ZONING ORDINANCE
DAUPHIN ISLAND, ALABAMA

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

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TABLE OF CONTENTS

			PAGE
ARTICLE 1.	AUTHORITY AND ENACTMENT		5
ARTICLE 2.	SHORT TITLE AND JURISDICTION		5
ARTICLE 3.	PURPOSE AND INTENT		5
ARTICLE 4.	DEFINITION OF TERMS		6
ARTICLE 5.	DISTRICTS, BOUNDARIES, ZONING MAP		22
SECTION 1.		DISTRICT NOMENCLATURE	23
1.1	R-1	Single Family Residential District	24
1.2	R-2	Two-Family Residential District (Duplex)	26
1.3	RM-1	Multi-Family Residential District	27
1.4	RM-2	Multi-Family Residential District	28
1.5	RM-3	Multi-Family Residential District	29
1.6	R-C	Resort-Commercial District	30
1.7	C-1	Commercial District (Convenience)	31
1.8	C-2	Commercial District (General)	32
1.9	IM	Industrial and Manufacturing District	34
1.10	C-P	Conservation Park District	35
1.11	MHP	Mobile Home Park District	36
ARTICLE 6.		SUPPLEMENTARY REGULATIONS	41
Section 1.	-	Nonconforming Uses and Structures	41
Section 2.	-	Number of Principal Buildings on Lot	43
Section 3.	-	Accessory Buildings and Structures	43
Section 4.	-	Service Stations	44

TABLE OF CONTENTS PAGE

Section 5. - Home Occupations 45

Section 6. - Walls, Fences and Plants 46

Section 7. - Tree Protection 47

Section 8. - Construction Control Line 49

Section 9. - General Provisions 50

ARTICLE 7. OFF-STREET PARKING AND LOADING REQUIREMENTS 52

Section 1. - Required Off-Street Parking 52

Section 2. - Off-Street Loading 57

ARTICLE 8. SIGNS (REPEALED 10/02/01 SEE ORD. 71) 58

ARTICLE 9. ZONING ADMINISTRATION 58

Section 1. - Duties and Powers of the Zoning Enforcement Officer 58

Section 2. - Board of Adjustments 60

Section 3. - Procedure for Requesting a Hearing 62

Section 4. - Procedure for Requesting a Zoning Amendment 64

Section 5. - Continuance of Previously Issued Permits 65

Section 6. - Duties and Powers of the Planning Commission 65

Section 7. - Remedies 66

Section 8. - Penalties 66

Section 9. - Fees 66

ARTICLE 10. LEGAL STATUS AND OTHER PROVISIONS 66

Section 1. - Interpretation 66

Section 2. - Effect Upon Outstanding Building Permit 67

Section 3. - Relationship to Other Laws 67

Section 4.	-	Separability and Validity	67
Section 5.	-	Violations and Penalties	67
Section 6.	-	Effective Date	67
APPENDIX 1.		OFFICIAL FORMS	68-78

ZONING ORDINANCE
TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 19

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 BUILDING 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 CIVIC CENTER OF DAUPHIN ISLAND ON AUGUST 1, 1989 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 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

Amended 6/05

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 pubic right-of-way from the property in question.

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.

Beach. A sandy shoreline area characterized by low relief, generally of gentle slop, 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.

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.

Amended 6/05

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

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

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.

Amended 6/05

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.

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.

Amended 6/05

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.

Convalescent or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering form 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.

Amended 6/05

Construction Control Line. See Article 6.

County. Mobile County, Alabama.

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

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.

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

Maximum Density. The density allowable in a given zoning district not limited by other applicable requirements of this ordinance.

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

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.

