

ZONING ORDINANCE DAUPHIN ISLAND, ALABAMA

Prepared by:
South Alabama Regional Planning Commission
In Cooperation With
The Town Planning Commission
And
Town Council



DATE OF ADOPTION
November 18, 2014

ORDINANCE # 96
Amendments through June 2015

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ZONING ORDINANCE
TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 96

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE TOWN OF DAUPHIN ISLAND, ALABAMA; PROVIDING FOR DEFINITIONS, FOR DISTRICTS, A ZONING MAP FOR USE AND LOCATION OF LAND AND BUILDING FOR RESIDENCE, TRADE, INDUSTRY OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE SIZE OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, THE SIZE AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; PROVIDING FOR ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING AREA AND EXCEPTION SUPPLEMENTS; PROVIDING FOR OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR SIGN REGULATIONS; PROVIDING FOR LANDSCAPING AND REGULATION OF FENCES; PROVIDING FOR NONCONFORMING USES AND BUILDINGS; PROVIDING FOR ADMINISTRATION, AND ENFORCEMENT.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAUPHIN ISLAND, ALABAMA, WHILE IN REGULAR SESSION AT THE TOWN HALL OF DAUPHIN ISLAND ON NOVEMBER 18, 2014 AS FOLLOWS:

ARTICLE 1
AUTHORITY AND ENACTMENT

The Town Council of the Town of Dauphin Island, Alabama in pursuance of the authority granted by Title 11, Chapter 52, Article 4, Sections 70-84 inclusive, Code of Alabama, 1975 and 1979 cumulative supplements hereby ordains and enacts into law the following Articles:

ARTICLE 2
SHORT TITLE AND JURISDICTION

This Ordinance shall be known as and may be cited as “Zoning Ordinance of the Town of Dauphin Island, Alabama.” The area subject to this Ordinance shall be that incorporated portion of Dauphin Island under the jurisdiction of the Mayor and Town Council.

ARTICLE 3
PURPOSE AND INTENT

The Zoning Regulations and Districts as set forth are made in accordance with a comprehensive plan for the purposes of guiding development to meet existing and future needs and to:
Achieve the highest quality of life on Dauphin Island, consistent with sound land development, economic, social, and environmental conditions;

Provide for guiding and accomplishing coordinated, adjusted and harmonious development of that portion of the barrier island under the jurisdiction of the Town of Dauphin Island.

Protect, promote and improve public health, safety, comfort, order, appearance, convenience and the general welfare of present and future inhabitants of and visitors to Dauphin Island;

Recognize the unique and distinguishing characteristics of Dauphin Island as a barrier island buffer, protecting unincorporated mainland areas of Mobile County from the hazardous and damaging effects of hurricanes and storm surges;

Divide the town into Districts of such number, shape and size as may be deemed by the Town Council to be best suited to carry out the purpose of this Ordinance;

Regulate, determine and establish within these Districts:

Use of land and buildings for residential, commerce, trade, and other purposes;

Height, number of stories, size, bulk, location, construction, repair, reconstruction and alterations of buildings;

Size of yards, courts, and other open spaces;

Density of population;

Conditions under which various classes of nonconforming use of land and buildings may continue, and reasonable schedule for altering or eliminating nonconforming uses of land or buildings;

Minimum floor area of structures and types and sizes of structures in those areas subject to seasonal or periodic floods, so that danger to life and property in such areas will be minimized; and,

All regulations shall be uniform throughout each Zoning District, but the regulations in one District may differ from those in other Districts. To the end that incompatible uses are minimized or eliminated, uses permitted in one District may be prohibited in other Districts.

Regulations and District boundaries shall be made with reasonable consideration of the character of the Districts and their special suitability for particular uses, with a view to conserving property values and encouraging the most appropriate use of land.

ARTICLE 4
DEFINITION OF TERMS

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure”. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or buildings shall be construed to include the words “intended, arranged, or designed to be used or occupied.” The words “zoning map” mean the Official Zoning District Map of the municipality of Dauphin Island, Alabama. Any word not herein defined shall be defined by the definition set forth in “A Glossary of Zoning, Development, and Planning Terms” published by the American Planning Association, Report Number 491/492, or its successor, which is hereby made a part of this Ordinance. 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 Building. See Building, Accessory.

Accessory Dwelling Unit. See Dwelling, Accessory Dwelling Unit.

Accessory Structure. See Structure, Accessory.

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

Alley. A public right-of-way, 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 or 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.

Association. This term shall mean the Dauphin Island Property Owners Association, its successors and assigns.

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

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

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

Bar. An establishment in which alcoholic beverages are served, primarily by the drink, and where food may also be served.

Beach. A sandy shoreline area characterized by low relief, generally of gentle slope, and some vegetation. The beach extends from the waterline to a change in physiographic form such as a dune or bluff, a change in sediment type, such as clay from sand, and/or a change in vegetation type. Gulf Beaches are those sand beaches of the mainland and islands in Alabama which are subject to the direct wave action of the Gulf of Mexico.

Beach Shelter. An accessory structure, temporary or permanent, consisting of one or more columns and a roof and not including walls or permanent facilities of any type. Placement of a beach shelter shall be subject to the regulations of the Coastal Area Management Program.

Bed and Breakfast. A private owner-occupied, or proprietor occupied residence providing accommodations to the public, for a charge, and with no more than four (4) guest rooms for rent. Breakfast may be provided to the guests only.

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

Board. The Board of Adjustment is a board authorized to perform certain duties.

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

Boat. Any motorized or non-motorized vessel, used for, intended to be used for, or capable of moving across a body of water. Non-motorized personal watercraft under twenty (20) feet in length, such as kayaks, paddle boards, and canoes, shall not be considered a boat.

Boat Dock. See Pier.

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

Boat Lift. A structure, usually with mechanical operation, designed to lift a vessel out of the water.

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.

Building. Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

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

Building, Alterations of. Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any additions to a building; any changes in use resulting from moving a building from one location to another.

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

Building Footprint. See Footprint.

Building Height. The vertical distance measured from the average existing grade to the highest point of the structure.

Building Official. Individual appointed by the municipality to carry out inspection required by the Southern Standard Building Code.

Building Line. See Setback Line.

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.

Campground. A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

Camping Unit. Any tent, trailer, camper, recreational vehicle, lean-to or similar structures established or maintained and operated in a campground.

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 premise conforms to 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 additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

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

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

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.

Clinic, Veterinary. A place used for the care, diagnosis and treatment of sick, ailing, animals, or animals in need of medical or surgical attention, or grooming, but not including overnight boarding.

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, nightclubs, or other institutions operated for a profit.

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.

Common Open Space. See Open Space, Common.

Condominium. Condominium is a building or group of buildings, in which dwelling units, offices, or floor area is owned individually, and the structure and common areas are owned by all the owners on a proportional, undivided basis. All of the lands (includes lands underneath each unit), roofs, exterior steps, exterior wall/structure, plumbing (outside an interior wall), electrical (outside an interior wall), other utilities (outside an interior wall), and other improvements outside the building structure are owned jointly by all unit owners on a proportional, undivided basis. *Comment:* By definition, a condominium has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common

elements include the land underneath and surrounding the building, certain improvements on the land and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

Construction Control Line (CCL). The line seaward of which construction or excavation is prohibited by Administrative Rules of the Alabama Department of Environmental Management. See Article 7.

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.

County. Mobile County, Alabama.

Day Care Center. A place for the day care and instruction of young or elderly persons but not including overnight care.

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.

Density, Gross. The number of dwelling units per acre of the total land to be developed.

Density, Maximum. The density allowable in a given zoning District not limited by other applicable requirements of this Ordinance.

Developed Lot. See Lot, Developed.

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

Dock. See Pier.

Dormitory. A building used as group living quarters associated with an institutional use.

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.

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.

Drive-In Use. An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

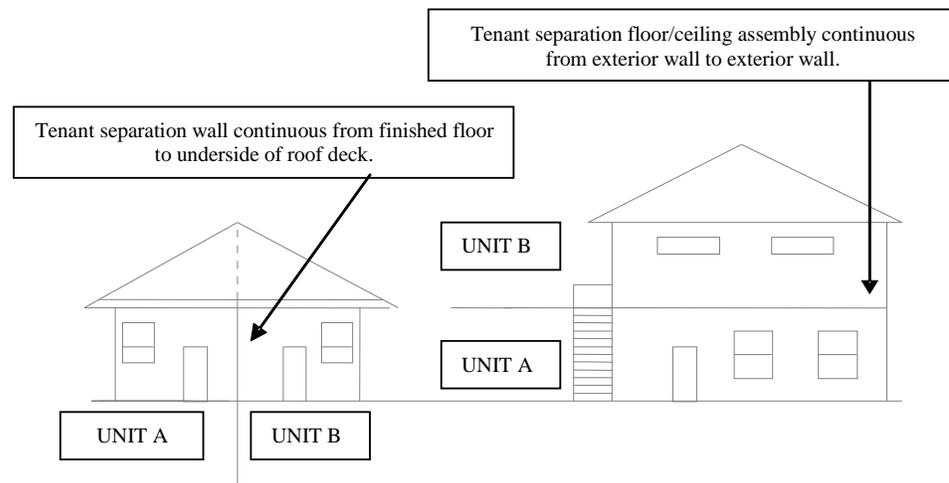
Dune Walkover. An elevated walkway or boardwalk constructed over a sand dune to allow pedestrian access without causing damage to the dune itself.

Duplex. See Dwelling Unit, Two Family.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, hotels, motels, inns, boarding and lodging houses, tents, tourist courts, tourist homes, hospitals or nursing homes.

Dwelling Unit. A room or group of rooms including a kitchen and sanitary facilities designed and used exclusively or occupied as separate living quarters.

- a. Single Family: A detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities.
- b. Two Family: A residential building designed for, or used as, the separate home or residence of two separate and distinct families, having the exterior appearance of a single family dwelling house under one roof and on one foundation separated from the other by an un-pierced wall extending from the top of the finished floor to the underside of the roof deck, or an un-pierced ceiling and floor extending from exterior wall to exterior wall. Each individual unit in the Two Family residence shall have provisions for living, sleeping, eating, cooking and sanitation accessible from within the unit and each individual unit is to be occupied exclusively by one family.



- c. Multi-family: A residence building designed for, or used as, the separate homes or residence of three or more separate and distinct families, having the exterior appearance of a single building under one roof and on one foundation separated from the others by an un-pierced wall extending from the top of the bottommost

finished floor to the underside of the roof deck, or an unpierced ceiling and floor extending from exterior wall to exterior wall. Each individual unit in the multifamily structure shall have provisions for living, sleeping, eating, cooking and sanitation accessible from within the unit and each individual unit is to be occupied exclusively by one family.

- d. Accessory Dwelling Unit: An additional dwelling unit located above an accessory building, such as a garage, subordinate to the principal dwelling unit on a lot.

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.

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 County; but not including building housing employees, or public safety facilities such as fire and/or police stations.

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

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

Façade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Family. One or more persons occupying a single dwelling unit and using common cooking facilities, provided that unless all persons are related by blood, adoption, marriage, or guardianship, no such family shall contain more than five (5) persons.

Filling Station. See Service Station.

Finished Grade. The final grade of the site that conforms to the approved plans. Does not include fill for aesthetics, landscaping, or other raised areas above the lowest floor of the structure.

Fixed Dwelling. A dwelling unit (or structure containing several units) attached to a permanent foundation. This definition does not include mobile homes, modular or manufactured housing units.

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. (See Enclosed Dwelling Area)

Food Processing. An establishment in which food (including seafood) is processed or otherwise prepared for eventual human consumption but is not consumed on the premises.

Footprint. The horizontal area as seen in a plan, measured from outside of all exterior walls and supporting columns of a structure.

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

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

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

Garage, Repair. See Automobile Repair.

Gas Station. See Service Station.

Green Space. Green space, green area, greenbelt or greenway is an open conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or conservation of open spaces or natural features such as creeks, wetlands, swamps, forested areas, undeveloped alleys, sand dunes, fresh and salt water marshes, all properties zoned Conservation Park, beaches and wildlife habitat. Conservation-Park Zoning in The Town's Comprehensive Plan is considered Green Space.

Habitable Rooms. All living spaces within a dwelling unit (house, apartment, townhouse, condominium, mobile home) arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used, in the opinion of the governing body, as a room for the carrying on of general family activities 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 conducted entirely within a dwelling and carried on solely by the inhabitant thereof. The home occupation shall be incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof. A business license granted by the Dauphin Island Planning Commission is required for any home occupation.

Hotel or Motel. A building or structure under a common or multiple ownership interest and single management which is designed, used or held out to the public to be place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than five (5) individual guest rooms, maintain an inner lobby, and furnish services such as room cleaning, linen supply, telephone, and furnishings.

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

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 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 pawnshops 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. A business license granted by the Dauphin Island Planning Commission is required for any junk yard.

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

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

Licensee. Any person licensed to operate and maintain a mobile home park under the provisions of this Ordinance.

Livable Floor. This term shall mean a separate and distinct level of a dwelling unit which is permanently enclosed and capable of being lived in or occupied.

Lodging House. See Boarding House.

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

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, Developed. A lot that has an established primary use and/or contains buildings or structures.

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

Lot, Undeveloped. A lot that exists in its natural state and has had no buildings or structures erected, and no use established.

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 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 lines 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 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.

Lowest Floor. The lowest heated and cooled, habitable area of a building.

Maintenance and Storage Facilities. Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

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. For the purpose of this Ordinance, a manufactured home (housing) is the same as a mobile home.

Manufacturing, Light. Manufacturing or industrial operations which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zone District boundaries in which such operations are located.

Marina. A commercially operated waterfront place for docking, storing, berthing, or securing more than four (4) boats and which may or may not include accessory purposes such as refueling, launching and repairing.

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.

Mixed Use Building. A building that contains at least one area devoted to commercial use and one area devoted to residential use.

Mobile Home. A movable or portable structure over thirty-two (32) feet in length and/or eight feet or more in width, constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living. It can consist of one or more units that can be telescoped when towed and expanded later for additional capacity or of two or more units, separately towable but designed to be jointed into one integral unit. The use of such a structure for purposes other than residential shall not affect its definition as a “Mobile Home” under the terms of this Ordinance.

Mobile Home Park. A residential development on a parcel of land in one ownership providing rental spaces for two (2) or more mobile homes on a long-term basis, i.e. more than 180 days and may have recreation and service facilities for the tenants.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or travel trailer.

Modular Home. A factory built home (housing) having the same definition as a manufactured home.

Motel, Motor Hotel. See Hotel.

Multi-Family Dwelling. See Dwelling Unit, Multi-family.

Neighborhood Business. Commercial uses providing convenience goods and services for residents of the surrounding area.

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 use which does not conform with the regulations of the District in which it is located.

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.

Open Space. Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use of enjoyment or for the use and enjoyment of owners, occupants and their guests. *Comment:* Open space may include active recreational facilities, such as swimming pools, playground equipment, ball fields, courts, and picnic tables. The improved recreation facilities would be only a small part of the overall open space. The open space might also include incidental parking and access roads.

Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Usable. Shall mean an exterior area of at least fifteen (15) square feet unencumbered by any permanent structure, parking lot or vehicular access way.

Outdoor Advertising Sign. Sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. This definition includes billboard.

Parcel. See Lot.

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surface driveway which affords ingress and egress for an automobile without requiring

another automobile to be moved. For single and two-family (Two Family residence) dwellings, an all-weather surfaced area is not required; off-street parking spaces can be located on a driveway.

Permit. Any written authorization by a duly appointed Municipal Representative for an individual, firm, trust, partnership, association or corporation to undertake activities related to subdivisions, zoning, land use, building or the coastal areas of the Municipality.

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.

Pier. Any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to the water, such as wharves, docks, floats, and dry docks.

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

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

Portable Building. A building, which is not, a dwelling unit and which has dimensions and weight permitting transport by motor vehicle. It is typically used as a temporary structure.

Prefabricated Home. To fabricate parts of a dwelling at a factory so that construction consists mainly of assembling and uniting standardized sections (parts) on-site.

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

Pub. See Bar.

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 (RV). A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles include, but are not limited, to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park (RV Park). Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles (not tents) for a fee as temporary living quarters for recreation or vacation purposes.

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

Restaurant. An establishment where food and drink are prepared, served, and consumed, and where the majority of sales are from food, not alcoholic beverages.

Restrictive Covenants. Private regulations recorded with the subdivision, 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 sharp 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 area, viaducts, and bridges.

Rooming House. See Boarding House.

RV. See Recreational Vehicle.

RV Park. See Recreational Vehicle Park.

Sand Fence. A type of fence used to force windblown, drifting sand to accumulate in a desired place.

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

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

Service Station. A building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, or where battery, tires, or other repair services, except body work or painting are rendered.

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 buildings, 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.

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

Single Family Dwelling. See Dwelling Unit, Single Family.

Special Exception. A land use permitted that is not similar in nature to the uses permitted in the District but that is desired in the community and for which a suitable District is not available. Such use may be permitted in the most nearly appropriate District where a location is available, upon appeal to and approval by the Board of Adjustment, which may set forth special conditions under which the use may be allowed.

Stack Parking – Double. Parking shall be allowed on both sides of a two-way driveway.

Stack Parking – Single. Parking shall be allowed on one side only of a two-way driveway.

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 accessible by fixed stairs, but excluding areas underneath buildings used exclusively for storage or parking purposes.

Street. A facility, either public or private and either deeded or easement, which affords access to abutting property, and includes the entire area between street lines (right-of-way lines). A street, which is not an alley, which provides primary access to abutting property and is intended for general traffic circulation.

Structural Alterations. Any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams, or girders or the rearrangement of any interior partitions affecting more than five (5) percent of the floor area of the Building.

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, signs, walls, fences, screened enclosures, gas or liquid storage tanks, piers, wharves, bulkheads, seawalls, boat docks, boat lifts or other objects. This definition does not include sand fences or dune walkovers constructed for the purpose of dune protection or enhancement.

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

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.

Subdivision. The division or re-division of a parcel of land into two or more parcels.

Tourist Home. See Bed and Breakfast.

Townhouse. 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.

Traditional Neighborhood. A compact, mixed use neighborhood where residential, commercial, and civic buildings are in close proximity to each other.

Two Family Dwelling. See Dwelling Unit, Two Family

Undeveloped Lot. See Lot, Undeveloped.

