting and space, surface

drainage, erosion and sediment control, water and sewer connections, landscaping, signs, and coastal protection.

- l. A traffic impact analysis and corrective measures to address detrimental conditions brought about by the development.
- m. Architectural renderings, elevations and representative floor plans in preliminary form.
- n. 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.
- o. Landscape plans which includes the location of any trees in a tree protection zone.

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL															
	6.4 TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Accessory buildings and uses, including home occupations and home swimming pools, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met.	R	R	R	R	R	R	R	R	R	R	R	R	R	R		
Accessory dwellings on Lots of Record of five (5) acres or more.	R	R	R													
Adult Books, adult videos, or similar products.																
Agriculture and related farming operations, including horticulture, plant nurseries, gardening, field crops and orchards.									R	R	R			R		
Ambulance/EMS service											R	R				
Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:																
Amusement park														S		
Amusement arcade.											P	R				R
Archery range											P	P				
Baseball batting range											P	P				
Billiard or pool hall											P	P				
Bowling alley											P	P				
Fairgrounds, circus or carnival											P	P				
Golf course	P	P	P	P	P	P	P	P	P	P	P	P				
Golf course, miniature											P	P				
Golf driving range											P	P				
Pistol or rifle range, enclosed within a structure											P	P				
Racquetball or tennis courts, indoor											R	R	R			
Skating rink - indoor											R	R				
Tennis courts, outdoor.	P	P	P	P	P	P	P	P	P	P	P	P	P			
Theater, indoor											R	R				
Theater, outdoor/drive-in.																

CITY OF SPANISH FORT 6.4 TABLE OF PERMITTED USES AND CONDITIONS	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL														
	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Antique store, not including repairing and refinishing.									P	R	R				R
Apothecary, limited to the sale of pharmaceuticals and medical supplies.									P	R	R				R
Apparel and accessory store.									P	R	R				R
Appliance store.										R	R				
Armory.											S		S		
Art gallery or museum.									P	R	R				R
Art supplies.									P	R	R				R
Asphalt products manufacture.													S		
Auditoriums, stadiums, coliseums, and other such places of public assembly.										PC	PC				
Automobile and truck laundry, including steam cleaning.													R		
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any opening, facing the residential district other than a stationary window, within 100 feet of a residential district, and which shall not store or otherwise maintain any parts or waste materials outside such structures.											R		R		
Automobile and truck sales and service; but not including commercial wrecking dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities.											R		R		
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure.										P	R		R		

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL														
	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
6.4 TABLE OF PERMITTED USES AND CONDITIONS															
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; all wastes shall be discharged directly into the sewer.											P				
Automobile parts sales, except used parts.											R		R		
Automobile wrecking and salvage; shall be enclosed within a													S		
Bait store or sales (live bait); enclosed within a structure.										P	P				
Bakery, retail.									P	R	R				R
Bakery, wholesale.													R		
Bank or Credit Union, including drive-in.								R	R	R	R				R
Barber and beauty supplies and equipment sales.										R	R		R		R
Barber shop or beauty parlor.								R	R	R	R	R			R
Bed and Breakfast.	P	P	P	P				P	P	P	P	R			
Bicycle sales, service and repair.										R	R	R			R
Blueprinting and photostating shop.										R	R	R			R
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure.													R		
Boat docking only of pleasure boats as an accessory use to a permitted principal use.			S							R	R				
Boat dry storage; pleasure boats having lengths not greater than 31 feet.											S		R		
Boat sales, accessories and service.											R		R		
Book store.									P	R	R				R
Bottling works.													P		
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district.											R		R		
Bus and railroad terminal facilities.													P		
Business machines sales and service.									S	R	R		R		
Business school or college.										PC	PC		PC		
Butane and other liquefied petroleum gas products sales; need not be enclosed within a structure.										P	P		R		

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL														
	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
6.4 TABLE OF PERMITTED USES AND CONDITIONS															
Cabinet or carpenter shop.										R			R		
Cafe, grill, lunch counter delicatessen, but not including night club, bar, tavern and drive-in restaurant.								P	R	R	R	R			R
Camera and photographic supply store.									P	R	R				R
Candy, nut and confectionery store.									P	R	R				R
Canvas products manufacture.										R			R		
Carting, express, crating, hauling, storage.													R		
Catering shop or service.										R	R				R
Cellular type radio and telephone antennas and associated equipment, co-located on existing towers or water storage facilities.	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Cellular type radio and telephone antennas and associated equipment, located inside structures or buildings, hidden or camouflaged from public view.								P	P	P	P	P	R	R	R
Cellular type radio and communications towers with antennas and associated equipment.										PC	PC	PC	PC	P	
Cemetery, subject to requirements of the Special Provisions.								PC	PC	PC	PC				
Chemicals manufacture or processing.													S		
Churches and related accessory buildings.	P	P	P	P	P	P	P	P	P	P	P				
City hall, police station, courthouse, federal office building and similar public building.									PC	PC	PC				R
Clay and clay products manufacture; need not be enclosed within a structure.													R		
Clinic, dental, medical or psychiatric for humans.								R	R	R	R				
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business.									R	R	R		R		
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line.	P	P	P	P	P	P	P	P	P	P	P	P	P		
Cold storage plant.										R	R		R		
College sorority or fraternity house.										PC	PC				

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL														
	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
6.4 TABLE OF PERMITTED USES AND CONDITIONS															
College, business college, or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line.										PC	PC				R
Computer, cell phone and other consumer electronics repair and service.									P	R	R		R		R
Concrete and concrete products manufacture; need not be enclosed within a structure.													P		
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided.													P		
Convenience store including gasoline dispensing.										P	R				
Convenience store without fuel sales.									P	R	R				
Dairy equipment sales.													R		
Dairy products sales.									P	R	R				R
Department store.										R	R				
Drive-in restaurant.										P	R				
Drug store.										R	R				
Dry cleaning shop, including self-service.									P	R			R		R
Dry goods or fabric store.									P	R	R				
Dwelling, multi-family.					R	R		S	S	S					
Dwelling, Single-family.	R	R	R	R	R			S	S	S					
Dwelling, two family.					R	R		S	S	S					
Electric power generating plant.													S		
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen.	S	S	S	S	S	S	S	S	S	S	S	S	S		
Electric repair shop.										R			R		
Electric supply store.										R	R				
Elevator maintenance service.										R			R		R
Escort Service.															
Exterminator service office.										R			R		
Farm and garden equipment and supply store.										R	R				

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL															
	6.4 TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Farmer's market enclosed within a structure.											R	R				
Fertilizer manufacture and processing.																
Fire training and associated facilities. No building or structure be located within 100 feet of a property line.										PC	PC	PC		PC		
Fireworks, retail or wholesale.																
Fix-it shop, including small appliance repair.											R			R		R
Floor covering sales and service.											R	R				R
Floral shop.										P	R	R				
Food locker plant, including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.															R	
Food products processing plant.															P	
Food products, wholesale storage and sales.												P			R	
Freight depot, railway or truck.															R	
Frozen food manufacture and packaging.															R	
Funeral home, mortuary or undertaking establishment.											P	P			R	
Furniture and home furnishing store, including office furniture and equipment.											R	R				
Furniture, home furnishings and home décor accessories, new or used. Must be enclosed within a structure. Store area not to exceed 10,000 square feet.										P	R	R				
Furniture repair, including upholstering and refinishing.											R	R			R	
Gas regulator station.	S	S	S	S	S	S	S	S	S	S	S	S	S	S		R
Gift shop.										P	R	R				
Glass products manufacture.															S	
Glass products sales and service.											R	R				
Grain milling, storage and elevators.															S	
Grocery store, retail.										P	R	R				
Gymnasium, commercial.											R	R			R	
Hardware store, retail.										P	R	R				
Heating and air conditioning equipment, supplies and service.											R	R			R	
Hiking and nature trail.	P	P	P	P	P	P	P	P	P	P	P	P	P	P		R
Hobby shop and supply store.										P	R	R				
Home occupation.	R	R	R	R	R	R	R	R	R	R	R					
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans.											PC	PC				
Hotel or motel														R		
Ice plant.															R	

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL														
6.4 TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Ice Vending machines, as an accessory use only, in conjunction with a convenience store or other retail establishment.									P	P	P	P	P		
Institution for children or the aged, day care.										P	P		P		
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.													S		
Kennels for small animals; enclosed within a structure										R			R		
Kennels for small animals; need not be enclosed within a structure										P			R		
Kindergarten, playschool or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.	P	P	P	P	P	P	P		R	R	R		R		R
Laboratory, medical or dental.										R	R		R		R
Laboratory, scientific.										R	R		R		
Landscape garden sales; need not be enclosed within a structure.										R	R		R		R
Laundry and dry cleaning pick-up station.									P	R			R		
Laundry and dry cleaning plant.															
Laundry, linen supply or diaper service.										R	R		R		
Laundry, self-service.									P	R			R		
Lawnmower sales, service and repair.										R	R				
Leather goods or luggage goods.										R	R				
Library.									PC	PC	PC				R
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.									PC	PC	PC	PC			R
Loan office.									P	R	R				R
Locksmith.									R	R			R		
Lodging, boarding or rooming houses.								P	P	P	P	R			
Lumberyards and building materials; need not be enclosed within a structure.											R		R		
Machine shop.													R		
Machinery, tools and construction equipment, sales and service.											R		R		
Mail order house.											R		R		
Manufactured/mobile home (One on a single lot).							R								

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL														
	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
6.4 TABLE OF PERMITTED USES AND CONDITIONS															
Manufactured/mobile home park.							P								
Manufactured/mobile home subdivision.							P								
Manufacturing, extractive, including all natural mineral deposits except oil and gas.													P		
Manufacturing, general: the processing, fabrication, repair and servicing of any commodity or product. The following types of activities are permitted only by special exception and must have approval of the Board of Adjustment upon recommendation by the Planning Commission and must be located in accordance with the policies of the City.															
(a) Manufacturing of: acetylene gas (or storage thereof): acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement; lime; gypsum; plaster-of-paris; coal tar or tar derivatives; creosote or creosote treatment; clay tile or vitrified products; emery cloth or sandpaper;															
; glue; size or gelatine; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber; plastics; soca compounds.															
(b) Petroleum refining; tanning, curing or storage of hides and skins; boiler works,															
foundry or forge operation; incineration, reduction or dumping of offal, dead animals, garbage or refuse; fat rendering; junk, iron, rags storage and baling; distillation of bones, coal or wood.															
(c) Any other uses, not listed above, that, by reason of the emission of odors, dust, smoke, gas, noise or vibration, is unsuitable for location in more restrictive districts. Any such use must meet all applicable local, state and federal regulations regarding permissible levels															
of emission.													S		
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to, the following:															
Confectionery, food, frozen desert and milk products processing and manufacturing.													R		

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL															
	6.4 TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Clothing and garment manufacturing.														R		
Laboratories for testing materials,																
Chemical analysis, and photographic processing.														R		R
Musical instruments and parts manufacturing.														R		
Scientific, optical and electronic equipment assembly and manufacturing.														R		
Souvenirs and novelties manufacturing.														R		
Toy, sporting goods and athletic goods manufacturing.														R		
Marine stores and supplies.											R	R		R		
Massage Parlor.																
Massage Therapy Services provided by an Alabama State Licensed Massage Therapist only.										R	R	R	R			R
Metal products fabrication.														R		
Millwork and similar wood products manufacture.														R		
Modular Home	R	R	R	R												
Motorcycle sales, service and repair.												R		R		R
Music store.										P	R	R				R
News stand.										P	R	R				
Night club, bar, tavern and cocktail lounge when separate from a restaurant.											P	P	R	P		
Office equipment and supplies, manufacture.														R		
Oil and gas exploration and production activities.														P		
Oil well equipment, supplies and machinery; need not be enclosed within a structure.														R		R
Paint and wallpaper store.											R	R				
Painting and decorating contractor.												R		R		
Palm Reader, Fortune teller and like businesses.																
Paper supplies, wholesale.												R		R		
Public Park and Ride facility owned and operated by the State, County or Municipal government, including a permanent structure for an office and/or waiting area, related to the principal use.											P	P		P		
Park or playground, including recreation centers; need not be enclosed within a structure.	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL														
	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
6.4 TABLE OF PERMITTED USES AND CONDITIONS															
Passenger depot, railway or bus.										P	P		R		
Pawn shop.										P	P				
Pet shop.										R	R				R
Photographic processing.										P	P		R		R
Picture framing and/or mirror silvering.									R	R	R		R		
Pipe storage; need not be enclosed within a structure but must be screened.													R		
Planned Unit Development, fixed dwelling.	PC	PC	PC	PC	PC	PC									
Planned Unit Development, manufactured/mobile home.							PC								
Plastic fabrication.													S		
Plastic manufacture.													S		
Plumbing equipment, supplies, sales, and service.										R	R		R		
Police training facilities and police firing range.									PC	PC	PC		PC		R
Police substation and Fire Station.	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC		R
Post office, public or privately owned.									PC	PC	PC				
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment.									S	R	R		R		
Public dog pound; need not be enclosed within a structure.										PC			PC		
Public utility production and maintenance building with proper									S	S	S		S		R
Public utility substation with proper screening.	S	S	S	S	S	S	S	S	S	S	S	S	S		R
Radio and television sales, service and repair store.										R	R		R		R
Radio and television station and transmitting tower.														P	
Radio and Television Studio, no tower.										R	R				
Railroad facilities; need not be enclosed within a structure.															
Recreational areas that are compatible with residential areas with regard to size and type or recreational activity and are community based, such as baseball, t-ball, softball, football, and soccer.	P	P	P	P	P	P	P	P	P	P			P		R
Recreational vehicle park.										PC					R
Reducing, exercise, karate, gymnastic, health club or other body fitness type salon.										P	R	R			R
Restaurant supplies and sales.											R		R		
Restaurant.										P	R	R	R		
Riding academy; need not be enclosed within a structure.															

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL															
	6.4 TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Roofing and sheet metal shop.														R		
Rug and/or drapery cleaning service.														R		
Sand and gravel storage yard; need not be enclosed within a structure but must be screened.														R		S
Sawmill or planing mill.														S		
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama.	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Seafood processing plant.																
Seafood store, retail.										P	R	R				
Sewage disposal plant; need not be enclosed within a structure.														PC		R
Shipbuilding and repair yard; need not be enclosed within a structure.														S		R
Shoe repair shop.										R	R			R		
Shoe store, retail.										P	R	R				
Sign shop.										S	P	R		R		R
Small engine repair shop.											R	R		R		
Sporting goods store.											R	R				
Stockyard; need not be enclosed within a structure.																R
Stone cutting and processing merchandise sold at retail.														R		R
Stone monument sales, retail.											R	R		R		R
Studio for dance or music.									P	R	R	R				
Studio for professional work or teaching of fine arts, such as photography, drama, speech, painting.									R	R	R	R				R
Surgical or dental supplies manufacture.														R		R
Surgical or dental supplies.											R	R		R		
Tailor shop.										R	R	R				R
Tattoo Parlor																
Taxi dispatching station.												P				
Taxi terminal/storage and repair of vehicles.												R		R		
Taxidermy shop.											P			R		
Teen club or youth center.											S	S				

CITY OF SPANISH FORT	USE DISTRICTS R=BY RIGHT P=PLANNING COMMISSION APPROVAL S=SPECIAL EXCEPTION PC=PLANNING COMMISSION AND CITY COUNCIL APPROVAL															
	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1		C-1
6.4 TABLE OF PERMITTED USES AND CONDITIONS																
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening.																R
Telephone exchange.	S	S	S	S	S	S	S	S	S	S	S	S	S			R
Temporary uses, including the sale of Christmas trees, seasonal fruit and vegetables from roadside stands, and similar uses.										P	P					R
Tobacco store.										P	R	R				PC
Toy store.										P	R	R				
Trade school or college.											PC	PC			PC	
Transit vehicle storage and servicing; need not be enclosed															S	
Travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening facing the residential district other than a stationary window															R	R
Utility company storage facility; need not be enclosed within a structure but must provide adequate screening.															R	
Veterinary service and animal clinic, must be enclosed within a structure, including, but not limited to, indoor dog pens, runs and enclosures with adequate provisions to limit noise and											P	R				
Warehouse and storage facilities, major.															R	
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities; facilities must not open to the street; screening is required.												P	P		R	
Water or sewage pumping station.	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Water storage; need not be enclosed within a structure.	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Welding shop.													R		R	
Well drilling company.															R	
Zoo; need not be enclosed within a structure.															S	

- 6.5 PERFORMANCE STANDARDS FOR NON-RESIDENTIAL DISTRICTS. In all non-residential districts where facilities are permitted, they shall comply with the following minimum standards:
- 6.51 Lots shall be of sufficient size to accommodate the intended use but in no case shall they be less than 12,000 sq. ft. Width at the building line shall be at least 80 feet.⁴
- 6.52 Where a commercial or industrial district abuts any part of a residential district, a buffer zone shall be required.⁴
- 6.521 Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high and of a construction and a design approved by the Planning Commission.
- 6.522 Screen Planting Strip. If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than eight (8) feet high at the time of planting) to afford protection to the residential district from the glare of lights, blowing papers, dust and debris, visual encroachment and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.⁴
- 6.53 No primary entrances or exits shall direct traffic into adjacent residential districts. Adequate parking shall be provided. Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.⁴
- 6.6 SPECIAL EXCEPTIONS. More stringent design and landscape standards may be required by the Planning Commission for special exceptions permitted in any district.⁴
- 6.7 LANDSCAPING. Detailed landscaping plans shall be required for all commercial and industrial developments and for residential developments other than a single family structure.⁴

"EXHIBIT B"

6.8 Regulations And Standards

Residential Districts

Permitted Uses	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4
Minimum Lot Area	20,000	15,000	10,000	4,000	20,000	3 Acres	20,000
Minimum Lot Width at BL	100	80	70	40	100	100	100
Maximum Lot Coverage	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Building Height	40'	40'	40'	40'	40'	40' ^A	40'
Front Yard	30'	25'	20'	20'	30'	30'	25'
Rear Yard	30'	30'	30'	20'	30'	30'	30'
Side Yard	10'	7.5'	5'	5'	20'	30'	20'
Buffer Zone	N/A	N/A	N/A	N/A	20'	20'	20'
Maximum Density (units per acre)	2	2.5	4	7	6	12	10
Signs	See Sign Ordinance						
Off Street Parking	2	2	2	2	See Parking Section		

Business Districts

Permitted Uses	B-1	B-2	B-3	B-4	B-5	M-1	T-1
Minimum Lot Area	12,000	12,000	12,000	1 Acre	1 Acre	1 acre	900
Minimum Lot Width at BL	80	80	80	80	100	150	N/A
Maximum Lot Coverage	50%	60%	60%	60%	N/A	25%	75
Maximum Building Height	40'	40'	40'	40'	70' ^A	40'	40'
Front Yard	20'	20'	20'	50'	30'	50'	N/A
Rear Yard	0	0	0	0	30'	35	N/A
Side Yard	0	0	0	0	30'	30'	N/A
Buffer Zone	20'	20'	20'	20'	20'	20'	20'
Maximum Density (units per acre)	N/A	N/A	N/A	N/A	64	N/A	1
Signs	See Sign Ordinance						
Off Street Parking	See Parking Section						

Note A - Building Height at ceiling of upper most habitable space

Note B - Along County, State and Federal Highways, the setback shall comply with the Highway Construction Setback Enabling Legislation for Baldwin County, Alabama Act No. 94.572. Sidewalks are required and tree protection will be ensured.

