

## **ARTICLE 4 DISTRICT REQUIREMENTS**

(rev. 01/03/2023 unless otherwise noted)

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### **4.01 TABLE OF PERMITTED USES**

The following Table contains a list of land uses permitted in each district. Opposite each land use, in the appropriate and district column or columns, the letter "R" identifies those districts in which a particular land use is permitted by right. The letter "P" identifies those uses allowed through a conditional use permit.

#### **4.0101 Conditional Uses and Approval**

**A.** Certain uses may be determined to be essential or desirable for the general convenience and welfare of the public, but may not be automatically compatible within a particular district. A use may be permitted within a district by conditional use approval when it is established through site plan review that the location, design, and proposed activity will not adversely affect the public health, safety, morals, and general welfare of the surrounding impacted area and that appropriate conditions are put into place or practice which reduce the impact of such proposed conditional use. Conditional uses shall not include the following: an increase in density, height, or maximum building coverage, or a reduction in required lot area, setbacks, street frontage or access, maximum building coverage, buffering, yards or any other provision of the zoning or other city ordinances that would otherwise apply to any use permitted by right in that district.

#### **B. Site Plan Requirements and Architectural Review – Procedures.**

Each application for a conditional use approval shall be accompanied by a site plan submitted in accordance with provisions of Article 10 of this Ordinance. The Planning Commission may hold a public hearing after proper notification. Upon review by the Planning Commission, it shall make one of the following recommendations to the City Council:

1. Approved as submitted;
2. Approved with changes or conditions;
3. Disapproval.

Recommendations for site plan with a conditional use and all related documents shall be forwarded to the City Clerk for consideration by the City Council in accordance with procedures established in Article 12.09, Council Public Hearing and Notice – Zoning Ordinance.

### **C. Termination, Extension and Transferability**

1. Conditional use approval shall terminate when any of the following occurs:
  - a. Termination of the site plan in accordance with Article 10.0310.
  - b. Transfer, lease or sale of the use permitted as a conditional use to another person, persons or other entity.
  - c. Transfer, lease, or sale of the property on which the conditional use has been granted.
  - d. Any change to the conditions or requirements on which the approval of a site plan or conditional use was approved.
  - e. Rezoning.
2. Conditional uses shall not be transferable. Conditional uses shall not be considered *grandfathered* under any circumstances.
3. No extensions of a conditional use site plan approval are permitted.

#### **4.0102 Uses Not Specified**

In any case where a use is not referred to by the Table of Permitted Uses or elsewhere in this Ordinance, such use shall be determined by the Zoning Official and referenced 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 Zoning Official, such determination shall thereafter have general application to all uses of the same type. If the property owner does not agree with the Zoning Official's determination, he may make a written appeal to the Municipal Council for their review and final determination.

#### **4.0103 Special Provisions in BR & MR Districts**

NOTE: Non-residential uses in BR are restricted to containment within a structure which primary use is a multi-family residence or hotel and must be a supporting service to the multi-family residence or hotel with the exception of chair and umbrella beach services and waterside bars serving refreshments, beverages and snack-type foods not requiring a health department permit. Non-residential uses in a MR must be a supporting service to a marina.

R = Land Use Permitted by Right P = Conditional Use Approval

Permitted and Conditional Uses	Zoning Districts													
	RS 1 2 3	RM 1	RM 2	BR 1 2	MH P	MH S	NB	MR	GB	RO	I 1	RV P	AG	GO V
Accessory buildings and uses including home occupations & home swimming pools when located on the same lot as the principal structure/use & customarily incidental thereto	R	R	R	R	R	R	R	R	R		R	R	R	
Agriculture & related farming operations, including horticulture, plant nurseries, market gardening, field crops and orchards (Article 5)	R										R		R	
Air conditioning sales/service									R		R			
Airport and/or crop dusting-spraying services											R		P	
Ambulance/EMS services									R		R			R
Amusement/recreation services: must be arranged so that noise, vibration, lights & all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation will not unduly interfere with the use and enjoyment of the surrounding area; amusement park											R			
Recreation Services														
Archery range											R			
Baseball batting range											R			
Billiard or pool hall				R					R					
Bowling Alley									R					
Fairgrounds, circus/carnival											R		P	P
Golf course	P								R		R		R	R
Golf course, miniature									R					P
Golf driving range									R		R		R	R
Racquetball, indoor (restricted for private use in RS-1 and 2)	R	R	R	R	R	R		R	R			R		
Theatre, indoor				R					R					
Theatre, outdoor/drive-in											R			
Animal clinic/small animal kennel											R		P	
Antique store, not including repairing and refinishing							R		R	R	R			
Apparel & accessory store				R			R		R	R				
Appliance store									R	R				
Apothecary				R			R		R	R				
Armory											R			
Art gallery or museum (rev. 12/2/2008)				R			R	P	R	R				
Art supplies				R			R		R	R				

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Astrologer, Palm Readers, Psychic Art & Science (see Section 5.26) (rev. 02/01/2011)									R		R			
Auditoriums, stadiums, coliseums									R		R			
Automobile parts sales, except used parts									R	R	R			
Automobile storage, including parking lots: must be enclosed in a privacy fence no less than eight (8) feet in height									R		R			R
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used): need not be enclosed in a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within one hundred (100) feet of a residential district									R		R			
Automobile & truck washing & polishing including steam cleaning									P		R			R
Automobile/truck repair garage, mechanical/body: must be conducted in structure with no opening other than a stationary window within 100' of a residential district and shall not store or maintain parts or waste materials outside structure									R		R			R
Automobile/truck sales/service, not including commercial wrecking, dismantling or auto salvage yard; need not be enclosed in structure provided unenclosed part complies with the requirements for maintenance of off-street parking facilities									R		R			
Automobile/truck service including minor repair, where primary function is retail sales of gasoline, oil, grease, tires, batteries and accessories, and where services are limited to installation of items sold, washing, polishing, repairs, but not including commercial wrecking, dismantling or salvage yard, major overhauling or body work									R		R			R
Bait store or sales (live bait)								R	R					
Bakery, retail				R				R	R	R				
Bakery, wholesale									R		R			