Use. Any human or corporate activity or result therefrom. 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 variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance a variance may be authorized only for height, area, size of structure, size of yards and open spaces, off-street parking and loading requirements, or height of fencing or buffering. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning District or uses in an adjoining zoning District or for a monetary hardship.

Veterinary Clinic. See Clinic, Veterinary.

Walk-Up Establishment. An establishment that by design of its physical facilities, service, or packaging encourages or permits pedestrians to receive a service or obtain a product without entering the establishment.

Waterside Loading/Docking Area. An area adjacent to a body of water, with or without a dock, wharf, pier or similar structure, used for the loading and/or unloading of cargo, products, or materials from boats and/or the securing of boats.

Waterway. Any body of water, including any creek, canal, channel, river, lagoon, lake, bay or gulf, natural, or artificial except a swimming pool or ornamental pool located on a single lot.

Wetlands. Means those areas that are inundated or saturated by surface or ground water (salt and fresh) at a frequency and duration sufficient to support, and/or under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wharf. See Pier.

Wholesale Establishment. Business establishments that generally sell commodities in large quantities or by the pound 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 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 with the 911 emergency response designated address.

b. Yard, Gulf side. A yard on any lot across the full width of the lot extending from the coastal construction setback line established by the Town of Dauphin Island or the Alabama Department of Environmental Management seaward to the water.

c. 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 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.

d. Yard, Side. An open, unoccupied space on the same lot with a main building, situated between the side line of the same 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 perpendicular to the street with the 911 emergency response designated address.

e. Yard, Waterside. A yard abutting any body of water other than the Gulf of Mexico and which may be either a rear yard, or side yard depending upon the orientation of the principal building on the lot.

f. Yard, Minimum. That yard space that must remain when the property is developed to the fullest extent allowable under applicable ordinances and codes.

Zoning District. A section of the Town designated in this Ordinance and delineated on the zoning map wherein all requirements for use of land and building and development standards must be uniform.

ARTICLE 5
DISTRICTS, BOUNDARIES, AND GENERAL PROVISIONS

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

The boundaries of the zoning Districts are shown on the Map adopted by this Ordinance or amendments thereto and the regulations of this Ordinance, govern the use of land and buildings, the heights and bulk of buildings, size of yards and other open spaces and other features as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries of the Districts shown upon the Official Zoning Map.

Where uncertainty exists as to the boundaries shown on the Map, the following rules shall apply:

1. Where District boundaries are indicated as approximately following street centerlines or lot lines, such lines shall be construed to be boundaries.
2. The boundaries of the zoning Districts are shown on the Map adopted by this Ordinance or amendments thereto and the regulations of this Ordinance govern the use of land and buildings, the heights and bulk of buildings, size of yards, open spaces and features as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries of the Districts shown upon the Official Zoning Map.
3. Where a street or alley is officially vacated or abandoned, the classification of the abutting parcel shall apply to that portion of the street or alley added to such parcel.
4. In cases of the uncertainty of the District boundary, the Building Inspector shall interpret the Zoning Map. Any decisions may be appealed to the Zoning Board of Adjustment.
5. If any property is not shown as being in a zoning District because of error or omission, the classification of such property shall be R-1, Single Family Residential until zoned by an amendment to this Ordinance.

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SECTION 1 DISTRICT NOMENCLATURE

To achieve the purposes of this Ordinance, the Town of Dauphin Island is hereby divided into the following zoning Districts:

<u>SYMBOL</u>	<u>DISTRICT</u>
R-1	Single Family Residential
R-2	Two Family (Two Family residence) Residential
RM-1	Multi-Family Residential (3-4 units per structure)
RM-2	Multi-Family Residential (3-6 units per structure)
RM-3	Multi-Family Residential (3-10 units per structure)
RC	Resort Commercial
CB	Central Business
CP	Conservation Park
MHP	Mobile Home Park
V	The Village
WW	Working Waterfront

A. Permitted Uses

The following sections indicate uses permitted in each District. Unless otherwise noted, uses permitted are permitted by Right subject to the conditions specified in this Ordinance.

B. Uses Requiring Review

Certain uses require the review and approval of the Planning Commission as being in harmony with the orderly and appropriate development of the District in which the use is located.

C. Special Exception

Uses permitted by special exception are subject to site plan review as to location and other features but require review and approval by the Board of Adjustment.

D. Uses Not Specified

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

SECTION 2 ZONING DISTRICTS USE TABLE

Zoning Districts Use Table	
ZONING DISTRICT	USES PERMITTED BY <u>RIGHT</u> (may include, but not limited to)**
R-1	Single-family residences & accessory buildings
R-2	Single-family residences, two-family residences & accessory buildings
RM-1	Single-family residences, two-family residences, dwelling structures containing 3-4 units, accessory buildings
RM-2	Single-family residences, two-family residences, dwelling structures containing 3-6 units, accessory buildings
RM-3	Single-family residences, two-family residences, dwelling structures containing 3-10 units, accessory buildings
RC	Single-family residences, two-family residences, hotels, motels, bed and breakfasts, condominiums, multiple dwelling structures, neighborhood commercial, mixed uses that are permitted in RC and that are compatible to surrounding area
CB	Single-family residences, two-family residences, hotels, motels, bed and breakfasts, neighborhood commercial, mixed uses that are permitted in CB and that are compatible to surrounding area, shopping centers, indoor theaters, laundry and dry cleaning, boat sales and services, any others that are similar and compatible
CP	Natural preservation areas, public and private beaches, swimming pools, tennis courses and related structures, golf courses and driving ranges, Country Clubs, parks and green belt areas, historic and archaeological sites, marine science laboratory, instructional and institutional uses, civic buildings
MHP	Mobile homes and recreational vehicles
V	Single-family residences, accessory buildings, home occupations, accessory dwelling units
WW	Single-family residences, two-family residences, multi-family residences, condominiums, accessory buildings, home occupations, secondary dwelling units, hotels, motels, bed and breakfasts, commercial uses, mixed uses that are permitted in WW and that are compatible with the District
<p>**Additional uses are allowed for each District through:</p> <p>(a) <u>Planning Commission Approval</u>: uses requiring Planning Commission review</p> <p>(b) <u>Special Exception</u>: requires additional approval from Board of Adjustment</p> <p>See Article 6 of this Ordinance for a list of zoning districts and a complete list of additional uses allowed in each district.</p>	

SECTION 3 GENERAL PROVISIONS

A. Compliance with District Requirements

Any use permitted in any District, whether by Right or with Planning Commission approval, or as a Special Exception, must comply with the requirements of the District in which it is located; unless a variance from such requirements is specifically requested and approved by the Board of Adjustment.

B. In general, any more restrictive use may be permitted in a less restrictive use District, but no less restrictive use may be permitted in a more restrictive use District.

C. One Principal Building per Lot

1. Only one (1) principal building and its accessory buildings and structures may hereafter be erected on any lot in the R-1 Single Family Residential District and R-2 Two Family (Two Family residence) District.
2. In any District where multi-family structures, condominiums, townhouses, motels or hotels are permitted, two or more such residential structures may be permitted on a lot as long as all requirements of this Ordinance and all other applicable Ordinances and codes are met.
3. On vacant lots with boat docks or piers, boats and/or trailers may not be stored on the land portion of the lot without obtaining the proper permit.

D. Front and Side Yard Setbacks for Dwellings located in Districts R-1, R-2, RM-1, RM-2, RM-3, V and WW: The setback requirement for front yards, waterside lots, or side yards on corner lots shall not apply to any lot where the average setback on residentially developed lots, located within the same block and zoning District and fronting on the same streets as such lots, is less than the minimum required setback. In such cases, the setback on each lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

E. Site Plan

Except as otherwise required in this Ordinance, a site plan shall be required for: all residential projects involving the construction of three (3) or more dwelling units and all non-residential structures. A site plan shall include the following elements and be reviewed by the Planning Commission. NOTE: All site plan elements shall be drawn to scale and all dimensions provided.

1. Plat showing the parcel(s)
2. Existing and proposed structures
3. Yard and setback requirements

3. Construction details for all proposed/altered structures to include building orientation, floor plan, roof plan, height, elevations, exterior design details and color
4. Signage – location of a freestanding sign shall be noted on plat, and construction drawings of all existing and proposed signs shall be included.
5. Lighting
6. Parking and access, including dimensions
7. Trash receptacles and screening
8. Landscaping and buffers
9. Zoning and existing uses of adjacent parcels
10. Approval by the Dauphin Island Water and Sewer Authority as to availability of services and capacity

F. Master Plan

A master plan shall be required for all projects with multiple phases and/or multiple principal structures. The master plan shall include the following elements and be reviewed by the Planning Commission. NOTE: All master plan elements shall be drawn to scale and all dimensions provided.

1. Plat showing the parcel(s)
2. Existing and proposed structures. If project is to be completed in phases, the master plan shall show each phase.
3. Yard and setback requirements
4. Construction details for all proposed/altered structures to include building orientation, floor plan, roof plan, height, elevations, exterior design details and color
5. Signage - location of a freestanding sign shall be noted on plat, and construction drawings of all existing and proposed signs shall be included
6. Lighting
7. Parking and access, including dimensions
8. Trash receptacles and screening
9. Landscaping and buffers
10. Zoning and existing uses of adjacent parcels
11. Approval by the Dauphin Island Water and Sewer Authority as to availability of services and capacity

G. Animals

No animals, livestock or poultry of any kind shall be kept within city limits, except for house pets, provided they are not kept, bred or maintained for any commercial use or purpose.

- H. No trailer, mobile home, barn, tree-house or accessory structure shall be placed on any lot, (either residential or commercial), either temporarily or permanently prior to

construction of the principal building. This restriction shall not apply to structures which the Town Council allows by special provisions.

I. Screening

Any outside area designated for service facilities, that is, utility, garbage receptacles, garbage cans, gas, fuel tanks or liquid petroleum tanks, etc. shall be properly screened. Plans for screening indicating size, design, texture, appearance and location must be approved by the Planning Commission prior to construction.

J. Garbage and Trash Disposal

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers approved by the Town Council.

K. Water Supply

No individual water supply for human consumption shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the Mobile County Board of Health. Approval of such system as installed shall be secured from the Mobile County Board of Health.

L. Septic Tanks

Structures, buildings or uses requiring the disposal of sewage shall be connected to an approved municipal or private sewerage treatment and collection system. Septic tanks as a method of waste disposal are prohibited.

M. Lot Area

No residential lot shall be re-subdivided into, nor shall any dwelling be erected or placed on any lot having an area and frontage of less than the smallest lot on the street on the block in which it is located as per recorded plat.

N. 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. In any District the dish antenna shall be located to the rear of the front building line and must be setback ten (10) feet from any interior or rear lot line. Special setbacks indicated herein apply on corner lots. The dish antenna together with the principal building and accessory building may not exceed the maximum lot coverage permitted in the District in which it is located. In residential Districts where the antenna is detached from the main building, its maximum height may not exceed fifteen (15) feet. Installation and construction must comply with the Building Code. No form of advertising or identification is allowed on the dish or framework other than the manufacturer's small identification plates.

O. Junked Vehicle

A junked vehicle, or one that is not in use or cannot move under its own power shall not be permitted to be located on any lot. Such vehicles shall be confined to junk yards. (Note: This provision does not apply to antique vehicles.)

P. Recreational Vehicles

1. No recreational vehicle shall be allowed temporarily or permanently on a vacant lot.
2. A recreational vehicle visiting a residence shall not be inhabited for more than fourteen (14) days.
3. Recreational vehicles may be stored/parked at a homeowner's residence (with a primary building).
4. Recreational vehicles may be stored on any commercial lot with a primary building and a current business license.

ARTICLE 6
DISTRICT REQUIREMENTS

SECTION 1 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

This District is provided to afford the opportunity for a choice of low density residential environment consisting of single family homes.

A. Uses Permitted

1. Single Family Residences
2. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., and home swimming pools located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

B. Uses Requiring Review

1. Wharfs, piers, boat lifts and boat docks as an accessory structure.
2. Home occupations.
3. Schools and educational institutions.
4. Churches with attendant building and facilities.
5. Bed and Breakfasts
6. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
7. Public parks and recreational areas.
8. Buildings used exclusively by federal, state, county or city government for public purposes.

C. Special Exceptions

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Cemeteries - humans only.

D. Site and Building Requirements

1. Front Yard Requirements. Thirty (30) feet from street right-of-way.
2. Rear Yard Requirements. Ten (10) feet from the property line.
3. Side Yard Requirements.

- a. Interior lots greater than fifty (50) feet in width, ten (10) feet each side; interior lots fifty (50) feet or less in width, five (5) feet on one side and eight (8) feet on the other.
 - b. Corner lots greater than fifty (50) feet in width, twenty (20) feet on a side street; corner lots fifty (50) feet or less in width, ten (10) feet on side street.
4. Waterside Yard Requirements. Twenty-five (25) feet from the bulkhead or if no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties. If there are no bulkheads on the adjacent properties, then the setback shall be twenty-five (25) feet from the mean high tide line.
5. Building Height Limits. Maximum height of fifty-five (55) feet.
6. Minimum Floor Area and Conditions.
- a. Six hundred (600) square feet per dwelling unit, exclusive of stoops, steps, porches, decks and garages.
 - b. Detached garage or other buildings not closer than seventy (70) feet from street right-of-way or lot line; or three (3) feet to interior lot line.

E. Off-Street Parking Requirements

See Article 8

F. Signs

See Article 9

SECTION 2 TWO FAMILY RESIDENTIAL DISTRICT (R-2)

This District is provided to afford the opportunity for a choice of low density residential environment consisting of single family homes and Two Family residences.

A. Uses Permitted

1. Single Family Residences
2. Two Family Residences
3. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., and home swimming pools located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

B. Uses Requiring Review

1. Wharfs, piers, boat lifts and boat docks as an accessory structure.
2. Home occupations.
3. Schools and educational institutions.
4. Churches with attendant building and facilities.
5. Bed and Breakfasts
6. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
7. Public parks and recreational areas.
8. Buildings used exclusively by federal, state, county or city government for public purposes.

C. Special Exceptions

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Cemeteries - humans only.

D. Site and Building Requirements

1. Front Yard Requirements. Twenty-five (25) feet from street right-of-way.
2. Rear Yard Requirements. Ten (10) feet from the property line.
3. Side Yard Requirements. Interior lots, five (5) feet on each side. Corner lots greater than fifty (50) feet in width, twenty (20) feet on a side street; corner lots fifty (50) feet or less in width, ten (10) feet on side street.

4. Waterside Yard Requirements. Twenty-five (25) feet from the bulkhead or if no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties. If there are no bulkheads on the adjacent properties, then the setback shall be twenty-five (25) feet from the mean high tide line.
5. Building Height Limits. Maximum height of fifty-five (55) feet.
6. Minimum Floor Area and Conditions.
 - b. Six hundred (600) square feet per dwelling unit, exclusive of stoops, steps, porches, decks and garages.
 - b. Detached garage or other buildings not closer than seventy (70) feet from street right-of-way or lot line; or three (3) feet to interior lot line.

E. Off-Street Parking Requirements

See Article 8

F. Signs

See Article 9

SECTION 3 MULTI-FAMILY RESIDENTIAL DISTRICT (RM-1)

This District is intended to provide appropriate locations for development of low density multi-family housing and other compatible types of uses.

A. Uses Permitted

1. Single Family Residences.
2. Two Family residences
3. Dwelling structures containing 3-4 units.
4. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., and home swimming pools located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

B. Uses Requiring Review

1. Wharfs, piers, boat lifts and boat docks as an accessory structure.
2. Home occupations.
3. Schools and educational institutions.
4. Churches with attendant building and facilities.
5. Bed and breakfasts
6. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
7. Public parks and recreational areas.
8. Buildings used exclusively by federal, state, county or city government for public purposes.

C. Special Exceptions

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Cemeteries - humans only.
5. Kindergarten and day care centers.
6. Boarding houses, lodging houses and rooming houses.

D. Site and Building Requirements

1. Front Yard Requirements. Twenty-five (25) feet from street right-of-way.
2. Rear Yard Requirements. Ten (10) feet from the property line.

3. Side Yard Requirements. Interior lots ten (10) feet each side; corner lots greater than fifty (50) feet in width, twenty (20) feet on side street; corner lots fifty (50) feet or less in width, ten (10) feet on side street.
4. Waterside Yard Requirements. Twenty-five (25) feet from the bulkhead or if no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties. If there are no bulkheads on the adjacent properties, then the setback shall be twenty-five (25) feet from the mean high tide line.
5. Building Height Limits. Maximum height of fifty-five (55) feet.
6. Minimum Floor Area and Conditions. Six hundred (600) square feet per dwelling unit, exclusive of stoops, steps, porches decks and garages.

E. Off-Street Parking Requirements

See Article 8

F. Signs

See Article 9

SECTION 4 MULTI-FAMILY RESIDENTIAL DISTRICT (RM-2)

This District is intended to provide appropriate locations for the development of multi-family housing and other compatible types of uses.

A. Uses Permitted

1. Single Family Residences.
2. Two Family residences.
3. Dwelling structures containing 3-6 units.
4. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., and home swimming pools located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

B. Uses Requiring Review

1. Wharfs, piers, boat lifts and boat docks as an accessory structure.
2. Home occupations.
3. Schools and educational institutions.
4. Churches with attendant building and facilities.
5. Bed and breakfasts
6. Public utility and service structures including but not limited to water, sewer, fire and police uses.
7. Public parks and recreational areas.
8. Buildings used exclusively by federal, state, county or city government for public purposes.

C. Special Exceptions

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Cemeteries - humans only.
5. Kindergarten and day care centers.
6. Boarding houses, lodging houses and rooming houses.

D. Site and Building Requirements.

1. Front Yard Requirements. Twenty-five (25) feet from street right-of-way.
2. Rear Yard Requirements. Ten (10) feet from the property line.

3. Side Yard Requirements. Interior lot ten (10) feet each side; corner lots greater than fifty (50) feet in width, twenty (20) feet on side street; corner lots fifty (50) feet or less in width, ten (10) feet on side street.
4. Waterside Yard Requirements. Twenty-five (25) feet from the bulkhead or if no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties. If there are no bulkheads on the adjacent properties, then the setback shall be twenty-five (25) feet from the mean high tide line.
5. Building Height Limits. Maximum height of 55 feet.
6. Minimum Floor Area and Conditions. Six hundred (600) square feet per dwelling unit, exclusive of stoops, steps, porches, decks and garages.