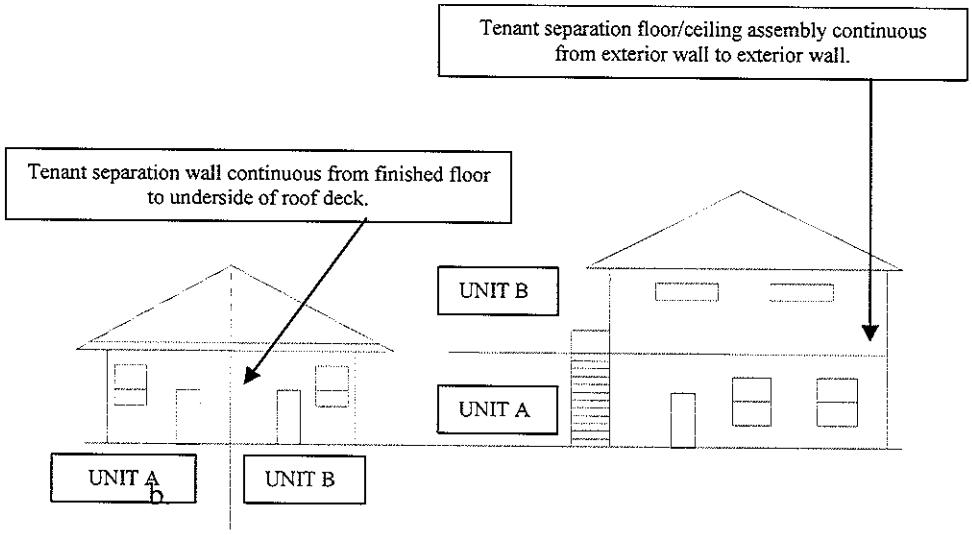
Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, hotels, motels, inns as defined herein, boarding and lodging houses, tents, tourist courts, tourist homes, hospitals or nursing homes.

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.

Amended 6/05

b. Two Family (Duplex): 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 duplex 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.



Amended 6/05

c. Multifamily: 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 unpierced wall extending from the top of the 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.

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.

Family. One or more persons occupying a single dwelling unit and using common cooking facilities.

Filling Station. (See Service Station)

Amended 6/05

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

Amended 6/05

Foot Print: 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)

Amended 6/05

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.

Amended 6/05

Home Occupation. Any occupation for gain or support customarily 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. No more than twenty-five percent (25%) of the dwelling shall be used for said 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, 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.

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.

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

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

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

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

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

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 place for docking pleasure boats and, where appropriate under provisions of this ordinance, servicing and repairing such boats and providing services to the occupants thereof. A boat dock or pier serving a residential property, which does not conduct commercial activities or provide slips or spaces for more than three pleasure boats shall not be considered a marina.

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

Mobile Home. A movable or portable structure over 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)

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

Usable Open Space. 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.

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley having an area of not less than 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 (duplex) 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.

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.

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.

Amended 6/05

Recreational Vehicle. A vehicle, used for temporary housing of individuals and families during travel. A recreational vehicle in this ordinance includes campers, camping trailers, motor homes, and smaller mobile homes capable of being towed by a passenger motor vehicle.

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.

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. Any building or portion thereof, other than a hotel or motel, which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy, more or less transiently, by

individuals for compensation whether paid directly or indirectly, and without provisions for cooking by guests or meals for guests.

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

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

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.

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.

Proposed Change May 2006

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

Proposed Change May 2006

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

Amended 6/05

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, 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.

AMEND. 19D 11/17/96

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

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

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

Use. 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.

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.

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 upon which the lot is numbered.

b. Yard, Gulfside. 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 upon which the lot has its greatest dimension.

e. Yard, Waterside. A yard abutting any body of water other than the Gulf of Mexico and which may be either a front yard, rear yard, or side yard depending upon the orientation of the principal building on the lot. If a waterside yard is designated a front yard and the lot abuts a street along which a front yard setback has been established by existing residential structures, the principal building on the lot with a waterside front yard shall also have a front yard between the principal building and the street.

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, ZONING MAP

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.

Amended 6/05

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.

2. Where a street or alley is officially vacated or abandoned, the classification of the abutting parcel shall apply to that portion of the street or alley added to such parcel.

3. 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.

4. 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.

Amended 6/05

6. Front and Side Yard Setbacks for Dwellings in Residential Districts R-1, R-2, RM-1, RM-2: The setback requirement for front yards, waterfront 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.