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Bank, including drive-in							R		R	R	R			
Barber shop or beauty parlor				R			R		R	R				
Barber/beauty supplies & equipment sales									R	R				
Bed and Breakfast (rev. 04/09/2001)				R				R	R					
Bicycle, lawnmower sales, service and repair/rental									R	R	R			
Boat construction, storage, service and repair, wet and dry major											R			
Boat docking & dry storage of pleasure boats as accessory use to permitted principal use; maximum of one slip per unit in multi-family developments; boat repair service prohibited		R	R						R					
Boat docking & dry storage of pleasure boats as accessory use to permitted principal use; maximum of three (3) slips per single family unit; boat repair service prohibited	R													
Boat docking as an accessory use to a permitted principal use; intended to allow boat passengers to use on-land facilities, such as restaurants, lounges, etc.; may not sell fuel, oil, etc., non-enclosed dry storage allowed								R	R		R			
Boat storage, service and repair; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, provision of lodging, food, beverages and entertainment as accessory uses; charter boat fishing services								R	R		R			
Boat sales, accessories & service								R	R		R			
Bottling works											R			
Building materials supply, provided that all storage areas are screened from view									R		R			
Bus and truck terminal facility											R			
Business machine sales/service									P		R			
Business school/trade school									P		R			
Butane & other liquefied petroleum gas products storage/sales											R			
Cabinet/carpenter shop									R		R			
Café, grill, lunch counter and restaurant, not including night club, bar, tavern & drive-in restaurant				R			P	R	R	R	R			

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Camera/photographic supply store				R			R		R	R	R			
Candy, nut & confectionery store				R			R		R	R				
Canvas products manufacturer											R			
Car wash, not including trucks or trailers									R		R			
Carting, express, crating, hauling, storage											R			
Catering shop or service				R				R	R					
CATV operation; limited to one (1) building to house equipment, no more than four (4) dishes and two (2) towers for antennas; maximum height for towers is thirty-five (35) feet; screening required, may include fencing & natural plantings									R		R			R
Churches & related accessory buildings	R	R	R	R	R	R	R	R	R	R	R			
City Hall, police station, fire station, courthouse, federal office building & similar public buildings									R		R			R
Clinic, dental, medical or psychiatric for humans							R		R	R				
Clothing manufacturer											R			
Club or lodge, fraternal, civic, charitable or similar organization, public/private				P			P	R	R	P	R		R	
Cold storage plant											R			
College or university							P		R	R	R			
College sorority/fraternity house									R	P				
Concrete/concrete products manufacture: need not be enclosed in structure											R			
Contractor's storage yard for vehicles, equipment, materials and supplies: need not be enclosed within structure, but must be enclosed in solid 8' fence									R		R			
Convenience store							P		R	P	R			
Dairy equipment sales											R			
Dairy products sales (retail)				R				R	R	R	R			
Delicatessen				R			P	R	R	R	R			
Department store							P		R	R				
Dog pound											R			P
Drive-in restaurant									R	P				
Drug store				R			R		R	R				

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Dry boat storage business, as accessory use or principal use. Need not be enclosed in structure; but if not so enclosed, must be enclosed by a privacy fence of no less than eight (8) feet								R	R		R			P
Dry goods or fabric store								R	R					
Dwelling, one family (rev. 01/07/2020)	R	R	R	R	R	R	R	R	R			R	R	
Dwelling, two family (rev. 01/07/2020)	P	R	R	R			R	R	R				R	
Dwelling, multi-family (rev. 01/07/2020)		R	R	R				R	R					
Electric power generating plant											R			
Electric power substation; shall be enclosed in structure and must be secured by chain link or similar fence or be raised above ground so as to be inaccessible to unauthorized persons; requires visual screening											R	R		R
Electric repair shop								R	R	R				
Electric supply store								R	R	R				
Elevator maintenance service								R		R				
Employee credit union office				R			R	R	R	R				
Farm/garden equipment/supply store								R	P	R			P	
Farmer's market										R			R	
Fix-it shop, including small appliance repair								R	R	R				
Fixture sales								R	R	R				
Floor covering sales/service								R	P	R				
Floral shop				R			R	R	R					
Food locker plant including rental of lockers for storage of food; cutting & packaging of meats and game, but not the slaughtering of animals or fowl										R				
Food products processing plant										R				
Food products, wholesale storage and sales								R		R				
Freight depot, truck										R				
Frozen food manufacture and packaging										R				
Fruit/produce, retail								R	R	R				
Funeral home, mortuary/undertaking								R	P					
Furniture/home furnishing store, including office furniture/equipment								R	R	R				
Furniture repair, upholstery and refinishing								R	P	R				
Gas station							P	R	P	R				

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Gift shop – one thousand (1,000) square feet or greater in Marine Resort Zoning District. Requiring conditional use approval pursuant to Article 4.0101				R			R	R	R	R				
Grocery store, retail							P		R	P				
Gymnasium, commercial									P	P	R			
Hardware store, retail									R	R				
Hardware store, wholesale, storage and sales									R		R			
Hatchery, poultry or fish											R			
Heating/plumbing equipment, supplies and sales									R	P	R			
Hobby shop/supply store				R			R		R	R				
Home occupation, except charter boat which shall be a conditional use (rev. 03/21/2017)	R	R	R	R		R	R	R	R				R	
Hospital, clinic, convalescent or nursing home, extended care facility for humans									R	P	R			
Hotel, motel				R				R	R					
Ice plant											R			
Institution for children/aged							P		R	P	R			
Interior decorating shop							R		R	R				
Kindergarten/playschool/daycare center, public/private provided that all activities are carried on in enclosed building or fenced yard							P		R	P				
Laboratory, scientific											R			
Laboratory, medical or dental									R	P	R			
Landscape garden sales; need not be enclosed in structure									R		R			
Laundry, self service				R	R			R	R	P	R	R		
Laundry/dry cleaning pick-up station				R			R		R	R				
Laundry/dry cleaning plant											R			
Laundry/linen supply				R					R		R			
Leather goods/luggage store				R			R		R	R				
Library		R	R				R		R	R				
Liquor/wine/beer sales not consumed on premises, liquor store, package store, alcoholic beverage retailer (see Section 5.25) (rev. 02/01/2011)				R					R		R			
Livestock/poultry raising; minimum three (3) acres											R		R	
Loan office							R		R	R				
Locksmith									R	R	R			



Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Lumber yard/building materials								P		R				
Machine shop										R				
Machinery, tools & construction equipment, sales & service										R				
Mail order house								R		R				
Manufacturing, repair, assembly or processing establishments of light industrial nature, including but not limited to the following: confectionery, food, frozen dessert & mild products processing/manufacturing										R				
Clothing/garment manufacture										R				
Laboratories for testing materials, chemical analysis & photographic processing										R				
Musical instruments and parts manufacture										R				
Scientific, optical and electronic equipment assembly and manufacturing										R				
Souvenirs/novelty manufacture										R				
Toy, sporting goods & athletic goods manufacture										R				
Marina stores and supplies								R	R		R			
Metal products fabrication										R				
Millwork/similar wood products manufacture										R				
Mobile homes					R	R								
Mobile homes, sales										R				
Mobile home park					R									
Mobile home subdivision						R								
Motorcycle sales, service, repair/rental									R	P	R			
Music store				R			R		R	R				
Natural resource production, including the extraction of oil, gas and water										R		R		
Night club, bar, tavern & cocktail lounge when separate from restaurant				P				R	R	P				
Non-chartered financial institutions (check cashing, payday loans) (see Section 5.26) (rev. 02/01/2011)									R		R			
Novelty/souvenir manufacture										R				
Office				R			R	R	R	R	R			
Office equipment/supplies, retail									R	R				
Oil well equipment/supplies manufacture										R				
Optician							R		R	R				

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Paint & wallpaper store								R	R					
Painting/decorating contractor								R		R				
Paper supplies, wholesale								R		R				
Park or playground including recreation centers: need not be enclosed in structure	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Passenger depot, bus								R		R				
Pawn shop (rev. 02/01/2011)								R		R				
Permanent cosmetic establishment (rev. 02/01/2011)				R			R	R	R					
Pet shop							R	R	R					
Photographic studio and/or processing				R			R	R	R	R				
Picture framing							R	R	R					
Pipe storage										R				
Plastic fabrication										R				
Plumbing shop								R		R				
Police substation, including highway patrol								R		R				R
Post office								R		R				R
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment								R	P	R				
Public utility production & maintenance building with proper screening										R		R		
Public utility substation with screening	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Radio/television station & transmitting tower										R		P		
Recreational vehicle park					R						R	P		
Reducing, exercise, karate, domestic or other body fitness type salon				R			R	R	R					
Restaurant (dine-in)				R				R	R	R	R			
Riding academy										R		R		
Roofing and sheet metal shop										R				
Rug and/or drapery cleaning service								R	P	R				
Sand and gravel storage yard										R				
Schools, public/private, encompassing grades K-12	R							R	P			R	R	
Seafood processing plant										R				
Seafood store, retail								R	R	R	R	P		
Sewage disposal plant (Municipal)										R		R	R	
Shoe repair shop				R				R	R					
Shoe store, retail				R				R	R					
Sign shop										R				

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Stone monument sales, retail; may include cutting and processing merchandise sold at retail on site											R			
Studio for professional work or teaching of fine arts such as photography, drama, speech, painting				R			R		R	R				
Studio for dance or music				R			R		R	R				
Surgical or dental supplies manufacture											R			
Surgical or dental supplies retail									R	R				
Tailor shop				R			R		R	R				
Tattoo parlor, body-piercing studio (see Section 5.26) (rev. 02/01/2011)									R		R			
Taxi dispatching station									R		R			
Taxi terminal; storage & repair of vehicles											R			
Taxidermy shop								R	R	P	R		P	
Teen club or youth center									R	P	R		R	R
Telephone exchange		R	R	R	R	R	R	R	R	R	R	R		R
Telephone equipment storage including shops and garage; need not be enclosed in structure but must provide adequate screening											R			
Temporary uses including revival tents and carnivals, not to exceed two weeks in any calendar year											R		R	
Timber growing, cultivation, harvesting by permit only, sales and removal by right of trees not protected (rev. 05/04/99)	R	R	R	R	R	R	R	R	R	R	R	R	R	
Toy store				R			R		R	R				
Transit vehicle storage/servicing; need not be enclosed in structure											R			R
Utility company storage facility; must provide adequate screening											R			
Vacation Rentals (rev. 04/03/2018)		R	R	R	R		R	R	R			R	R	
Variety store							P		R	R				
Veterinary service							P		R	P	R		R	
Video store				R			R		R	R				
Warehouse/storage facility, minor; mini-type do-it-yourself storage									P		R			
Water storage, other than private use									R		R		R	R
Water or sewage pumping station, other than private use									R		R		R	R

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Water recreation equipment rental, personal watercraft including skis, sail and motor boats, surf boards, surf sails, etc. provided that noise and all other disturbing aspects are controlled so operation of equipment will not unduly interfere with the use and enjoyment of properties in the surrounding areas				R				R	R					
Welding shop											R			
Well drilling company											R			
YMCA, YWCA and similar institutions								R	P	R		R	R	

(rev. 08/20/2002; rev. 01/15/2008; rev. 12/02/2008; rev. 02/01/2011)