E. Off-Street Parking Requirements

See Article 8

F. Signs

See Article 9

SECTION 5 MULTI-FAMILY RESIDENTIAL DISTRICT (RM-3)

The purpose of this District is to provide the opportunity for a slightly higher density multi-family development than is allowed in the preceding multi-family residential Districts.

A. Uses Permitted

1. Single Family Residences.
2. Two Family residences.
3. Dwelling structures containing 3-10 units.
4. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., and home swimming pools located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

B. Uses Requiring Review

1. Wharfs, piers, boat lifts and boat docks as an accessory structure.
2. Home occupations.
3. Schools and educational institutions.
4. Churches with attendant building and facilities.
5. Bed and breakfasts.
6. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
7. Public parks and recreational areas.
8. Buildings used exclusively by federal, state, county or city government for public purposes.

C. Special Exceptions

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Cemeteries - humans only.
5. Kindergarten and day care centers.
6. Boarding houses, lodging houses, and rooming houses.

D. Site and Building Requirements

1. Front Yard Requirements. 25 feet from street right-of-way
2. Rear Yard Requirements. Ten (10) feet from the property line.

3. Side Yard Requirements. Interior lots 5 feet on each side; corner lots greater than 50 feet in width, 20 feet on side street; corner lots 50 feet or less in width, 10 feet on side street.
4. Waterside Yard Requirements. 25 feet from the bulkhead or if no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties. If there are no bulkheads on the adjacent properties, then the setback shall be 25 feet from the mean high tide line.
5. Building Height Limits. Maximum height of 55 feet.
6. Minimum Floor Area and Conditions. 600 square feet per dwelling unit, exclusive of stoops, steps, porches, decks and garages.

E. Off-Street Parking Requirements

See Article 8

F. Signs

See Article 9

SECTION 6 RESORT COMMERCIAL DISTRICT (RC)

This District is intended to provide suitable locations for commercial and related housing that serves the needs of tourists or residents who wish to reside in the resort area. The District regulations are designed to permit the development of the District for its intended purpose as well as to protect the abutting and surrounding residential areas.

A. Uses Permitted

1. Single Family Residences
2. Two Family residences
3. Hotels, Motels, and Bed and Breakfasts
4. Condominiums
5. Multiple dwelling structures
6. Neighborhood commercial uses such as restaurants, lounges, shops, stores
7. Other related activities which are compatible with this District
8. Mixed use buildings subject to the following:
 - a. Uses shall be limited to those permitted in the Resort Commercial District.
 - b. The mixed-use is compatible and complimentary to the surrounding area.

B. Uses Requiring Review

1. Wharfs, piers, boat lifts, boat docks and boat launches.
2. Home occupations.
3. Schools and educational institutions.
4. Churches with attendant building and facilities.
5. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
6. Public parks and recreational areas.
7. Buildings used exclusively by federal, state, county or city government for public purposes.
8. Private Clubs.
9. Public or private campgrounds and RV Parks

C. Special Exceptions

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Cemeteries - humans only.
5. Kindergarten and day care centers.
6. Boarding houses, lodging houses, and rooming houses.
7. Commercial boat launching and docks, amusement centers; commercial sport, cultural or recreation activities; bowling alley and indoor theaters.

D. Site Plan and Master Plan Requirements

1. Site Plan Review

A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in Article 5, Section 2, Letter E of this Ordinance

2. Master Plan Review

A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in Article 5, Section 2, Letter F of this Ordinance.

E. Yard and Building Requirements

Since the establishment of standard and flexible building setback lines or other restrictions tends to force construction of buildings to be directly behind and directly to the side of other houses or buildings with the possibility of detrimental effects on privacy, view, preservation of important trees, etc., no specific setback lines or types of construction are established for this District. The Planning Commission shall approve the precise site and location of any structure. Multiple apartment buildings, condominiums, and commercial uses such as restaurants, lounges, and shops shall not exceed eighty-five (85) feet in height. Such approval shall be based upon the location of the structure with regard to the topography of the area taking into consideration the height of dunes, location of large trees and similar considerations. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure.

F. Screening Adjacent to Residential Uses in Other Districts

Where a lot line of a lot within the RC District abuts a side or rear lot line of a residential use in another District, any open space storage of products, materials and equipment, including commercial vehicles, shall be screened from said residential lot line. Such screening may be in the form of walls, fences or landscaping and shall be at least six (6) feet in height.

G. Off-Street Parking Requirements

See Article 8

H. Signs

See Article 9

SECTION 7 CENTRAL BUSINESS DISTRICT (CB)

This District is intended to provide locations for wholesale/retail trade and services that serve the residential and seasonal population of the Town. Types of uses permitted are restricted to those that are compatible with the Town's small town and resort character.

A. Uses Permitted

1. Single Family Residences
2. Two Family residences
3. Neighborhood business uses including, but not limited to: grocery stores, convenience stores, delicatessens, restaurants, drug stores, dry cleaning services including pick-up and delivery, barber shops, beauty shops, shoe sales and repair, offices, banks and similar convenience goods, sales and services; except for those uses prohibited by other Ordinances.
4. Shopping centers.
5. Hotels, Motels, and Bed and Breakfasts
6. Indoor Theaters.
7. Laundry and dry cleaning establishments, provided that the dry cleaning equipment used emits no smoke or escaping steam and uses nonflammable synthetic cleaning agents or those cleaning agents not excluded by other Ordinances.
8. Boat sales, services and supplies.
9. Mixed use buildings subject to the following:
 - a. Uses shall be limited to those permitted in the Central Business District.
 - b. The mixed-use is compatible and complimentary to the surrounding area
10. Parking Lots
11. Any uses, which are similar or compatible to the uses, permitted in this Ordinance that promote the intent and purposes of this District.

B. Uses Requiring Review

1. Home occupations.
2. Schools and educational institutions.
3. Churches with attendant building and facilities.
5. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
6. Public parks and recreational areas.
7. Buildings used exclusively by federal, state, county or city government for public purposes.
8. Private clubs
9. Clinic
10. Veterinary Clinic provided the only animals seen are those permitted in Article 5, Section 3, Letter G of this Ordinance.
11. Gas stations, service stations and automobile repair shops (not including body shops) subject to the following:

- a. All repairs shall be carried on within an enclosed building.
- b. Entrances and exits for vehicles to and from the site shall not be closer than twenty (20) feet to an intersection of street right-of-way lines.
- c. Gas or service stations shall be located on a lot not less than fifteen thousand (15,000) square feet and have a minimum frontage of one hundred (100) feet.
- d. All permitted mechanical repair work, oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) feet to an abutting residential District lot line and no closer than twenty-five (25) feet to any other lot line. Such pits and lifts must comply with the Town's "well-head" protection Ordinance.
- e. Gasoline pumps shall be set back at least twenty (20) feet from any front lot line and thirty (30) feet from any other lot line.
- f. No storage of vehicles shall be permitted for periods in excess of thirty (30) days.

C. Special Exceptions

1. Cemeteries - humans only.
2. Boarding houses, rooming houses and lodging houses.
3. Public or privately owned and operated amusement/recreational facilities.

D. Site Plan and Master Plan Requirements

1. Site Plan Review - A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in Article 5, Section 2, Letter E of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in Article 5, Section 2, Letter F of this Ordinance.

E. Yard Requirements

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

F. Building Requirements

1. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
2. Porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street.
3. Commercial buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall.
4. Building design with regard to construction materials and awnings requires Planning Commission approval.
5. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk.
6. The maximum building height permitted is fifty-five (55) feet.

G. Traffic requirements

No entrances or exits shall direct traffic into adjacent residential Districts.

H. Screening Adjacent to Residential Uses

Where a lot line of a lot within the CB District abuts a side or rear lot line of a residential use in any other District, screening shall be provided along said residential lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

I. Off-Street Parking and Loading Requirements

See Article 8

J. Signs

See Article 9

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SECTION 8 CONSERVATION PARK DISTRICT (CP)

This District is established to preserve and maintain, in its natural state, to the extent possible, land for conservation, open space and for outdoor recreational uses. Some areas should not be developed due to their unique and environmentally sensitive character.

A. Uses Permitted

1. Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping sites and similar uses.
2. Public and private beaches, swimming pools, tennis courts and related structures.
3. Golf courses and driving ranges.
4. Country Clubs and their customary accessory uses.
5. Parks and green belt areas.
6. Historic and archaeological sites and structures.
7. Marine Science Laboratory, instructional institutions and similar uses.

B. Uses Requiring Review

1. Uses which are secondary to the conservation purpose of the District.
2. Public or private piers and boat docks.
3. Bait store or sales (live bait), need not be enclosed within a structure.
4. Accessory uses associated with uses permitted in this district.
5. Water and sewer lines and other utilities including easements and roads subject to the approval of the U.S. Corps of Engineer, if required.
6. Public or private campgrounds and RV parks.
7. Buildings used exclusively by federal, state, county or city government for public purposes.

C. Uses Prohibited

1. Residential uses except as provided for in letter B number 1 above.
2. All retail and commercial activities except those customary to uses permitted by review.

D. Off-Street Parking Requirements

See Article 8

E. Signs

See Article 9

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SECTION 9 MOBILE HOME PARK DISTRICT (MHP)

This District is intended to provide appropriate locations for mobile home and recreation vehicle parks and to establish guidelines to insure sound residential environments.

A. General

1. No person shall engage in the construction of a park for the accommodation of mobile homes, recreation vehicles, or travel trailers, or make any addition or alteration to any park so as to alter the number of lots therein, or affect the facilities required therein, until he has first secured a building permit for such addition, alteration or construction.
2. Recreational Vehicle (RV) Parks are permitted as a special exception in the MHP Mobile Home Park District.
3. When a mobile home park is to be operated in conjunction with a park accommodating recreation vehicles and/or travel trailers, that portion of the park to be used for recreational vehicles and/or travel trailers shall be physically distinct from the mobile home park.
4. No person shall operate a park for the accommodation of mobile homes, recreational vehicles or travel trailers until he first secures a Certificate of Occupancy from the Building Official.
5. At any time if it is found that there are deviations from the approved plan and/or the park is not in compliance with these regulations, the Building Official shall notify the owner of record of the park to correct such deficiency within thirty (30) days of such notice.
6. In the event such deficiency is not corrected with the time allowed, the Building Official shall notify, in writing, the Town Council of all pertinent facts.
7. The Town Council, upon review of such facts, may revoke the Certificate of Occupancy, and order the park vacated of all units until such deviations are corrected.
8. The Town Council shall have the right and the power to grant special temporary permits for periods not to exceed six months, for the location and use on any lot in any zoning District, subject to such terms, conditions or special limitations as the Council may prescribe or impose.
9. The Town Council may renew or extend any such special permit for up to twelve (12) months. The combined term of force for any such special permit and the renewal or extension thereof shall, in no event, exceed

eighteen (18) months. It is the intent of this section to provide for flexibility of land use in community reorganization during periods immediately following natural disasters such as floods, hurricanes, fires, or other disasters, or such other emergency purposes as may be proclaimed by the Town Council.

B. Procedures for Application for Permits and Certificates of Occupancy

1. Application for a permit shall be submitted to the Building Official who shall present the application, along with all pertinent documents and recommendations to the Town Council.
 - (a) A preliminary site plan map drawn to suitable scale but not smaller than one inch equals two hundred (200) feet.
 - (b) The preliminary site plan map shall show: the names of the applicant, developer, and property owner; legal description of property being developed; name and registration number of licensed surveyor or engineer who prepared or certified the site plan map; scale, north arrow, and location key map of the proposed development, widths of proposed or existing rights-of-ways and easements; existing and proposed water supply and sewage disposal systems; layout of all lots with all dimensions and identifying numbers and letters; parking layout; and location of all existing or proposed structures, enclosures and facilities, including required open areas, trash receptacles and fire hydrants.
2. After approval of the Council for a park the applicant may apply for a building permit. Such application shall be submitted to the Building Official and shall be processed in accordance with established procedures as set forth in the Municipal Building Code for this Ordinance.
3. Application for a Certificate of Occupancy shall be made in writing to the Building Official. The Certificate of Occupancy shall not be issued for any portion of a partially developed park unless the owner or developer of such property has posted with the Municipality a performance bond, satisfactory to the Municipal Attorney guaranteeing completion of development within two years of the date of the Certificate of Occupancy.
4. A Certificate of Occupancy shall not be issued until the owner or developer of such park has paid the annual license fee to the Town.

C. Fees

1. An application fee of one hundred (\$100) dollars shall be paid to the Building Official. The owner or developer shall pay such other fees as may be necessary to cover other costs incurred for processing and reviewing the application. The

application fee does not include the cost of a business license which is required by the Municipality.

D. Site Standards

1. Lots within a mobile home park may be leased, or rented.
2. The minimum area for any mobile home park is one (1) acre.
3. The maximum density shall not exceed ten (10) mobile home sites per acre.
4. The mobile home park site shall be designed and developed to be completely surrounded by a buffer strip having a width of thirty-five (35) feet which shall have the characteristics of a yard as defined by this Ordinance. The buffer strip shall be landscaped and maintained.
5. Access points shall be controlled through review of plans submitted to the Building Inspector.
6. The entire area developed shall be adequately served by water and sanitary sewer facilities meeting all requirements of the County Health Department and the Town of Dauphin Island.
7. All mobile home sites shall abut upon a roadway not less than twenty (20) feet in width. All roadways shall be hard surfaced, well-marked, and lighted by the mobile home park owner in a manner consistent with standards established by the Town.
8. Each mobile home park shall be provided with a park and recreational area having a minimum area of one hundred (100) square feet per mobile home space. Such areas shall be consolidated into usable area.

E. Mobile Home Space Standards

1. Each Mobile home space shall have an area of not less than 3,600 square feet and a width of not less than thirty (30) feet.
2. Mobile homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between mobile homes.
3. Minimum front, side, and rear yard setbacks shall be:

<u>Front</u>	<u>Side</u>	<u>Rear</u>
10 feet	10 feet	10 feet

4. All required yards shall be permanently landscaped and maintained with ground cover, trees, and shrubs.
5. Each mobile home space shall be provided with a deck or patio of at least two hundred (200) square feet.
6. Each mobile home space shall be provided with two (2) off-street parking spaces.

F. Responsibilities of Park Owner for tie-Downs and Anchors

It shall be unlawful for any person including, but without limitation, owners of mobile home parks and owners and/or occupants of mobile home within such park, to place, maintain, or occupy any mobile home unless such mobile home is equipped with tie-downs and anchors meeting or exceeding standards of the Town's Building Code. Owners of mobile home parks shall notify the Building Official of the placement of any mobile home on his property. The park owner shall also notify the Building Official of the existence of any mobile home in his park which by visual inspection appears not to comply with the tie-down and anchor standards of the town's Building Code. Such notification shall be written and shall contain a statement of the nature of the possible violation, the location of the mobile home, and the name and address of the mobile home owner. It shall be the responsibility of the owner of the mobile home park to give written notice to the owners of all mobile homes within such 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 of the park of the requirements of this Section.

G. Signs

See Article 9

SECTION 10 VILLAGE DISTRICT (V)

The intent of this District is to create a charming and centralized District that allows residential, small-scale retail service and business, mixed-use buildings, and low impact development, with a pedestrian-friendly streetscape that is harmonious with the Island's small-town coastal village character.

A. Uses Permitted

1. Single Family Residences
2. Accessory buildings and uses located on the same lot or parcel as the principal structure, provided all pertinent sections of this Ordinance are met. Accessory buildings and uses include garages, utility buildings for storage of lawn equipment, etc., and home swimming pools.
3. Home Occupations.
4. Accessory dwelling units, containing a minimum of 600 square feet, and located above an accessory building and subordinate to the primary dwelling unit of the lot.

B. Uses Requiring Review

1. Neighborhood commercial uses including but not limited to the following:
 - a. Personal Service Establishments
 - b. Studios
 - c. Services such as plumber or carpenter or similar workshop or repair establishment conducted entirely within the enclosed structure and where all supplies and equipment must be stored indoors or with adequate exterior screening so as not to be visible from an adjacent property.
 - d. Restaurants where the dining area does not exceed 1,000 square feet
 - e. Retail not to exceed 1,500 square feet
 - f. Professional Offices such as attorney or accountant
2. Mixed use buildings subject to the following:
 - a. Uses shall be limited to those permitted in the Village District and shall be confined to one structure per parcel.
 - b. The mixed-use is compatible and complimentary to the surrounding area
3. Walk-up establishments
4. Bed and Breakfasts
5. Public parks and recreational areas
6. Public parking lots
7. Schools and educational institutions*
8. Churches with attendant building and facilities*
9. Public utility and service structures including but not limited to water, sewer, fire and police uses*
10. Buildings used exclusively by federal, state, county or city government for public purposes*
11. Cemeteries – humans only*

12. Museums*

* For the purposes of the Village Zoning District, these uses shall be considered commercial uses, and therefore shall be subject to the requirements imposed on commercial buildings in this District.

C. Prohibited Uses

1. Industrial uses
2. Commercial or mixed uses in predominantly residential areas that would result in an unreasonable increase in traffic, noise, or lighting that would disrupt residential quality of life
3. Bars, pubs, nightclubs, and establishments of this type that impose noise or light from music or crowds where the impact would adversely affect adjacent or nearby residences

D. Site Plan Review

A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in Article 5, Section 2, Letter E of this Ordinance.

E. Yard and Lot Requirements

1. Residential Buildings
 - a. A front yard of at least ten (10) feet is required.
 - b. A side yard of at least five (5) feet is required on each side.
 - c. A rear yard of at least five (5) feet is required.
2. Mixed-Use and Commercial Buildings
 - a. A front yard of at least ten (10) feet is required.
 - b. A side yard of at least five (5) feet is required on each side.
 - c. A rear yard of at least five (5) feet is required.
 - d. The maximum lot width permitted is one hundred (100) feet.

F. Building Requirements

1. Residential and Mixed-Use Buildings
 - a. Mixed-use buildings shall have a look that resembles residential structures.
 - b. The size and number of doors and windows shall be proportionate to the structure.
 - c. Front porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street.
 - d. The maximum building height permitted is fifty-five (55) feet.