Note C - Side yards on corner lots shall not be less than 30 ft. on any side adjacent to street R. O. W. (As required in section 7.05 of the City's Subdivision Regulations)

ARTICLE VII

SPECIAL PROVISIONS

7.1 MANUFACTURED/MOBILE HOME PARKS. Manufactured\Mobile Home Parks as defined herein are uses permitted in an R-4 Manufactured\Mobile Home Park District subject to the provisions of this Ordinance.

7.11 License. It shall be unlawful for any person to construct or maintain or operate a manufactured/mobile home park within the corporate limits of the City of Spanish Fort, Alabama, unless such person shall first obtain a manufactured/mobile home park permit and business license therefore.³

7.12 Application for License.

7.121 Applications for new manufactured/mobile home parks or for any expansions of existing manufactured/mobile home parks shall be filed with the Zoning Administrator of the City of Spanish Fort, Alabama, using an Application for Land Use form. The application shall be in writing, signed by the applicant and shall include the following:

- a. The name and address of the applicant;
- b. The location, name, tax parcel number and legal description of the manufactured/mobile home park;
- c. The complete plot plan of the park depicting lot numbers, lot sizes, dimensions and location of all utilities in conformity with the requirements of this Ordinance;
- d. Plans and specifications of all buildings, utility improvements and facilities constructed or to be constructed within the manufactured/mobile home park; and
- e. Such further information as may be required by the Planning Commission to enable it to determine if the proposed park or expansion of an existing park will comply with legal requirements. Three sets of plans shall accompany a completed Application for Land Use and shall be filed with the Zoning Administrator.³

7.122 Upon receiving approval by the Planning Commission to operate a new or expanded manufactured/mobile home park, the applicant shall apply to the City Clerk of Spanish Fort for a business license. Application in writing by a licensee for renewal of a license shall be made annually, and upon

payment of the annual license fee, the City Clerk shall issue such license for another year, provided that the park is still in compliance with the requirements of this Ordinance.³

7.123 Upon application in writing for transfer of a license and payment of the transfer fee, the City shall issue a transfer if the transferee will sign a document indicating that he/she will comply with all the requirements of this Ordinance and other applicable local, state and federal laws.

7.13 Location. Manufactured/mobile home parks may be located in the R-4 Manufactured/Mobile Home Park District as established in this Ordinance. Where any boundary of a park directly abuts property which is improved with a permanent residential building located within 25 feet of such boundary, or directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a 6-foot fence, wall, hedge or shrubbery screen shall be provided along such boundary.

7.14 Manufactured/Mobile Home Park Plan. The manufactured/mobile home park shall conform to the following requirements:

7.141 The park shall be located on a well-drained site, properly graded to ensure rapid drainage and free from stagnant pools of water.

7.142 Each park shall provide manufactured/mobile home spaces, and each such space shall be clearly defined or delineated. Each space shall have an area of not less than 4,000 square feet and a width of not less than 30 feet, and the average width of all spaces shall be not less than 40 feet; provided, however, that manufactured/mobile home parks which, at the time of the adoption of this Ordinance, existed lawfully with manufactured/mobile home spaces that do not comply with of the foregoing minimum area and width or minimum average width requirements, may continue to operate and shall be excused from such compliance.

7.143 Manufactured/mobile homes shall be so located on each space that there shall be at least a 20-foot clearance between manufactured/mobile homes. Manufactured/mobile homes parked end-to-end, the end-to-end clearance may not be less than 20 feet and shall not be less than 20 feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. No manufactured/mobile home shall be located closer than 25 feet to any property line of the park abutting upon a public street or highway, or such other distance as may be established by ordinance or regulation as a front yard or setback requirement.

- 7.144 All manufactured/mobile home spaces shall abut upon a driveway of not less than 24 feet in width, which shall be unobstructed access to a public street, alley or highway.
- 7.145 Walkways not less than two feet wide shall be provided from the manufactured/mobile home spaces to the service buildings.
- 7.146 Each manufactured/mobile home space shall be provided with two (2) off-street parking spaces.
- 7.147 All driveways and walkways within the park shall be hard-surfaced and lighted at night with electric lamps of not less than 250 watts each, spaced at intervals of not more than 100 feet.
- 7.148 An electrical outlet supplying at least 100-115/220-250 volts, 100 amperes shall be provided for each manufactured/mobile home space.
- 7.15 Water Supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured/mobile home spaces within the park, to meet the requirements of the park. Each manufactured/mobile home space shall be provided with a cold water tap at least four inches above the ground.
- 7.16 Sewage and Refuse Disposal.
- 7.161 Each manufactured/mobile home space shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the manufactured/mobile home waste into a public sewer system in compliance with any applicable ordinance or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will comply with the County Health Department requirements and present no health hazard.
- 7.162 Garbage Receptacles. Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located no further than 300 feet from any manufactured/mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow. The area used to accommodate garbage receptacles shall be properly screened by providing a fence or wall of opaque material.

- 7.17 Fire Protection. Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. A 6-inch water line with a fire plug shall be provided for each 30 manufactured/mobile homes (e.g., 31 require 2 fire plugs).
- 7.18 Animals and Pets. No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any manufactured/mobile home park, and shall comply with other applicable local ordinances regarding animals and pets.
- 7.19 Tie-downs and Anchors. It shall be unlawful for any persons including, but not without limitation, owners of manufactured/mobile home parks and owners and/or such occupants of manufactured/mobile homes within such park, to place, maintain or occupy any manufactured/mobile home unless such manufactured/mobile home has been properly permitted and is equipped with tie-downs and anchors meeting or exceeding standards of the Building Code or those requirements established and published by the Alabama Manufactured Housing Commission. Owners of manufactured/mobile home parks shall notify the Building Official of the placement of any manufactured/mobile home on their property. The park owner shall also notify the Building Official of the existence of any manufactured/mobile home in his or her park which by visual inspection appears not to comply with the tie-down and anchor standards of the Building Code or the Alabama Manufactured Housing Commission. Such notification shall be written and shall contain a statement of the nature of the possible violation, the location of the manufactured/mobile home and the name and address of the manufactured/mobile home owner. It shall be the responsibility of the owner of the manufactured/mobile home park to give written notice to the owners of all manufactured/mobile homes within such manufactured/mobile home park of the requirements of this Section. In addition to such written notice, the owner of such park shall maintain in a clearly visible location at the entrance to the park, a sign advising all occupants to the park of the requirements of this Section.³
- 7.191 Common Recreation Facilities. Not less than 10 percent of the total area of any manufactured/mobile home park shall be devoted to common recreational areas and facilities, such as playgrounds and swimming pools. Ways for pedestrians and cyclists shall be away from streets, and play areas for small children or other recreational areas in block interiors.
- Common recreational areas shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

- 7.192 Supervision. The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the manufactured/mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Ordinance to which the licensee or permittee is subject.
- 7.193 Revocation of License. The City of Spanish Fort, Alabama, may revoke any license to maintain and operate when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance. After the correction of such conditions and the payment of the penalties imposed by law and assurance given to the City Council that such condition will not be repeated, then the City Council may issue a new license.
- 7.194 Posting of License and Temporary Permit. The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the manufactured/mobile home park at all times.

7.2 APARTMENTS, TOWNHOUSES AND CONDOMINIUMS. Within the Districts permitting multi-family units, the following requirements shall apply:

- 7.21 No more than eight (8) continuous apartments, townhouses and condominiums per floor shall be built in a row with approximately the same front line.
- 7.22 No side yard is required except that on corner and interior lots the end of the building in any grouping shall conform to the side yard requirements of the district.
- 7.23 No more than twenty-five (25) percent of the lot area shall be occupied by buildings.
- 7.24 Insofar as practicable, off-street parking facilities shall be under habitable floors of buildings or grouped in bays, either adjacent to streets or in the interior of blocks, and no off-street parking shall be more than 100 feet by the most direct pedestrian route from a door of the structure it intends to serve.
- 7.25 All multi-family developments shall be required to tie into a public or private water system and a public or private sanitary sewer system operating under the conditions of an NPDES permit from the Alabama Department of Environmental Management. No other means of water supply and waste disposal shall be permitted.
- 7.26 All other requirements within the district in which the apartments, townhouses or condominiums are located shall prevail.

7.3 ACCESSORY USES; TEMPORARY BUILDINGS; FALL-OUT SHELTERS; HOME OCCUPATIONS.

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

7.311 Is customarily incidental to and is maintained and operated as a part of the principal use;

7.312 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;

7.313 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;

7.314 Is not located in minimum exterior yard; and,

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

- a. 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 roof and, therefore, such requirements applicable to the main building shall apply.
- b. A detached accessory building shall not be closer than ten (10) feet to the main building, nor closer than five (5) feet to the lot line or encroach into any existing drainage or utility easements.³
- c. A detached accessory building, not more than one (1) story in height, may be constructed on not more than 30 percent of the rear yard.
- d. No detached accessory building may be located on the front yard of a lot nor on a lot by itself.
- e. Accessory structures not attached permanently to existing structures are required to be properly tied to a foundation or anchored to the ground.³

- 7.32 Temporary Buildings. Temporary buildings or structures such as tents, fruit and vegetable stands, food vendor trailers and mobile type trailers may be allowed as temporary uses in accordance with Table 6.4, Table of Permitted Uses and Conditions, and shall be removed immediately upon termination of the event or expiration of the vendor's business license. In addition, mobile type trailers, temporary buildings or structures used in conjunction with construction work only may be allowed, provided that they may not be used or occupied as a temporary dwelling or residence and shall be removed immediately upon completion of construction.³
- 7.33 Fall-Out Shelters. Fall-out shelters are permissible as principal or accessory uses and structures in any district, subject to the following conditions:
- 7.331 If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Building Inspector.
- 7.332 If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.
- 7.333 A fall-out shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.
- 7.334 Fall-out shelters may contain or be contained in other structures or may be constructed separately.
- 7.34 Home Occupations. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property.
- 7.341 Limitations on Type of Home Occupation are as follows:
- a. Area used for a home occupation shall not exceed twenty percent (20%) of the gross floor area in the principal building.
 - b. The home occupation shall be confined entirely to the principal building.

- c. Chemical, mechanical or electrical equipment that creates air emissions, odors, light, glare or noises that are detectable outside of the dwelling shall be prohibited.
- d. No display of products shall be visible from the street and only articles made on the premises may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.
- e. Instruction in music, dancing, and similar subjects shall be limited to six (6) students at a time.
- f. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- g. Customary home occupations shall not include the following:
 - 1. Uses which do not meet the provision listed above.
 - 2. Automobile and/or body and fender repairing.
 - 3. Food handling on a large-scale basis, processing or packing.
 - 4. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.
 - 5. Restaurants.

7.35 Satellite Receiving Dishes. Satellite receiving dishes are permitted accessory uses in any district, provided they comply with setback, height, and other standards of this Ordinance. 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 the height limit for the district. When roof mounted, it must conform to the zoning district's height limits. Installation and construction must also comply with the building code.

7.36.1 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 roofs 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 Official. Said permit shall include a clause that shall indemnify, hold harmless and protect the City 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 latest Federal Regulations.

7.37 Swimming Pools, Pool Enclosures and Associated Equipment.³

7.371 Aboveground pools in residential districts may be allowed with the following conditions:

- a. Aboveground pools must be properly permitted by the Building Official and meet all requirements of the Standard Swimming Pool Code and all other applicable codes and ordinances as adopted by the City of Spanish Fort.
- b. Pool pumps and related equipment visible from the street must be properly screened from view.
- c. Barriers must be installed to prevent unauthorized access to the pool and pool area during all hours. Barriers for aboveground pools must meet the requirements of Section 315.2.1.10 of the Standard Swimming Pool Code.
- d. Setback requirements for aboveground pools shall be the same as that required for detached accessory structures with the exception that pools may be located no closer than five feet from the primary residence.

7.372 Below or in-ground pools in residential districts may be allowed with the following conditions:

- a. In-ground pools must be properly permitted by the Building Official and meet all requirements of the Standard Swimming Pool Code and all other applicable codes and ordinances as adopted by the City of Spanish Fort.
- b. Pool pumps and associated pool equipment visible from the street must be properly screened from view.
- c. Barriers and gates meeting the requirements of Section 315.2 of the Standard Swimming Pool Code shall be installed to prevent unauthorized access to the pool and pool area at all hours.

- d. Setback requirements for in-ground pools shall be the same as that required for detached accessory structures with the exception that pools may be located no closer five feet from the primary residence.
- e. Material that has been excavated to allow installation of an in-ground pool shall be properly disposed of.
- f. Screened enclosures or other types of structures surrounding or enclosing in-ground pools must meet the same property line setback requirements as detached or attached accessory structures.

7.4 AUTOMOBILE SERVICE STATIONS. Within the districts permitting automobile service stations, the following requirements shall apply:

- 7.41 Location. The property on which an automobile service station is located shall not be within 100 feet of any property containing a school, public playground, church, hospital, public library, institution for children, elderly or dependents.
- 7.42 Site Requirements. An automobile service station shall have a minimum frontage on the primary street of 120 feet and a minimum lot area of 12,000 square feet. All buildings shall be setback 40 feet from all street right-of-way lines and all canopies shall be setback fifteen (15) feet from all street right-of-way lines.
- 7.43 Access to Site. Vehicular entrances or exits at an automobile service station:
 - 7.431 Shall not be provided with more than two curb cuts for the first 120 feet of street frontage or fraction thereof.
 - 7.432 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.
 - 7.433 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.
- 7.44 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 60 feet from the center line of an arterial street, 55 feet from the center line of a collector street and 45 feet from the center line of other streets.

- 7.45 Off-Street Parking. A minimum of two (2) off-street parking spaces is required with an additional off-street parking space for each lubrication or wash bay.
- 7.46 Other Site Improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:
- 7.461 A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height shall be erected along all adjacent property lines facing any adjacent residential lot.
- 7.462 Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
- 7.463 Signs, whether permanent or temporary, shall not be placed within any public right-of-way within the corporate limits of the City of Spanish Fort. Signs permitted for display on private property shall be arranged so that they do not obstruct visibility for drivers or pedestrians.³
- 7.464 All driving, parking storage, and service areas shall be paved and a good stand of grass shall be maintained on the remainder of the lot.
- 7.47 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.
- 7.5 CEMETERIES. Within the districts permitting cemeteries, the following requirements shall apply:
- 7.51 The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.
- 7.52 Any new cemetery shall be located on a site containing not less than 20 acres.
- 7.53 There shall be a fifty (50) foot buffer around the perimeter of the property and all structures shall be set back no less than 50 feet from any property line or minor street right-of-way.
- 7.54 All graves or burial lots shall be set back not less than 50 feet from any property line or minor street right-of-way lines, and not less than 50 feet from any collector or arterial street.
- 7.55 The entire cemetery property shall be landscaped and maintained.

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

7.6 PARKING REQUIREMENTS FOR ALL DISTRICTS.

- 7.61 General. Off-street automobile storage or parking spaces shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth or as otherwise provided in this Ordinance.

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

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

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

7.614 For existing commercial uses in any business district and other similar areas desiring to expand but unable for good and sufficient reason to provide parking at the standard required in the following schedule, the Board of Adjustment may grant relaxation of the strict application of these requirements on appeal, subject to the regulations governing appeals and variances.

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

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

7.622 Required landscaping and additional parking, if required, shall be provided at ground level around the parking deck and principal structure so that the entire development is aesthetically pleasing. In no case shall the ratio of impervious surface to open space exceed 1.5.

7.623 Parking Schedule.

7.624 Dwellings.

LAND USE

PARKING REQUIREMENTS

- | | |
|---|--|
| a. One and two family | Two (2) spaces for each dwelling |
| b. Multiple | One and six tenths (1.6) spaces for each unit |
| c. Hotels with in-house restaurants, banquet facilities or convention/meeting capabilities | One and one-half (1.5) spaces for each guest bedroom |
| d. Motels, Hotels, Tourist Courts, and Tourist House having no in-house restaurant, banquet facilities or convention/meeting capabilities | One (1) space for each guest bedroom |
| e. Manufactured/ Mobile Home Courts and parks | Two (2) spaces per unit |
| f. Board and Rooming Houses, Dormitories | One (1) space for each guest bedroom |

7.625 Public Assembly:

- | | |
|---|---|
| a. Churches or Other Places of Worship | One (1) space for each four (4) seats in the main auditorium or sanctuary |
| b. Private Clubs, Lodges and Fraternal Buildings not providing overnight accommodations | One (1) space for each 200 sq. ft. of building under the roof |
| c. Theatets, Auditoriums, Stadiums and Similar Places of Assembly | One (1) space for each four (4) seats |

LAND USE

- d. Libraries, Museums

- e. Schools, including Kindergartens, Playschools and Day Care Centers

- f. Skating Rinks, Dance Halls, Exhibition Halls, Pool Rooms and Other Places of Amusement or Assembly without Fixed Seating Arrangements

- g. Bowling Alleys

PARKING REQUIREMENTS

- One (1) spaces for each five hundred sq. ft. of gross floor area

- One (1) space for each four (4) seats in assembly hall or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school/college

- One (1) space for each 200 sq. ft. of floor area

- Four (4) spaces for each alley

7.626 Health Facilities:

- a. Hospitals, Sanitariums, Nursing Homes, Homes for Aged and Similar Institutional Uses
 - b. Kennels and Animal Hospitals
 - c. Medical, Dental and Health Offices and Clinics
 - d. Mortuaries and Funeral Parlors
- One (1) space for each four (4) seats beds, plus one (1) space for each employees, including nurses
 - A parking area equal to 30 percent of the total enclosed or covered area
 - One (1) space for each 200 sq. ft. of floor area used for offices and similar purposes
 - Five (5) spaces per parlor chapel unit, or one (1) space per four (4) seats, whichever is greater

LAND USE

PARKING REQUIREMENTS

7.627 Business:

- a. Commercial Establishments and Offices including but not limited to the following:

Food Stores, Furniture Stores, General service establishments catering to the retail trade

Governmental Offices, Office Buildings, including banks, businesses, commercial and professional offices and buildings, but excluding

medical, dental and health offices and clinics

Public Utilities such as telephone exchanges and substations, radio and TV stations

- b. Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments

- c. Shopping Centers

- d. Dry Storage

Four (4) parking spaces for up to 400 sq. ft. of gross floor area, plus one (1) parking space for each additional 400 sq. ft. of gross floor area up to 5,000 sq. ft., plus one (1) parking space for each additional 200 sq. ft. of gross floor area over 5,000 sq. ft.