#### 4.02 REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS

<b>TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS</b>			
<b>Zoning District &amp; Land Use</b>	<b>SIZE &amp; COVERAGE REGULATIONS</b>		
	<b>Minimum Lot Area (sf)</b>	<b>Minimum Lot Width at Building Front Setback</b>	<b>Maximum Building Coverage</b>
<u>RS-1 Single-Family Residential</u> Single-Family Dwelling Two-Family Dwelling	9,000 sf 10,500 sf	75' 75'	42% 47%
<u>RS-2 Single-Family Residential</u> Single-Family Dwelling	5,000 sf	50'	30%
<u>RS-3 Single-Family Residential</u> Single-Family Dwelling <small>(rev. 08/09/2008)</small>	5,000 sf	50'	30%
<u>RM-1 Multi-Family Residential</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling <small>(rev. 01/03/2023)</small>	20,000 sf 20,000 sf 20,000 sf	100' 100' 100'	56% 56% 56%
<u>RM-2 Multi-Family Residential</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling <small>(rev. 01/03/2023)</small>	20,000 sf 20,000 sf 20,000 sf	100' 100' 100'	56% 56% 56%
<u>MHP Mobile Home Park</u>	See Article 6		
<u>MHS Mobile Home Subdivision</u>	See Article 6		
<u>BR-1 &amp; BR-2 Beach Resort</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling Hotel	20,000 sf 20,000 sf 20,000 sf 20,000 sf	100' 100' 100' 100'	56% 56% 56% 56%
<u>NB Neighborhood Business</u> Single-Family Dwelling Two-Family Dwelling Business <small>(rev. 01/03/2023)</small>	20,000 sf 20,000 sf 20,000 sf	100' 100' 100'	56% 56% 56%
<u>MR Marine Resort</u> Multi-Family Dwelling Business <small>(rev. 01/03/2023)</small>	20,000 sf 20,000 sf	100' 100'	56% 56%

<b>TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS</b>			
<b>Zoning District &amp; Land Use</b>	<b>SIZE &amp; COVERAGE REGULATIONS</b>		
	<b>Minimum Lot Area (sf)</b>	<b>Minimum Lot Width at Building Front Setback</b>	<b>Maximum Building Coverage</b>
<u>GB General Business</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling Business (rev. 01/07/2020)	20,000 sf 20,000 sf 20,000 sf 20,000 sf	100' 100' 100' 100'	56% 56% 56% 56%
<u>RO Retail Office</u> Business (rev. 05/20/2008)	20,000 sf	100'	56%
<u>I-1 Industrial</u> Business	20,000 sf	100'	56%
<u>AG Agricultural</u> (rev. 01/03/2023)	10,000 sf	75'	42%
<u>GOV Governmental</u> Governmental	20,000 sf	100'	56%
<u>PUD Planned Unit Development</u>	See Article 7		

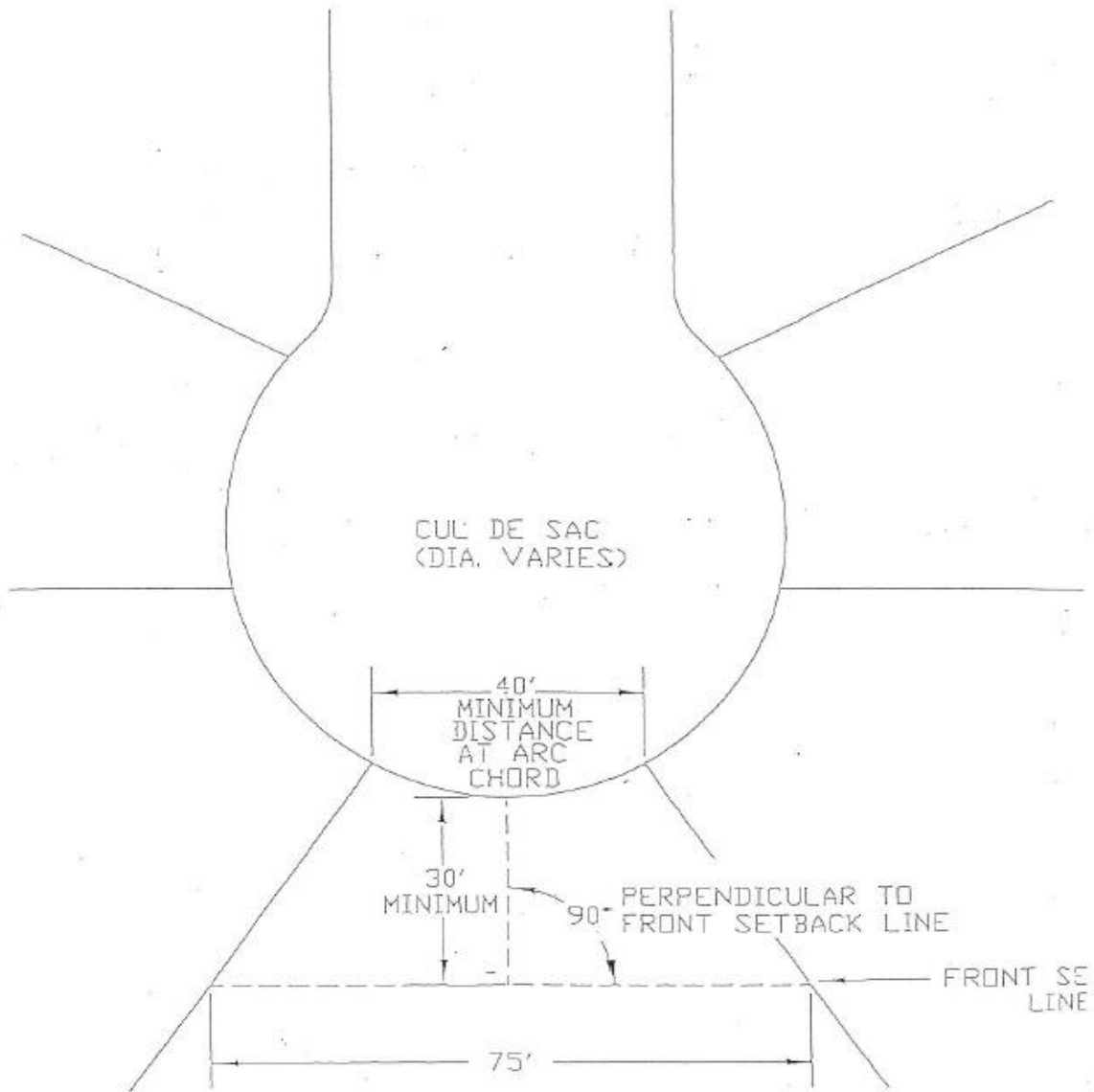
General Notes:

For the geographic area south of Alabama Highway 182, a waterfront lot is defined as having its seaward property line at mean high tide.