- e. The minimum amount of square footage permitted is six hundred (600) square feet per dwelling unit and per floor.
 - f. The major façade of the structure and front entrance shall be located on the side facing the street.
 - g. Metal is not permitted as an exterior finishing material for walls unless the product gives the appearance of wood siding from the closest distance that it will be viewed by the general public.
 - h. Metal, plastic, wood or illuminated awnings are prohibited. Small fabric awnings or canopies may be permitted, upon Planning Commission approval, if they are determined to be non-invasive to the character of the surrounding area.
 - i. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk.
2. Commercial Buildings
- a. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
 - b. Buildings shall have a primary entrance door, defined with architectural details, facing the street or sidewalk.
 - c. Porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street
 - d. Buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall.
 - e. Metal buildings are prohibited.
 - f. Metal, plastic, wood or illuminated awnings are prohibited. Small fabric awnings or canopies may be permitted, upon Planning Commission approval, if they are determined to be non-invasive to the character of the surrounding area
 - g. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk
 - h. The maximum building height permitted is fifty-five (55) feet.

G. Lighting

- 1. Residential and Mixed-Use Buildings
 - a. All external lighting shall be appropriate and not exceed that which is normally found in residential areas. All external lighting that negatively impacts adjacent residential lots or areas shall be prohibited
- 2. Commercial Buildings
 - a. Exterior lighting shall be complimentary to the District, compatible with the architectural design of the building, and enhance landscaping and public safety. Excessive brightness shall be avoided.

- b. Exterior lighting shall be shielded at its source to prevent glare and adverse illumination of adjacent properties, public areas, and streets.
- c. If off-street parking is required, parking areas shall have appropriate lighting that is complimentary to the District to permit safe pedestrian travel

H. Parking

- 1. Single family dwellings shall provide a minimum of two (2) parking spaces plus one additional space for a secondary dwelling unit located above an accessory building
- 2. Mixed-Use and Commercial Buildings
 - a. Mixed-use buildings shall provide a minimum of two parking spaces for each residential unit, plus one parking space for every three hundred and fifty (350) square feet for non-residential uses of retail, service or business. If the non-residential use is an eating or drinking establishment, then one (1) space is required for each four seating accommodations and one (1) space for every two employees on a shift.
 - b. Commercial buildings containing retail, service or business uses shall provide a minimum of one (1) space for every three hundred and fifty (350) square feet. Commercial buildings containing an eating or drinking establishment shall provide one (1) space for each four (4) seating accommodations and one (1) space for every two employees on a shift.
 - c. Parking areas shall be constructed in accordance with Article 7, Section 1, Letters B, C, and E of this Ordinance

I. Landscaping and Screening

Mixed-Use Buildings and Commercial Buildings shall meet the following requirements

- 1. Front yards shall be landscaped to enhance architectural features, define public access, shield outdoor service areas, and reduce the visual impact of parking areas.
- 2. Where a mixed-use or commercial building is adjacent to a residential use, side and rear yard vegetative buffers shall be required to lessen the visual and auditory impacts on the adjacent residences
- 3. Landscaping with native plant species is encouraged to promote the sustainability of the Island's natural resources and wildlife
- 4. All exterior activities, operations, or materials, including dumpsters and trash receptacles, shall be adequately screened from public view by plantings, or a compatible enclosure.
- 5. All screening and fencing shall be compatible with residential structures and designed to complement the architecture of the structure. Chain link fencing shall be prohibited.

J. Signs

Each business located within the Village District shall be allowed one (1) sign. The sign may be of the following types: Awning, Façade or Attached, Ground or Free Standing, and shall adhere to the following specifications for each type of sign:

Awning Sign: Shall be flat against the surface of the awning and must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.

Façade or Attached Sign: The sign shall have a maximum six (6) square feet aggregate area and may only be illuminated by exterior lighting focused directly on the sign.

Ground or Free Standing Sign: The sign shall have a maximum of six (6) square feet aggregate area and may be single or double faced. The sign may only be illuminated by exterior lighting focused directly on the sign. The bottom of the sign must be at three (3) feet above ground, measured from the average elevation of the nearest road centerline. The sign shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building.

An example of a Ground or Free Standing sign is shown below.



www.sp-oyster.com

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SECTION 11 WORKING WATERFRONT DISTRICT (WW)

The intent of the Working Waterfront District is to create a District that preserves and promotes the unique waterfront setting of the island through the combination of residential uses, commercial activities and public open space. The District should support and encourage water oriented commercial activities that are essential to the island economy, and provide numerous opportunities for pedestrian and tourist access to the surrounding waterfront. A successful working waterfront should provide public access to both active and inactive aspects of the waterfront (marinas, harbors, boat slips and launches, parks, pedestrian boardwalks, observation decks, fishing piers, etc.), support the commercial uses that depend on the waterfront location (commercial/recreational fishing and boating, seafood sales, waterfront dining, etc.), and offer additional residential, retail and service uses to supplement the waterfront activities.

A. Uses Permitted

1. Single Family Residences
2. Two Family residences
3. Multi-Family Residences and Condominiums provided the lowest floor of the building shall contain retail uses, restaurants, or public access to the waterfront.
4. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., and home swimming pools located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.
5. Home Occupations subject to the requirements of Article 7 Section 3 of this Ordinance.
6. Secondary dwelling units, containing a minimum of six hundred (600) square feet, and located above an accessory building and subordinate to the primary dwelling unit of the lot.
7. The following types of commercial uses including, but not limited to the following:
 - a. Water Oriented – harbors, marinas, boat docks and launches, boat and watercraft rentals, recreational services, water taxis, boat storage.
 - b. Public Lodging – hotels, motels, and bed and breakfasts provided the lowest floor of the building shall contain retail uses, restaurants or provide public access to the waterfront.
 - c. Restaurants, bars, pubs, and nightclubs
 - e. Retail and establishments such as grocery/convenience stores, bait and tackle shops, clothing shops, and gift shops. Square footage shall not exceed 2,500 square feet.
 - f. Covered markets – farmers market, craft market, seafood market. Must be operated under or in a structure containing a permanent roof, but with or without permanent walls
 - g. Workshops and repair shops and provided all activities are conducted entirely within the enclosed structure and where all supplies and equipment must be stored indoors or with opaque exterior screening. Square footage shall not exceed 2,500 square feet.

- h. 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 fencing is prohibited.
- 8. Mixed use buildings subject to the following:
 - a. Uses shall be limited to those permitted in the Working Waterfront District
 - b. The mixed-use shall be compatible and complimentary to the surrounding area

B. Uses Requiring Review

- 1. Public parks and recreational areas.
- 2. Public parking lots
- 3. Drive-In uses
- 4. Airport
- 5. Seaplane landing/docking facility
- 6. Waterside Loading/Docking Area
- 7. Food processing facility, including cold storage, in an enclosed building that does not exceed 1,500 square feet in area
- 8. Schools and educational institutions*
- 9. Churches with attendant building and facilities*
- 10. Public utility and service structures including but not limited to water, sewer, fire and police uses*
- 11. Buildings used exclusively by federal, state, county or city government for public purposes.*

* For the purposes of the Working Waterfront Zoning District, these uses shall be considered commercial uses, and therefore shall be subject to the requirements imposed on commercial buildings in this District.

C. Prohibited Uses

- 1. Industrial uses that exceed 1,500 square feet in area, create excessive noise, fumes, dust, debris, or traffic, or are not compatible with the surrounding area.
- 2. Retail uses that exceed 2,500 square feet in area.
- 3. Any use that disrupts the visual accessibility of the waterfront
- 4. Commercial or mixed uses in predominantly residential areas that would result in an unreasonable increase in traffic, noise, or lighting that disrupts residential quality of life
- 5. Campgrounds and RV Parks

D. Site Plan and Master Plan Requirements

- 1. Site Plan Review - A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of

items to be included on the site plan can be found in Article 5, Section 2, Letter E of this Ordinance.

2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in Article 5, Section 2, Letter F of this Ordinance.

E. Yard Requirements

A waterside yard of at least ten (10) feet but not more than twenty (20) feet shall be required.

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

F. Building Requirements

1. Residential and Mixed-Use Buildings
 - a. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
 - b. Front porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street
 - c. The maximum building height permitted is fifty-five (55) feet
 - d. The minimum amount of square footage permitted is six hundred (600) square feet per dwelling unit and per floor
 - e. Metal buildings are prohibited.
 - f. Metal, plastic, wood or illuminated awnings are prohibited. Small fabric awnings or canopies may be permitted, upon Planning Commission approval, if it is determined to be non-invasive to the character of the surrounding area
 - g. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk
2. Commercial Buildings
 - a. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.

- b. Porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street
- c. Commercial buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall
- d. Metal buildings are permitted, provided the conditions listed in letter a, above, are met.
- e. Metal, plastic, wood or illuminated awnings are prohibited. Small fabric awnings or canopies may be permitted, upon Planning Commission approval, if it is determined to be non-invasive to the character of the surrounding area
- f. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk
- g. The maximum building height permitted is fifty-five (55) feet.

G. Lighting

- 1. Exterior lighting shall be complimentary to the District, compatible with the architectural design of the building, and enhance landscaping and public safety. Excessive brightness shall be avoided.
- 2. Exterior lighting shall be shielded at its source to prevent glare and adverse illumination of adjacent properties, public areas, and streets.
- 3. If off-street parking is required, parking areas shall have appropriate lighting that is complimentary to the District, to permit safe pedestrian travel
- 4. All other applicable Ordinances and regulations must be followed.

H. Parking

- 1. Residential Buildings
 - a. Single family dwellings shall provide a minimum of two parking spaces plus one additional space for a secondary dwelling unit located above an accessory building
 - b. Two Family residence dwellings shall provide a minimum of four parking spaces
- 2. Mixed-Use and Commercial Buildings
 - a. Mixed-use buildings shall provide a minimum of two parking spaces for each residential unit, plus one parking space for every three hundred and fifty (350) square feet for non-residential uses of retail, service or business. If the non-residential use is an eating or drinking establishment, then one (1) space is required for each four seating accommodations and one (1) space for every two employees on a shift.
 - b. Commercial buildings containing retail, service or business uses shall provide a minimum of one (1) space for every three hundred and fifty (350) square feet. Commercial buildings containing an eating or drinking establishment

shall provide one (1) space is required for each four (4) seating accommodations and one (1) space for every two employees on a shift.

- c. Businesses with employees, contractors or subcontractors who work off-site and need more parking than is required by this Ordinance must provide sufficient parking to accommodate the excess need. This parking may not be located on public right-of-way or on public property.
- d. Parking areas shall be constructed in accordance with Article 7, Section 1, Letters B, C, D, and E of this Ordinance.

I. Landscaping and Screening

Mixed-Use Buildings and Commercial Buildings shall meet the following requirements

- 1. Yards shall be landscaped to enhance architectural features, define public access, shield outdoor service areas, and reduce the visual impact of parking areas.
- 2. Landscaping with native plant species is encouraged to promote the sustainability of the Island's natural resources and wildlife
- 3. All exterior activities, operations, or materials, including dumpsters and trash receptacles, shall be adequately screened from public view by plantings, or a compatible enclosure.
- 4. All screening and fencing shall be compatible with and designed to compliment the architecture of the structure. Chain link fencing shall be discouraged.

J. Signs

See Article 9

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ARTICLE 7
SUPPLEMENTAL REGULATIONS

SECTION 1 NONCONFORMING USES AND STRUCTURES

It is the intent of this Ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of nonconforming uses, buildings and structures so as to avoid any unreasonable invasion of established property rights.

Therefore, 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:

A. Nonconforming Use of Land

In any District where land is being used in a nonconforming manner prior to the enactment of this Ordinance, such use may be continued. A nonconforming use shall not be extended or enlarged either on the same or adjoining property.

B. Nonconforming Use of Buildings

The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the effective date of this Ordinance.

C. Discontinuance of Nonconforming Uses

No building or land, or portion thereof, used in whole or in part, for a nonconforming use in a residential District, which remains idle or unused for a continuous period of one (1) year, or for eighteen (18) months during any three (3) year period whether or not the equipment or fixtures are removed, shall again be used, except in conformity with the regulations of the District in which such building or land is located.

D. Destruction of Nonconforming Uses

No building or mobile home which has been damaged by any cause whatever to the extent of more than fifty (50) percent of the County tax-assessed value of the building shall be restored except in conformity with the regulations contained in this Ordinance and all rights as a nonconforming use are terminated except that if the damaged building is the residence of an owner who was owner of such building on the date this Ordinance was adopted such owner may rebuild regardless of the extent of damage provided that the nonconformity is not increased.

If a building or mobile home is damaged by less than fifty (50) percent of the tax-assessed or appraised value, it may be repaired and used as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve (12) months of the time of such damage.

E. Intermittent or Illegal Uses

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

F. Building Nonconforming in Height, Area or Bulk

A building nonconforming only as to height, area, yards or bulk requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase the degree or nonconformity in any respect.

G. Administration

1. The Building Official shall conduct a survey of all nonconforming uses of land or structures at least two (2) times a year to determine where they exist and whether or not they have been discontinued.
2. The Building Official shall maintain an accurate and up-to-date record of all nonconforming uses of structures and land and dates of their discontinuance.
3. The question as to whether a nonconforming use exists shall be a question of fact and, in case of doubt or challenge raised to the initial determination made by the Building Official, the question shall be decided by the Board of Adjustment after public notice and hearing in accordance with the rules of the Board.

H. Nonconforming Mobile Homes

Nonconforming mobile homes existing in any zoning District prior to the adoption of this Ordinance may remain. If the unit has to be removed in case of an emergency (hurricane or flooding), said unit may be returned to its original location. Mobile homes removed for any other purpose shall not be re-established; and existing mobile homes shall not be replaced with a new one except as provided for in "D" above.

SECTION 2 ACCESSORY BUILDINGS AND STRUCTURES

A. Portable Buildings

Unless provided for elsewhere in this Ordinance, or upon a temporary permit by the Town Council, no portable building, portable dwelling unit, mobile home, or tractor-trailer, except recreational vehicles, which shall not be inhabited, but stored only, shall be permitted on any parcel of land, except for the purpose of loading or unloading.

- (1) Permits by the Town Council shall be issued for recreational vehicles visiting occupied residential structures in all zoning Districts for a period of not more than fourteen (14) days.
- (2) Children's "pup tents" are exempt from this section provided they are erected on their own place of residence.

B. Time of Construction

No accessory building shall be constructed upon a lot until the construction of the principal building has commenced. No accessory building shall be used unless or until the Certificate of Occupancy has been issued on the principal building.

C. Piers, Wharfs, Bulkheads, Seawalls, boat docks, boat lifts and other similar structures

The construction of piers, wharfs, bulkheads, seawalls, boat docks, boat lifts and other similar structures shall comply with regulations of the U.S. Corps of Engineers, Alabama Coastal Area Management Program requirements and Regulations of the Alabama Department of Environmental Management for any structure constructed in an area in which one or more of these agencies have jurisdiction. Before such construction may begin, appropriate documentation of proof of compliance with this provision shall be provided to the Building Inspector for the Town of Dauphin Island. The Building Inspector shall in turn inform the Planning Commission of any such construction at its next scheduled meeting. This sub-section does not alter the prohibition on construction contained in Section 6.B.1.

1. Undeveloped Residential Lots in R-1, R-2, RM-1, RM-2 and RM-3 – One (1) pier, wharf, bulkhead, seawall, boat dock, boat lift or other similar structure may be constructed on an undeveloped lot before a primary residential dwelling is constructed, provided there will be no boat, vehicle, or trailer storage on the land portion of the lot. A maximum of two boats may be stored at the pier, wharf, bulkhead, seawall, boat dock, boat lift or other similar structure.
2. Developed Residential Lots in R-1, R-2, RM-1, RM-2 and RM-3 – A maximum of three boats may be stored at a pier, wharf, bulkhead, seawall, boat dock, boat lift or other similar structure.

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SECTION 3 HOME OCCUPATIONS

A. General Restrictions

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 conditions which would constitute an objectionable use of residentially zoned property.

B. Limitation on Type of Home Occupation

1. Area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area in the principal building.
2. The home occupation shall be confined entirely to the principal building and no accessory building or outside storage shall be used in connection with the home occupation.
3. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
4. No internal or external addition, alteration or remodeling of the dwelling is permitted in connection with the home occupation.
5. Chemical, mechanical or electrical equipment that creates odors, light, glare, noises or interference in radio or television reception detectable outside of the dwelling shall be prohibited.
6. 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.
7. Instruction in music, dancing and similar subjects shall be limited to two students at a time.
8. The activity carried on as a home occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
9. One (1) professional or announcement sign may be used to identify the customary home occupation. See Ordinance Number 71 for sign requirements. No such sign shall be directly illuminated.

10. Customary home occupations shall not include the following:
 - a. Uses which do not meet the provisions listed above.
 - b. Automobile and/or body and fender repairing.
 - c. Barber shops and beauty parlors.
 - d. Food handling, processing or packing.
 - e. Repair, manufacturing and processing uses, including building and repairing boats; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale or distribution.
 - f. Restaurants.
 - g. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals.

11. All home occupations shall be approved by the Planning Commission and a town business license shall be obtained by the applicant.

SECTION 4 RECREATIONAL VEHICLE (RV) PARKS

- A. No recreational vehicle park shall be located without direct access to a major street, with a minimum lot width of forty (40) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential District.
- B. The minimum lot area for a recreational vehicle park shall be one (1) acre.
- C. The use of spaces in recreational vehicle parks shall be limited to recreational vehicles only.
- D. Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an occupant of such space shall not remain in the same park for a period exceeding ninety (90) days.
- E. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operations of a recreational vehicle park shall not occupy more than ten (10) percent of the park area, shall be restricted in their use to occupants of the park, and shall present no visible evidence of their commercial character which would attract customers other than the occupants of the park.
- F. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the County Health Department before a building permit shall be issued by the Building Official.
- G. RV Park Space Standards
 - 1. Each RV space shall have an area of not less than 1,000 square feet and a width of not less than twenty-five (25) feet.
 - 2. There shall be a minimum distance of ten (10) feet between each RV space, which shall be left with natural ground cover and vegetation or landscaped.
 - 3. Parking must be provided at a ratio of one and one half (1 ½) parking spaces for every one (1) RV space.
 - 4. Each RV space shall provide service facilities which include at a minimum: water, sewer and electricity.
- H. Permits by the Town Council shall be issued for recreational vehicles visiting occupied residential structures in all zoning Districts for a period of not more than fourteen (14) days.