One and two-tenths (1.2) spaces for each four (4) seats

One (1) spaces per 200 sq. ft. gross floor area

Two (2) spaces per berth

7.628 Industries

- a. Commercial, Manufacturing and Industrial establishments, not catering to the retail trade

- b. Wholesale Establishments

One (1) space for each employee on the maximum working shift, plus one (1) space for each vehicle operating from the premises

One (1) space for every fifty (50) sq. ft. of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each

company vehicle operating from the premises

LAND USE

PARKING REQUIREMENTS

7.627 Business:

c. Electric Power and Gas Substations

Twenty-five (25) percent of the parcel on which located or four (4) spaces whichever is smaller

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

7.63 Design Standards and Improvement Requirements.

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

7.632 Parking Area Dimensions. The design and dimensions of the parking area shall be in accordance with the following dimensions table:

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

7.633 Width of Two-Way Access Driveways. The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.

- 7.634 Paving Standards. Parking spaces and driveways shall be paved to standards established by the City Engineer. In certain areas or at building sites where there is concern for control of storm water run-off, erosion and sedimentation, protection of trees or protection of the environment, alternative materials may be used as approved by the Planning Commission. In such case the developer shall provide the Zoning Administrator, City Engineer and Planning Commission with evidence that the type and use of alternative materials would be more advantageous. The type and use of alternative materials for parking areas and driveways shall not lessen landscaping requirements or any other requirements of this section.³
- 7.635 Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas. No runoff shall be directed to the beaches or to surface waters.
- 7.636 The number, type and dimensions of handicap accessible parking spaces for all uses shall be in accordance with the Standard Building Code as adopted by the City of Spanish Fort.³
- 7.64 Landscaping. The design and appearance of parking areas is intended to be compatible with the character of the City. A landscaping plan shall be submitted for the construction of the off-street parking areas accommodating six (6) or more parking spaces.
- 7.65 Off-Street Loading and Unloading Space. Off-street loading/unloading spaces shall be provided as hereinafter required by this Ordinance.
- 7.651 Size of Spaces. Each off-street loading/unloading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length accordingly to as little as 35 feet.
- 7.652 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.
- 7.653 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 10,000 square feet, at least one off-street

loading/unloading space for each 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.

- 7.654 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 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.
- 7.655 Bus and Trucking Terminals. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.
- 7.656 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 on an adjacent lot when shared with the use occupying said adjacent lot.
- 7.657 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 the Board of Adjustments.
- 7.66 Off-Street Parking, Loading/Unloading Spaces for Mini-warehouses.
- 7.661 All one-way driveways shall provide for one 10-foot parking lane and one 10-foot travel lane. Traffic direction and parking shall be designated by signing or painting.
- 7.662 All two-way driveways shall provide for one 10-foot parking lane and two 12-foot travel lanes.
- 7.663 Whenever applicable, two (2) parking spaces shall be provided for the manager's quarters plus one (1) additional space for every 25 storage cubicles to be located at the project office for use of clients.
- 7.67 Controlling Curb Cuts Vision Clearance. The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:
- 7.671 Curb Cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than one hundred (100) feet to other curb cuts or closer than fifty (50) feet to any intersection of two streets measured along the curb

line.

7.672 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 ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroad lines, or of a street intersection with a railroad line.

7.68 Storage and Parking of Trailers and Commercial Vehicles.

7.681 Commercial vehicles, privately owned vehicles, motor homes and trailers of all types, including travel, boat, camping and hauling trailers, shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following requirements:

- a. No more than one commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
- b. Travel trailers, motor homes, recreational vehicles, hauling trailers or boat trailers shall be permitted if parked or stored behind the front building setback line.
- c. A travel trailer or motor home shall not be occupied either temporarily or permanently while it is parked or stored in any area, except that such may be occupied on a temporary basis for a period of time not to exceed twelve (12) months pending the rebuilding or rehabilitation of the permanent residential structure following any natural disaster, such as a hurricane or tornado, that may render the permanent structure unusable.
- d. A junked vehicle shall not be permitted to be located on or near lots with dwelling units. See the definition of junked vehicles in Article IV of these regulations.³

7.7 FIRE HAZARDS. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following condition is met:

7.71 Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. The storage, utilization or manufacture of flammable liquids or gases, which produce flammable or explosive vapors, shall be permitted in accordance with the Table of Permitted Uses (exclusive

of storage of finished products in original sealed containers).

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED - GALLONS*

<u>Industries Engaged in Storage and Distribution of Such Materials</u>	<u>Above Ground</u>	<u>Below Ground</u>
1. Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade)	Prohibited	100,000
2. Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade)	Prohibited	40,000
3. Materials having a flash point below 105 degrees Fahrenheit (40.5556 Centigrade)	Prohibited	20,000
<u>Industries Engaged in Utilization and Manufacture of Such Materials</u>		
1. Materials having a flash point above 190 degrees Fahrenheit (87.7878 Centigrade)	10,000	50,000
2. Materials having a flash point from and including 105 degrees Fahrenheit (40.5556 Centigrade) to and including 190 degrees Fahrenheit (87.7878 Centigrade)	1,000	20,000
3. Materials having a flash point below 105 degrees Fahrenheit (40.5556 Centigrade)	500	10,000
<ul style="list-style-type: none"> • When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities listed above. 		

7.8 WATER POLLUTION. 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 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.

7.81 The user shall be responsible for meeting the above standards and shall on reasonable request supply the City/County/State/Federal or other permitting authority with the information necessary to determine if the standards are being met.

THIS PAGE INTENTIONALLY LEFT BLANK.

ARTICLE VIII

EROSION AND SEDIMENT CONTROL

8.1 PLAN REQUIREMENT. An erosion and sediment control plan shall be a part of the construction plans for all developments in Spanish Fort's corporate limits and planning jurisdiction. Such plan shall accompany any application for subdivision or zoning approval, building permit, excavation or other construction activity whenever the proposed activity is to be undertaken on a tract comprising more than one acre, or more than one contiguous acre is to be uncovered.⁴

8.2 PLAN SUBMISSION AND REVIEW. Whenever there is an area to be disturbed comprising more than one acre, three (3) copies of the erosion and sediment control plan shall be filed with the Building Inspector at the time the application for Land Use Certificate and Building Permit are submitted. A copy of the plans shall also be on file at the job site. If the Building Inspector and/or the City Engineer determine, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, a revised plan shall be prepared and submitted. Pending the preparation of the revised plan, the work shall be either suspended or continued under conditions outlined by the Building Inspector and the City Engineer.⁴

8.3 PLAN CONTENT. Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations and narrative statements as needed to accurately describe the proposed development of the site and the measures planned to meet the Basic Control Objectives. Plan content may vary to meet the needs of the specific site conditions, but the plan must show, at a minimum, the best management practices (BMP's) which will be used to control site erosion during and after construction. Examples of best management practices shall include, but shall not be limited to, the following:

- | | |
|--------------------------------|------------------------------|
| Mulching | Detention basins |
| Sodding | Porous pavements |
| Diversion berms | Holding tanks |
| Sedimentation catch basins | Infiltration systems |
| Clean up practices | Channel storage |
| Recreational area storage | Minimize disturbed land area |
| Diversion structure | Minimize the duration of |
| Ponds | exposure to the natural |
| Retain natural vegetation | elements |
| Aeration of soils ⁴ | |

8.4 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.

8.5 BASIC CONTROL OBJECTIVES. The basic control objectives which should be considered in developing and implementing an erosion and sediment control plan are to:

8.51 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.

8.52 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.

8.53 Limit Time of Exposure. All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time.

8.54 Control Surface Water. Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during exposure.⁴

8.55 Control Sedimentation. All land-disturbing activities should be planned and conducted to minimize off-site sediment damage.⁴

8.56 Manage Stormwater Runoff. When any land disturbing activity increases the peak rates and velocity of stormwater runoff into receiving ditches or stream channels, plans indicating the management of stormwater runoff shall be submitted and approved by the City Engineer. These plans shall include measures that control both the velocity and rate of increased runoff to minimize erosion and sediment deposition in the ditch or stream channel.⁴

8.6 STANDARDS.

8.61 Mandatory Standards. No land-disturbing activity subject to these provisions and guidelines shall be undertaken except in accordance with the following requirements:

8.611 No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse or adjacent property, unless a buffer zone is provided along the boundary of sufficient width to confine visible siltration 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.⁴

8.612 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 30 working days of completion of final grading, be planted or

otherwise provided with ground cover, devices or structures sufficient to restrain erosion.

8.613 Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within 30 working days on that portion of the tract upon which further active construction is not being undertaken, provided that this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.

8.62 Design and Performance Standards. Erosion and sediment control measures, structures and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a ten-year frequency storm. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Services "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. All plans will be subject to review by the Building Inspector and the City Engineer.⁴

8.7 OTHER REQUIREMENTS.

8.71 Permanent Downstream Protection of Stream Banks and Channels. Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased velocity and volume of stormwater runoff resulting from certain land-disturbing activities.

8.711 A combination of storage and controlled release of stormwater runoff shall be required for all highway construction; commercial, industrial, educational, institutional, and multi-family developments of one acre or more; and for single-family developments of five (5) acres or more.⁴

8.712 Detention, storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the stormwater release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development of the watershed in question.

8.72 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 as 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.

- 8.73 Access and Haul Roads. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.
- 8.74 Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over or under a lake or natural watercourse 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.⁴
- 8.8 RESPONSIBILITY FOR MAINTENANCE. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sediment control measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sediment control measures and facilities, after site development is completed, shall lie with the landowner.
- 8.9 ADDITIONAL MEASURES. Whenever the Building Inspector and/or the City Engineer determines that significant erosion or sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.⁴

ARTICLE IX

COASTAL PROTECTION

- 9.1 STATUTORY AUTHORITY. The legislature of the State of Alabama enacted Title 9, Chapter 7, Sections 10 through 22 of the Code of Alabama, entitled "Preservation, Development, etc. of Coastal Areas," for the protection of those resources and for the enhancement of economic development activities. Title 9, Chapter 7, Section 20 stipulates that no agency can issue a permit for any activity in the coastal area that the Alabama Department of Environmental Management finds to be inconsistent with the Coastal Area Management Program established by the Alabama Department of Economic and Community Affairs' Office of State Planning and Federal Programs. This section further stipulates that it is the intent and purpose of this section to avoid duplication whenever possible as to the managing activities within the coastal area, and yet assure compliance with the management program. Now therefore the City of Spanish Fort, Alabama, as a means of minimizing duplication of permitting activities within the jurisdiction of Spanish Fort, Alabama does ordain the provisions below as granted under its authority.
- 9.2 FINDING OF FACT.
- 9.21 There is a direct and/or indirect relationship between the protection of coastal area resources, the protection and enhancement of lives and property, and the economic stability and enhancement activity within the jurisdiction of Spanish Fort, ALABAMA.
- 9.22 As written, the Alabama Coastal Area Management Program contains specific provisions wherein the City of Spanish Fort, Alabama can be delegated permitting authority under the Alabama Coastal Area Management Program as a means of minimizing duplication of permitting efforts within the coastal area.
- 9.3 PURPOSE. It is the purpose and intent of this article to simplify the permitting process in the coastal area and promote the protection and enhancement of coastal area resources by adopting provision which are consistent with or exceed the provisions of the Alabama Coastal Area Management Program.
- 9.4 OBJECTIVES. The objectives of this ordinance are as follows:
- 9.41 To protect human, wildlife and natural resources;
- 9.42 To minimize erosion and siltation; and
- 9.43 To assist in the implementation of the Alabama Coastal Area Management Program.
- 9.5 USAGE. Unless specifically defined below, words or phrases used in this article shall be

interpreted so as to give them the meaning described in the Alabama Coastal Area Management Program as approved on September 28, 1979 and amendments thereto, or otherwise they have the meanings in common usage and to give this article its most reasonable application.

9.6 WORDS AND TERMS DEFINED.

Coastal Area. The coastal waters (including the lands therein and thereunder) and the adjacent shore lands (including the waters therein and thereunder) strongly influenced by each and in proximity to the shorelines of Alabama and including transitional and intertidal areas, salt marshes, wetlands, and beaches within the jurisdiction of Alabama. They extend inland to a point approximately ten (10) feet above mean sea level, and shall include all lands and waters between that point and mean high tide.

Coastal Resources. Valuable human, natural, cultural or historical assets within the coastal area, such as water quality, air quality, wetlands and submerged grassbed, beaches and dunes, wildlife habitats, biological resources, cultural resources, public access areas, and water resources.

Cultural Resources. Any district, building, site, object or other material in American history, architecture, archaeology or culture which is of national, state or local significance.

Degrade. To affect the coastal area in such a manner as to produce a continuing reduction of destruction of present levels of coastal resources.

Dredging. Removal or excavation of any materials from lands underlying coastal waters.

Person. Any and all persons, natural or artificial, including, but not limited to, any individual, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, estate, or other legal entity or business organization or any state or local governmental entity and any successor of the foregoing.

Substantial Improvement.

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure either:

- (1) before the repair, reconstruction or improvement is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred.³

9.7 LANDS COVERED. This article shall apply to all coastal areas in the jurisdiction of Spanish Fort, Alabama.

9.8 BASIS FOR ESTABLISHING THE COASTAL AREA. The coastal area shall be those

areas within Spanish Fort, Alabama which lie below an elevation of ten (10) feet above mean sea level, as is defined herein and in the Alabama Coastal Area Management Program.

- 9.9 PERMIT REQUIRED. A development permit shall be required in conformance with the provisions of this Ordinance and the Flood Damage Prevention Ordinance.³
- 9.10 COMPLIANCE. No development, activity or land shall hereafter be initiated, located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- 9.11 ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 9.12 INTERPRETATION. In the interpretation and application of this article all provisions shall be: (1) considered as minimum requirements; and (2) deemed neither to limit nor repeal any other powers granted under state statutes.
- 9.13 WARNING AND DISCLAIMER OF LIABILITY. The degree of resource protection and enhancement required by this ordinance is considered reasonable for regulatory purposes and is based on the requirements of the Alabama Coastal Area Management Program.
- 9.14 MONITORING AND ENFORCEMENT.³
- 9.141 Activities permitted under this article shall be monitored by the Building Official for compliance with the terms and conditions of the permit issued.
- 9.142 In the event the Building Official or Zoning Administrator discovers a violation of this article, the Building Official or Zoning Administrator may pursue several remedies to the violation, including, but not limited to, the following:
- a. inform the user of the violation and pursue means for correcting the violation;
 - b. issue a cease and desist order if the activity is causing degradation to the coastal area;
 - c. revoke the permit if the activity cannot be brought into compliance with the conditions of the article;
 - d. pursue judicial remedies and/or levy fines in accordance with the police powers of the City of Spanish Fort, Alabama; or
 - e. other means as are deemed necessary to prevent further violations of the ordinance.

9.15 ADMINISTRATION.³ The Building Official is hereby appointed to administer and implement the provisions of this article and is given the following duties and responsibilities:

- 9.151 Monitor all coastal activities;
- 9.152 Review applications and issue building permits for activities in the coastal area in accordance with the provisions of this article;
- 9.153 Notify the Alabama Historical Commission of archaeological and historical finds;
- 9.154 Where necessary, coordinate with the Alabama Department of Environmental Management and/or other governmental agencies on developments in the coastal area;
- 9.155 Advise the permittee of other state and/or federal permits that may be required;
- 9.156 Maintain a record of permit and monitoring activities; and
- 9.157 Issue a public notice of an impending permit, solicit public comments, and make the permit application and related records available to the public for inspection upon request, with the exception of any proprietary information.

9.16 PERMIT PROCEDURES. Application for a development or activity permit shall be made to the Building Official on forms provided by the City and shall at a minimum include an erosion control plan consisting of a statement or statements delineating the measures that will be taken to prevent and/or retard erosion from the development or activity site.³

9.17 VARIANCE. Any aggrieved person may pursue an appeal in accordance with the variance provisions contained in the flood damage and prevention ordinance.

9.18 SPECIFIC PROVISIONS. In all areas of the coastal area the following provisions are required:

9.181 Any person proposing to conduct a development activity in the coastal area shall submit an erosion control plan to the Building Official as part of his or her application for permit approval.³

9.182 Shoreline Erosion Mitigation:

- a. Any use intended to mitigate a shoreline erosion problem in the coastal area shall use non-structural erosion control methods to the maximum extent

practicable, including but not limited to preservation and restoration of dunes, beaches, wetlands and submersed grassbeds, and shoreline restoration and nourishment.

- b. The emplacement of groins, jetties and breakwaters as erosion control devices shall be permissible only when no other technically feasible alternative means of control is available and it is determined by the Building Inspector that there would be no substantial harm.

9.183 Protection of Cultural Resources.

- a. All development in the coastal area shall, to the maximum extent practicable, avoid adversely affecting historic, cultural, or archaeological resources, and
- b. Any person shall notify the Building Official of any historical, cultural or archaeological resources that are discovered in the course of conducting a permitted development activity or use in the coastal area.³

9.184 Protection of Wildlife and Wildlife Habitats.

- a. To the maximum extent practicable, all uses within the coastal area shall be undertaken in such a way as to preserve and protect existing wildlife and wildlife habitats. In particular, endangered species and their habitats, as designated by appropriate federal and state agencies, shall be protected to the maximum extent practicable.

THIS PAGE INTENTIONALLY LEFT BLANK

ARTICLE X

LANDSCAPING AND TREE PROTECTION

- 10.1 LANDSCAPING. A landscape plan may be required for any development within the City limits of Spanish Fort, but is mandatory for all multi-family developments including apartments, townhouses, condominiums and Planned Unit Developments, and for all business/commercial developments. Such plan shall be submitted to the City 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 what trees, shrubbery and other vegetation will be added to complete the final landscaping of the property. The developers shall attempt to retain as many trees as possible on the property unless the trees are a safety hazard to pedestrians, property or vehicular traffic or that their removal is necessary to construct the proposed improvements. In such case, the developer's landscape plan shall indicate replacement trees at least six (6) feet tall and one (1) inch in diameter for each tree removed and the landscaping plan shall show the placement of the proper number of required new trees. The plan shall include renderings by a landscape architect.
- 10.11 All new developments along County, State and Federal highways shall be set back fifty (50) feet from the right-of-way and shall maintain a required fifty (50) 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.
- 10.12 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 City. 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 and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.
- 10.13 All businesses primarily related to car, truck or other vehicle service and repair shall be so designed and constructed that no service or repair bays shall be directly visible from the roadway on which the building fronts; and so that cars, trucks or other vehicle stored on the premises prior to and after service or repair are properly screened from view.
- 10.14 Junk yards shall be buffered with vegetation so as to achieve a complete visual screen of the yard and its ancillary operations.