When considering maximum lot coverage, impervious surfaces are not included. Only that portion of the lot covered by the footprint(s) of a building(s), as herein defined, is to be considered. When considering beachfront lots, the entire lot, including that portion south of the Construction Control Line (CCL) north to the Mean High Tide Line (MHTL), is to be counted in calculating the lot's size.

Lots are allowed to be developed with frontage on a curve or cul-de-sac in the RS 1 District. Lots fronting on curves or cul-de-sacs must meet the minimum requirements illustrated in Figure 4.01.

**FIGURE 4.01: CUL-DE-SAC LOTS**



#### 4.03 MINIMUM SETBACKS

TABLE 4.0301: MINIMUM SETBACKS						
Zoning District	SETBACK REGULATIONS			CORNER LOT SIDE SETBACKS		
	Front Yard	Rear Yard	Side Yard	Arterial	Collector	Local
RS-1	30'	20'	10'	30'	30'	10'
RS-2	30'	20'	10'	20'	20'	10' (2)
RS-3	30'	20'	10'	20'	20'	10'
RM-1 (rev. 01/03/2023)	30'	30'	10'	30'	30'	10'
RM-2 (rev. 01/03/2023)	30'	30' (1)	10'	30'	30'	10'
MHP	See Article 6					
MHS	See Article 6					
BR-1	30'	30'	10' (1)	30'	30'	10'
BR-2	30'	30'	10' (1)	30'	30'	10'
NB	30'	30'	10'	30'	30'	10'
MR	30'	30'	10'	30'	30'	10'
GB	30'	30'	10' (1)	30'	30'	10'
RO (rev. 05/20/2008)	30'	30'	10' (1)	30'	30'	10'
I-1	40'	40'	20'	30'	30'	20'
AG	30'	20'	10'	30'	30'	10'
GOV	30'	30'	10'	30'	30'	10'
PUD	See Article 7 (rev. 07/03/2007)					

(1) Buildings of fifty (50) feet or less in height require a minimum ten (10) foot side yard setback (on each side) which must be of natural vegetation or landscaped. For every ten (10) feet of building height above fifty (50) feet, an additional two (2) feet shall be added to the setback requirements (on each side), and this setback must be of natural vegetation or landscaped. These side yard setbacks pertain to that area adjacent to the building footprint and do not apply to the entire length of property. **Vehicular use areas are permitted in the side yard setback as long as a five (5) foot landscaped buffer containing hedge materials is provided between the vehicular use area and the adjacent property.**

(2) Any addition to a building must meet these setback requirements.



- (3) Density reduction required for Patio Home, Cluster Home and Zero Lot Line Home (Zero Lot Line: at least one side yard of ten (10) feet).

General Notes: (rev. 03/12/2019)

All other zoning district setbacks for corner lots apply.

A thirty (30) foot setback is required from the rights-of-way Orange Beach Boulevard (Alabama Highway 161), Canal Road (Alabama Highway 180) west of Sampson Avenue, and the Foley Beach Express.

A twenty (20) foot side yard setback is required from the right-of-way of Canal Road (Alabama Highway 180) east of Sampson Avenue.

<b>TABLE 4.0302: MINIMUM SETBACKS IN THE BEACH OVERLAY DISTRICT</b>						
<b>Zoning District</b>	<b>SETBACK REGULATIONS</b>			<b>CORNER LOT SIDE SETBACKS</b>		
	<b>Front Yard</b>	<b>Rear Yard</b>	<b>Side Yard</b>	<b>Arterial</b>	<b>Collector</b>	<b>Local</b>
RS-1-BOD	30'	20'	10'	30'	30'	10'
RS-2-BOD	30'	20'	10'	20'	20'	10'
RS-3-BOD	30'	20'	10'	20'	20'	10'
RM-1-BOD (rev. 01/03/2023)	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
RM-2-BOD (rev. 01/03/2023)	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
MHP-BOD	See Article 6					
MHS=BOD	See Article 6					
BR-1-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
BR-2-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
NB-BOD	25' (1)	30'	10'	30' (5)	30'	10'
GB-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
MR-BOD	25' (1)	30'	20' (2)(3)	30' (5)	30'	20' (2)(3)
RO-BOD (Rev. 05/20/2008)	25'	30'	10'	30' (5)	30'	20'
I-1-BOD	40'	40'	20'	30'	30'	20'
AG-BOD	30'	20'	10'	30'	30'	10'
GOV-BOD	25'	30'	20' (3)	30' (4)(5)	30' (4)	20' (3)
PUD-BOD	See Article 7 (rev. 07/03/2007)					

- (1) For structures greater than fifty (50) feet in height, located on the north side of Alabama Highway 182 and west of Highway 161, the required setback from the State Highway 182 right-of-way shall be equal to two (2) feet per one (1) feet of building height. For structures located on a corner lot or parcel without frontage on State Highway 182, located within the previously defined area, the front yard shall be oriented toward the State Highway 182 right-of-way. This setback requirement is an incremental setback, applied to the structure at the specific given height, the intent being an allowance and incentive for the “stepping in” of the building structure profile.
- (2) The minimum required setback for a single family dwelling or two family duplex shall be ten (10) feet, all other uses shall have a required setback equal to twenty (20) feet.
- (3) For each ten (10) feet of building height over one hundred (100) feet, the required setback shall be increased by two (2) feet. This setback requirement is an incremental setback, applied to the structure at the specific given height, the intent being an allowance and incentive for the “stepping in” of the building structure profile.
- (4) For each ten (10) feet of building height over one hundred fifty (150) feet, the required setback shall be increased by two (2) feet. This setback requirement is an incremental setback, applied to the structure at the specific given height, the intent being an allowance and incentive for the “stepping in” of the building structure profile.
- (5) On corner lots with street frontage on State Highway 182, the front yard shall be adjacent to Highway 182 and the intersecting street frontage shall be considered the corner yard. On those corner lots where there is a clear established pattern of one street having a front yard orientation that is contrary to this requirement, the Planning Commission may allow development to follow this pattern. The Planning Commission, in making this determination, shall consider the original subdivision plat design; existing and proposed structures on both the subject property and adjacent properties, with regard to their orientation toward the street(s); and whether the lot frontage involves unimproved street right-of-way.