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SECTION 5 WALLS, FENCES, AND PLANTS

All walls, fences, hedges or screen plantings within the required yard areas shall conform to the following regulations except where special requirements are set forth for specific screening purposes elsewhere in this Ordinance or where modifications are required to meet the requirements of this Ordinance.

A. Front yards

All walls and fences within a required front yard shall not exceed four (4) feet in height except walls and fences of greater height may be permitted to enclose garbage and trash receptacles and above ground components of a public utility system, provided that the Building Official determines that:

1. The area enclosed and the height of walls and fences are the minimum necessary to screen such facilities from view;
2. It is not practical to locate such facilities in locations other than in a required front yard;
3. The encroachment of such walls and fences onto a required front yard is the minimum necessary;
4. The materials used, and the method of construction, for such walls, fences or plantings meet all standards prescribed by the Town of Dauphin Island;
5. The maximum height of any wall or fence used for the enclosure of such facilities is the minimum necessary and in no case shall the height exceed eight (8) feet.

B. Side and Rear Yards

All walls or fences within the required side or rear yards shall not exceed eight (8) feet in height except for a required street side yard or required street rear yard of a corner lot which shall be considered a front yard for these purposes and the height shall not exceed four (4) feet.

C. Boundary Between Residential and Other Districts

Along the boundary between a residential and a business or industrial District the height of walls or fences, within any required yards, shall not exceed eight (8) feet.

D. Exception for Projects

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

dwelling units. No wall exceeding height limits established in A, B, and C above, shall be located nearer than ten (10) feet to any single-family residential zoning District unless approved as a special exception by the Board of Adjustment.

E. Blind Corners

No fence, wall, screen planting, or other obstructions shall be located in a manner to create a blind corner.

SECTION 6 CONSTRUCTION CONTROL LINE

A. Definition

Construction Control Line (CCL) means the line seaward of which construction or excavation is prohibited by Administrative Rules of the Alabama Department of Environmental Management.

B. Location of Structures

WHEREAS, the southern shore and adjacent waters of Dauphin Island are a valuable asset to the Dauphin Island community and the protection and preservation of this area is in the public interest; and

WHEREAS, the southern shore and adjacent waters have not generally been the site of construction of private piers and other structures, the Town Council believes the construction of private piers, riprap, bulkheads and other structures in this area will have a deleterious effect on the natural scenic beauty and will impede access to and enjoyment of the beaches and adjacent waters by the general public.

WHEREAS, the construction of private piers, riprap, bulkheads and other structures on the southern beaches and in adjacent waters will pose a hazard during periods of turbulent weather by the dislodgement of component parts and their projection by storm winds and tides into homes and other buildings inland of the beaches.

WHEREAS, the construction of private piers in navigable water poses an impediment and hazard to the public using such waters for recreational and commercial activities.

WHEREAS, the current state of development, and the nature and character, of the remaining shores of Dauphin Island is substantially different than the southern beaches and adjacent waters and the prohibitions contained herein are not deemed necessary to protect the public's interest regarding the other shores.

1. On the seaward side of Dauphin Island between the west end of the Island to the East Bastion of Fort Gaines, no structures shall be constructed between mean high tide and the construction control line as defined by the Administrative Rules of the Alabama Department of Environment Management, and no structures shall be constructed or erected between the West end of Dauphin Island and the East Bastion of Fort Gaines in the area between mean high tide and two hundred (200) feet South of mean high tide.
2. Any structure in existence in the area described in this sub-section on the effective date of the adoption of this Ordinance, shall constitute as a non-conforming structure and may remain without modification or extension. If the structure is damaged or destroyed more than 50% of the physical structure, the remaining

portion or parts of the structure shall be removed within a reasonable time as determined by the Town Building Inspector at the sole expense of the owner(s) of the structure. As used in this application, “damaged or destroyed more than 50% of the physical structure” shall mean 65% of the deck/walkway destroyed or damaged, or 35% of the deck/walkway and 35% of the piles destroyed or damaged. Any repairs started prior to obtaining a building permit shall constitute a structure damaged or destroyed more than 50%. This provision shall not apply to any structure owned and/or operated by a public or quasi-public body for use by the general public, and such structures shall be deemed non-conforming structures and may be replaced or repaired after damage or destruction at the discretion of the public or quasi-public body which owns and/or operates the structure.

C. Adjacent Islands and Lands

The Properties known as “Sand Island Lighthouse,” “Pelican Island” and “Little Dauphin Island shall be known as “wetlands and green space”.

ARTICLE 8
OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1 REQUIRED OFF-STREET PARKING

There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity, or before conversion from one type of use or occupancy to another, permanent off-street parking and loading space in the amount specified by this Section.

A. Minimum Off-Street Parking Spaces Required

For the purpose of this Ordinance and parking requirement calculations, a living unit shall be defined as any housing unit containing sleeping areas and bathrooms that can be secured for private usage by the occupant. A maximum number of occupants shall be established for each unit and should not be exceeded.

1. Single-Family Dwellings and Two Family residences - any dwelling unit with up to and including three and one half (3 1/2) baths shall provide three (3) parking spaces. Each additional bath or fraction of a bath shall require one (1) additional parking space. All required spaces shall be located within the lot or within a contiguous lot.
2. Multi-family structures not exceeding eight (8) dwelling units per lot located within zoning classifications of Multi-Family Residential One to Four (1-4) Units, Multi-Family Residential One to Six (1-6) Units, Resort Commercial, Commercial Convenience or Commercial General – any housing unit containing up to and including three and one half (3 1/2) baths shall provide three (3) parking spaces. Each additional bath or fraction of a bath shall require one (1) additional parking space. All spaces shall be located within three hundred (300) feet the lot.
3. Multi-family structure(s) where densities exceed eight (8) dwelling units per lot located within zoning classifications of Multi-Family Residential One to Ten (1-10) Units, Resort Commercial, Commercial Convenience or Commercial General – any housing unit containing up to and including three and one half (3 1/2) baths shall provide three (3) parking spaces. Each additional bath or fraction of a bath shall require one (1) additional parking space. All spaces shall be located within three hundred (300) feet the lot.
4. Hotels, motels and motor inns - one and one-quarter (1.25) parking spaces for each sleeping unit plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc., to be located within three hundred (300) feet the lot.
5. Church, Synagogue or other place of worship, assembly halls, theaters, community recreation centers – one (1) space for each ten (10) fixed seats in the

largest assembly room or area or for each forty (40) square feet of floor area available for the accommodation of moveable seats in the largest assembly room

6. Libraries, art museums and similar cultural facilities – one (1) space for each four hundred (400) square feet of gross floor area.
7. Funeral home – one (1) space for each ten (10) seats or bench seating spaces in chapel.
8. Medical offices, dental offices and clinics – four (4) parking spaces for each doctor plus one (1) parking space for each employee.
9. Retail stores selling clothing, variety merchandise, jewelry, sporting goods, musical records, tapes, video cassettes, drugs, liquor, small hardware, food and similar items – one (1) space for each three hundred (300) square feet of gross floor area.
10. Retail stores selling merchandise generally characterized by high bulk and high cost including stores selling furniture, appliances, large hardware items, business machines, bicycles, guns, light fixtures, radio and television, auto accessories, building materials, home furnishing and similar goods – one (1) space for each three hundred (300) square feet of gross floor area.
11. RV Parks –one and one half (1 ½) spaces for each RV space.
12. Service stations, car wash – two (2) parking spaces for each Bay and one (1) for each wash rack.
13. Restaurants, lounges and other eating and drinking establishments, Private clubs, country clubs and lodges including social membership organizations not for profit – one (1) space for each four (4) seating accommodations, plus one (1) space for each two (2) employees on shift of greatest employment; take-out restaurant, one (1) space for each three hundred (300) square feet, plus one (1) space for each two (2) employees on shift of greatest employment.
14. Bowling alley or pool room – two (2) spaces for each alley or billiard or pool table.
15. Bank, savings and loan or other financial institution – one (1) parking space for each four hundred (400) square feet of gross floor area plus one (1) space for each two (2) employees.
16. Professional and business offices – one (1) space for each three hundred (300) square feet of gross floor area.

17. Commercial recreational and amusement establishments – two (2) spaces for each three hundred (300) square feet of gross floor area.
18. Personal service establishments – one (1) space for each three hundred (300) square feet of gross floor area.
19. General service or repair establishment, printing, publishing, plumbing, heating, broadcasting – one (1) space for each five hundred (500) square feet of gross floor area.
20. Laundromat – one (1) space for each three (3) washing machines.
21. Manufacturing or industrial establishment, research or testing laboratory, bottling plant, wholesale, warehouse or similar establishment – one (1) space for each eight hundred (800) square feet of gross floor area.
22. Marina – one (1) space for each three hundred (300) square feet of enclosed floor space not used for storage and one (1) space for each three (3) wet slips and one (1) space for every three (3) dry slips.
23. Boat Launch facilities offering service to the public - ten (10) vehicle/trailer spaces for each launch. Boat Launches designed only for non-motorized boats shall require five (5) parking spaces for each launch.
24. Businesses with employees, contractors or subcontractors who work off-site and need more parking than is required by this Ordinance must provide sufficient parking to accommodate the excess need. This parking may not be located on public right-of-way or on public property.
25. All parking situations cannot be covered by this Ordinance. Unusual parking needs will be addressed on a case by case basis by the Planning Commission in cooperation with the Building Inspection department.

B. Location of Parking Spaces

Parking spaces for all uses or structures shall be located on the same lot with the principal use unless a special exception is approved for off-site parking facilities. If parking is provided off-site, then the spaces shall not be located more than three hundred (300) feet from the lot on which the principal use to be served is located and the zoning classification of the property on which the off-site parking facilities are located shall be the same or a less restrictive classification. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses shall be properly drawn and executed by the parties concerned, approved as to form by the Municipal Attorney and shall be filed with the application for a building permit. Annual Business license *renewal* applications must include a copy of the current written

agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses as originally approved.

Drainage: Off-street parking: Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto environmentally sensitive areas. 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 area will leave openings for the flow of water onto unpaved areas.

C. Collective Provisions of Parking Spaces

Two (2) or more owners or operators of commercial buildings or uses of the same type of zoning classification who's operating hours do not coincide may make collective provision for required off-street parking facilities if the total number of off-street parking spaces, is greater than or equal to the requirement for the largest individual use.

D. Landscaping

The following landscaping standards shall apply to all parking lots accommodating six (6) or more parking spaces and to the footprint area of parking decks having two (2) or more parking levels or to covered parking areas:

1. At least ten (10) percent of the area reserved for off-street parking lot shall be suitably landscaped. Landscaped areas may consist of numerous small landscaped areas in the interior of the parking lot and perimeter landscaping;
2. Each separate landscaped area must be a minimum of sixteen (16) square feet in area if it is to be counted toward the minimum landscaped area requirements;
3. At least five (5) percent of the area within the interior of the parking lot shall be suitably landscaped;
4. Each separate landscaped area shall have not less than one tree. Interior portions of the parking lot shall contain not less than one separate landscaped area for each twelve (12) parking spaces and not less than one tree for each 24 parking spaces;
5. Shrubs shall be a minimum of thirty (30) inches in height immediately upon planting. Trees must be a minimum of six (6) feet in overall height immediately upon planting and have a minimum caliper of one and one-half (1-1/2) inches in diameter;
6. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;

7. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

E. Design Standards and Improvements Requirements Definitions

1. Parking Area Dimensions. Off-street parking space is an all-weather surfaced area, not in a street or alley and having an area of not less than one hundred and sixty-two (162) square feet and minimum dimensions of nine (9) feet by eighteen (18) feet exclusive of driveways, permanently reserved for the temporary storage of the one automobile and connected with a street or alley by a shelled, asphalt, or other applicable approved surface which affords unobstructed ingress and egress to each space.
2. Parking Plan: A parking area plan must be submitted as part of the site plan for any parking area with a design capacity for six (6) or more vehicles and shall require the approval of the Building Inspector or Compliance Officer.
3. Driving Aisle Width. The width of all driving aisles providing direct access to individual parking spaces shall be in accordance with the requirements specified below.

	Parking Angle (in degrees)	Minimum Driving Aisle Width (in feet) Two-Way Drive	Minimum Driving Aisle Width (in feet) One-Way Drive
Single Stack	30°	20ft	15ft
Double Stack	30°	24ft	20ft
Single Stack	45°	20ft	20ft
Double Stack	45°	24ft	20ft
Single Stack	60°	20ft	20ft
Double Stack	60°	24ft	24ft
Single Stack	90°	24ft	20ft
Double Stack	90°	24ft	24ft

4. Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the beach. 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 area will leave openings for the flow of water onto unpaved areas.

5. Wheel stops. Parking facilities without curbing shall provide wheel stops for all spaces not less than eighteen (18) inches from the end of the parking space. The stops shall be landscape timber, concrete or other approved material.

SECTION 2 OFF-STREET LOADING

In any District, in connection with every buildings, or building group or part thereof hereafter erected and having a gross floor area of four-thousand (4,000) square feet or more, which is to be occupied by commercial or industrial uses requiring the receipt or distribution of goods by trucks, there shall be provided off-street loading or unloading berths as follows:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
4,000 – 25,000 square feet	1 berth
25,001 – 40,000 square feet	2 berths
40,001 – 60,000 square feet	3 berths
For each additional 50,000 square feet	1 berth

The loading berth(s) required in each instance shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard or water front yard; provided, however, that the loading berth(s) shall be screened from the street or public way.

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ARTICLE 9
SIGN REGULATIONS

SECTION 1 INTENT AND PURPOSE

It is the purpose of these sign regulations to promote the safety and welfare of the residents of the Town of Dauphin Island so that signs do not become a hazard or a nuisance and, therefore, to establish regulations for the control of all signs designed or intended to be seen by, or attract the attention of, the public which may be erected, displayed, maintained or altered in the Town. Further, it is the intent of this Ordinance:

- A. To allow expression of commercial and non-commercial speech in a reasonable manner consistent with the rights of others;
- B. To provide a pleasing overall environmental setting and good community appearance deemed vital to the continued economic attractiveness of the Town;
- C. To enhance a productive, enterprising, responsible community atmosphere through the use of effective visual communication.
- D. This Ordinance supersedes all other duly approved and enacted previous sign Ordinances and no sign will be deemed compliant by virtue of a claim of 'grandfathering.'

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SECTION 2 GENERAL PROVISIONS

- A. No sign shall be erected, displayed, maintained or altered in the Town unless it is in compliance with this Ordinance.
- B. Signs are Accessory Uses Only: Signs shall be permitted only as accessory uses to buildings or structures, with the exception of construction signs for property under development and real estate signs.
- C. Permit Required: It shall be unlawful for any person to erect, display, alter or relocate any sign unless such sign is in compliance with this Ordinance, and a permit for such sign has been issued by the Building Inspector/Zoning Official, and the permit fee required by this Ordinance has been paid, except for any sign for which a permit is not required under this Ordinance. The signs that do not require a permit are listed in Section 6 of this Ordinance.
- D. Compliance Review Required: The Building Inspector/Zoning Official shall not issue a sign permit until satisfactory completion of the review process as required under this Ordinance.
- E. Maintenance: The owner of any sign shall maintain same, in good repair, in a safe manner and in a permitted location, together with all sign supports, braces, anchors and messages, all in accordance with this Ordinance. Vegetation around signs shall be cut and landscaping maintained.
- F. Required Signs: The street address (building number) of each of the premises in the Town shall be displayed, as per Town Ordinance, in a legible manner in a location visible from the public rights-of-way.

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SECTION 3 SIGN DEFINITIONS

Interpretations: With respect to words used in this Ordinance, words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. Any word not herein defined shall be defined by the definition set forth in “A Glossary of Zoning, Development and Planning Terms” published by the American Planning Association, Report Number 491/492 which is hereby made a part of this Ordinance.

Definitions: The following definitions shall apply to the regulation and control of signs within this Ordinance.

Accessory. Accessory uses are those activities and land uses incidental to a primary use. They function as secondary or subordinate to a primary or major use and are identified as such in zoning and municipal Ordinances. The classic example of an area’s accessory use is a parking facility serving an office building on the same site, or signage for the primary use of a site. An accessory use is not the principal use of the property, but rather a use occasioned by the principal use and subordinate to it. Terms like ‘auxiliary’, ‘ancillary’, ‘adjunct’, ‘subsidiary’, and ‘supplementary’ are also used to define accessory uses.

Aggregate. The sum, total or combination; a total or whole.

Air dancer. Air dancers are large inflatable devices comprising of a long tube attached to a fan which causes the tube to move in a dancing or flailing motion. Air dancers are generally called an inflatable tube or a moving figure, such as "windy man", "sky dancer", "tube man", and "fly guy". Variants of an Air dancer may resemble humans with tube arms.

Attached Premises. A building with two (2) or more tenants sharing a common wall between tenants. Sometimes referred to as a strip center where an attached row of stores or service outlets are managed as a coherent retail entity, with on-site parking usually located in front.

Auction Sign. Sign indicating that the property on which the sign is located is to be sold at auction on a specific date.

Awning Sign. Sign that is painted on, applied to, or otherwise is a part of a fabric or other non-structural awning.

Authorized Agent. An individual duly authorized by the owner of premises to apply for a sign permit, approval of a Master Sign Plan or other form of official action by the Town with regard to any sign or signs on the property. An authorized agent, if not an attorney, shall have written authorization from all owners of the development site. Only an individual may be an authorized agent.

Bandit (or Lawn) Sign. Bandit (or lawn) signs (also known as yard signs, placards and road signs, among other names) are used for local advertising. They can be used by businesses such as real estate and are popular in election campaigns. They are small signs that can be placed on

the property of a business or on the lawns of a candidate's supporters. Bandit signs are often also placed near polling places on Election Day, although in most jurisdictions, there are legal restrictions on campaigning within a certain distance from a voting facility. The signs are typically placed close to the road for greater visibility. Signs come in various shapes and sizes, but are most often rectangular and between twelve (12) and forty (40) inches on each side. They are usually produced in packages that include lawn sign wires since most of these signs need to be placed on a grass or dirt surface.

Banner. Sign, not otherwise classified as a temporary sign, made of cloth, canvas, plastic sheeting or any other flexible material, not rigidly attached to a building or the ground through a permanent support structure.

Building. A structure having a roof supported by columns or walls. Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals or chattels.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest structural point of the building.