10.2 PARKING AREAS. The design and appearance of parking areas should be compatible with the character of the area. The following standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces.

- 10.21 At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped.
- 10.22 Such landscaping shall include the placement of shade trees at intervals of approximately ten (10) parking spaces; such trees shall be a minimum height of 8 feet at planting.
- 10.23 Interior portions of the parking area shall be broken by provision of landscaped islands;
- 10.24 A maximum of six (6) parking spaces in a row will be permitted without an island;
- 10.25 Each separate landscaped area must be a minimum of twenty-five (25) square feet if it is to be counted toward the minimum landscaped area requirements;
- 10.26 All landscaped areas shall be protected by the use of protective tree grates, concrete curbs, wheel stops, continuous border plants of hedgerows, railroad ties, or other suitable barriers to allow sufficient percolation of water and air to the root system of living landscape material and to protect from damage due to heavy foot traffic or vehicular encroachment.
- 10.27 All landscaped material shall not obstruct visibility between the heights of three (3) and eight (8) feet above grade in vehicular use areas. There maybe an exception for existing trees required by the Planning Commission.
- 10.28 All landscape material shall be installed in a sound workman-like manner and in accordance with the landscape plan, as finally approved.
- 10.29 All landscaped areas shall be maintained by the owner of the property at all times. Maintenance shall include the prompt replacement of all dead or damaged landscaped material so as to ensure continued compliance with the landscaping requirements of this section.
- 10.210 All landscaped areas shall be provided with an adequate water supply through the use of one or more appropriate methods of irrigation, including hose bibs and/or automatic or manual irrigation systems, and/or any other appropriate methods.
- 10.211 Landscape material shall not create an obstruction to visibility at intersections.
- 10.212 If off-street parking facilities provide uncovered spaces for eight (8) or more cars at street level, they shall be permanently screened from adjacent R-1, R-2, R-3, and R-4 districts in accordance with the Protection Buffer required in Section 6.52. Where

such facilities are separated from an R-1, R-2, R-3 or R-4 district only by a street, they shall have a brick wall or evergreen hedge of a minimum height of six (6) feet and maximum height of eight (8) feet placed five (5) feet inside the street property line. The area between the screening enclosure and the property line shall be landscaped.

- 10.3 BUFFERS FOR UNCOMPLIMETARY LAND USES AND ZONES. Whenever residential land uses or zoning districts abut commercial or industrial land uses or zoning districts, a buffer strip at least ten (10) feet wide shall be required along the entire length of all such common boundaries. Said buffer strip shall be planted with trees and shrubs of sufficient density and of sufficient height (but in no case less than eight (8) feet high at the time of planting) to afford adequate sight, sound and debris protection. All screen planting shall be maintained in a clean and neat condition so as to accomplish its purpose continuously. Any existing must submit a landscaping plan within three years of the adoption of this Ordinance.
- 10.4 TREE PROTECTION. During construction and development, trees that are to be preserved shall be protected from activities that may injure or kill them.
- 10.41 To the extent possible, trees within the required setbacks or buffer strips shall be preserved.
- 10.42 No tree within an existing right-of-way shall be trimmed, removed or otherwise harmed in any way without the prior approval of the City.

THIS PAGE INTENTIONALLY LEFT BLANK.

ARTICLE XI

ZONING ADMINISTRATION

11.1 DUTIES AND POWERS OF THE BUILDING OFFICIAL AND ZONING ADMINISTRATOR.³

11.11 The Zoning Administrator is authorized and empowered to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting sites, and approving Applications for Land Use for projects, uses, and structures which are in conformance with the provisions of this Ordinance. The Zoning Administrator may appoint or designate individuals to act in his or her behalf in the enforcement of this Zoning Ordinance and the subdivision regulations.

11.12 The Zoning Administrator or his or her designated representative does not have the authority to take final action on applications or matters involving planning approval, uses not provided for, commercial projects, variances, special exceptions or amendments which this Ordinance has reserved for consideration by the Planning Commission, the Board of Adjustment or the City Council or its assigns.

11.13 The Building Official shall keep records of all permits and certificates issued, maps, plats and other documents with notations of all special conditions involved. He or she shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his or her office and shall be made as a public record.

11.2 PERMITS AND CERTIFICATES.³ Permits and certificates shall be issued in accordance with the following provisions:

11.21 Application for Land Use. Before a building may be added to, erected, reconstructed, structurally altered, moved, removed or demolished, an approved Application for Land Use shall be obtained from the Zoning Administrator. The Application for Land Use shall be approved or denied within seven (7) days from the date the completed Application for Land Use has been received by the Zoning Administrator, otherwise it shall be deemed to be approved. The Application for Land Use shall be on a form provided by the Zoning Administrator and no fee shall be charged. Approval of the Application for Land Use shall be obtained prior to issuance of any building permit.

The applicant may appeal the denial of the Application for Land Use to the Board of Adjustments in writing within twenty (20) calendar days after the denial of the application.

Each Application for Land Use shall be accompanied by a plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape, height and location of the building to be erected, dimensions and locations of existing buildings, and width of front, side and rear yards. Written evidence of applications for all required permits showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management, Alabama Coastal Area Management Program and Baldwin County Health Department shall accompany the application and plot plan. The approval of an Application for Land Use may be conditioned upon the actual receipt of said permits by the applicant. When application is made to build upon a lot of nonconforming size, the application shall be accompanied by an affidavit that said lot was a lot of record as of the date of passage of this Ordinance.

An approved Application for Land Use shall be valid for the issuance of a building permit for a period of one hundred eighty (180) days after issuance. After that time a new application must be completed and approved by the Zoning Administrator. A record of the application and plot plan shall be kept in the files of the Zoning Administrator for a period of not less than three (3) years.

The Zoning Administrator may revoke a previously approved Application for Land Use in a case where there has been a false statement or misrepresentation in the application, plot plan or any supporting documentation for which the approved application was issued, or if after a documented warning has been issued, the applicant has failed to comply with the requirements of this Ordinance. Revocation of the approval of the Application for Land Use shall also cause suspension of the building permit until such time, as in the judgment of the Zoning Administrator, the applicant is in compliance with the requirements of this Ordinance. The Building Official shall immediately report any discovered violation of this Ordinance to the Zoning Administrator.

The Zoning Administrator shall circulate project applications to the City Engineer and the Planning Commission for review at the time of submission of the application.

- 11.22 Building Permits. It shall be unlawful to commence the excavation for or the construction of any building or other structures, 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 has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Application for the building permit shall be made to the Building Official on forms provided for that purpose.³
- 11.23 Approval of Plans and Issuance of Building Permits. It shall be unlawful for the Building Inspector 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 Building Inspector 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 Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance. Such plan or plat shall include, as a minimum:

11.231 The actual shape, proportion and dimensions of the lot to be built upon;

11.232 The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot;

11.233 The existing and intended use of all such buildings or other structures.

If the proposed excavation, construction, moving, or alteration as set forth in the application, is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall not be construed as waiving any provision of this Ordinance.

11.24 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 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 building codes as adopted by the City. It shall be the duty of the Building Official 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 and the building codes, or if such certificate is refused, to state the refusal in writing with the cause.

11.25 Continuance of Previously Issued Permits and Certificates. All permits and certificates which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

11.3 DUTIES AND POWERS OF THE PLANNING AND ZONING COMMISSION.

11.31 The Planning Commission shall hear and take action on matters which require Planning Approval.

11.32 The Planning Commission shall hear and render decisions on uses not provided for in the Table of Permitted Uses.

11.33 The Planning Commission shall hear and make recommendations to the City Council on all requests for Zoning Amendments.

11.34 The Planning Commission shall hear and take action on all major projects as defined in this Ordinance.

11.4 PROCEDURE FOR A HEARING BEFORE THE PLANNING COMMISSION.

11.41 An application must be submitted in writing to the office of the Zoning Administrator at least twenty (20) days prior to the regularly scheduled meeting of the City Planning Commission. The application must be on official City forms and must be accompanied by data, maps and plans that are adequate, in the opinion of the Zoning Administrator, to support the application.³

11.42 The application shall be heard by the Planning Commission at its next regular meeting following receipt of a correctly completed application and staff report on same.

11.43 Before acting on any application requiring Planning Commission approval, a public hearing thereon shall be held by the Planning Commission. Notice stating the time and place of such public hearing shall be posted in four (4) conspicuous locations within the municipality at least five (5) days prior to the date set for the hearing and stating further that at such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of such application. Similar notice shall be sent by registered or certified mail at least five (5) days prior to the date set for the hearing to the applicant and to the owners of property within three hundred feet (300') of the affected property and all adjacent property owners on the same side of the street, across the street and to the rear of the affected property, as their names appear on the plats in the county tax assessor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county.³

11.44 The Planning Commission shall take action on the application following the public hearing thereon or within thirty-five (35) days from the date of the public hearing.

11.45 Any petition for a hearing may be withdrawn prior to action thereon by the Planning Commission at the discretion of the applicant initiating the request upon written notice to the Zoning Administrator.³

11.46 A property owner, or his appointed agent, shall not initiate action for a hearing affecting the same parcel of land more often than once every twelve (12) months.

11.5 DUTIES AND POWERS OF THE BOARD OF ADJUSTMENT.

11.51 The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.

11.52 The Board of Adjustment shall hear and decide Special Exceptions to the terms of this Ordinance or to any regulation required under this Ordinance.

11.53 The Board of Adjustment shall authorize upon appeal in specific cases such variance from the terms of this Ordinance or regulation required thereunder as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance or regulation required thereunder will result in unnecessary hardship and so that the spirit of this Ordinance or regulation required thereunder shall be observed and substantial justice done; provided, however, that the foregoing provisions shall not authorize the Board of Adjustment to approve a use not permitted by this Ordinance or regulation required thereunder.

11.6 PROCEDURE FOR APPEALS TO THE BOARD OF ADJUSTMENT.

11.61 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of the City of Spanish Fort affected by any decision of any administrative officer representing the City in an official capacity in the enforcement of this Ordinance or regulation required thereunder. Such appeal shall be taken within thirty (30) days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof and a fee of fifty dollars (\$50.00). The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

11.62 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken 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 or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

11.63 The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice to the interested parties and decide the appeal within a reasonable time. Any party may appear in person, by agent, or by an attorney.

11.64 In exercising its authority, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken.

11.65 The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or decide in favor of the applicant on any matter upon which it

is required to pass under this or any such Ordinance or to effect any variation in such Ordinance or regulation required thereunder.

- 11.66 Any party aggrieved by an final judgment of decision of the Board of Adjustment may, within fifteen (15) days thereafter, appeal therefrom to the Circuit Court of Baldwin County, Alabama, by filing with the Circuit Court and the Board of Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal, the Board of Adjustment shall cause a transcript of the proceedings and the action to be certified to the Court to which the appeal is taken, and the action of such court shall be tried de novo.

11.7 DUTIES AND POWERS OF THE SPANISH FORT CITY COUNCIL

- 11.71 The Spanish Fort City Council shall adopt any Ordinance or regulation necessary to effect the provision of zoning in the City of Spanish Fort.
- 11.72 The Spanish Fort City Council may levy permit and application fees deemed necessary to administer this Ordinance or regulation required thereunder.
- 11.73 The Spanish Fort City Council may adopt such administrative rules and procedures as it deems necessary to carry out the provisions of this Ordinance or any regulation required thereunder.
- 11.74 The Spanish Fort City Council shall adopt any amendment to this Ordinance or any regulation required thereunder.

11.8 PROCEDURE FOR ZONING ACITON BY THE SPANISH FORT CITY COUNCIL

- 11.81 A recommendation for adoption of any Ordinance, regulation or amendment thereto shall be made by the Spanish Fort Planning Commission.
- 11.82 The Spanish Fort city Council shall fix a reasonable time for consideration of the recommendation and give public notice thereof.
- 11.83 Before adoption of any proposed Ordinance, regulation or amendment thereto, said Ordinance, regulation or amendment shall be published in accordance with procedures as set out in applicable Section(s) 11-52-77, 1975 Code of Alabama and amendments thereof.
- 11.84 Any land annexed into the City of Spanish Fort hereafter shall automatically be classified R-1 immediately upon its annexation into the City; except that the City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications as a condition to such annexation.¹

11.9 PENALTIES AND REMEDIES.

- 11.91 Penalties. It shall be a Class A misdemeanor punishable as provided by State Law for any person, firm, partnership, association or corporation to violate any provision of this Ordinance.
- 11.92 Remedies. Should any building or structure be erected, constructed, altered, repaired, converted or maintained, or land used in violation of this Ordinance, the City Attorney, or other appropriate Administrative Officer of Spanish Fort shall institute any appropriate action or proceeding to prevent such a unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the land or to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority of this Ordinance.
- 11.93 Fines. In addition to the foregoing, the Spanish Fort City Council is authorized to adopt ordinances or regulations providing for a penalty in the form of a fine for the violation of the provisions of this Ordinance or any regulation promulgated thereunder; provided that such fine shall not exceed one hundred fifty (\$150.00) and cost of court for such offense. Each day such violation continues shall constitute a separate offence.

11.10 ENFORCEMENT.

- 11.101 Whenever the Building Official or Zoning Administrator or other duly appointed Administrative Officer of the City determines that a violation of this Ordinance exists, he shall give written notice of the violation to the occupant, applicant and the property owner shown on the most recent tax roll of Baldwin County. A ~~copy~~ of such written notice shall be transmitted to the City Attorney.³ *copy*

11.1011 Content. The notice shall include but not be limited to:

- a. A description of the location of the property involved, either by street address or by legal description.
- b. A statement indicating the nature of the violation.
- c. A statement showing the time within which all necessary remedial action must be accomplished which time may not be less than ten (10) days nor more than sixty (60) days from the date of such written notice.³
- d. The name of the person upon whom the notice of violation is served.

- e. A statement advising that upon the failure to comply with requirements of the notice, such enforcement procedure as may be required under this Ordinance shall be taken.

11.1012 Service. The written notice required above shall be served upon the person violating the Ordinance and the person owning the land by either personal delivery or certified mail.

11.102 Enforcement. If corrective action is not taken within the time specified in the notice, then the City shall use all available means of enforcement in order to secure compliance with the provisions of this Ordinance.

11.11 REVERSIONARY CLAUSE. Any parcel or parcels of land rezoned to another use classification under the amendment authority of this Ordinance, shall revert back to the prior zoning classification after twelve (12) months from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned.

11.12 FEES. Fees for hearings before the Planning Commission are established as follows:

11.121 A flat administrative and review fee of seventy-five dollars (\$75.00) shall accompany each request for hearing.

11.122 In addition, the actual costs for legal advertisement of the request, notification to adjacent property owners and public hearing shall be paid by the applicant prior to the public hearing by the Planning Commission.

END NOTES

- ¹ Amended By Ordinance Number 58-96 on September 23, 1996.
- ² Amended By Ordinance Number 74-97 on June 16, 1997.
- ³ Amended By Ordinance Number 116-2001 on January 18, 2001.
- ⁴ Amended By Ordinance Number 118-2001 on February 19, 2001
- ⁵ Amended By Ordinance Number 163-2002 on November 8, 2002
- ⁶ Amended By Ordinance Number 178-2003 on April 21, 2003
- ⁷ Amended By Ordinance Number 245-2006 on January 23, 2006
- ⁸ Amended By Ordinance Number 252-2006 on January 23, 2006

ORDINANCE NO. 275-2006

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on November 13, 2006, and the City Council of the City of Spanish Fort held a meeting on December 18, 2006, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Article VI, Section 6.2, PERMITTED USES AND CONDITIONS of Ordinance Number 51-96 is hereby amended to read in its entirety as follows:

ARTICLE VI, Section 6.2

6.2 PERMITTED USES AND CONDITIONS.

Permitted uses are listed in the Permitted Use Table of this Ordinance.

- 6.21 Uses by Right. Uses in the Tables identified by (R) are permitted by right, subject to the conditions specified in the Tables or elsewhere in this Ordinance.
- 6.22 Uses Requiring Planning Approval. Uses in the Tables identified by (P) are permitted upon approval by the Spanish Fort Planning Commission of the location and the site plan as being appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and as being in harmony with the orderly and appropriate development of the district in which the use is located.
- 6.23 Special Exceptions. Uses in the Tables identified by (S) are subject to the same approval of location and site plan as uses requiring Planning Approval; in addition, these uses are subject to approval of the Board of Adjustment.
- 6.24 Uses Requiring Planning Commission and City Council Approval. Uses in the Tables identified by (PC) are subject to the same approval of location and site plan as uses requiring Planning Approval; in addition, these uses are subject to the approval of the City Council.
- 6.25 Compliance With District Requirements. Any use permitted in any district whether by Right, with Planning Approval, 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; or unless approved under the Planned Unit Development (PUD) provisions of the Subdivision Ordinance

ORDINANCE NO. 389-2010

AN ORDINANCE AMENDING ORDINANCE NO. 51-96, AS AMENDED, TO PROVIDE REGULATIONS REGARDING THE OCCUPANCY OF SINGLE FAMILY DWELLING UNITS

WHEREAS, the City of Spanish Fort has a significant governmental interest in protecting the health, safety and welfare of the general public and in preserving public order; and

WHEREAS, the City Council wishes to maintain the quality, character and stability of single family dwelling units and the neighborhoods in which they are located, prevent overcrowding and preserve the value of land and buildings throughout the City; and

WHEREAS, in various jurisdictions around the State of Alabama and the United States, there are single family dwelling units that have become a haven for various criminal or disruptive activities that cause disorder in the respective communities; and

WHEREAS, the City Council has become concerned about such trends and desires to protect our community from such activity and establish a method to hold owners and occupants of such single family dwellings responsible for such activities; and

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on August 9, 2010, and the City Council of the City of Spanish Fort held a meeting on October 4, 2010, for the purpose of receiving public comments on proposed changes to the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Ordinance No. 51-96, as amended (the "Zoning Ordinance"), of the City of Spanish Fort, Alabama, is hereby amended by adding the following Section 7.9:

7.9 The maximum occupancy of a single family dwelling unit shall be limited to one family or housekeeping unit as defined herein. In addition, a single family dwelling unit is required to have enough paved or gravel off-street parking for each occupant which parks a vehicle on the premises.

2010 321 2

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on August 9, 2010, and the City Council of the City of Spanish Fort held a meeting on _____, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended by adding a land use category for ice vending machines.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Section 6.4 TABLE OF PERMITTED USES AND CONDITIONS of Ordinance Number 51-96, as amended, is hereby amended by adding the following to the table:

See the attached Exhibit A.