General Notes:

The area between the mean high tide and the Coastal Construction Line (CCL) can serve as waterfront property's rear yard setback if the distance between mean high tide and the CCL is equal to or greater than the applicable required rear yard setback.

The minimum separation between residential condominium and hotel building towers, located on the same site, shall be equal to the sum of the applicable side setbacks that are required for each tower. This can be an incremental separation requirement, applied to the structures at the specific given height, the intent being an allowance and incentive for the “stepping in” of the building structure profile.

#### 4.04 MAXIMUM BUILDING HEIGHTS AND DWELLING UNITS PER ACRE

Except as provided for elsewhere in this Ordinance, the following building heights and dwelling units shall apply in the District as listed.

<b>TABLE 4.0401: MAXIMUM BUILDING HEIGHTS AND DWELLING UNITS PER ACRE</b>		
<b>Zoning District</b>	<b>HEIGHT &amp; DENSITY REGULATIONS</b>	
	<b>Maximum Height</b>	<b>Maximum Dwelling Units per Acre (not per lot)</b>
RS-1	40'	Single-Family Dwelling or Two-Family Dwelling
RS-2	40'	Single-Family Dwelling
RS-3	40'	Single-Family Dwelling
RM-1	50' 50'	Single-Family Dwelling or Two-Family Dwelling Multi-Family Dwelling (See Table 4.0404)
RM-2	50' 140' / 14 stories, whichever is less	Single-Family Dwelling or Two-Family Dwelling Multi-Family Dwelling (See Table 4.0404)
NB	50' 30'	Single-Family Dwelling or Two-Family Dwelling Business
MR	50' 50' 50' 50'	Single-Family Dwelling or Two-Family Dwelling Business Multi-Family Dwelling (See Table 4.0404) Hotel (See Table 4.0404)
GB (rev. 01/07/2020)	50' 140' / 14 stories, whichever is less 140' / 14 stories, whichever is less 140' / 14 stories, whichever is less	Single-Family Dwelling to Two-Family Dwelling Multi-Family Dwelling (See Table 4.0404)  Hotel (See Table 4.0404)  Business
RO (rev. 05/20/2008)	50'	Business
I-1	No Limit	Not Applicable
AG	50' 50'	Single-Family Dwelling or Two-Family Dwelling Business
GOV	140' / 14 stories, whichever is less	Not Applicable
MHP	35'	All Allowable Uses – See Article 6
MHS	35'	All Allowable Uses – See Article 6

<b>TABLE 4.0402: MAXIMUM BUILDING HEIGHTS AND DWELLING UNITS PER ACRE IN THE RESTRICTED HEIGHT OVERLAY DISTRICT <sup>(1)</sup></b>		
<b>Zoning District</b>	<b>HEIGHT &amp; DENSITY REGULATIONS</b>	
	<b>Maximum Height</b>	<b>Maximum Dwelling Units per Acre (not per lot)</b>
RS-1-ROD	40'	Single-Family Dwelling or Two-Family Dwelling <sup>(2)</sup>
RS-2-ROD	40'	Single-Family Dwelling
RS-3-ROD	40'	Single-Family Dwelling
RM-1-ROD	50' (Residential)	See Table 4.0404
RM-2-ROD	50' (Residential)	See Table 4.0404
NB-ROD	50' 30'	Single-Family Dwelling or Two-Family Dwelling Business
MR-ROD	50' (All Uses)	See Table 4.0404
GB-ROD	50' (All Uses)	See Table 4.0404
RO-ROD	50'	Business (rev. 05/20/2008)
I-1-ROD	50' (All Uses)	Not Applicable
AG-ROD	50' 50'	Single-Family Dwelling or Two-Family Dwelling Business
GOV-ROD	50' (All Uses)	Not Applicable
MHP-ROD	35' (All Uses)	See Article 6
MHS-ROD	35' (All Uses)	See Article 6
PUD	See Article 7 (rev. 07/03/2007)	

- (1) Except as otherwise provided in Section 4.0401, buildings and structures located in the zoning districts lying within the Restricted Height Overlay District shall not exceed the following requirements. (See definition of Restricted Height Overlay District in Article 3).
- (2) When permitted as a conditional use.

<b>TABLE 4.0403: MAXIMUM BUILDING HEIGHTS AND DWELLING UNITS PER ACRE IN THE BEACH OVERLAY DISTRICT <sup>(1)</sup></b>		
<b>Zoning District</b>	<b>HEIGHT &amp; DENSITY REGULATIONS</b>	
	<b>Maximum Height</b>	<b>Maximum Dwelling Units per Acre (not per lot)</b>
RS-1-BOD	50'	Single-Family Dwelling or Two-Family Dwelling
RS-2-BOD	50'	Single-Family Dwelling
RS-3-BOD	50'	Single-Family Dwelling
RM-1-BOD	50' 8 stories <sup>(2)(3)</sup>	Single-Family Dwelling or Two-Family Dwelling See Table 4.0404
RM-2-BOD	50' 20 stories <sup>(3)(4)</sup>	Single-Family Dwelling or Two-Family Dwelling See Table 4.0404
BR-1-BOD	50' 8 stories <sup>(2)(4)</sup> 8 stories <sup>(2)(4)</sup>	Single-Family Dwelling or Two-Family Dwelling Multi-Family Dwelling – See Table 4.0404 Hotel – See Table 4.0404
BR-2-BOD	50' 20 stories <sup>(3)(4)</sup> 20 stories <sup>(3)(4)</sup>	Single-Family Dwelling or Two-Family Dwelling Multi-Family Dwelling – See Table 4.0404 Hotel – See Table 4.0404
NB-BOD	50' 50'	Single-Family Dwelling or Two-Family Dwelling Business
MR-BOD	50' 50' 8 stories <sup>(2)(4)</sup> 8 stories <sup>(2)(4)</sup>	Single-Family Dwelling or Two-Family Dwelling Business Multi-Family Dwelling – See Table 4.0404 Hotel – See Table 4.0404
GB-BOD <i>(rev. 01/07/2020)</i>	50' 20 stories <sup>(3)(4)</sup> 20 stories <sup>(3)(4)</sup> 20 stories <sup>(3)(4)</sup>	Single-Family Dwelling or Two-Family Dwelling Business Multi-Family Dwelling – See Table 4.0404 Hotel – See Table 4.0404
RO-BOD	50'	Business <i>(rev. 05/20/2008)</i>
GOV-BOD	20 stories <sup>(3)(4)</sup>	Not Applicable
MHP-BOD	35'	All Allowable Uses – See Article 6
MHS-BOD	35'	All Allowable Uses – See Article 6