Building Inspector/Zoning Official. Individual appointed by the municipality to carry out inspections required by the Southern Standard Building Code, Zoning Ordinance and/or other Town Codes; and for the purpose of this Ordinance, includes authorized designees.

Bulletin Board - Noncommercial. Sign placed on the premises of any school, public agency, Town rights-of-way, church or other religious organization, charitable organization or institutional organization consisting of changeable copy boards or panels for the posting of noncommercial notices.

Bulletin Board – Commercial. Sign placed on the premises of any commercial business consisting of panels for the posting notices.

Commercial Message. Any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Community Event Sign. Sign indicating an event or activity conducted by a person or an educational, civic or charitable organization, and having a public or community service-related purpose.

Construction Sign. Sign pertaining only to the construction, alteration, rehabilitation or remodeling of buildings, identifying only those parties involved in construction on the premises and future activity for which the construction is intended.

Development Site. One or more parcels of land unified under a single development plan which constitutes the entire development shown on a site plan or subdivision plat, including all land needed for landscaping, drainage facilities, parking, internal access roads, driveways or other physical design features needed to serve the proposed development.

Digital Sign. A form of electronic display that shows programming, menus, information, advertising and/or other messages. Digital signs utilize technologies such as LCD, LED, plasma displays or projected images to display content.

Dilapidated Sign. Any sign that is structurally unsound, has defective parts, or is in need of painting or maintenance.

Directional Sign, on premises. Sign, other than an official sign, not displaying any commercial message, designed and created solely for the purpose of traffic or pedestrian direction and placed on the property.

Directory Sign. Sign listing only the names and addresses of tenants or occupants of, and the name of, a permitted multiple occupancy commercial building or group of buildings.

Display Area, General. The area that can be enclosed or measured by the smallest rectangle that will encompass the entire sign face and/or wall graphics; including frame, but excluding posts, uprights, braces or other structural members that support it.

Door Sign. Sign attached to, painted on or etched into a door. A sign in a window that is part of a door is a door sign rather than a window sign.

Double Face Sign. A sign with two (2) display areas against each other or where the interior angle formed by the display areas is fifteen (15) degrees or less. The sign must be identical on both sides, where one face is designed to be seen from one direction and the other side from another direction. The display area of a double face sign is calculated from the area of one (1) side of the sign.

Façade. The side of a building below the eaves or top of parapet wall. The front of a building facing a roadway/street or the side of the building with the main public entrance.

Façade (or Attached) Sign. Sign attached to, or painted directly upon, a facade.

Feather Flag. Tall, thin flags mounted on long poles that bend with the wind and resemble a sail. Their narrow, long dimensions make them look similar to feathers, and when the wind blows, the entire flag ruffles.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol.

Flashing. To give off light or be lighted in sudden or intermittent bursts.

Gasoline Service Station Price Sign. Sign placed at a gasoline service station indicating grades, prices and brand of gasoline offered for sale.

General Business Sign. Sign advertising or identifying only the premises whereon the sign is located, which may include, but not be limited to, the name, hours of operation, symbol or logo

of the owner, occupant, manager, business, institution or building, the address, the type of business, profession, services or activity conducted on the premises; and descriptive information about the products and services offered thereon.

Ground Sign. A freestanding sign supported by uprights, posts or bases affixed in or upon the ground and not attached to any part of a building.

Hazard Sign. Sign warning of construction, excavation or similar hazards, and of such size and placement that is in accord with the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition, published by the US Department of Transportation, Federal Highway Administration.

Identification Marker, Subdivision. An on premise sign marking an entrance to a residential subdivision containing the name of subdivision and no other content.

Incidental Sign. Sign, other than an official sign, containing no commercial message, providing only information or direction for the convenience and necessity of the public.

Internal Sign. Sign inside a business.

Logo. A graphic representation or symbol of a company name, trademark, abbreviation, etc., often uniquely designed for ready recognition.

Marina. A commercially operated waterfront place for docking, storing, berthing, or securing more than four (4) boats and which may or may not include accessory purposes such as refueling, launching and repairing.

Murals. Any picture painted directly onto a building or structure that does not contain wording or logos.

Non-Commercial Message. Any wording or other display other than a commercial message.

Non-Conforming Sign. A sign lawfully erected and legally existing at the time of the effective date of this Ordinance, but which does not conform to the provisions of this Ordinance.

Non-Official Flag. Any flag other than an Official Flag.

Off-premise Sign. Sign not located on the premises (same platted parcel of land) of the business, advertising only goods and services of the business to which an off-premise permit has been issued.

Official Flag. Any official government flag or emblem.

Official Sign. Any official governmental, traffic, directional, regulatory or informational sign placed by a duly authorized public official, or notice issued by any court officer or order, or officer in performance of a public duty; an official historical marker; any sign erected by a

federal, state or local government agency for identification purposes at any office, institutional, recreational or other publicly owned or leased site.

On-Premise Sign. Any sign located or proposed to be located within the same platted parcel of land on which a business or other activity identified on such sign is located.

Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

Political Sign. Sign containing a non-commercial message regarding a public issue, promoting a political cause or supporting the campaign of an individual for public office.

Premises. Land and building or part of a building having a separate street address. The plat of record, which is, affected either directly or indirectly by the contents of this Ordinance.

Product Sign. Sign directly attached to a licensed or otherwise authorized vending machine, gasoline pump or similar apparatus that directs attention only to products or services dispensed therefrom.

Professional/Home Occupation Sign. Sign fastened directly to the building containing only profession/name of business, business hours and phone number.

Projecting Sign. Sign placed above the ground, permanently affixed at more or less a right angle to the exterior facade of the building to which it is attached.

Portable Sign. Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

Real Estate Directional Signs. A sign intended to provide directional information to real estate available. Signs shall be placed so as to minimize interference with any type of road crew maintenance. Signs shall be maintained in good condition as long as displayed. A small logo or name may be included on the face of the sign. A real estate directional sign shall not be considered a “directional sign” as described herein.

Real Estate Sign. Sign indicating that the property on which the sign is located is for sale, lease, rent, auction or development; to announce an open house event in connection with the sale or lease of a building, or to identify a model home.

Rental Business. The rental of products available for use in return for payment (Bikes, Boats, Jet Skis, Wind Surfers, Kite Boards, Surf Boards, etc.).

Required Signs. The street address (building number) of each of the premises in the Town shall be displayed, as per Town Ordinance, in a legible manner in a location visible from the public rights-of-way.

Residential/Condominium Identification Sign. Identification sign naming the residence or condominium with graphics, containing no commercial message, located on the property identified.

Retail Sales Business. A business engaged in the sale of goods in small quantities to customers.

Right-of-Way. A strip of land taken or dedicated for use as set forth in the official map plats of the Town of Dauphin Island as public way. In addition to the roadway, it normally incorporates the curb, 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. Right-of-Way widths vary throughout the town and can be verified through Town Hall.

Roof Sign. Sign mounted on a roof, above the eaves or above the top of a parapet wall of a building, but not extending above the highest point of its supporting roof or of another architectural element that serves to block a rear view of the sign.

Sandwich (Sidewalk) Sign. A movable sign not permanently secured or attached to the ground or surface upon which it is located, but supported by its own frame. These signs are known by various names based on the manufacturer and include names such as wind signs, rolling, folding, tip 'n roll, swinger sidewalk signs or equivalent.

Security Sign. Sign indicating only the logo, name and contact telephone number of the company providing security services to the property upon which the sign is located.

Shopping Center. A group of commercial establishments on one or more contiguous parcels of land having shared access and/or off-street customer parking.

Sign. A lettered, numbered, symbolic, pictorial, graphic, logo or illuminated visual display that is designed to identify, announce, direct or inform.

Sign Face. The area of the smallest rectangle within which all letters, logos, symbols, graphics or other elements displayed on the sign can be enclosed.

Sign Height. The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater. No freestanding sign may exceed sixteen (16) feet in height.

Snipe Sign. An overlay added to an existing sign layout as an additional message to the main sign, for example, a band (stripe) across a corner saying (Coming Soon). It is also a term for illegal posting of hand bills, bandit signs and posters without permits.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a permanent 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, signs, walls, fences, screened enclosures, gas or liquid storage tanks or

other objects. This definition does not include sand fences or dune walkovers constructed for the purpose of dune protection or enhancement.

Suspended Sign. Sign attached to, and supported by, the underside of an elevated structural element.

Temporary Sign. Sign not permanently and rigidly affixed to the ground or a building.

The 'T'. An area defined by the centerlines of Le Moyne Drive and Bienville Boulevard to. (1) East to Key Street, (2) North to Cadillac Avenue, (3) West to Lackland Street, and (4) South of Bienville Boulevard from Key to Lackland Streets. In this Ordinance, this area shall be known as The 'T'.

Through Lot. A lot with a street on opposite sides.

Town Code. The Code/Ordinances of the Town of Dauphin Island, Alabama.

Utility Sign. Sign showing the location of a public telephone, or sign placed by a regulated public utility to indicate location of its facilities, and includes no commercial message.

Variance. A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. Permission to depart from this Sign Ordinance when, because of special circumstances applicable to the property, strict application of the provisions of this Sign Ordinance deprives such property the privileges enjoyed by other property owners.

Window Sign. Sign painted onto the inside or outside of a window, or sign attached to the outside of, or displayed in front of, a window.

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SECTION 4 REQUIREMENTS APPLICABLE TO ALL SIGNS

- A. Building Code: All signs must comply with the building code and all other applicable codes and Ordinances of the Town; as such codes and Ordinances are in effect.
- B. Electrical Code: Any sign that may require electrical wiring or connections shall comply with the electrical code and all other applicable codes and Ordinances of the Town, as such codes and Ordinances are in effect. All electrical devices used in signs must be inspected by Underwriters Laboratories (i.e., "UL Listed").
- C. Sign Height: No freestanding/ground sign or feather flag shall exceed sixteen (16) feet in height at the top of the sign and the bottom of a sign may not exceed twelve (12) feet above ground, measured from the average elevation of the nearest road centerline. Air dancers may not exceed twenty (20) feet in height.
- D. Obstruction to Passage: No sign shall be erected, displayed or maintained so as to obstruct or interfere with any fire escape, any required exit way, window, door opening or any other means of egress, or of any opening required for ventilation required by the building code and all other provisions of the Town Code.
- E. Signs in Public Rights-of-Way: No sign, other than an official sign and officially approved directional signs, shall be placed in public rights-of-way or shall project into a public right-of-way, or shall be attached to private property placed in a public right-of-way, except as expressly provided in this Ordinance. Any sign so placed or located, except in conformance with this Ordinance, shall be confiscated and destroyed. In addition to other remedies, the Town shall have the right to recover from the owner of such sign or the person placing such sign the full costs of removal and disposal of such sign.
- F. Illumination, Lighting and Glare: Signs may be illuminated through the use of direct or indirect illumination, backlighting, internal illumination, neon tube illumination or a combination of the aforementioned. Neon must comply with the Town's Building Code and the neon may not extend more than eight (8) inches from any side or face. Any device that illuminates a sign shall be placed and shielded so that the direct light shall not cause direct glare into the windows of any adjacent property or be cast into the eyes of passing motorist. Flashing lights, messages or images are not permitted. A flashing sign contains a sequential flashing light source where the period of time of illumination is generally equal to the period of non-illumination, and is used solely to attract attention in a non-informative way. There must be a minimum five (5) second period for each change of color, message or lighting for all illuminated signs.

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SECTION 5 PROHIBITED AND ILLEGAL SIGNS

In addition to any sign not specifically permitted by these regulations, the following are specifically prohibited and will be confiscated and disposed of immediately.

- A. Any sign visible from a public right-of-way that simulates or imitates in color, lettering, content or design any traffic sign or signal; or that makes use of words, symbols or characters in a manner which is likely to interfere with, mislead or confuse pedestrians or motorists; or otherwise presents or implies the need or requirement of stopping, caution, the existence of danger, or which for any reason could be confused with any sign displayed or authorized by public authority.
- B. Any sign, pennant or device raised into the sky and held in place with ropes or wire, except for flags as defined and listed in Section 8: Regulations for Incidental Signs.
- C. Any sign containing or consisting of any flashing, pulsating or otherwise animated light or component that does not meet the five (5) second minimum period as noted in Section 4 Requirements Applicable to All Signs; excluding signs owned and managed by any governmental entity and digital signs as defined in the Definitions and Section 9: Regulations for General Business Signs of this Ordinance.
- D. Any sign at any street intersection that would obstruct free and clear vision of motorists, or that would obstruct or interfere with a motorist's view of any traffic signal or sign.
- E. Any sign painted on, or attached to, a utility pole or fence or similar structure, or painted on or attached to a tree, rock or other natural feature.
- F. Any sign erected, painted, enlarged or structurally altered in violation of any provision of this Ordinance.
- G. Any sign determined by the Building Inspector/Zoning Official to be dangerous because it is not securely affixed to the ground, or otherwise affixed in a safe, secure and permanent manner to a building or other approved supporting structure.
- H. Any sign that has deteriorated or been damaged to such extent that the cost of reconstruction or restoration is deemed by the Building Inspector/Zoning Official to be in excess of fifty (50) percent of its present value, exclusive of foundations.
- I. Any sign identifying a business or other use no longer occupying the premises upon which it is displayed.
- J. Off-premise sign advertising goods or services not provided by the sign owner.
- K. Bench signs.

- L. Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
- M. Portable signs on wheels of the type usually leased by sign companies which can be towed with a vehicle from place to place, and on which the sign copy can be readily changed.
- N. Murals containing wording, logos or advertising.
- O. Snipe, bandit or lawn signs with the exception of political signs which must follow the guidelines in Section VII: Regulations for Temporary Signs.
- P. Signs that emit or create noise of any kind.
- Q. No sign, other than official or directional governmental signs, shall be placed in the Town rights-of-way from the intersection of the centerlines of Le Moyne Drive and Bienville Boulevard to: (1) East to Key Street, (2) North to Cadillac Avenue, (3) West to Lackland Street, and (4) South of Bienville Boulevard from Key to Lackland Streets. In this Ordinance, this area shall be known as The 'T'. No variance may be given for sign(s) in The 'T' except for Sandwich/Sidewalk signs of businesses located within The 'T' and as defined and regulated in this Ordinance. Sandwich/Sidewalk signs placed in The 'T' must be set back a minimum of fifty (50) feet from the tips of the median curbs on which they are placed and may not be placed south of Bienville Boulevard from Key to Lackland Streets.

SECTION 6 SIGNS EXEMPT FROM PERMIT FEE

- A. Required, temporary, church, Park & Beach Board, Sea Lab, Estuarium, public schools and incidental signs allowed herein shall not require payment of a sign permit fee but do require a sign permit and shall meet all other provisions of this Ordinance, and all other provisions of the Town Code and shall be approved by the Building Inspector/Zoning Official.

- B. Each church may have one (1) on premise sign not exceeding thirty-two (32) square feet. Generic directional signs will be provided for churches on Lemoyne Drive and Bienville Boulevard *with church logo if requested.*

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SECTION 7 REGULATIONS FOR TEMPORARY SIGNS

It shall be unlawful to erect, display or permit the display of, or maintain any temporary sign unless such sign is expressly permitted by this Ordinance, subject to all of the limitations and provisions stated herein and a permit has been issued. Should a temporary sign exceed the permitted display area, it shall be considered a general business sign and shall be subject to every requirement of this Ordinance governing such signs. Permitted temporary signs are limited to the following types and conditions:

- A. Banner: Each new business may have one temporary banner, placed as a facade sign or a window sign in accord with all other applicable requirements of this Ordinance, for a period of not more than 45 days or until a permanent sign is installed, whichever time period is shorter. Otherwise, only as authorized by the Town Council.
- B. Community Event Banners: Only as authorized by the Town Council or Building Inspector/Zoning Official to advertise a non-commercial event and for a period of not more than thirty (30) days. Only one (1) on premise banner and one (1) banner placed on Town's 'banner board' are allowed per event and must be removed within twenty-four (24) hours of the events conclusion.
- C. Community Event Signs: Only as authorized by the Town Council or Building Inspector/Zoning Official to advertise a non-commercial event. Sign size is limited to two (2) feet by two (2) feet and will be allowed for a period of not more than thirty (30) days prior to the event. These may be placed on town rights-of-way except in The 'T' but must be removed within twenty-four (24) hours of the events conclusion.
- D. Construction Sign: Only on development sites for which a building permit has been issued. For individual residential lots, not to exceed one sign, display area not to exceed six (6) square feet and height not to exceed three (3) feet above the ground, measured from the average elevation of the nearest road centerline. For all commercial lots, not to exceed one sign, the aggregate display area not to exceed thirty-two (32) square feet and height not to exceed eight (8) feet above the ground, measured from the average elevation of the nearest road centerline. Removal of all construction signs shall be required prior to issuance of a Certificate of Occupancy. All building permits shall include these conditions.
- E. Hazard Sign: Shall be removed immediately when the hazard no longer exists.
- F. Political Sign: All political signs may be displayed (as described below) only after a candidate has fully registered and/or qualified to run for office, not to exceed forty-five (45) days prior to the election in which they are a candidate. Political signs shall not exceed two (2) sides with three (3) square feet per side. A maximum of one (1) sign per candidate per lot may be placed on private property in all zoning Districts and shall not be placed within public rights-of-way, publicly owned sites, public authority sites, and publicly leased sites. Signs shall not be attached to utility poles, trees, benches, fences, awnings, nor attached to any town, county, state or federal marker, directional or

informational sign unless specified otherwise in this Ordinance. Political signs shall be removed within seventy-two (72) hours of poll closing for the election. When a sign is damaged or condition warrants, it shall be removed or replaced. Any sign not in compliance with the requirements of this Ordinance shall be removed by Town personnel.