SECTION 2. Except as expressly amended in this Ordinance, Ordinance No. 51-96, as amended, shall continue in full force and effect.

SECTION 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

Adopted and approved this _____ day of _____, 2010.

JOSEPH C. BONNER
MAYOR

ATTEST:

MARY LYNN WILLIAMS, CMC
CITY CLERK

ORDINANCE NO. 335-2008

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, a request was made to allow for the operation of an apothecary in a B-2 (Local Business) District; and

WHEREAS, it was determined that the City's Zoning Ordinance would need to be amended to allow that use in a B-2 District; and

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on January 14, 2008, and the City Council of the City of Spanish Fort held a meeting on February 18, 2008, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Ordinance No. 51-96 Article VI, Section 6.4, TABLE OF PERMITTED USES AND CONDITIONS, of the City of Spanish Fort, Alabama, the Zoning Ordinance, is hereby amended to read in its entirety as set forth in the attached Exhibit A.

SECTION 2. Except as expressly amended in this Ordinance, Ordinance No. 51-96, as amended, shall continue in full force and effect.

SECTION 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or otherwise required by state law.

ORDINANCE NO. 271-2006

AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on September 11, 2006, and the City Council of the City of Spanish Fort held a meeting on November 6, 2006, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Section 5.1 DISTRICTS, BOUNDARIES AND GENERAL REQUIREMENTS of Ordinance Number 51-96 is hereby amended to read in its entirety as follows:

ARTICLE V

DISTRICTS, BOUNDARIES AND GENERAL REQUIREMENTS

- 5.1 ESTABLISHMENT OF DISTRICTS. In order to regulate and restrict the height, number of stories and size of buildings or structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land. The City of Spanish Fort shall establish zoning use districts based on the following use classifications or variations thereof.
- 5.11 R-1, Single Family Low Density Residential District. This district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.
 - 5.12 R-2, Single Family Medium Density Residential District. The purpose of this district is to provide for medium density residential developments in single family structures on medium sized lots.
 - 5.13 R-3A, Single Family High Density Residential District. The purpose of this district is to provide for medium density residential developments in single family structures on smaller sized lots.
 - 5.14 R-3B, Single Family Patio or Garden Home Residential District. The purpose of this district is to provide for high density residential developments in single family structures on small patio or garden home sized lots.

- 5.15 R-3C, Low Density Multi-Family Residential District. The purpose of this district is to provide for lower density residential developments in single family, duplex and multi-family structures, on large sized lots.
- 5.16 R-3D, Medium Density Multi-Family Residential District. The purpose of this district is to provide for medium density residential developments of multi-family apartment or condominium structures on parcels no smaller than 3 acres.
- 5.17 R-4, Manufactured/Mobile Home Residential District. The intent of this district is to provide space at appropriate locations consistent with community objectives for the location of individual Manufactured/Mobile homes on single lots and the establishment of Manufactured/Mobile Home parks which provide for the establishment of permanent manufactured/mobile homes and for the amenities conducive to an adequate living environment. Public or private community water and sewer facilities are required except where lots are equal to Health Department requirements for private wells and septic systems.
- 5.18 B-1, Professional Business District. This district is established to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale.
- 5.19 B-2, Local Business District. This district is intended to provide for limited retail convenience goods and personal service establishments near residential neighborhoods and to encourage the concentration of these uses in one location for residential neighborhoods rather than in scattered sites occupied by individual shops throughout a neighborhood.
- 5.20 B-3, General Business District. This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business districts. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Very light production and processing activities are included.
- 5.21 B-4, Major Business District. This district is intended to provide opportunity for activities causing noise, bright lights, and heavy traffic, not considered compatible in the more restrictive general business district. These uses also serve a regional and interstate market and require location in proximity to major transportation routes. Auto dealerships, large scale retail developments and light production work are included.

- 5.22 B-5, Hotel/Motel District. This district is intended to provide opportunity for development of hotels and motels normally associated with regional and interstate business districts.
- 5.23 M-1, Light Industrial District. The purpose of this Light Industrial District is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Locations should be in accordance with the City's Comprehensive Plan.
- 5.24 T-1, Telecommunication Tower District. The purpose of this District is to provide a suitable environment for construction of telecommunication towers. Locations should be in accordance with the City's Comprehensive Plan and the Telecommunication Tower Ordinance.

SECTION 2. Section 6.4 TABLE OF PERMITTED USES AND CONDITIONS of Ordinance Number 51-96 is hereby amended to read in its entirety as set forth in the attached Exhibit A.

SECTION 3. Section 6.8 REGULATIONS AND STANDARDS of Ordinance Number 51-96 is hereby amended to read in its entirety as set forth in the attached Exhibit B.

SECTION 4. Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

SECTION 5. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 6. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

Adopted and approved this 2nd day of April, 2007.

ORDINANCE NO. 272-2006

AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on September 19, 2006, and the City Council of the City of Spanish Fort held a meeting on November 6, 2006, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Article V, Section 5.3 GENERAL REQUIREMENTS of Ordinance Number 51-96 is hereby amended to read in its entirety as follows:

ARTICLE V, Section 5.3

5.3 GENERAL REQUIREMENTS. Except as hereinafter provided, the following shall generally apply:

5.31 Use. No building, structure 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.

5.32 Building Heights. 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 the Flood Insurance Rate Maps (FIRM), except as provided for elsewhere in this Ordinance or the Flood Damage Prevention Ordinance.

5.321 Height Exceptions. The height limits for the various districts shall not apply to church spires, 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.

SECTION 2. Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

SECTION 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

Adopted and approved **this 4th day of December, 2006.**

Joseph C. Bonner
Mayor

ATTEST:

Mary Lynn Williams, MMC
City Clerk

ORDINANCE NO. 327-2007

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on October 8, 2007, and the City Council of the City of Spanish Fort held a meeting on November 19, 2007, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Article XI, Section 11.11 of Ordinance No. 51-96 of the City of Spanish Fort, Alabama, the Zoning Ordinance, is hereby amended to read in its entirety as follows:

11.11 Reversionary Clause. Any parcel or parcels of land rezoned to another use classification under the amendment authority of this Ordinance shall revert back to the prior zoning classification after twelve (12) months from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned in accordance with any terms and conditions imposed by the City Council in the approval of the rezoning. If, within twelve (12) months from the date of approval of the rezoning the said land is not actually being used for a permitted use in the classification to which it was rezoned in accordance with any terms and conditions imposed by the City Council in the approval of the rezoning, the City Council may, upon showing of good cause by the applicant, extend the time limit for a period not to exceed twelve (12) months without the need of further public notice or a public hearing.

SECTION 2. Except as expressly amended by this Ordinance, Ordinance No. 51-96, as amended, shall continue in full force and effect.

SECTION 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or otherwise required by state law.

Adopted and approved this 19th day of November, 2007.

Joseph C. Bonner
Mayor

ATTEST:

Mary Lynn Williams, MMC
City Clerk

ORDINANCE NO. 328-2008

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, a request was made to allow for the operation of an apothecary in a B-2 (Local Business) District; and

WHEREAS, it was determined that the City's Zoning Ordinance would need to be amended to allow that use in a B-2 District; and

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on January 14, 2008, and the City Council of the City of Spanish Fort held a meeting on February 18, 2008, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Ordinance No. 51-96 Article VI, Section 6.4, TABLE OF PERMITTED USES AND CONDITIONS, of the City of Spanish Fort, Alabama, the Zoning Ordinance, is hereby amended by adding the provision contained in the attached Exhibit A.

SECTION 2. Except as expressly amended in this Ordinance, Ordinance No. 51-96, as amended, shall continue in full force and effect.

SECTION 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or otherwise required by state law.

Adopted and approved this 18th day of February, 2008.

Joseph C. Bonner
Mayor

ORDINANCE NO. 334-2008

AN ORDINANCE TO AMEND ORDINANCE NO. 51-96 (ZONING ORDINANCE), ARTICLE V, SECTION 5.82, WATER AND SEWER CONNECTIONS

BE IT ORDAINED by the City Council (the "Council") of the City of Spanish Fort, Alabama (the "City"), as follows:

Section 1. Findings. Having made due and proper investigation of the matters hereinafter referred to, the Council has ascertained and does hereby find and declare that it has become necessary for the Council to amend the City's Municipal Code as hereinafter set forth in order to protect and preserve the health, welfare and safety of the City.

Section 2. Amendment. Ordinance No. 51-96 (Zoning Ordinance) is hereby amended at Article V, Section 5.82, by deleting Section 5.82 and its subsection 5.821 in their entirety and inserting in lieu thereof the following:

5.82 Water and Sewer Connections.

5.821 Covered New Developments. New developments or new construction on individual lots or parcels of property consisting of less than three (3) acres (a "Covered New Development") in all districts must connect to public or private community water and sewer systems where such systems border the Covered New Development and the appropriate utility has the capacity to provide such service. In the event a public or private community water and/or sewer system does not border a Covered New Development or the appropriate utility does not have the capacity to provide such service, the Covered New Development may make use of on-site wells and/or septic systems (as applicable) provided that the Covered New Development meets all rules, regulations and/or requirements of the Health Department and any other governmental agency that regulates the installation and operation of on-site wells and/or septic systems (collectively, the "Governmental Septic Regulations").

5.822 Exempt New Developments. New developments or new construction on individual lots or parcels of property consisting of at least three (3) acres (an "Exempt New Development") in all districts may make use of on-site wells and/or septic systems (as applicable) provided that the Exempt New Development meets all Governmental Septic Regulations. In the event an Exempt New Development cannot meet and/or otherwise satisfy all Governmental Septic Regulations, the Exempt New Development must connect to public or private community water and sewer systems where such systems border the Exempt New Development and the appropriate utility has the capacity to provide such service.

5.823 Existing Well and Septic Systems. Existing private wells and septic systems that are functioning properly and meet all Governmental Septic Regulations may continue to be used. In the event any private well or septic system must be replaced for any reason whatsoever, if the owner of such property is permitted by the Governmental Septic Regulations to replace such private well and/or septic system, the said owner may replace said private well or septic system so long as said owner does so strictly in accordance with the Governmental Septic Regulations. In the event any private well or septic system must be replaced for any reason whatsoever and the Governmental Septic Regulations will not permit the replacement of such private well or septic system, the owner of the property being served by such private well and/or septic system must connect to a public or private community water and sewer system where such system borders said owner's property and the appropriate utility has the capacity to provide such service.

5.824 Wells for Non-Potable Water. Notwithstanding anything contained in this Section 5.82 to the contrary, any lot owner may place a well on his or her property for purposes of providing non-potable water to his or her property if such well is permitted by and/or otherwise satisfies all Governmental Septic Regulations.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

APPROVED AND ADOPTED by the Council this ____ day of _____, 2008.

Joseph C. Bonner
Mayor

ATTEST:

Mary Lynn Williams
City Clerk

ORDINANCE NO. 342-2008

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on May 12, 2008, and the City Council of the City of Spanish Fort held a meeting on July 7, 2008, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Section 7.9 of Ordinance No. 51-96 of the City of Spanish Fort, Alabama, the Zoning Ordinance, is hereby amended to read in its entirety as follows:

7.9 RADIO, CELLULAR RADIO, CELLULAR TELEPHONE AND WIRELESS COMMUNICATIONS TOWERS, ANTENNAS, DISHES AND RELATED ACCESSORY STRUCTURES AND EQUIPMENT. The purpose of this Section is to establish minimum location requirements, siting criteria and development standards for wireless communications facilities consistent with the Federal Telecommunications Act of 1996, as amended. No radio, telephone or wireless communications or transmitting towers and antennas, or their associated structures or equipment, shall be erected or constructed without first complying with the provisions of this ordinance and all applicable State and Federal rules and regulations. The underlying principles of these standards are to: (1) achieve a balance among the number, height and density of wireless communications facilities that is appropriate for our community; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless communications facilities; (3) ensure the compatibility of towers with, and avoid the adverse impacts to, nearby property; and (4) discourage the proliferation of towers throughout the City of Spanish Fort.

7.91 Definitions. The following definitions shall apply to the terms used in this Section:

Accessory Structure Compound. A fenced, secured enclosure in which a wireless communications facility and its equipment, buildings, access roads, parking areas and other accessory devices/auxiliary structures are located.

Alternative Support Structure. Any structure other than a wireless communications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles and other essential public utility structures.

Antenna Support Structures. Any structure on which wireless communications antennas and cabling can be attached. (See also Communications Tower and Alternative Support Structure.)

Co-location. The placement of more than one wireless communications antenna by one or more service providers on a single existing or approved antenna support structure or communications tower.

Communications Antenna or Antenna. A device used to transmit and/or receive wireless communication services as authorized by the Federal Communications Commission, including all mounts and supporting structures. Communications antennas typically include:

- a. Microwave dish -- parabolic antennas that emit microwave signals.
- b. Panel antenna -- vertical and horizontal plane antennas that aim radio signals in specific directions. (Also referred to as sector antennas.)
- c. Whip antenna -- cylindrical antennas which emit radio signals in a 360-degree horizontal plane and a compressed vertical plane. (Also referred to as stick, omni-directional or pipe antennas.)

Communications Tower or Tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas. Communications towers shall include:

- a. Monopole towers -- cylindrical self-supporting towers constructed as a single spire.
- b. Self-Supporting or Lattice towers -- self-supporting towers with multiple sides of open-framed supports.
- c. Guyed towers -- towers anchored with guy wires.
- d. Camouflaged towers -- self-supporting towers concealed such that they blend in with their surroundings. Such towers may be constructed to resemble objects, such as a tree or a street light, or may be concealed within another structure, such as a clock tower, church steeple, flag pole or lamp post.

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

F.A.A. the Federal Aviation Administration.

F.C.C. the Federal Communications Commission.

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

Wireless Communications Facilities. Any and all buildings, improvements, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) installed, used or intended for use in conjunction with any of the following:

- a. Cellular Communications Facilities -- low-powered transmitters used to transmit signals in a cell for cellular radio-telephone services (cellular phones), personal communication services (PCS), enhanced specialized mobile radios (ESMR), trunk mobile cellular radios, paging services and similar cellular-based communications to the general public, whether digital or analog based.
- b. Commercial Satellite Facilities -- satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.
- c. Microwave Relay Facilities -- used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

7.92 General Standards and Requirements.

7.921 Permit Requirements. All wireless communications facilities are subject to the standards contained in this ordinance, and applicants or operators will be required to receive a Land Use Certificate from the Zoning Administrator prior to being granted a building permit or authorization to proceed with construction. Furthermore, the location of wireless communications equipment and related structures in all use districts shall be governed by Article VI, Table 6.4 (Table of Permitted Uses and Conditions).

7.922 Height.

- a. Antennas located on alternative support structures shall not exceed fifteen feet (15') above the existing structure on which they are placed.
- b. Tower height shall be limited to one hundred eighty feet (180').

7.923 Setbacks. Wireless telecommunications towers, guys and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques may except a wireless telecommunications facility from any additional minimum yard requirements, subject to the approval of the Planning Commission. In addition, the minimum setback for all towers from adjacent property lines shall be the greater of the following:

- a. one half (½) of the total height of the tower, including any appurtenances attached thereto; and
- b. Towers must be placed no closer than a distance equal to the height of the tower to any residential structure, unless such residential structure is located upon and owned or occupied by the landowner of the property upon which the tower is to be located. If the proposed tower includes guy-wires, the distance to the nearest residential structure shall be measured from the closest guy-wire to that residential structure.
- c. Where a communications antenna is to be installed within or on an existing structure in any business district, the setbacks shall be as required for the existing structure and the use district in which the structure is located, without regard to the antenna height.

7.924 Structural Design of Towers. Every new tower constructed shall be of monopole design, unless the applicant for good cause shown can demonstrate that the specific conditions require another tower type.

7.925 Aesthetics. The aesthetic properties of each individual wireless communications facility shall be approved as part of the site plan review process.

a. Towers and antennas. The design of the tower and antennas shall be of a type that has the least visual impact on the surrounding area. The following minimum requirements must be observed:

(1) Towers shall be of a galvanized finish or painted a neutral or blending color so as to reduce visual obtrusiveness, unless otherwise provided or required by any applicable standards or the Planning Commission. If an antenna is installed on a structure other than a tower, the antenna and supporting communications facility must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, or as otherwise required by the Planning Commission.

(2) No signage, symbols or advertisements may be attached to the pole, tower or antenna, unless otherwise required by local, state or federal laws, rules or regulations.

(3) Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with native landscape will be subject to review, as are other types of concealment techniques. (See Concealment or Camouflage Techniques.)

b. Accessory Structures.

(1) The design of the wireless communications facility and its accessory structures shall, to the extent possible, maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower and wireless communication facilities with the surrounding natural setting and built environment.

(2) 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 material shall be avoided as much as possible.

c. Non-vegetative screening.

(1) Non-vegetative screening will be required when it is necessary to reduce the visual impact of a wireless communications facility 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, is subject to site plan review, shall have a minimum height of eight feet (8'), 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.

(2) 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.

(3) The screening requirements may be reduced on wireless communications facilities utilizing underground vaults rather than above ground equipment buildings.

d. Landscaping. In addition to the landscaping and buffer requirements set forth in Article VI and X, the following provisions shall also apply:

(1) Landscaping will be required to reduce the visual impact of the wireless communications facilities 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.

(2) The perimeter of the accessory structure compound shall be landscaped with a buffer of plant materials that effectively screen the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least ten feet (10') wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced.

(3) Where the property on which the wireless communication facility is located abuts, or is in close proximity to, a residential district or residential use, additional buffering may be required by the Zoning Administrator.

(4) A row of trees a minimum of eight feet (8') tall and a maximum of ten feet (10') apart shall be planted around the perimeter of the compound fence. A continuous hedge of at least thirty (30") inches high at planting and capable of growing to at least thirty-six (36") inches in height within eighteen (18) months shall be placed in front of the tree line.

(5) All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

7.926 Lighting Restrictions. There shall be no lighting on any towers unless required by the F.A.A. or other authority for safety purposes. In cases where the F.A.A. does require a tower to be lighted, only red blinking lights shall be used at night; white strobe lights will not be permitted for nighttime lighting. Written documentation of any F.A.A. directives to light a tower differently than provided herein must be submitted with the application.

Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than twenty feet (20') in height. Security lighting shall be focused only on the wireless communications facility itself, excluding the tower and antennas, and shall be directed away from any adjacent property. A lighting photometrics plan will be required.

7.927 Lot Size.

(a) Lot size must conform to the minimum lot size required for the underlying use district in which the tower is located.

(b) In addition, lot size must adequate to accommodate all setbacks, buffered areas, ground mounted accessory structures, antenna support structures and related guy wires or cables and space for additional co-locating service providers.