- (1) With the exception of the area lying north of State Highway 182, south of Cotton Bayou, east of State Highway 161 and west of Perdido Pass, buildings and structures located in the zoning districts lying within the Beach Overlay District shall not exceed the following requirements.
- (2) Excluding up to three (3) stories of parking structure to be located entirely or partially under the building. Accessory uses as allowed by zoning district, proposed within the first three (3) stories of the parking structure, shall not exceed twenty-five percent (25%) of the total gross parking area of the parking structure located within the primary structure footprint. Otherwise, the exclusion of the parking structure from the maximum number of stories shall not apply. Parking structure floors containing residential units shall be included in and applied to the maximum allowable number of stories of the overall building structure.
- (3) Excluding up to five (5) stories of parking structure to be located entirely or partially under the building. Accessory uses as allowed by zoning district, proposed within the first five (5) stories of the parking structure, shall not exceed twenty-five percent (25%) of the total gross parking area of the parking structure

located within the primary structure footprint. Otherwise, the exclusion of the parking structure from the maximum number of stories shall not apply. Parking structure floors containing residential units shall be included in and applied to the maximum allowable number of stories of the overall building structure.

- (4) Buildings and structures within the area lying north of Highway 182, south of Cotton Bayou, east of Highway 161 and west of Perdido Pass, shall not exceed a maximum allowable height of fifty (50) feet.

**4.0401 Density**

- a. For residential condominium and hotel uses located along the beach front, a developer may propose to transfer to the City, a fifteen (15) foot (minimum) public beach access and receive an additional story above the maximum otherwise allowable. The Planning Commission shall determine whether such transfer is beneficial to the public interest along with the types of improvements to be provided. The improvements may include, but not be limited to, an eight (8) foot wide sidewalk, restroom facilities, bike racks, park benches, trash receptacles, drinking fountain and a boardwalk approved by the Alabama Department of Environmental Management (ADEM). The City may, but shall not be required to accept such public spaces and improvements. Any such transfer, at a minimum, shall be:
1. Fully accessible to the public;
  2. At no cost of acquisition; and
  3. By Deed of Conveyance and a Title Certificate or, at the request of the Director of Community Development, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the State of Alabama, assuring unencumbered title for all lands proposed to be conveyed to the City.
- b. For the purpose of density calculations, a lodging room with a gross floor area of six hundred (600) square feet or less shall be considered as equivalent as one-half (0.50) of a dwelling unit. (rev. 02/17/2009)

<b>TABLE 4.0404: DENSITY</b>	
<b>Building Height</b>	<b>Maximum Number of Dwelling Units per Acre</b>
1 and 2 stories	16
3 stories	21
4 stories	28
5 stories	35
6 stories or more	42

**4.05 BUFFERING BETWEEN USES** (rev. 06/08/2021)

**4.0501 Intent**

To provide transitions between incompatible land uses and to protect the integrity of the less-intrusive uses from more intensive uses, buffering and screening will be required. The purposes of the buffering and screening are to provide a year-round visual obstruction and to provide transition between incompatible land uses by requiring fencing and landscaping of a minimum specified depth along the shared lot line.

#### 4.0502 Definitions

For the purposes of this Section, the terms here defined shall have the following meanings.

**Buffer.** A horizontal distance or width from a property boundary containing materials used to provide sight and sound screening from adjoining properties and rights-of-way. The required horizontal distance or width is set forth in Section 4.0503, a. and may only be occupied by screening, drainage areas, utilities, and landscaping materials. Mechanical equipment, heating, venting, and air conditioning units, outdoor storage areas, and parking and vehicular use areas shall not be located within the required horizontal distance or width.

**Fence.** An artificial barrier constructed of substantial and durable material erected to enclose or screen areas of land and constructed to be opaque to prevent viewing from one side to the other.

**Wall.** A vertical structure with a minimum thickness of four (4) inches constructed of brick, concrete, masonry, stone, or similar type materials designed to enclose or screen areas of land and constructed to prevent the viewing of contents from one side to the other. Wall shall be constructed with a continuous footer.

#### 4.0503 Buffering Requirements

##### a. Required Buffer Width

To determine the width of the buffer required between a proposed development and adjoining properties, the following procedure shall be followed:

1. Identify the land use impact category of the proposed use by referring to Table 4.0501.
2. Identify the land use impact category of the land use(s) adjoining the proposed use by onsite survey and referring to Table 4.0501.
3. Determine the buffer width required on each boundary (or segment thereof) of the subject property by referring to Table 4.0502.

TABLE 4.0501: LAND USE IMPACT CATEGORIES	
IMPACT CATEGORY	USES
Low Impact	One (1) and two (2) family dwellings, home occupations, vacant RS-zoned lands, agricultural use, park, golf course, golf driving range, timber growing, and temporary uses.
Medium Impact	Bed and breakfast, church, college, college sorority/fraternity house, institution for children/aged, riding academy, school.
High Impact	All other uses.

<b>TABLE 4.0502: BUFFER WIDTH REQUIRED BETWEEN LAND USES</b>			
<b>PROPOSED USE</b>	<b>ADJOINING USE</b>		
	<b>Low Impact</b>	<b>Medium Impact</b>	<b>High Impact</b>
<b>Low Impact</b>	0'	0'	0'
<b>Medium Impact</b>	20'	0'	0'
<b>High Impact</b>	30'	20'	0'

**b. Right-of-Way Buffering**

Properties with high and medium impact uses that abut a right-of-way and are located across from low impact uses shall be buffered as follows: (rev. 01/05/2010)

1. The property boundary along the front or main entrance of the building shall be landscaped according to the requirements of Article 16, Tree Protection and Landscaping, of this Ordinance.
2. The property boundaries along the side or rear property lines where parking areas and/or buildings are located shall be buffered with a six (6) foot high fence or wall with hedge materials on the exterior side in compliance with Article 16.04, B. 1. a. (1) of this Ordinance or a landscape buffer as provided in Section 4.0504, b. of this Ordinance. This buffer does not apply to point of ingress and egress of driveways or pedestrian access ways.