- G. Political Signs: Voting Day - On voting day each candidate may have a maximum of six (6), two (2) sided signs not to exceed three (3) square feet per side within the rights-of-way and within one hundred fifty (150) feet of the voting site. Signs must be a least one (1) foot from the edge of the pavement and must be removed within twenty-four (24) hours of poll closing. Any sign determined not to be in compliance with the requirements of this Ordinance shall be removed by Town personnel.
- H. Real Estate Sign: May only be posted on the property that is for sale, rent or lease, subject to the following conditions:
 - I. For Sale and/or For Lease/Rent Signs: The aggregate display area of all For Sale and/or For Lease/Rent Sign(s) for each lot shall not exceed four (4) square feet in areas zoned residential or conservation-park, and twenty four (24) square feet in all other zoning Districts. Properties fronting navigable waterways, canals, Gulf of Mexico or bays may have one (1) sign on the street side and one (1) sign on the water side of the lot. Corner lots may have one sign on each street, providing the signs are not closer to each other than the midpoint of each side. Through lots may have one sign on each street front. Sign must be removed within fourteen (14) days after sale.
 - J. Sign Height: The bottom edge of a ground-posted real estate sign shall not be elevated more than two (2) feet above the average elevation of the nearest road centerline for residential property and four (4) feet above the average elevation of the nearest road centerline for commercial property. The vertical distance is measured from the average elevation of the nearest road/street centerline to the bottom of the sign. The top of the sign or support shall not exceed six (6) feet above the ground measured at the center of the sign.
 - K. Real Estate Directional Signs: Signs are not to exceed twenty-four (24) inches wide and ten (10) inches high. Signs must be located so as to minimally interfere with Town operations. A small logo or name may be included on the sign face but cannot increase the stated sign size.
 - L. Open House Sign: One (1) open house sign of four (4) square feet may be placed on the property fourteen (14) days prior to the open house. Open house signs must include the day of the week and the times the agent will be on site for the open house.
 - M. Open House Directional Signs: Signs are not to exceed twenty-four (24) inches wide and ten (10) inches high must be located so as to minimally interfere with Town operations. Signs may be placed in the rights-of-way two days prior to the open house and must be

removed within twenty-four (24) hours after the open house is over. A small logo or name may be included on the sign face but cannot increase the stated sign size.

- N. Auction Sign: Residential - One (1) sign of aggregate display area of six (6) square feet on property being offered. Commercial - One (1) sign of aggregate display area of twenty-four (24) square feet on property being offered. Sign may be erected thirty (30) days prior to auction and must be removed within twenty-four (24) hours after auction. Signs must include the date and time of the auction.
- O. Auction Directional Signs: Signs are not to exceed twenty-four (24) inches wide and ten (10) inches high and must be located so as to minimally interfere with Town operations. A small logo or name may be included on the sign face but cannot increase the stated sign size. Signs may be erected thirty (30) days prior to auction and must be removed within twenty-four (24) hours after auction.

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SECTION 8 REGULATIONS FOR INCIDENTAL SIGNS

- A. It shall be unlawful to erect, display or permit the display of, or maintain any incidental sign unless such sign is expressly permitted by this Ordinance, subject to all of the limitations and provisions stated herein and a permit has been issued. Should an incidental sign exceed the permitted display area, it shall be considered a general business sign and shall be subject to every requirement of this Ordinance governing such signs. Permitted incidental signs are limited to the following types and conditions:
- B. Air Dancers: Each property on which a business or businesses are located are allowed one (1) air dancer, not to exceed twenty (20) feet in height. Air dancers must be located on the business property, not on the Town right-of-way; and are only allowed to be used during normal business hours, and in no case from the hours of 10:00 p.m. to 6:00 a.m.
- C. Bulletin Board, commercial and noncommercial: Not to exceed one (1) single or double faced sign per premises, display area not to exceed thirty-two (32) square feet per side and height not to exceed eight (8) feet above the ground directly below the bulletin board.
- D. Gasoline Service Station Price Sign: Height of sign shall not exceed sixteen (16) feet in height at the top of the sign and the bottom of a sign may not exceed twelve (12) feet above ground, measured from the average elevation of the nearest road centerline. Shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building. Not to exceed one per service station. The sign may be single faced or double faced and may not exceed more than thirty-two (32) square feet per face exclusive of frame. Sign frame may not exceed thirty (30) square feet.
- E. Official Flag or Official Sign: Any official governmental, traffic, directional, regulatory or informational sign or flag placed by a duly authorized public official, or notice issued by any court officer or order, or officer in performance of a public duty; an official historical marker; any sign or flag erected by any governmental agency for identification purposes at any office, institutional, recreational, or other publicly owned or leased site. Governmental flags may be displayed on all properties.
- F. Non-Official Flag: Non-official flags may be flown on all residential and commercial properties, but does not include pennants. Each business is allowed one (1) 'Open' flag and two (2) additional non-official flags and/or feather flags. The height of feather flags may not exceed sixteen (16) feet.
- G. Product Sign: Only those signs attached to pump or machine advertising only those products dispensed therefrom.
- H. Professional/Home Occupation Business Sign: One sign not more than one and one-half (1.5) square feet in area fastened directly to the building.
- I. Residential Identification Sign: Not to exceed one (1) sign per residence, display area not to exceed sixteen (16) square feet including graphics.

- J. Condominium Identification Sign: Not to exceed one (1) attached and one (1) on premise ground sign per condominium complex. Sign limited in content to name of condominium, graphics, name of rental agent (not to exceed 20% of sign face), address of premises, and not to exceed: for a condominium complex with less than ten (10) units, sixteen (16) square feet; for a condominium complex with ten (10) or more units, thirty-two (32) square feet. Signs of danger or of a cautionary nature are allowed and are limited to three (3) square feet in area. All condominium signs are limited to: 1) Wall or ground sign; 2) No more than one (1) sign per complex; 3) Illumination only from a concealed light source which does not blink, flash or pulsate.
- K. Identification Marker: A single on premise ground sign, display area not to exceed: (a) for less than ten (10) lots, sixteen (16) square feet; (b) for ten (10) or more lots, thirty-two (32) square feet, and subject to all other applicable requirements of this Ordinance regarding ground signs, may be permitted at each entrance from a public street, only if authorized by the Town Council and only as indicated on the approved subdivision plat or site plan.
- L. Security Sign. Not to exceed one (1) sign on each side of house/building and the display area not to exceed one (1) square foot each.
- M. Utility Sign: Signs identifying a utility may have an aggregate display area of one (1) square foot.
- N. Sandwich Signs (Including wind signs and rolling swinger sidewalk signs or equivalent): Each Dauphin Island licensed business, except Home Occupation Businesses and Peddlers, may place one Sandwich (Sidewalk) sign either on their property or on the Town's right-of-way during the established business hours of operation. Sandwich signs require compliance approval by the Building Inspector/Zoning Official. The sign may be up to twenty-four (24) inches wide and thirty-six (36) inches high with a maximum of two (2) inch wide and four (4) inch high legs. PVC pipe may be placed into the ground at placement site to hold the legs of the sign. The PVC pipe must be flush with the ground to prevent damage to mowers and equipment. The signs must be anchored or weighted for safety. The Sandwich Sign must be removed at the end of each day's hours of operation. Any sign that violates this provision of the Ordinance will be removed by Town employees and held at Town Hall for fourteen (14) days. For the first offense a fine of twenty-five (\$25.00) dollars will be charged to retrieve the sign. Any subsequent violations will result in the confiscation and destruction of the sign. The Town assumes no liability for signs placed on the right-of-way.

SECTION 9 REGULATIONS FOR GENERAL BUSINESS SIGNS

It shall be unlawful to erect, display or permit the display of, or maintain any general business sign unless such sign is expressly permitted and fee paid as required by this Ordinance, subject to all of the limitations and provisions stated herein. A business façade, attached, ground, window or off-premise sign may advertise goods and services provided by the business; or may advertise goods and services for any licensed Dauphin Island business, except Home Occupation businesses, provided that the display area of the signs is included in the total aggregate area allowed for signage and that the annual fee per off-premise sign has been paid to the Town by the off-premise business being advertised.

Permitted general business signs are limited to the types and conditions listed in Table 1 below. All permitted general business signs are included in the total allowable aggregate area for signage. Wherever more than one of the following may pertain to any particular situation, the more or most restrictive shall apply. **NOTE: Sign regulations for The Village (V) Zoning District are found within the district requirements for that district.**

Table 1. General Business Signs	
Type	Conditions (If Applicable)
Awning Sign:	Shall be flat against the surface of the awning and must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.
Digital Sign:	Programming, menus, information, advertising and/or other messages displayed by digital signs utilizing technologies such as LCD, LED, plasma displays or projected images, cannot display flashing or pulsating light to display content. Digital signs shall be limited to one (1) digital sign per building, per lot of record. Lots with multiple businesses shall be allowed one (1) digital sign to service all businesses located on that lot. The digital sign shall not exceed sixteen (16) square feet in total area and shall change graphics, color or message no more than one (1) time per five (5) seconds. During the hours of 10:00 p.m. and 6:00 a.m., digital signs shall remain static with no changes. The total area of the digital sign shall be included when calculating the total aggregate area for use as either a Façade or Ground sign. See Aggregate Display Area sections following this table. <i>Setback from Other Digital Signs.</i> Digital signs must be separated from other digital signs by at least fifty (50) feet.
Directory Sign:	Not to exceed one per building, fashioned as a suspended sign, facade sign or window sign, subject to all conditions for such sign types.
Door Sign	None
Facade or Attached Sign	See Façade or Attached Sign Aggregate Display Area following this table.
Ground or Free Standing Sign	Height of sign shall not exceed sixteen (16) feet in height at the top of the sign and the bottom of a sign may not exceed twelve (12) feet above ground, measured from the average elevation of the nearest road centerline. Shall not be placed in a location that will obstruct the

	<p>view of a motorist or a pedestrian leaving or passing the building. See Ground or Free Standing Sign Aggregate Display Area following this table.</p>
Off-premise Sign	<p>Each business issued a Dauphin Island business license (excluding Home Occupation Businesses and Peddler's) is allowed one (1) off-premise sign. The off-premise sign may only advertise goods and services provided by that business to which the off-premise permit is issued. The sign may be single faced or double faced and may not exceed more than thirty-two (32) square feet per face. No sign may be erected on any public right-of-way, publically owned property or conservation-park property. Off-premise sign(s) erected on residential property must obtain written permission of all adjoining residential improved property owners. If an adjoining residential unimproved lot is improved and the owner of the residential improved lot objects to the sign, the sign shall be removed by the owner.</p> <p>Every business that has an off-premise sign is required to purchase a permit and pay the applicable fee for same per calendar year or any portion thereof. Signs shall be maintained by the individual business advertised thereon.</p> <p>Off-premise signs placed at the location of another business will be considered as part of the aggregate allowed for the business property on which it is placed. Written permission of the business owner where the off-premise sign is located is required prior to an off-premise permit being issued.</p> <p>Indemnify and Hold Harmless: The owner of any off-premise sign must execute an Indemnity and Hold Harmless Agreement with the Town of Dauphin Island.</p>
Projecting Sign	<p>May only be permitted one per establishment. Because a projecting sign is so nearly a part of the building to which it is attached, the Building Inspector/Zoning Official shall insure that:</p> <ul style="list-style-type: none"> • projecting signs are appropriately fit to and are properly secured to the buildings to which they are to be attached; • a projecting sign shall be pinned away from its supporting facade and shall not extend beyond the surface of that portion of the facade to which it is attached more than three feet horizontally; • a projecting sign shall not extend vertically more than three feet above the facade of a building to which it is attached; • A projecting sign must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.
Roof Sign	<p>May only be permitted one per establishment. The Building Inspector/Zoning Official shall insure that roof signs are appropriately fit to and are properly secured to the buildings to which they are to be attached. Roof signs painted directly on the roof of a business will be considered part of the Façade/Attached Sign Aggregate Display Area for the business if the sign is visible from</p>

	ground level.
Signage for Marina Charter Boat Fleet	Attached Signage: The total signage area for all charter fleet vessels at a marina shall not exceed 50% of the street face of the main office/ships store building. Signage for an individual charter fleet vessel may not exceed eight (8) square feet of attached signage on the building. Dock or Pier Signage at Marina: Signage for an individual charter fleet vessel may not exceed eight (8) square feet of signage at the berthing dock of a vessel.
Suspended Sign	A suspended sign must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.
Window Sign	None

For the purpose of this Ordinance, the section below pertains to a building, whether it houses one or more businesses. All general business signs, existing and/or proposed, shall be counted toward the permitted aggregate display area.

Façade or Attached Sign Aggregate Display Area: Each building, whether housing a single business or multiple businesses, may have one (1) square foot of aggregate display area for each linear foot of the portion of the façade which constitutes the longest side of a building, or the side of the building chosen by the owner, not to exceed two hundred fifty-six (256) square feet total aggregate area with the largest single sign face not to exceed sixty-four (64) square feet. The owner of a multiple-business property will determine the aggregate area allowed to each business located thereon. Single businesses with small dimensions would be allowed up to a thirty-two (32) square feet aggregate area. The side of a building facing residential property shall have a maximum four (4) square feet of signage and the sign may not be illuminated. “Facing” shall mean: Any side of a lot projected parallel to the closest lot located within the Town of Dauphin Island. The next lot could be the adjacent lot, lot across the street, or lot across a body of water.

Ground or Free Standing Sign Aggregate Display Area: For each business, the aggregate display area for ground signs is forty-eight (48) square feet for single businesses located on one single-platted piece of property, and seventy-two (72) square feet aggregate for multiple businesses located on one (1) single-platted piece of property. Signs may be single or double faced. Through lots may have one ground sign on each street front except that a ground sign on the side of a building facing residential property shall have a maximum sixteen (16) square feet of signage and the sign may not be illuminated. “Facing” shall mean: Any side of a lot projected parallel to the closest lot located within the Town of Dauphin Island. The next lot could be the adjacent lot, lot across the street or lot across a body of water.

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SECTION 10 ADMINISTRATION

- A. Responsibility: The Building Inspector/Zoning Official shall be responsible for receiving applications and fees for sign permits, for conducting staff review of such applications and for issuing sign permits when all required procedures are satisfactorily completed and fees paid.
- B. Application Procedure: Application for a sign permit shall be made upon the form provided by the Town and shall contain, or have attached thereto, the following information:
1. Name, address and telephone number of applicant.
 2. Name, address and telephone number of person or company who shall erect the sign. If the sign will be erected by a company, the company must have a Dauphin Island business license.
 3. Address of building or property upon which sign is proposed to be erected.
 4. Written consent, of the owner of the property on which the sign is to be located for erection or placement of sign.
 5. Letter from property owner as required for off-premises sign.
 6. Copy of the approved Master Sign Plan, if applicable.
 7. Scaled drawing or photograph of building elevation, showing the actual size and location of the proposed sign in proportion to and in relation to the existing building or the building to be constructed.
 8. Information regarding method of construction and placement of sign. Description or samples of sign materials and colors.
 9. Other information the Building Inspector/Zoning Official may reasonably require to demonstrate full compliance with all applicable provisions of the Town Code.
- C. Fees, non-refundable: Each sign permit application (requiring a permit fee) shall be accompanied by a check made payable to the Town of Dauphin Island, Alabama, or acceptable credit card, or cash in an appropriate amount, as established by resolution of the Town Council. This fee shall defray the cost of processing sign permit applications and shall be charged in addition to any building permit fee, electrical permit fee or any other fee associated with the approval of a proposed or existing development. Incidental and temporary signs require a sign permit but no permit fee.
- D. Compliance Review: The Planning Commission shall, in public meeting, review all sign permit applications as to compliance with the provisions of this Ordinance. Because signs are so nearly a part of the buildings to which they are attached or pertain, the Planning Commission shall assure, through the review process that signs are appropriately fit to, and are properly secured to the buildings or other structure to which they are to be attached. The Planning Commission shall report its approval or denial of the application to the Building Inspector/Zoning Official (or authorized designee), who shall not issue a sign permit without approval of the application by the Planning Commission.

- E. Compliance Review-Time Limitation: If within forty-five (45) days (or such longer period of time as may be agreed upon by the applicant and the Planning Commission) of the applicant's submittal to the Building Inspector/Zoning Official of a completed application for a sign permit, including all required information and materials, the report of the Planning Commission is not submitted to the Building Inspector/Zoning Official, the application shall be considered approved by the Planning Commission as submitted, and the Building Inspector/Zoning Official shall issue a sign permit if all other requirements of this Ordinance have been satisfied and the appropriate fee paid.
- F. Master Sign Plan Required: A development site containing an existing or proposed office park, shopping center, building or group of buildings that contains multiple businesses, institutions or other arrangement of multiple nonresidential users shall have a master sign plan, subject to approval by the Planning Commission, prior to application for any sign within its boundaries. All sign permit applications pertaining to such development sites shall be reviewed in light of such approved plans. Sign permit applications reviewed under authority of a master sign plan shall be subject to the following:
- All general business signs existing prior to submission of the master sign plan, whether or not such signs conform to the provisions of this Ordinance, shall be counted toward the permitted aggregate display area of general business signs.
- G. Variance: The Board of Adjustment may authorize, on application in specific cases, a variance from the provisions of this Ordinance such as will not be contrary to the public interest, where owing to special conditions applying to the premises in question and not applicable generally to other buildings or structures, a literal enforcement of such provisions will result in unnecessary hardship, but where the spirit of the Ordinance shall be observed and substantial justice done. Such special conditions shall be limited to those which the Board of Adjustments finds that the granting of the application for a variance is necessary, that it does not merely serve as a convenience to the applicant, and that the condition from which relief is sought would result in peculiar, extraordinary and practical difficulties to the property upon which the sign would be erected or displayed.
- H. Appeals: Any decision of the Building Inspector/Zoning Official or Board of Adjustments authorized by this Ordinance may be appealed to the Town Council. Appeals shall be filed in writing with the Town Clerk within fifteen (15) business days of the decision. Appeals shall be considered at the next Town Council meeting, provided the applicant has furnished the Town Council with all information and materials needed by the Town Council to consider the appeal at least seven days in advance of such meeting.
- I. Inspection: The Building Inspector/Zoning Official shall be responsible for inspection of all signs to determine compliance with the provisions of this Ordinance.
- J. Time Limitation, Sign Permit: If the work authorized under a sign permit has not been completed within ninety (90) days following the date of issuance, such permit shall become null and void and any partial construction removed by the permittee.