(c) If only a portion of a parcel is being leased for a wireless communications facility, the leased parcel must be situated within the parent parcel so that the wireless communications facility complies with the applicable setback requirements contained herein.

(d) All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. (Guy anchors may be fenced separately from the main compound.)

- 7.928 Rezoning to T-1, Telecommunications Tower District. The City Council shall be entitled or authorized to rezone all or a portion of a parcel of property to the T-1 Zoning District. If only a portion of a parcel is rezoned to the T-1 Zoning District, the rezoned portion must be situated within the parent parcel so that the wireless communications facility complies with the applicable setback requirements contained herein.
- 7.93 Environmental Impact. All wireless communications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission, a copy of the assessment with all documentation of the F.C.C.'s subsequent approval must be submitted prior to the commencement of construction and approved by the City Engineer.
- 7.94 Safety. The following safety information and requirements must be satisfied prior to receiving any approvals to locate a communications facility within the City of Spanish Fort:
- a. Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless communications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the F.C.C. on August 1, 1996, as amended.
 - b. Structural. A professional structural engineer registered in the State of Alabama shall certify that all antenna support structures and wireless communications equipment are erected and/or installed to comply with wind loading and other structural standards contained in the latest edition of the Standard Building Code as adopted by the City of Spanish Fort and with all applicable technical codes as established by the Electronic Industries Association (EIA/TIA 222-E "Structural Standards for Steel Antenna Supporting Structures") and the Telecommunications Industry Association. This applies to new and modified structures and facilities.
 - c. Electrical. Electrical installations shall be in accordance with the latest version of the National Electric Code as adopted by the City of Spanish Fort.

d. Site Security. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element indicating the name and telephone number of persons responsible for the safety and maintenance of the facility.

e. Access. Provisions shall be made to provide proper clearances for ingress and egress of emergency vehicles. Whenever a tower site does not have frontage on a public street from which it derives access, a permanent twenty foot (20') wide access easement shall be required.

7.95 Co-Location.

a. No new tower shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.

b. Documentation that reasonable efforts have been made to achieve co-location shall be submitted with each application for a new antenna support structure. Applications for new antenna support structures or towers must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved tower refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.

c. All towers constructed subsequent to the adoption of this section, and their accessory structure compounds, shall be designed and built to accommodate as many additional wireless communication service providers as possible based on the height of the tower. Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed towers and self-supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas.

d. The owner of any existing communications tower that has space structurally and technically available for any additional communications antennas shall make such space reasonably and economically available to other providers.

e. The construction of towers capable of supporting multiple providers will take precedence over single use communications towers.

f. For any communications tower approved for shared use, the owner of the tower shall provide notice of the location of the communications tower to the City, and the owner shall agree to make such space reasonably and economically available to other providers.

7.95 Application. All wireless telecommunications facilities are subject to the standards contained in this section and will be required to receive a Land Use Certificate from the Zoning Administrator prior to being granted a building permit. For all wireless communication facilities which do not require the construction of a new tower, the Zoning Administrator shall have the authority to require any documentation or information with the application for Land Use Certificate deemed necessary to ensure compliance with this ordinance.

7.96 Application and Justification for Construction and Siting of a New Tower. Sufficient justification must be submitted and proved for the siting of all new communications towers in the City of Spanish Fort. Determination as to the adequacy of the justification for any new tower will be made as a part of the approval process and shall be based upon, along with other standard land use considerations for appropriateness, the review and evaluation of the application for the siting of a new communications tower. The following information and materials shall accordingly be considered the minimum application requirements when requesting approval of the siting of a new communications tower:

a. A detailed site plan showing, at a minimum, the following:

1. The conceptual layout of the facility, including the location and dimensions of all improvements, setbacks, accesses, security installations (including fencing), type and height of tower, guy anchors, vehicular parking and access, existing vegetation to be retained, topography of the site, adjacent land uses and current zoning, etc.;

2. A description and drawing or photo simulation of the visual aspects of the proposed facility;

3. A buffer plan showing the nature of the setback space, both as it presently exists and as it will be after installation of the proposed facilities; how it will address the requirements contained in Section 7.924;

4. A current U.S.G.S. quadrangle map (1:24,000) or equivalent showing the proposed site location and at least a two mile radius around the site;
 5. A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location; and
 6. Any additional information as may be deemed necessary and required by the Zoning Administrator in order to conduct a proper evaluation of the proposed facility.
- b. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent "cells" and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g., buildings, billboards, water towers, etc., which could be used for support in lieu of a new tower) considered within a five-mile radius of the proposed location.
- c. A one year facilities plan that shall include the information listed below.
1. A written description of the type of technology the company/carrier is providing to its customers on a current basis.
 2. The radio frequencies to be used for each technology.
 3. The types of services offered by the company/carrier on a current basis.
 4. A list and map of the applicant's wireless communications facilities (tower and antenna sites) within the City and up to one mile outside of the City.
 5. A map of the "search area" for the proposed site, including: (a) address and parcel identification number for the proposed site; and (b) the projected elevation of the proposed antennas (above sea level).
- d. Written documentation justifying the need for a new communications tower on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:

1. A list, description and map of the potential co-location or alternative location sites that are located within the geographic service area of the proposed site;
 2. Documentation that request for co-location has been made at least thirty (30) days prior to the filing of the application for the siting of a new communications tower;
 3. A detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
 4. An analysis of how and why the proposed site is essential to meet the service demands for the geographic service area and county-wide network;
 5. A description of how the proposed site and facilities relate to the provider's one year plan; and
 6. A signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures accompanied by supporting documentation justifying the explanations given.
- e. Registration of the name, address, telephone number of the officer, agent or employee who shall be authorized by the provider (who will be operating the wireless communications facility in question) as the single point of contact and party responsible for the accuracy of all information and certifications submitted, and for said provider's ongoing compliance with all of the provisions of this ordinance and any other applicable ordinances, codes or regulations. It shall further be the responsibility of the provider to ensure that the identity, legal status, address and telephone number of the responsible party registered with the City is complete, current and totally accurate at all times, unless and until the provider submits notice of its intent to cease the operation of the facility to the Zoning Administrator.
- f. Certification by a professional structural engineer registered in the State of Alabama that the proposed communications tower and all components are structurally and technically designed and capable, and will be so constructed, to meet the requirements contained in this ordinance. Immediately upon completion of construction, certified as-built drawings of the same shall be submitted to the Zoning Administrator.

g. A fee of Five Hundred Dollars (\$500.00) to cover the review costs incurred by reviewing the materials submitted as required herein. This fee shall be in addition to any and all other fees for processing the application as approved or required by the City Council.

7.97 Maintenance. The owner of a communications tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this ordinance, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Spanish Fort. The estimated life of the structure must be included as submittal data with the application for Land Use Certificate.

7.98 Abandonment. In the event the use of any wireless communications facility has been discontinued for a period of 180 consecutive days, the wireless communications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building and Zoning Administrator, who shall have the right to request documentation and/or affidavits from the wireless communications facility owner regarding the usage of the communications facility. In addition, the owner of the facility shall provide the Zoning Administrator with a copy of the notice to the F.C.C. of the intent to cease operations, and said notice shall be deemed an abandonment. Upon abandonment, the owner/operator of the wireless communications facility shall have an additional 180 days in which to reactivate the use of the wireless communications facility or transfer the wireless communications facility to another owner/operator who makes actual use of the facility, or the owner/operator shall dismantle and remove the wireless communications facility. Written notification to the Zoning Administrator must be provided before the additional 180 day period has expired that either the facility has changed owners/operators or reactivation has occurred or dismantling of the tower has been accomplished.

Upon the failure of the owner/operator to reactivate the tower within the 180 day period set forth above or if the tower has been dismantled and removed, the approval for the operation of the wireless communications facility shall automatically expire.

7.99 Exemptions. The following wireless communication facilities and equipment are exempt from the requirements of this section except as otherwise indicated (however, such facilities shall only be permitted through administrative review and approval by the Building and Zoning Administrator):

a. Pre-Existing Towers. Any communications tower or communications antenna for which a permit has been properly issued shall hereafter be considered a legal non-conforming use subject to the provisions of Article 5, Section 5.4 of this Ordinance. However, given the purpose and intent of this Ordinance to minimize the proliferation of new towers and promote the co-location of new antennas onto existing towers, any communications antenna locating on a pre-existing, properly permitted communications tower subsequent to adoption of this section shall be exempt from the restrictions of Article 5, Section 5.4, of this ordinance, subject however to the provisions contained in Section 7.99(f) and any other applicable requirements of this ordinance.

b. Amateur radio antennas and receive-only antennas that are no more than 50 feet in height and satellite earth station antennas two meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.

c. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.

d. Accessory facilities used exclusively for dispatch communications by private entities, provided such facilities do not exceed fifteen feet (15') in height above the rooftop of the building to which said facilities are accessory.

e. Communications towers, antennas and related necessary facilities used exclusively for internal communications by public utilities, provided that:

(1) such facilities are subordinate and incidental to approved nonresidential uses or structures on the same parcel;

(2) such facilities do not exceed twenty feet (20') in height above a structure or building when mounted thereto, or sixty feet (60') in height when ground-mounted; and,

(3) towers, poles or other support structures do not exceed thirteen (13) inches in diameter.

f. Communications antennas and related necessary facilities locating or co-locating on any pre-existing, properly permitted communications tower, provided that:

(1) no significant visible structural alterations to the existing tower will be necessary, and if structural strengthening is necessary to accommodate co-location, no increase in height or base area will be allowed;

(2) there will be no increase in the height or lighting of the facility, including the tower, antennas and all other associated facilities; and,

(3) all setback and buffer requirements applicable to the existing tower at the time a permit was issued can and will be complied with.

SECTION 2. Section 6.4, TABLE OF PERMITTED USES AND CONDITIONS of Ordinance Number 51-96 is hereby amended by adding the provisions contained in the attached Exhibit A.

SECTION 3. Ordinance No. 326-2007 is hereby repealed in its entirety. Except as expressly amended in this Ordinance, Ordinance No. 51-96, as amended, shall continue in full force and effect.

SECTION 4. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 5. This Ordinance shall become effective upon its adoption or otherwise required by state law.

Adopted and approved this _____ day of _____, 2007.

Joseph C. Bonner
Mayor

ATTEST:

Mary Lynn Williams, MMC
City Clerk

ORDINANCE NO. 294-2007

AN ORDINANCE ADOPTING VARIOUS STANDARD CODES BY REFERENCE AND PROVIDING FOR CERTAIN FEES AND PENALTIES FOR VIOLATIONS OF SAID CODES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Adoption of Standard Codes and Standards by Reference.

The following standard codes and standards are hereby adopted by reference as though set forth fully herein in accordance with Ala. Code §11-45-8 (1975):

International Building Code - 2006 Edition with all Appendices except Appendix D and Appendix H.

International Residential Code – 2006 Edition with all Appendices

International Plumbing Code - 2006 Edition with all Appendices except Appendix A and Appendix C.

International Mechanical Code - 2006 Edition with all Appendices except Appendix B.

International Fuel Gas Code - 2006 Edition with all Appendices

International Existing Buildings Code - 2006

International Fire Code – 2006 Edition

National Electric Code - 2005 Edition with all Appendices.

ICC/ANSI A117.1 – 2003 Edition

SECTION 2. Additions, Deletions and Insertions in the International Residential Code – 2006 Edition.

The following sections of the International Residential Code, Edition 2006, are hereby revised to read in their entirety to read as follows:

Section R 106.1 Submittal Documents.

Construction documents, special inspection and structural observation programs and other data shall be submitted in two sets with each application for a permit. The construction documents shall be prepared by a registered design professional when the square footage meets or exceeds 1500 square feet under roof. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception:

The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

Section R 905.2.3 Underlayment.

Roofing underlayment shall be of a synthetic tear resistant polypropylene, polyester or fiberglass fabric certified by an approved testing agency or ICC-ES report. The building official may approve an equal or higher performing product. Asphalt felt roofing underlayment shall not be installed as a roof covering underlayment. Approved roof underlayment shall be fastened in accordance with the manufacturer's installation instructions.

Section 905.2.6 Attachment.

Asphalt shingles shall have the minimum numbers of fasteners required by the manufacturer. For normal application, asphalt shingles shall be secured to the roof with not less than six fasteners per strip shingle or two fasteners per individual shingle. Where the roof slope exceeds twenty (20) units horizontal (167% slope), special methods of fastening are required.

SECTION 3. Permit, Plan Review and Other Fees.

Building contractors and any other persons, corporations or entities, including owners, shall pay to the City of Spanish Fort, prior to the commencement of any construction, installation, alteration, improvement, re-inspection, moving, demolition of any structure or work within the permitting jurisdiction of the City of Spanish Fort, Alabama, any and all applicable fees set forth below.

- a. Residential Buildings and Modular Residential Buildings built on-site (except Manufactured or Mobile Homes), one and two family dwellings (not over three stories), town houses, condominiums, apartments, detached residential garages, swimming pools, carports and all residential accessory buildings (except common service and accessory buildings associated with town houses and condominiums):

Valuation = \$60.00 per Square Foot of gross heated area plus
\$25.00 per Square Foot of gross unheated area.

Building Permit Fee = \$3.50 per \$1,000.00 of Valuation
For One and Two Family Structures and
Accessory Structures.

\$5.00 per \$1,000.00 of Valuation for Town
Houses, Condominiums and Apartments.

Minimum Residential Building Permit Fee = \$25.00

Electrical, Plumbing, and Mechanical Residential Permit Fees shall each be paid in the
following amounts per permit issued:

New Construction = \$110.00

Residential HVAC replacement = \$35.00

Renovation and Remodeling = \$55.00 over 400 Square Feet
\$25.00 under 400 Square feet

Swimming Pool Permit = \$50.00

Residential Swimming Pool Electrical Permit = \$25.00

Residential Plan Review Fee = 25% of the Building Permit Fee
50% in FEMA Regulated Flood Zones

- b.** All permanent and temporary commercial buildings for all occupancies, except where noted herein for residential structures and occupancies, pre-engineered steel or metal buildings and agricultural or farm buildings, including, but not limited to, storage buildings and warehouses, detached accessory structures both incidental and not incidental to the commercial business, common area facilities and structures incidental to town houses and condominiums, parking structures, signs, grandstands, canopies, etc.:

Permanent foundation, moving structures fees = \$100

Demolition Permit Fees = \$75.00 Residential
\$150.00 Commercial

Valuation for commercial structures will be determined by submission of
construction contract documents approved by the owner/developer.

Building Permit Fee = \$6.00 per \$1,000.00 of valuation.

Minimum Non- Residential Building Permit Fee = \$50.00

Electrical, Plumbing and Sprinkler Systems, Mechanical (fire hoods and ventilation systems) and HVAC will be \$6.00 per \$1,000.00 of value of subcontractors contract price.

Fire/Burglar Alarm Systems (low voltage) = \$50.00

Commercial Plan Review Fee:

<u>Building Valuation</u>	<u>Fee</u>
\$0.00 - \$500,000	\$500 or 50% of Building Permit Fee (whichever is less)
\$500,001 - \$5,000,000	\$500 plus \$.50 per \$1,000 in excess of \$500,000
\$5,000,001 and up	\$2,750 plus \$.40 per \$1,000 in excess of \$5,000,000

Miscellaneous Commercial Permits:

Tents = \$25.00

Canopies = \$10.00

Grandstands – Permanent = \$50.00

Grandstands – Temporary = \$25.00

Amusement Devices and Rides = \$15.00 per device or ride

Fruit and Vegetable Stands = \$50.00

Swimming Pool Permit = \$50.00

Commercial Job Site Trailer = \$75.00

c. Manufactured Homes or Mobile Homes:

Moving, Set-up and Inspection Fee = \$35.00

Electrical Permit = \$50.00

Plumbing Permit = \$50.00

d. Mobile Home Park-Manufactured Housing:

Permit Fee = \$10.00 per lot

Park Plumbing Permit = \$5.00 per lot

Park Electrical Permit = \$5.00 per lot

Plan Review Fee = \$150.00

e. Recreational Vehicle Park:

Permit Fee = \$10.00 per lot

Plumbing Permit = \$5.00 per lot

Park Electric Service = \$5.00 per lot

Plan Review Fee = \$150.00

- f. Modular and Pre-Manufactured Housing (built off site):

Foundation Permit Fee = \$75.00

Electrical Permit = \$25.00

Plumbing Permit = \$25.00

Mechanical Permit = \$25.00

- g. Piers, bulkheads, boat houses, docks and dunes and wetland walkover:

Permit Fee = \$75.00

- h. Re-inspection Fee for failure to correct previous inspection comments or failure to cancel a previously scheduled inspection when project was not ready for inspection = \$35.00

- i. Permit Extension Fee (90 Day Period) = One half (1/2) the Building Permit Fee

SECTION 4. Designation of Official.

Whenever a code or standard adopted by reference herein and/or this ordinance refers to the duties of certain officials named therein, the designated official of the City of Spanish Fort who has duties corresponding to those of the named official in said code or standard shall be deemed to be the responsible official under the said code or standard and this ordinance.

SECTION 5. Penalties.

Any building contractor, person, corporation or other entity found to be in violation of the provisions of this ordinance and/or any of the standard codes or standards adopted by reference herein shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the City of Spanish Fort for a period not exceeding six (6) months, at the discretion of the court trying the case. Each day such violation continues shall constitute a separate offense. Nothing herein shall prevent the City of Spanish Fort from taking any other administrative or lawful action deemed necessary to prevent or remedy any violation.

SECTION 6. Repealer Clause.

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Ordinance No. 81-97 is hereby repealed in its entirety.

SECTION 7. Severability Clause.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance which shall continue in full force and effect notwithstanding such holding.

This Ordinance shall become effective upon its adoption.

ADOPTED AND APPROVED this ____ *day of July, 2007.*

Joseph A. Bonner
Mayor

ATTEST:

Mary Lynn Williams, MMC
City Clerk

ORDINANCE NO. 335-2008

**AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA**

WHEREAS, a request was made to allow for the operation of an apothecary in a B-2 (Local Business) District; and

WHEREAS, it was determined that the City's Zoning Ordinance would need to be amended to allow that use in a B-2 District; and

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on January 14, 2008, and the City Council of the City of Spanish Fort held a meeting on February 18, 2008, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Ordinance No. 51-96 Article VI, Section 6.4, TABLE OF PERMITTED USES AND CONDITIONS, of the City of Spanish Fort, Alabama, the Zoning Ordinance, is hereby amended to read in its entirety as set forth in the attached Exhibit A.

SECTION 2. Except as expressly amended in this Ordinance, Ordinance No. 51-96, as amended, shall continue in full force and effect.

SECTION 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. This Ordinance shall become effective upon its adoption or otherwise required by state law.

Adopted and approved this _____ day of February, 2008.