**4.0504 Screening Requirements**

A fence and landscaping are required in the buffer width as described in Table 4.0502.

**a. Fence**

A fence is required along the property boundary in the required buffer width. The fence shall be constructed as described in Section 4.0502 and shall have a minimum height of eight (8) feet.

**b. Landscaping**

Landscaping shall be planted with materials of sufficient density and sufficient height. The height of the landscaping shall not be less than eight (8) feet at the time of planting and at all subsequent times to afford provide protection to the more restrictive land use from the glare of lights, blowing paper, dust and debris, visual encroachment, and to effectively reduce the transmission of noise. The landscaping shall be maintained in a clean and neat condition and in such a manner as to accomplish its purpose continuously.

**4.0505 Reduction in Buffer Width**

A proposed high or medium impact use may reduce the required buffer width as described in Table 4.0502 by fifty percent (50%) by providing a wall and landscaping as follows:



**a. Wall**

A wall shall be required along the property boundary in the buffer width. The wall shall be constructed as described in Section 4.0502 and shall have a minimum height of eight (8) feet.

**b. Landscaping**

Landscaping shall be planted and maintained in accordance to Section 4.0504, b.

**4.0506 Responsibility for Maintenance**

Responsibility for maintenance and good repair of the required buffer width, including any fence, wall, or landscaping shall be borne by the property owners. The Zoning Official may require, at any time, the construction of an authorized wall or fence, if for any reason the required buffer width fails to provide the protection mandated herein. The risk that the required buffer width does not, or will not, provide such protection shall be the responsibility of the real property owners, present or future.

**4.0507 Construction of More Restrictive Uses in Less Restrictive Use Zones**

If a property owner desires to construct more restrictive uses in a less restrictive zone (e.g., single family dwellings in General Business District), the property owner must provide a buffer and screening between the more restrictive use and the less restrictive use as if the uses were in two (2) adjoining zoning districts.

**4.06 ALABAMA HIGHWAY 180 FRONTAGE ROADWAY REQUIREMENT**

Developers of property adjacent to and bordering Alabama Highway 180 from the intersection of Highway 161 and Highway 180 west to the Orange Beach city limits on the north and south sides of Highway 180 shall construct a twenty (20) foot wide frontage roadway in the center of a forty (40) foot wide right of way contiguous to the highway rights of way; this forty (40) foot wide right of way shall be dedicated to the Municipality after the roadway construction. This frontage roadway shall have limited access to the Alabama highway. All developments on Highway 180 west of Highway 161, with the exception of the entire south side of Highway 180 and the area on the north side of Highway 180 from Highway 161 west to Oak Street and west of Public Works Road to the west city limit line and single family dwellings, shall be required to provide a frontage road, or provide a bond for the construction of such roadway in the future.

**4.07 MAXIMUM AND MINIMUM PRINCIPAL BUILDING SIZE** (rev. 08/02/2011)

**4.0701 Purpose**

To insure quality development in Orange Beach, no building shall be built hereafter for residential, commercial or industrial purposes unless it meets the floor area requirements specified in Section 4.07.

#### **4.0702 Minimum Floor Area for Commercial and Industrial Buildings**

The minimum size of commercial and industrial buildings in all zoning districts shall not be less than one thousand (1,000) square feet of enclosed heated floor space. This shall also include restrooms.

#### **4.0703 Maximum Floor Area for Commercial and Industrial Buildings**

The maximum size of commercial and industrial buildings in all zoning districts shall not exceed sixty thousand (60,000) square feet of enclosed and heated floor space and shall include restrooms except within the area north of State Highway 180 (Canal Road) to the northern city limits and west of State Highway 161 (Orange Beach Blvd.) and south of State Highway 180 (Canal Road) to Marina Road extended west to the Orange Beach city limits.

#### **4.0704 Interpretation of Gross Living Area**

Gross living area is defined as the portion of the residential dwelling which has ceiling, walls and floors finished in a manner which is clearly intended for human occupancy, insulated and heated and cooled, and conforming to state and national building codes for residential occupancy.

Gross living area shall not include screened porches, verandahs, garages, patios, breezeways and terraces, basements, closets not opening to the interior of the dwelling, and rooms intended for heating and mechanical equipment.

Gross living area shall be computed by using the outside of the exterior walls (those exposed to the weather) that enclose the living area.

#### **4.0705 Minimum Gross Living Area for Single-Family Dwellings**

Single-Family Dwellings located on lots with minimum lot widths less than seventy-five (75) feet shall contain a minimum of eight hundred seventy-five (875) square feet of gross living area.

Single-Family Dwellings located on lots with minimum lot widths seventy-five (75) feet or more shall contain a minimum of one thousand twenty-five (1,025) square feet of gross living area.

#### **4.0706 Minimum Gross Living Area for Two-Family Dwellings**

Two-Family Dwellings or Duplexes shall contain a minimum of eight hundred seventy-five (875) square feet of gross living area for each unit within the structure.

#### **4.0707 Minimum Gross Living Area for Multi-Family Structures**

Any building containing three (3) units or more shall be considered a multi-family structure and each unit within the structure shall contain a minimum of five hundred (500) square feet of gross living area.

#### **4.0708 Minimum Room Size for Lodging Rooms within Hotels and Motels**

A hotel or motel is any establishment where sleeping or sleeping and eating accommodations are advertised or held out to be available to transients, whether such establishment be known as a hotel, apartment hotel, inn, tavern, club, resort, tourist home, tourist court, motel, court, motel court, motor lodge or by other like term and regardless of the number of lodging rooms, suites, or cabins available, but this term shall not be construed to include apartments, clubs, trailer courts, boarding houses, rooming houses or portions thereof where single night accommodations are not advertised or held out to be advertised.

Each lodging room within a hotel or motel shall have a minimum room size of three hundred (300) square feet including bath, closets, etc.