Section 1 District Nomenclature

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

SYMBOL	DISTRICT
R-1	Single Family Residential
R-2	Two Family Residential
RM-1	Multi-Family Residential (1-4 units per structure)
RM-2	Multi-Family Residential (1-6 units per structure)
RM-3	Multi-Family Residential (1-10 units per structure)
R-C	Resort Commercial
C-1	Commercial (Convenience)
C-2	Commercial (General)
IM	Industrial and Manufacturing
C-P	Conservation – Park
MHP	Mobile Home Park

A. Uses by Right

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 Planning Commission Review and Approval Certain uses require the review and approval of the planning Commission unless waived by the Planning Commission. The review and approval requires the submission of site plan which shows, as appropriate the location, transportation access, water supply, waste disposal, fire and police protection and other public facilities; and 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.

E. 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.

F. 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.

G. A site plan shall be required for all residential projects involving the construction of three (3) or more dwelling units, all commercial structures, and all industrial structures. Site plan reviews shall be accomplished by the Planning Commission.

SECTION 1.1 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

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 Residence.

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. Wharves, piers, boatlifts and boat docks as an accessory use.

2. Home occupation.

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. (See Section 1.11)

7. 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.

a. 30 feet from street right-of-way.

b. Water front – 25 feet or, setback shall be Coastal Construction Line of the Gulf of Mexico, or on the Intercoastal Waterway (Mississippi Sound) or on Mobile Bay.

2. Rear Yard Requirements. Ten (10) feet from the property line.

3. Side Yard Requirements.

   a. Interior lots greater than 50 feet in width, 10 feet each side; interior lots 50 feet or less in width, 5 feet on one side and 8 feet on the other.

   b. 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.

2. Building Height Limits. Maximum height 45 feet.

3. Minimum Floor Area and Conditions.

   a. 750 square feet exclusive of stoops, steps, porches, decks and garages.

   b. Detached garage or other buildings not closer than 70 feet from street right-of-way or lot line; or 3 feet to interior lot line.

E. Off-Street Parking Requirements

See Article 7

Section 1.2 R-2 Two Family Residential District (Duplex)

This district is intended to be a medium density residential area that recognizes the desirability of maintaining open space.

A. Uses Permitted

1. Any use permitted in the R-1 District.

2. Two-family dwellings (duplexes).

B. Uses Requiring Review

1. Any use requiring review in the preceding district.

C. Special Exceptions

1. Any special exception allowed in preceding district.

D. Site and Building Requirements

1. Front Yard Requirements.

   (a) 25 feet from street right-of-way.

(b) Waterfront – 25 feet or, setback shall be Coastal Construction Line on the Gulf of Mexico or on the Inter-coastal Canal (Mississippi Sound) or on Mobile Bay.

Amended 6/05

2. Rear Yard Requirements. Ten (10) feet from the property line.

3. Side Yard Requirements. Interior lots 5 feet 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.

Amended 6/05

4. Building Height Limits. Maximum height 45 feet.

5. Minimum Floor Area and Conditions.

(a) 600 square feet for each dwelling unit, exclusive of stoops, steps, porches, decks and garages.

(b) Detached garages or other buildings not closer than 60 feet from street right-of-way or lot line; or 3 feet to interior lot line.

E. Off-Street Parking Requirements
See Article 7

Section 1.3 RM-1 Multi-Family Residential District

This district is intended to provide appropriate locations for development of single family, two family, townhouses, condominiums and apartments within a suitable living environment.

A. Uses Permitted

1. Any use permitted in the preceding district.

2. Dwelling structures containing 1-4 units.

B. Uses Requiring Review

1. Any use requiring review and approval in the preceding district.

2. Dwelling structures containing more than two dwelling units.

3. Operation of party boats provided there is no sale of merchandise and no advertising sign.

C. Special Exceptions

1. Any special exceptions allowed in the preceding district.

2. Kindergarten and day care centers.

D. Site and Building Requirements

1. Front Yard Requirements.

(a) 25 feet from street right-of-way.

(b) Water Front – 25 feet or setback shall be Coastal Construction Line on the Gulf of Mexico or Intercoastal Canal (Mississippi Sound) or on Mobile Bay.

Amended 6/05

2. Rear Yard Requirements. Ten (10) feet from the property line.

3. Side Yard Requirements. Interior lots 10 feet 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.

Amended 6/05

4. Building Height Limits. Maximum height 45 feet.

5. Minimum Floor Area and Conditions.

(a) 600 square feet exclusive of stoops, steps, decks and garages, but including porches.