Joseph C. Bonner
Mayor

ATTEST:

Mary Lynn Williams, MMC
City Clerk

**HIGHWAY CONSTRUCTION SETBACK
ENABLING LEGISLATION**

for

BALDWIN COUNTY, ALABAMA

ACT NO. 94-572

Act No. 94-572¹

Enrolled, An Act,

Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This bill shall apply only to Baldwin County.

Section 2. The Baldwin County Commission, through the county planning and zoning commission, shall regulate the construction setback from the centerline of any state or county public road or highway located outside the corporate limits of a municipality in Baldwin County.

Section 3. The provisions of this act do not apply to poles, facilities, structures, water, gas, sewer, electric, telephone, bill boards, or utility lines or other facilities of public utilities.

Section 4. The construction setback from any state or county public road or highway shall vary according to the highway functional classifications submitted by the Baldwin County Commission and approved by the Federal Highway Administration for Baldwin County.

Section 5. The functional classifications and the construction setbacks required for each classification are established as follows:

- (1) Principal arterials require a one hundred twenty-five (125) foot setback from the centerline of the right-of-way.
- (2) Minor arterials require a one hundred (100) foot setback from the centerline of the right-of-way.
- (3) Major collectors require a seventy-five (75) foot setback from the centerline of the right-of-way.
- (4) Minor collectors require a fifty (50) foot setback from the centerline of the right-of-way.

Section 6. No permanent structure shall be erected or constructed within the designated construction setback.

Section 7. Any landowner or other aggrieved party may appeal any decision made pursuant to this act by filing Notice with the Baldwin County Planning and Zoning Commission within a reasonable time after such decision. On such appeal, the Baldwin County Planning and Zoning Commission shall have authority to grant such relief as it may deem appropriate to remedy a gross inequity or extreme economic hardship as may be occasioned by strict enforcement of this act or any determination made pursuant to it. From the decision of the Baldwin County Planning and Zoning Commission, and within thirty (30) days, thereof, any party may appeal the decision to the Circuit Court of Baldwin County, Alabama for trial, denovo.

¹ Act No. 94-572 was enacted April 21, 1994.

Section 8. The county may institute an appropriate civil action to prevent an unlawful setback or to otherwise enforce this act.

Section 9. The provisions of this act are supplemental to any laws or any rules, regulations, or ordinances, state or local, relating to the right-of-way and the construction setback along or near any county or state public road or highway outside the corporate limits of a municipality in Baldwin County. This act shall supersede any laws or parts of laws including any part of Act No. 87-774, E.1073, 1977 Regular Session (Acts of Alabama 1987, p. 1512), or any rules, regulations, or ordinances which directly conflict with this act.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

HIGHWAY	FUNCTIONAL CLASSIFICATION	REQUIRED SETBACK FROM CENTERLINE
Interstate 65	Principal Arterial	125 feet
Interstate 10	Principal Arterial	125 feet
U.S. Hwy. 98	Principal Arterial	125 feet
State Hwy. 59	Principal Arterial	125 feet
State Hwy. 182 east of State Hwy. 59	Principal Arterial	125 feet
State Hwy. 225 from U.S. Hwy. 31 north to I-65	Minor Arterial	100 feet
U.S. Hwy. 31 from Spanish Fort to Stapleton and Bay Minette to the Escambia County line	Minor Arterial	100 feet
State Hwy. 104	Minor Arterial	100 feet
U.S. Hwy. 90 east of State Hwy. 59	Minor Arterial	100 feet
U.S. Hwy. 90 from the Mobile County line to I-10	Minor Arterial	100 feet
County Road 27	Minor Arterial	100 feet
County Road 95 from State Hwy. 181 north	Minor Arterial	100 feet
State Hwy. 181 from U.S. 90 at Malbis north to U.S. 31	Minor Arterial	100 feet
State Hwy. 161 from State Hwy. 180 in Orange Beach	Minor Arterial	100 feet
Foley Beach Express	Major Collector	75 feet
U.S. Hwy. 90 (State Hwy. 16) from Daphne to State Hwy. 59	Major Collector	75 feet
State Hwy. 59 north of Bay Minette	Major Collector	75 feet
State Hwy. 112	Major Collector	75 feet
County Road 47 north of I-65	Major Collector	75 feet
County Road 64	Major Collector	75 feet
County Road 55 from U.S. 98 to State Hwy. 59	Major Collector	75 feet
County Road 32	Major Collector	75 feet
County Road 61	Major Collector	75 feet
County Road 87 from U.S. 98 north to State Hwy. 112	Major Collector	75 feet
County Road 57	Major Collector	75 feet
County Road 138	Major Collector	75 feet
State Hwy. 182 west of State Hwy. 59	Major Collector	75 feet
State Hwy. 180	Major Collector	75 feet
Scenic Alt. U.S. 98 from Fairhope south	Major Collector	75 feet
State Hwy. 135 from State Hwy. 180 to State Hwy. 182	Major Collector	75 feet
State Hwy. 225 from I-65 north to State Hwy. 59	Major Collector	75 feet
County Road 12 east of State Hwy. 59 Roscoe Road	Minor Collector	50 feet
Roscoe Road	Minor Collector	50 feet
County Road 20 from State Hwy. 59 to CR 95	Minor Collector	50 feet
County Road 65 from CR 10 north to CR 28	Minor Collector	50 feet
County Road 28 from CR 55 to State Hwy. 59	Minor Collector	50 feet
County Road 26 from CR 49 to CR 12	Minor Collector	50 feet
County Road 48 from CR 27 east to CR 55	Minor Collector	50 feet

County Road 83 from CR 20 north to CR 32	Minor Collector	50 feet
County Road 83 from U.S. 90 north to CR 64	Minor Collector	50 feet
County Road 54 from CR 64 east to State Hwy. 59	Minor Collector	50 feet
County Road 44 from CR 27 west to Scenic Hwy. 98	Minor Collector	50 feet
County Road 13 from U.S. 98 north to CR 32	Minor Collector	50 feet
County Road 13 from CR 44 to State Hwy. 104)	Minor Collector	50 feet
Boothe Road from CR 44 north to CR 46	Minor Collector	50 feet
County Road 13 north from CR 64 to Pleasant Road	Minor Collector	50 feet
Pleasant Road east from Daphne to CR 27	Minor Collector	50 feet
Lawson Road west from CR 27 to Daphne	Minor Collector	50 feet
Austin & Rigsby Road	Minor Collector	50 feet
County Road 1	Minor Collector	50 feet
County Road 49 South of U.S. 98 to CR 10	Minor Collector	50 feet
County Road 10 west of State Hwy. 59	Minor Collector	50 feet
County Road 4	Minor Collector	50 feet
County Road 95 from 42 South to Perdido Bay	Minor Collector	50 feet
County Road 97	Minor Collector	50 feet
County Road 91	Minor Collector	50 feet
County Road 9	Minor Collector	50 feet
County Road 38 from CR 87 to State Hwy. 59	Minor Collector	50 feet
County Road 39 from CR 138 to State Hwy. 59)	Minor Collector	50 feet
Scenic Hwy. 98 from Daphne to Fairhope	Minor Collector	50 feet
Pollard Road	Minor Collector	50 feet
County Road 12 from State Hwy. 59 west to CR 26	Minor Collector	50 feet
All Other Paved Roads	Local	40 feet
Unpaved Roads	Unclassified	30 feet

The following list of exempt, permitted and prohibited structures was adopted as policy by the Baldwin County Planning & Zoning Commission on September 1, 1999.

Structures exempt from provisions of the Act

Billboards

Utility structures such as poles, utility lines, and other utility structures

Non permanent structures permitted within the required construction setback

Signs

Access drives or roads

Overflow parking in excess of required parking spaces

Landscaping

Fences

Portable accessory structures such as a yard shed

Sidewalks & bike paths

Permanent structures prohibited within the required construction setback

Any permanent structure not specifically permitted above including:

Buildings

Houses

Decks or porches

Mobile homes

Swimming pools

Drainage detention or retention structures

Septic tanks

Gas pumps

Underground storage tanks

Required parking spaces

**CITY OF SPANISH FORT
BALDWIN COUNTY
HIGHWAY CLASSIFICATIONS
AND
SETBACKS**

<i>HIGHWAY</i>	<i>FUNCTIONAL CLASSIFICATION</i>	<i>SETBACK FROM CENTERLINE¹</i>	<i>ADDITIONAL INFORMATION</i>
I-10	Principal Arterial	125 Feet	
AL 225 (from US 31N to I-65)	Minor Arterial	100 Feet	
US 31 (Spanish Fort to Stapleton and Bay Minette to Escambia County Line)	Minor Arterial	100 Feet	
US 90 (Mobile County Line to I-10 & US 98 to east urban bound to Fairhope)	Minor Arterial	100 Feet	
All Paved Roads	Local Roads	40 Feet ²	
Unpaved Roads	Unclassified	30 Feet ²	


1- Setbacks were established by County DOT through legislative act and measured from the road center or from the survey centerline.
2- Setbacks for certain subdivisions and roads may be less.

Highway Department, Permit Division
P.O. Box 220
Silverhill, AL 36576

Baldwin County

Phone: (251) 972-8534
FAX: (251) 937-0227

Memo

To: Municipal Engineers, Planners, and Building Officials
From: Richard D. Johnson, P.E.; Sr. Planning Engineer 
CC:
Date: 12/2/2009
Re: Updated - HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION

Please find attached an updated copy of this State Code Section dealing with Highway Construction Setbacks in unincorporated Baldwin County. Please refer to this Act when reviewing permits in the Extraterritorial Planning and Police Jurisdictions.

If I can be of further assistance, please do not hesitate to contact me.

Yours,

RDJ

RECEIVED

DEC 9 2009

BY: _____

The Code of Alabama 1975

Title 45 LOCAL LAWS

Chapter 2 BALDWIN COUNTY

Article 26 Zoning and Planning

Part 1 Construction Setbacks

Section 45-2-260 Regulation of setbacks

Section 45-2-260 - Regulation of setbacks

“HIGHWAY CONSTRUCTION SETBACK ENABLING LEGISLATION”

- (a) This section shall apply only to Baldwin County.
- (b) The Baldwin County Commission, through the county planning and zoning commission, shall regulate the construction setback from the centerline of any state or county public road or highway located outside the corporate limits of a municipality in Baldwin County.
- (c) The provisions of this section do not apply to poles, facilities, structures, water, gas, sewer, electric, telephone, bill boards, or utility lines or other facilities of public utilities.
- (d) The construction setback from any state or county public road or highway shall vary according to the highway functional classifications submitted by the Baldwin County Commission and approved by the Federal Highway Administration for Baldwin County.
- (e) The functional classifications and the construction setbacks required for each classification are established as follows:
- (1) Principal arterials require a 125 foot setback from the centerline of the right-of-way.
 - (2) Minor arterials require a 100 foot setback from the centerline of the right-of-way.
 - (3) Major collectors require a 75 foot setback from the centerline of the right-of-way.
 - (4) Minor collectors require a 50 foot setback from the centerline of the right-of-way.
- (f) No permanent structure shall be erected or constructed within the designated construction setback.

(g) Any landowner or other aggrieved party may appeal any decision made pursuant to this section by filing notice with the Baldwin County Planning and Zoning Commission within a reasonable time after such decision. On such appeal, the Baldwin County Planning and Zoning Commission shall have authority to grant such relief as it may deem appropriate to remedy a gross inequity or extreme economic hardship as may be occasioned by strict enforcement of this section or any determination made pursuant to it. From the decision of the Baldwin County Planning and Zoning Commission, and within 30 days thereof, any party may appeal the decision to the Circuit Court of Baldwin County, Alabama, for trial, de novo.

(h) The county may institute an appropriate civil action to prevent an unlawful setback or to otherwise enforce this section.

(i) The provisions of this section are supplemental to any laws or any rules, regulations, or ordinances, state or local, relating to the right-of-way and the construction setback along or near any county or state public road or highway outside the corporate limits of a municipality in Baldwin County.

(Act 94-572, p. 1044, §§1-9.)

This is a partial list of roads and their Functional Classification per the Federal Highway Administration approved maps for Baldwin County, Alabama (ALDOT - May 3, 2006).

HIGHWAY	FUNCTIONAL CLASSIFICATION	REQUIRED SETBACK FROM CENTERLINE
Interstate 65	Principal Arterial	125 feet
Interstate 10	Principal Arterial	125 feet
U.S. Hwy 98	Principal Arterial	125 feet
State Hwy 59 (Bay Minette South)	Principal Arterial	125 feet
State Hwy 182 east of State Hwy 59	Principal Arterial	125 feet
State Hwy 287	Principal Arterial	125 feet
State Hwy 225 from U.S. Hwy 31 north to I-65	Minor Arterial	100 feet
U.S. Hwy 31 from Sanish Fort to Stapleton and Bay Minette to the Escambia County line	Minor Arterial	100 feet
State Hwy 104	Minor Arterial	100 feet
U.S. Hwy 90 (County Wide)	Minor Arterial	100 feet
State Hwy 181	Minor Arterial	100 feet
Jimmy Faulkner Drive	Minor Arterial	100 feet
Foley Beach Express	Minor Arterial	100 feet
State Hwy 161	Minor Arterial	100 feet
Baldwin Beach Beach Express (AKA CR 83)	Minor Arterial	100 feet
Scenic Alt. U.S. 98 from Fairhope south	Minor Arterial	100 feet
County Road 138	Major Collector	75 feet
County Road 32 from CR13 to Cr 95	Major Collector	75 feet
County Road 47	Major Collector	75 feet
County Road 55 from U.S. 98 to State Hwy 59	Major Collector	75 feet
County Road 57 (aka Pine Grove Rd)	Major Collector	75 feet
County Road 61	Major Collector	75 feet
County Road 64 (From St Hwy 181 to CR83)	Major Collector	75 feet
County Road 87 from U.S. 98 north to State Hwy 112	Major Collector	75 feet
State Hwy 112	Major Collector	75 feet
State Hwy 182 west of State Hwy 59	Major Collector	75 feet
State Hwy 135 from State Hwy 180 to State Hwy 182	Major Collector	75 feet
State Hwy 180	Major Collector	75 feet
State Hwy 225 from I-65 north to State Hwy 59	Major Collector	75 feet
State Hwy 59 north of Bay Minette	Major Collector	75 feet
County Road 95 North of U.S. Hwy 98	Major Collector	75 feet
Barrineau Park Rd to the County Line	Minor Collector	50 feet
Boothe Road North of CR 44	Minor Collector	50 feet
County Road 1	Minor Collector	50 feet
County Road 10 west of State Hwy 59	Minor Collector	50 feet
County Road 12	Minor Collector	50 feet
County Road 13 (All Segments)	Minor Collector	50 feet
County Road 20 from State Hwy 59 to CR 95	Minor Collector	50 feet
County Road 24 West of CR13	Minor Collector	50 feet
County Road 26 from CR 49 to CR 12	Minor Collector	50 feet
County Road 28 from CR 55 to State Hwy 59	Minor Collector	50 feet

Highway Construction Setback Enabling Legislation for Baldwin County, Alabama

County Road 3 North of CR 24	Minor Collector	50 feet
County Road 32 West of Cr 13	Minor Collector	50 feet
County Road 38 from CR 87 to CR 83	Minor Collector	50 feet
County Road 39 from CR 138 to State Hwy 59	Minor Collector	50 feet
County Road 44 from St Hwy 181 west to Scenic Hwy 98	Minor Collector	50 feet
County Road 48	Minor Collector	50 feet
County Road 49 South of U.S. 98 to CR10	Minor Collector	50 feet
County Road 65 from CR 10 north to CR 28	Minor Collector	50 feet
County Road 83 from CR 20 north to CR 32	Minor Collector	50 feet
County Road 9 from CR 48 South	Minor Collector	50 feet
County Road 91 South of U.S. Hwy 98	Minor Collector	50 feet
County Road 95 South of U.S. Hwy 98	Minor Collector	50 feet
County Road 97	Minor Collector	50 feet
Lawson Road west from St Hwy 181 to Daphne	Minor Collector	50 feet
Mary Ann Beach Rd (CR 27 South of U.S. Hwy 98)	Minor Collector	50 feet
Pleasant Road east from Daphne to St Hwy 181	Minor Collector	50 feet
Rigsby Road	Minor Collector	50 feet
Scenic Hwy 98 from Daphne to Fairhope	Minor Collector	50 feet
Silverhill Ave E (CR83 E-W)	Minor Collector	50 feet
All Other Paved Roads	Local	40 feet
Unpaved Roads	Unclassified	30 feet

The following list of exempt, permitted and prohibited structures was adopted as policy by the Baldwin County Planning & Zoning Commission on September 1, 1999.

Structures exempt from provisions of the Act:

Billboards
Utility structures such as poles, utility lines, and other utility structures
Non permanent structures permitted within the required construction setback
Signs
Access drives or roads
Overflow parking in excess of required parking spaces
Landscaping
Fences
Portable accessory structures such as a yard shed
Sidewalks & bike paths

Permanent structures prohibited within the required construction setback:

Any permanent structure not specifically permitted above including:
Buildings
Houses
Decks or porches
Mobile homes
Swimming pools
Drainage detention or retention structures
Septic tanks
Gas pumps
Underground storage tanks
Required parking spaces

ORDINANCE NO. 326-2007

AN ORDINANCE AMENDING ORDINANCE NO. 51-96
OF THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, the Planning Commission of the City of Spanish Fort, Alabama, held a meeting on October 8, 2007, and the City Council of the City of Spanish Fort held a meeting on November 19, 2007, for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the City of Spanish Fort, Alabama; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Ordinance No. 51-96 of the City of Spanish Fort, Alabama, the Zoning Ordinance, is hereby amended by adding Section 7.9 as set forth below:

7.9 RADIO, CELLULAR RADIO, CELLULAR TELEPHONE AND WIRELESS COMMUNICATIONS TOWERS, ANTENNAS, DISHES AND RELATED ACCESSORY STRUCTURES AND EQUIPMENT. The purpose of this Section is to establish minimum location requirements, siting criteria and development standards for wireless communications facilities consistent with the Federal Telecommunications Act of 1996, as amended. No radio, telephone or wireless communications or transmitting towers and antennas, or their associated structures or equipment, shall be erected or constructed without first complying with the provisions of this ordinance and all applicable State and Federal rules and regulations. The underlying principles of these standards are to: (1) achieve a balance among the number, height and density of wireless communications facilities that is appropriate for our community; (2) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless communications facilities; (3) ensure the compatibility of towers with, and avoid the adverse impacts to, nearby property; and (4) discourage the proliferation of towers throughout the City of Spanish Fort.

7.91 Definitions. The following definitions shall apply to the terms used in this Section:

Accessory Structure Compound. A fenced, secured enclosure in which a wireless communications facility and its equipment, buildings, access roads, parking areas and other accessory devices/auxiliary structures are located.

Alternative Support Structure. Any structure other than a wireless communications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles and other essential public utility structures.