- K. Transfer of Ownership: Sign permits may be transferred for on premise signs with change of ownership of business provided there are no changes to the sign. Any dismantling, removing, or alteration of the sign will require a new application and permit.
- L. Revocation: The Building Inspector/Zoning Official is authorized and empowered to revoke any sign permit upon failure of the permit holder to comply with any provision of this Ordinance.
- M. Removal of Unsafe Signs: The Building Inspector/Zoning Official shall require any sign that is an immediate danger to persons or property to be removed by the owner of the property upon which the sign is located within ten (10) days of written notice to such owner. The Building Inspector/Zoning Official shall require any sign that is not an immediate danger to persons or property, but otherwise impinges upon the public health, safety, or general welfare, or is, in the opinion of the Building Inspector/Zoning Official, structurally unsound or unsafe in any way, to be removed, repaired, replaced, or secured, in compliance with the provisions of this Ordinance, by the owner of the property upon which the sign is located, within thirty (30) days of written notice to such owner.
- N. Removal of Prohibited and Non-permitted Signs: The Building Inspector/Zoning Official shall immediately remove and dispose of any prohibited or un-permitted sign on town rights-of-way.
- O. Sign Inspection: The Building Inspector/Zoning Official shall conduct a final inspection upon completion of approved work for the purpose of verifying that the sign is in compliance with the requirements of the permit and all other provisions of this Ordinance. Failure to make any and all necessary corrections within ten (10) days of inspection by the Building Inspector/Zoning Official and obtain a satisfactory inspection result shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign or sign structure within ten (10) days.
- P. Enforcement: If a violation of any provision of this Ordinance, specified in a written notice from the Building Inspector/Zoning Official to the owner of the business to which the sign is permitted and/or to the owner of the property upon which the sign is located, is not remedied by the time specified in the notice, the Building Inspector/Zoning Official shall use all available means to remedy the situation and may direct the Town Attorney to bring a civil action to remedy the violation. The owner of the business to which such sign is permitted and/or the owner of the property upon which the sign is located shall pay any reasonable expenses incident to such removal.
- Q. Penalties: Each and every violation of the provisions of this Ordinance shall be punishable by a fine not exceeding \$500.00, at the discretion of the court trying the case. Each and every day the violation continues shall be construed as a separate offense.

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SECTION 11 NONCONFORMING CONDITIONS

Conditions: Any sign that is not specifically permitted, or that does not comply with all provisions of this Ordinance, yet which lawfully existed and was maintained as such as of the effective date of this Ordinance shall be considered a nonconforming sign.

Alteration: A nonconforming sign shall not, after the effective date of this Ordinance, be enlarged, structurally altered or extended unless such changes to the sign shall be made to bring the sign into compliance with all the provisions of this Ordinance. Another nonconforming sign may not replace a nonconforming sign. Minor repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted only prior to the date compliance must occur or to achieve compliance with this Ordinance. However, no changes in the location, size or shape of any nonconforming sign shall be permitted except to make the sign comply with all provisions of this Ordinance.

Compliance: The Building Inspector/Zoning Official shall require all nonconforming signs to be removed or made to conform to all provisions of this Ordinance, by the owner of the business to which the sign is permitted and/or to the owner of the property upon which the sign is located, in accord with the following schedule:

1. Within thirty (30) days of written notice to the owner of the business to which the sign is permitted and/or to the owner of the property upon which the sign is located, should any of the following events or conditions occur.
 - The use or ownership of the premises on which the nonconforming sign is located changes.
 - The exterior of the building or other site conditions on the property upon which the nonconforming on premise sign is located is to be altered to the extent that a building permit is required.
 - A nonconforming sign is damaged by any cause, resulting in replacement or repair cost equal to at least one-half of its value, exclusive of foundations, at the time of damage.
2. This Ordinance supersedes all other duly approved and enacted previous sign Ordinances and no sign will be deemed compliant by virtue of a claim of 'grandfathering.'

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ARTICLE 10
ZONING ADMINISTRATION

SECTION 1 DUTIES AND POWERS OF THE ZONING ENFORCEMENT OFFICER

A. Zoning Enforcement Officer

The Zoning Enforcement Officer shall be the Municipal Building Inspector as designated by the Town Council whose duties shall be as follows:

1. The Zoning Enforcement Officer is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance.
2. The Zoning Enforcement Officer does not have the authority to take final action on applications or matters involving variances, nonconforming uses or other exceptions which this Ordinance has reserved for public hearings before the Board of Adjustment, the Planning Commission and/or the Town Council.
3. The Zoning Enforcement Officer shall keep records of all and any permits, the Certificates of Occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.

B. Permits and Certificates

Permits and certificates shall be issued in accordance with the following provisions:

1. Building Permits: It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Inspector of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this Ordinance. Application for the building permit shall be made to the Building Inspector of the municipality on forms provided for that purpose.
2. Approval of Plans and Issuance of Building Permit: It shall be unlawful for the Municipal 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 Municipal 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:

- (a) The actual shape, proportion and dimensions of the lot to be built upon.
- (b) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- (c) 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 are in conformity with the provisions of this Ordinance, the Building Inspector of the Municipality shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector of the municipality shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance.

3. 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 Inspector of the municipality 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. Within three (3) days after the owner or his agent has notified the Building Inspector of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the municipality to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

SECTION 2 BOARD OF ADJUSTMENT

The Board of Adjustment, Town of Dauphin Island, Alabama, consists of five (5) members appointed by the Town Council of Dauphin Island, Alabama, for overlapping terms of three (3) years. In addition, two supernumerary members are appointed to serve at the call of the Chairman only in the absence of regular members. Such members are appointed for three (3) years and shall be eligible for re-appointment.

A. Vacancies

Any vacancy in the membership shall be filled for the un-expired term in the same manner as the initial appointment. Members shall be removable for cause by the Town Council upon written charges and after public hearing thereon.

B. No members may hold any other public office or position, except that one member shall be a member of the Town Council.

C. Rules of Procedure

The Board of Adjustment shall observe the following procedures:

1. Said Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
2. Said Board shall elect one (1) of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.
3. The meetings of said Board shall be held at the call of the Chairman and at such other times as said board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.
4. All meetings of said Board shall be open to the public.
5. Said Board shall keep minutes of its proceedings, showing the vote of such member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

D. Duties and Powers

The Board of Adjustment shall have the following duties and powers:

1. Administrative Powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by Zoning

Enforcement Officer or other administrative official, in the enforcement of this Ordinance.

2. Special Exception: To hear and decide special exceptions of the terms of this Ordinance upon which said Board is required to pass under this Ordinance.
3. Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - b. The application of the Ordinance to this particular piece of property would create an unnecessary hardship;
 - c. Such conditions are peculiar to the particular piece of property involved; and,
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

SECTION 3 PROCEDURE FOR REQUESTING A HEARING

A. Procedures

Request for a hearing before the Board of Adjustment for an administrative review, special exception or a variance shall observe the following procedures:

1. An application specifying the reason(s) for an appeal from a decision rendered in writing by the Building Inspector must be filed within thirty (30) days after such written decision has been served upon the applicant.
2. Service by first class mail to the address given on the application shall be deemed sufficient. Applicants shall be advised of this appeal deadline in the written decisions upon their applications.
3. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Enforcement Officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; locations and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public) water course, and if existing and proposed, fence, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
4. The Board of Adjustment shall schedule a meeting to hear an appeal within forty-five (45) days after the date of receipt of an application. Public notice of the hearing shall be given by all of the following methods:
 - a. A printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision.
 - b. Notice by registered mail to the owners of all abutting property on the same side of the street, across the street, and to the rear of the affected property.
5. The Board of Adjustment shall render a decision on any appeal or other matters before it within forty-five (45) days from the date of the public hearing on it. Decisions of the Board of Adjustment shall become effective immediately if rendered in the presence of one (1) or more of the applicants or their representatives. If a decision is rendered in the absence of any of the applicants or their representatives, the decision shall become effective upon service of written notice of the decision upon the applicants by first class mail to the applicants addresses as indicated upon their application. The applicants shall be deemed to have been served three (3) days after mailing of the notice to them. When an applicant receives an adverse decision from the Board of Adjustment, he or she

shall be advised of the fifteen (15) day time limit for taking an appeal to Circuit Court.

6. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
7. In exercising the powers granted to the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Enforcement Officer and may issue or direct the issuance of a zoning compliance permit. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant in respect to any matter upon which the Board can legally act.

B. Limitation, Withdrawal, Citizen Appeals

1. A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than once every twelve (12) months on the same variance.
2. Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the discretion of the person initiating such a request upon written notice to the Secretary of the Board.
3. Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may, within fifteen (15) days thereafter appeal to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which appeal is taken.

SECTION 4 PROCEDURE FOR REQUESTING A ZONING AMENDMENT

The Town Council may, from time to time, after examination, review and hold public hearing thereon, amend, supplement or change the regulations and zoning Districts herein or subsequently established.

A. Zoning Amendments

Proposals for zoning amendments, whether initiated by the Town Council, the Planning and Zoning Commission, or any person, firm or corporation, shall be treated in accordance with the following procedure:

1. An application must be submitted on appropriate forms and in writing at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission and, if applicable, must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.
2. The application shall be sent to the Commission for review and recommendation, and said Commission shall have forty-five (45) days within which to submit a recommendation to the Town Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.
3. Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper legal notice published in a newspaper of general circulation in the jurisdiction, at least fifteen (15) days prior to the said public hearing. Notice by mail shall be sent to the owner within three hundred (300) feet of the affected property.
4. The Planning Commission shall post property proposed to be rezoned with a notice at least fifteen (15) days before the public hearing. The posted notice shall set forth the property's present zoning, proposed zoning, the date, time and place of the public hearing. Such notice is to remain in place until final determination by the Town Council.
5. The Council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within forty-five (45) days from the date of the public hearing.
6. Any petition for a zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the Town Clerk.

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

SECTION 5 CONTINUANCE OF PREVIOUSLY ISSUED PERMITS

The provisions of this Ordinance shall not affect all building permits that were previously issued, except as otherwise provided herein.

SECTION 6 DUTIES AND POWERS OF THE PLANNING COMMISSION

- A. The Commission is charged with the responsibility to review, apply and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion thereof which are adopted.
- B. The Planning Commission shall hear matters “on review” or that require Commission “approval” as herein specified.
- C. The Commission shall hear and recommend to the Town Council on all matters of zoning and rezoning.
- D. The Commission shall require and review site plans for all residential projects involving the construction of three (3) or more dwelling units, and all other structures, unless otherwise specified in a specific zoning District
- E. Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

SECTION 7 REMEDIES

In case any building or structure is to be erected, constructed, reconstructed, altered or converted, in violation of this Ordinance, the Building Inspector, legal officer or other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of said building, structure or land. Each and every day such conversion, maintenance or use continues shall be deemed a separate offense.

SECTION 8 PENALTIES

Any person(s) violating any of the provision of this Ordinance shall, upon conviction, be punished within the limits of, as provided by the General Code of the Town of Dauphin Island. Each day that a violation exists shall constitute a separate offense.

SECTION 9 FEES

Fees for appeals to the Board of Adjustment and for applications requesting a Zoning Amendment to this Ordinance are established as follows:

- A. A flat administrative and review fee of fifty (\$50.00) dollars that shall accompany each request for appeal or zoning amendment.
- B. In addition, the applicant prior to any decision by the Planning Commission, Board of Adjustment or the city Council shall pay the actual costs for legal advertisement of the request and the cost of certified mail for notification of -parties in interest.

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ARTICLE 11
LEGAL STATUS AND OTHER PROVISIONS

SECTION 1 INTERPRETATION

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

SECTION 2 EFFECT ON OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which a building permit has been granted by the Municipality before the time of passage of this Ordinance; provided, that where construction is not begun under such outstanding permit within a period of ninety (90) days the permit issued will expire.

SECTION 3 RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority including the Town, through legislation, Ordinance, rule or regulation, the Ordinance, regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection laws or regulations.

SECTION 4 SEPARABILITY AND VALIDITY

Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

SECTION 5 VIOLATIONS AND PENALTIES

Penalties shall be in accordance with Ordinance 64A (Municipal Offense Ticket; Schedule of Fines), or the current version of its successor.

SECTION 6 EFFECTIVE DATE

This Ordinance shall be effective on November 18, 2014

Signed: Jeff Collier, Mayor

Attested: Wanda Sandagger, Town Clerk

APPENDIX A

OFFICIAL FORMS

APPLICATION FOR APPEAL
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA
(PAGE 1)

Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number _____ home _____ work

The undersigned requests review of the decision by the zoning inspector of Application No. _____, denied on _____, _____. It is the applicant's contention that the following error was made in determination of the zoning inspector:

Appellant

Date Filed _____

Date of Notice to Parties in Interest _____

Date of Posting Notice _____

Date of Public Hearing _____

Fee Paid _____

Decision of Board of Adjustments: Approved _____ Denied _____

If approved, the following conditions and safeguards were prescribed:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

APPLICATION FOR APPEAL
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA
(PAGE 2)

If denied, reason for denial _____

Date

Board of Zoning Adjustment Chairman

Note: One (1) copy to be filed with Zoning Inspector and two (2) with the Board of Adjustment.

APPLICATION FOR SPECIAL EXCEPTION
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

_____ Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number _____ home _____ work _____

1. Locational Description: Subdivision Name _____

Section _____ Township _____ Range _____

Other Designation _____ Block _____ Lot _____

(If not in a platted subdivision attach a legal description)

2. Nature of Special Exception: Describe generally the nature of the Special

Exception: _____

In addition, plans in triplicate and drawn to scale must accompany the application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

3. Reason (s) for Request: _____

I certify that the information contained in the application and its supplements is true and correct.

Date

Applicant

APPLICATION FOR VARIANCE
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number _____ Home _____ Work _____

1. Locational Description: Subdivision Name _____

Section _____ Township _____ Range _____

Other Designation _____ Block _____ Lot _____

(If not in a platted subdivision attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance: _____

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

3. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Adjustment that the following items are true: (Please attach these comments on a separate sheet).
- Special conditions exist peculiar to the land or building in question
 - That a literal interpretation of the Ordinance would deprive the applicant of rights enjoyed by other property owners.
 - That the special conditions do not result from previous actions of the applicant.
 - That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

I certify that the information contained in the application and its supplements is true and correct.

Date

Applicant

NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

The Dauphin Island Board of Adjustment will hold a public hearing on an application for an (Appeal, Special Exception, Variance) on the _____ day of _____,

_____ at _____

The application, applied for by: _____

Requests that: _____

be granted for the following legally described land located in the _____ District.

Legal Description: _____

_____ Board of Adjustment

_____ Chairman

Post the above Notice on the following dates and places: _____

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

To: _____

Date: _____

Dear: _____

This is to inform you that the Dauphin Island Board of Adjustment will hold a public hearing on an application for a (n) (Appeal, Special Exception, Variance) on the _____ day of

_____, _____, at 6:00 P.M. at _____

The application, applied for by: _____

Requests that: _____

be granted for the property located at _____

_____.

Board of Adjustment

Chairman

APPLICATION FOR ZONING AMENDMENT
TOWN OF DAUPHIN ISLAND, ALABAMA
(PAGE 1)

Application No. _____

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning District classification as specified below:

1. Name of Applicant: _____
2. Mailing Address: _____
Phone Number: Home _____ Work _____
3. Locational Description: Subdivision Name _____
Section: _____ Township: _____ Range: _____
Block: _____ Lot: _____
(If not located in platted subdivision attach legal description)
4. Existing Use: _____
5. Present Zoning District: _____
6. Proposed Use: _____
7. Proposed Zoning District: _____
8. Supporting Information: Attach the following items to the application:
 - a. A vicinity map showing property lines, streets, and existing and proposed zoning.
 - b. A list of all property owners within 300 feet from the proposed rezoning.
 - c. A statement of how the proposed rezoning related to the Comprehensive Zoning Ordinance.

Date

Applicant

For Official Use Only

Date Filed: _____

Date of Posting Notice: _____

Date of Notice to Property Owner(s): _____

APPLICATION FOR ZONING AMENDMENT
TOWN OF DAUPHIN ISLAND, ALABAMA

(PAGE 2)

Date of Public Hearing: _____

Fee Paid \$: _____

Recommendation of Planning (Zoning) Commission: Approval _____ Denial _____

Reason for Recommendation: _____

Planning (Zoning) Commission

Date: _____

Chairman: _____

For Official Use Only

Date of Recommendation Received: _____

Date of Notice in Newspaper: _____

Date of Public Hearing: _____

Action by Town Council Approval: _____

If Denied, reason for denial: _____

Date: _____

Clerk

Note: Three Copies of this form and supporting information must be filed with the Town of Dauphin Island Planning (Zoning) Commission.

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER
PLANNING (ZONING) COMMISSION
DAUPHIN ISLAND, ALABAMA

To: _____

Date: _____

Dear: _____

This is to inform you that the Dauphin Island (Zoning) Planning Commission will hold a public hearing on a proposed amendment to the Dauphin Island Zoning Ordinance on the _____ day of _____, 2001, at 6:00 P.M. at 1011 Bienville Blvd, Dauphin Island, Alabama.

The proposed amendment, applied for by: _____

Proposed to change the property located at: _____

From the _____ District to the _____ District.

At the conclusion of this hearing a recommendation will be referred to the Town Council of Dauphin Island, Alabama for further consideration.

Chairman

NOTICE OF PUBLIC HEARING
TOWN COUNCIL
DAUPHIN ISLAND, ALABAMA

The Town Council of the Town of Dauphin Island, Alabama will hold a public hearing on a proposed amendment to the Town of Dauphin Island Zoning Ordinance on the _____ day of _____, 2001, 6:00 P.M. at 1011 Bienville Blvd, Dauphin Island, Alabama.

The proposed amendment, applied for by: _____

Proposes to change the following legally described land from the: _____

District to the _____ District.

Legal Description:

Mayor

Town Clerk

Posted the above Notice on the following dates and places: _____

APPLICATION FOR REVIEW
TOWN OF DAUPHIN ISLAND, ALABAMA

Application No. _____

Name of Applicant: _____

Mailing Address: _____

Phone Number: Home _____ Work _____

1. Locational Description: Subdivision Name: _____

Section: _____ Township: _____ Range: _____

Other Designation: _____ Block: _____ Lot: _____
(If not in a platted subdivision attach a legal description)

2. Nature of Review: Describe generally the nature of the Review:

In addition, a site plan in triplicate must accompany the application showing as appropriate, the location, transportation access, water supply, waste disposal, fire and police protection and other public facilities.

3. Date of Review by the Planning Commission: _____

4. Action by the Commission: _____

5. If denied, reason(s) for denial: _____

I certify that the information contained in the application and its supplements is true and correct.

Date

Applicant

APPENDIX B

ZONING AMENDMENT ORDINANCES