Antenna Support Structures. Any structure on which wireless communications antennas and cabling can be attached. (See also Communications Tower and Alternative Support Structure.)

Co-location. The placement of more than one wireless communications antenna by one or more service providers on a single existing or approved antenna support structure or communications tower.

Communications Antenna or Antenna. A device used to transmit and/or receive wireless communication services as authorized by the Federal Communications Commission, including all mounts and supporting structures. Communications antennas typically include:

- a. Microwave dish -- parabolic antennas that emit microwave signals.
- b. Panel antenna -- vertical and horizontal plane antennas that aim radio signals in specific directions. (Also referred to as sector antennas.)
- c. Whip antenna -- cylindrical antennas which emit radio signals in a 360-degree horizontal plane and a compressed vertical plane. (Also referred to as stick, omni-directional or pipe antennas.)

Communications Tower or Tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas. Communications towers shall include:

- a. Monopole towers -- cylindrical self-supporting towers constructed as a single spire.
- b. Self-Supporting or Lattice towers -- self-supporting towers with multiple sides of open-framed supports.
- c. Guyed towers -- towers anchored with guy wires.
- d. Camouflaged towers -- self-supporting towers concealed such that they blend in with their surroundings. Such towers may be constructed to resemble objects, such as a tree or a street light, or may be concealed within another structure, such as a clock tower, church steeple, flag pole or lamp post.

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

F.A.A. the Federal Aviation Administration.

F.C.C. the Federal Communications Commission.

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

Wireless Communications Facilities. Any and all buildings, improvements, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) installed, used or intended for use in conjunction with any of the following:

- a. Cellular Communications Facilities -- low-powered transmitters used to transmit signals in a cell for cellular radio-telephone services (cellular

phones), personal communication services (PCS), enhanced specialized mobile radios (ESMR), trunk mobile cellular radios, paging services and similar cellular-based communications to the general public, whether digital or analog based.

- b. Commercial Satellite Facilities -- satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.
- c. Microwave Relay Facilities -- used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

7.92 General Standards and Requirements.

7.921 Permit Requirements. All wireless communications facilities are subject to the standards contained in this ordinance, and applicants or operators will be required to receive a Land Use Certificate from the Zoning Administrator prior to being granted a building permit or authorization to proceed with construction. Furthermore, the location of wireless communications equipment and related structures in all use districts shall be governed by Article VI, Table 6.4 (Table of Permitted Uses and Conditions).

7.922 Height.

- a. Antennas located on alternative support structures shall not exceed fifteen feet (15') above the existing structure on which they are placed.
- b. Tower height shall be limited to one hundred eighty feet (180').

7.923 Setbacks. Wireless telecommunications towers, guys and accessory facilities must satisfy the minimum yard requirements of the zoning district in which they are located. The use of concealment techniques does not except a wireless telecommunications facility from any minimum yard requirements. In addition, the minimum setback for all towers from adjacent property lines shall be the greater of the following:

- a. the height of the tower, plus the height of any antennas attached thereto, where the communications tower property adjoins any non-residential zoning district; or
- b. the height of the tower, plus the height of any antennas attached thereto, plus five hundred feet (500') from any adjoining residential property line or zoning district; or
- c. Towers must be placed no closer than a distance equal to the height of the tower, plus the height of guy wires attached thereto, to any residential structure.
- d. Where a communications antenna is to be installed within or on an existing structure in any business district, the setbacks shall be as required for the existing structure and the use district in which the structure is located, without regard to the antenna height.

7.924 Structural Design of Towers. Every new tower constructed shall be of monopole design, unless the applicant for good cause shown can demonstrate that the specific conditions require another tower type.

7.925 Aesthetics. The aesthetic properties of each individual wireless communications facility shall be approved as part of the site plan review process.

a. Towers and antennas. The design of the tower and antennas shall be of a type that has the least visual impact on the surrounding area. The following minimum requirements must be observed:

(1) Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless otherwise provided or required by any applicable F.A.A. standards or the Planning Commission. If an antenna is installed on a structure other than a tower, the antenna and supporting communications facility must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, or as otherwise required by the Planning Commission.

(2) No signage, symbols or advertisements may be attached to the pole, tower or antenna, unless otherwise required by local, state or federal laws, rules or regulations.

(3) Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with native landscape will be subject to review, as are other types of concealment techniques. (See Concealment or Camouflage Techniques.)

b. Accessory Structures.

(1) The design of the wireless communications facility and its accessory structures shall, to the extent possible, maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower and wireless communication facilities with the surrounding natural setting and built environment.

(2) 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 material shall be avoided as much as possible.

c. Non-vegetative screening.

(1) Non-vegetative screening will be required when it is necessary to reduce the visual impact of a wireless communications facility 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, is subject to site plan review, shall have a minimum height of eight feet (8'), 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.

(2) 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.

(3) The screening requirements may be reduced on wireless communications facilities utilizing underground vaults rather than above ground equipment buildings.

d. Landscaping. In addition to the landscaping and buffer requirements set forth in Article VI and X, the following provisions shall also apply:

(1) Landscaping will be required to reduce the visual impact of the wireless communications facilities 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.

(2) The perimeter of the accessory structure compound shall be landscaped with a buffer of plant materials that effectively screen the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least ten feet (10') wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced.

(3) Where the property on which the wireless communication facility is located abuts, or is in close proximity to, a residential district or residential use, additional buffering may be required by the Zoning Administrator.

(4) A row of trees a minimum of eight feet (8') tall and a maximum of ten feet (10') apart shall be planted around the perimeter of the compound fence. A continuous hedge of at least thirty (30") inches high at planting and capable of growing to at least thirty-six (36") inches in height within eighteen (18) months shall be placed in front of the tree line.

(5) All landscaping shall be of the evergreen variety. All landscaping shall be xeriscape tolerant or irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

7.926 Lighting Restrictions. There shall be no lighting on any towers unless required by the F.A.A. or other authority for safety purposes. In cases where the F.A.A. does require a tower to be lighted, only red blinking lights shall be used at night; white strobe lights will not be permitted for nighttime lighting. Written documentation of any F.A.A. directives to light a tower differently than provided herein must be submitted with the application.

Basic security lighting for the compound may be permitted, but shall not include any flashing lights or lights greater than twenty feet (20') in height. Security lighting shall be focused only on the wireless communications facility itself, excluding the tower and antennas, and shall be directed away from any adjacent property. A lighting photometrics plan will be required.

7.927 Lot Size.

(a) Lot size must conform to the minimum lot size required for the underlying use district in which the tower is located.

(b) In addition, lot size must be adequate to accommodate all setbacks, buffered areas, ground mounted accessory structures, antenna support structures and related guy wires or cables and space for additional co-locating service providers.

(c) If only a portion of a parcel is being leased for a wireless communications facility, the leased parcel must be situated within the parent parcel so that the wireless communications facility complies with the applicable setback requirements contained herein.

(d) All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. (Guy anchors may be fenced separately from the main compound.)

7.93 Environmental Impact. All wireless communications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission, a copy of the assessment with all documentation of the F.C.C.'s subsequent approval must be submitted prior to the commencement of construction and approved by the City Engineer.

7.94 Safety. The following safety information and requirements must be satisfied prior to receiving any approvals to locate a communications facility within the City of Spanish Fort:

a. Radio Frequency. The applicant shall be required to submit documentation that the proposed wireless communications facility complies with Federal Communications Commission standards for radio frequency emissions, as adopted by the F.C.C. on August 1, 1996, as amended.

b. Structural. A professional structural engineer registered in the State of Alabama shall certify that all antenna support structures and wireless communications equipment are erected and/or installed to comply with wind loading and other structural standards contained in the latest edition of the Standard Building Code as adopted by the City of Spanish Fort and with all applicable technical codes as established by the Electronic Industries Association (EIA/TIA 222-E "Structural Standards for Steel Antenna Supporting Structures") and the Telecommunications Industry Association. This applies to new and modified structures and facilities.

c. Electrical. Electrical installations shall be in accordance with the latest version of the National Electric Code as adopted by the City of Spanish Fort.

d. Site Security. Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury. A sign shall be discretely placed on the outermost structural element indicating the name and telephone number of persons responsible for the safety and maintenance of the facility.

e. Access. Provisions shall be made to provide proper clearances for ingress and egress of emergency vehicles. Whenever a tower site does not have frontage on a public street from which it derives access, a permanent twenty foot (20') wide access easement shall be required.

7.95 Co-Location.

a. No new tower shall be permitted unless the applicant demonstrates that no existing antenna support structure or other structure can accommodate the applicant's needs.

b. Documentation that reasonable efforts have been made to achieve co-location shall be submitted with each application for a new antenna support structure. Applications for new antenna support structures or

towers must include an affidavit from the applicant verifying that no existing sites are available for co-location. If the owner of an approved tower refuses to allow a co-location, an affidavit shall be required that states the reason for the refusal.

c. All towers constructed subsequent to the adoption of this section, and their accessory structure compounds, shall be designed and built to accommodate as many additional wireless communication service providers as possible based on the height of the tower. Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed towers and self-supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas.

d. The owner of any existing communications tower that has space structurally and technically available for any additional communications antennas shall make such space reasonably and economically available to other providers.

e. The construction of towers capable of supporting multiple providers will take precedence over single use communications towers.

f. For any communications tower approved for shared use, the owner of the tower shall provide notice of the location of the communications tower to the City, and the owner shall agree to make such space reasonably and economically available to other providers.

7.95 Application. All wireless telecommunications facilities are subject to the standards contained in this section and will be required to receive a Land Use Certificate from the Zoning Administrator prior to being granted a building permit. For all wireless communication facilities which do not require the construction of a new tower, the Zoning Administrator shall have the authority to require any documentation or information with the application for Land Use Certificate deemed necessary to ensure compliance with this ordinance.

7.96 Application and Justification for Construction and Siting of a New Tower. Sufficient justification must be submitted and proved for the siting of all new communications towers in the City of Spanish Fort. Determination as to the adequacy of the justification for any new tower will be made as a part of the approval process and shall be based upon, along with other standard land use considerations for appropriateness, the review and evaluation of the application for the siting of a new communications tower. The following information and materials shall accordingly be considered the minimum application requirements when requesting approval of the siting of a new communications tower:

a. A detailed site plan showing, at a minimum, the following:

1. The conceptual layout of the facility, including the location and dimensions of all improvements, setbacks, accesses, security installations (including fencing), type and height of tower, guy anchors, vehicular parking and access, existing vegetation to be retained, topography of the site, adjacent land uses and current zoning, etc.;

2. A description and drawing or photo simulation of the visual aspects of the proposed facility;

3. A buffer plan showing the nature of the setback space, both as it presently exists and as it will be after installation of the proposed facilities; how it will address the requirements contained in Section 7.924;
 4. A current U.S.G.S. quadrangle map (1:24,000) or equivalent showing the proposed site location and at least a two mile radius around the site;
 5. A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location; and
 6. Any additional information as may be deemed necessary and required by the Zoning Administrator in order to conduct a proper evaluation of the proposed facility.
- b. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent "cells" and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g., buildings, billboards, water towers, etc., which could be used for support in lieu of a new tower) considered within a five-mile radius of the proposed location.
- c. A one year facilities plan that shall include the information listed below.
1. A written description of the type of technology the company/carrier is providing to its customers on a current basis.
 2. The radio frequencies to be used for each technology.
 3. The types of services and products offered by the company/carrier on a current basis.
 4. A list of all proposed wireless communications facilities (tower and antenna sites), within Baldwin County and its included municipalities, and up to five miles outside of the county, for the next year.
 5. A description of the "search area" for each proposed facility site identified in Item 4 above, including: (a) address and parcel identification number where known, or section, township and range for projected sites whose exact location is yet undetermined; and (b) the projected elevation of the proposed antennas (above sea level).
 6. A legible presentation map of the area(s) describing Items 4 and 5 above.
- d. Written documentation justifying the need for a new communications tower on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:
1. A list, description and map of the potential co-location or alternative location sites that are located within the geographic service area of the proposed site;
 2. Documentation that request for co-location has been made at least thirty (30) days prior to the filing of the application for the siting of a new communications tower;

3. A detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;

4. An analysis of how and why the proposed site is essential to meet the service demands for the geographic service area and county-wide network;

5. A description of how the proposed site and facilities relate to the provider's one year plan; and

6. A signed affidavit from the applicant verifying the inability to locate the proposed antennas on existing towers or other structures accompanied by supporting documentation justifying the explanations given.

e. Registration of the name, address, telephone number of the officer, agent or employee who shall be authorized by the provider (who will be operating the wireless communications facility in question) as the single point of contact and party responsible for the accuracy of all information and certifications submitted, and for said provider's ongoing compliance with all of the provisions of this ordinance and any other applicable ordinances, codes or regulations. It shall further be the responsibility of the provider to ensure that the identity, legal status, address and telephone number of the responsible party registered with the City is complete, current and totally accurate at all times, unless and until the provider submits notice of its intent to cease the operation of the facility to the Zoning Administrator.

f. Certification by a professional structural engineer registered in the State of Alabama that the proposed communications tower and all components are structurally and technically designed and capable, and will be so constructed, to meet the requirements contained in this ordinance. Immediately upon completion of construction, certified as-built drawings of the same shall be submitted to the Zoning Administrator.

g. A fee of Five Hundred Dollars (\$500.00) to cover the review costs incurred by reviewing the materials submitted as required herein. This fee shall be in addition to any and all other fees for processing the application as approved or required by the City Council.

7.97 Maintenance. The owner of a communications tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this ordinance, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Spanish Fort. The estimated life of the structure must be included as submittal data with the application for Land Use Certificate.

7.98 Abandonment. In the event the use of any wireless communications facility has been discontinued for a period of 180 consecutive days, the wireless communications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building and Zoning Administrator, who shall have the right to request documentation and/or affidavits from the wireless communications facility owner regarding the usage of the communications facility. In addition, the owner of the facility shall provide the Zoning Administrator with a copy of the notice to the F.C.C. of the intent to cease operations, and said notice shall be deemed an abandonment. Upon abandonment, the owner/operator of the wireless communications facility shall have an additional 180 days in which to reactivate the use of the wireless communications facility or

transfer the wireless communications facility to another owner/operator who makes actual use of the facility, or the owner/operator shall dismantle and remove the wireless communications facility. Written notification to the Zoning Administrator must be provided before the additional 180 day period has expired that either the facility has changed owners/operators or reactivation has occurred or dismantling of the tower has been accomplished.

Upon the failure of the owner/operator to reactivate the tower within the 180 day period set forth above or if the tower has been dismantled and removed, the approval for the operation of the wireless communications facility shall automatically expire.

7.99 Exemptions. The following wireless communication facilities and equipment are exempt from the requirements of this section except as otherwise indicated (however, such facilities shall only be permitted through administrative review and approval by the Building and Zoning Administrator):

a. Pre-Existing Towers. Any communications tower or communications antenna for which a permit has been properly issued shall hereafter be considered a legal non-conforming use subject to the provisions of Article 5, Section 5.4 of this Ordinance. However, given the purpose and intent of this Ordinance to minimize the proliferation of new towers and promote the co-location of new antennas onto existing towers, any communications antenna locating on a pre-existing, properly permitted communications tower subsequent to adoption of this section shall be exempt from the restrictions of Article 5, Section 5.4, of this ordinance, subject however to the provisions contained in Section 7.99(f) and any other applicable requirements of this ordinance.

b. Amateur radio antennas and receive-only antennas that are no more than 50 feet in height and satellite earth station antennas two meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.

c. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.

d. Accessory facilities used exclusively for dispatch communications by private entities, provided such facilities do not exceed fifteen feet (15') in height above the rooftop of the building to which said facilities are accessory.

e. Communications towers, antennas and related necessary facilities used exclusively for internal communications by public utilities, provided that:

(1) such facilities are subordinate and incidental to approved nonresidential uses or structures on the same parcel;

(2) such facilities do not exceed twenty feet (20') in height above a structure or building when mounted thereto, or sixty feet (60') in height when ground-mounted; and,

(3) towers, poles or other support structures do not exceed thirteen (13) inches in diameter.

f. Communications antennas and related necessary facilities locating or co-locating on any pre-existing, properly permitted communications tower, provided that:

- (1) no significant visible structural alterations to the existing tower will be necessary, and if structural strengthening is necessary to accommodate co-location, no increase in height or base area will be allowed;
- (2) there will be no increase in the height or lighting of the facility, including the tower, antennas and all other associated facilities; and,
- (3) all setback and buffer requirements applicable to the existing tower at the time a permit was issued can and will be complied with.

SECTION 2. Section 6.4, TABLE OF PERMITTED USES AND CONDITIONS of Ordinance Number 51-96 is hereby amended by adding the provisions contained in the attached Exhibit A.

SECTION 3. Except as expressly amended in this Ordinance, Ordinance No. 51-96, as amended, shall continue in full force and effect.

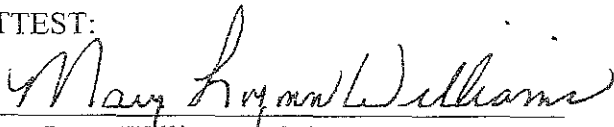
SECTION 4. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 5. This Ordinance shall become effective upon its adoption or otherwise required by state law.

Adopted and approved this 19th day of November, 2007.

Joseph C. Bonner
Mayor

ATTEST:



Mary Lynn Williams, MMC
City Clerk

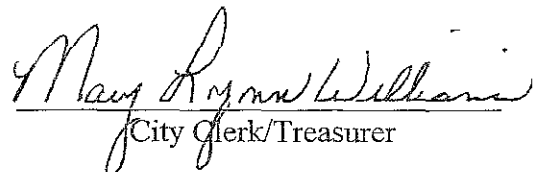
EXHIBIT A

CITY OF SPANISH FORT	USE DISTRICTS													
6.4 TABLE OF PERMITTED USES AND CONDITIONS	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1
Cellular type radio and telephone antennas and associated equipment, co-located on existing towers or water storage facilities.	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Cellular type radio and telephone antennas and associated equipment, located inside structures or buildings, hidden or camouflaged from public view.								P	P	P	P	P	R	R
Cellular type radio and communications towers with antennas and associated equipment.										PC	PC	PC	PC	P

CERTIFICATE AS TO PUBLICATION

I, the undersigned Acting City Clerk of the City of Spanish Fort, Alabama, hereby certify that the foregoing Ordinance was published by me by posting thereof on November 20, 2007, in not less than five public places within the corporate limits of the City of Spanish Fort, to wit: **Spanish Fort City Hall, Spanish Fort Post Office, Spanish Fort Water System, Inc. Office, and businesses Papa John's and Bruno's**, and each of said copies remained continuously so posted for a period of not less than five consecutive days.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of the City of Spanish Fort, Alabama.


City Clerk/Treasurer