E. Off-Street Parking Requirements

See Article 7

Section 1.4 RM-2 Multi-Family Residential District

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. Any use permitted in the preceding district.

2. Dwelling structures containing 1-6 units.

B. Uses Requiring Review

1. Any use requiring review and approval in the preceding district.

C. Special Exceptions

1. Any special exception allowed in the preceding district.

2. Rooming house and tourist home.

D. Site and Building Requirements.

1. Front Yard Requirements

(a) 25 feet from street right-of-way.

(b) Water Front – 25 feet or setback shall be Coastal Construction Line on the Gulf of Mexico or Inter Coastal Canal (Mississippi Sound) or on Mobile Bay.

Amended 6/05

2. Rear Yard Requirements. Ten (10) feet from the property line.

3. Side Yard Requirements. Interior lot 10 feet 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.

Amended 6/05

4. Building Height Limits. Maximum height 45 feet.

5. Minimum Floor Area and Conditions.

Amended 6/05

(a) 600 square feet exclusive of stoops, steps, porches, decks and garages.

Section 1.5 RM-3 Multi-Family Residential District

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. Any use permitted in the preceding districts.

2. Dwelling structures containing 1-10 units.

B. Uses Requiring Review

1. Any use requiring review and approval in the preceding district.

C. Special Exceptions

1. Any special exception allowed in the preceding districts.

D. Site and Building Requirements

1. Front Yard Requirements

(a) 25 feet from street right-of-way.

(b) Water front – 25 feet or setback shall be Coastal Construction Line on the Gulf of Mexico or Inter Coastal Canal (Mississippi Sound) or on Mobile Bay.

2. Rear Yard Requirements. Ten (10) feet from the property line.

Amended 6/05

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.

Amended 6/05

4. Building Height Limits. Maximum height 45 feet.

Amended 6/05

5. Minimum Floor Area and Conditions.

(a) 600 square feet exclusive of stoops, steps, porches, decks and garages.

E. Off-Street Parking Requirements

See Article 7

Section 1.6 R-C Resort Commercial District

The district is intended to provide suitable locations for housing serving the needs of tourist or residents who wish to reside in the resort area and for related commercial activities that are compatible with the resort character of the district.

A. Uses Permitted

1. Hotels, motels, multiple apartment buildings, condominiums, and commercial uses such as restaurants, lounges, and shops which serve the public, stores, boutiques and other related activities which are designed to be compatible with this district.

B. Uses Requiring Review

1. Any use requiring review and approval in the preceding districts.

2. Private Clubs.

C. Special Exceptions

1. Any special exception allowed in the preceding district.

2. Commercial boat launching and docks, amusement centers; commercial sport, cultural or recreation activities; bowling alley and indoor theaters.

AMEND. 19F 4/7/98

D. Site and Building Requirements

Since the establishment of standard and flexible building setback lines or other restrictions tends to force construction of buildings to be constructed directly behind and directly to the side of other houses or buildings with detrimental effect 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 75 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 consideration. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure.

E. Off-Street Parking Requirements

See Article 7

Section 1.7 C-1 Commercial District (Convenience)

The intent of this district is to provide for limited wholesale/retail convenience goods and personal service establishments located in proximity to residential concentrations. 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 by requiring standards that are comparable to those in residential districts.

A. Uses Permitted

1. Neighborhood retail stores and markets including: convenience store, delicatessen, restaurant, drug store, 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.

B. Uses Requiring Review

1. Any use requiring review and approval in the preceding districts including land used for residential purposes.

C. Special Exceptions

1. Any special exceptions allowed in the preceding districts.

D. Site and Building Requirements

1. Residential site and building requirements shall be the same as for the R-C District.

2. Front Yard Requirements. 20 feet from street right-of-way.

3. Rear Yard Requirements. Twenty (20) feet.

4. Side Yard Requirements. None specified, except where a side lot line abuts a residential district a minimum side yard of ten (10) feet shall be provided.

Amended 6/05

5. Building Height Limits. Maximum height 45 feet.

E. Off-Street Parking and Loading Requirements

See Article 7

Section 1.8 C-2 Commercial District (General)

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

A. Uses Permitted

1. Any use permitted in the preceding C-1 District, except those uses prohibited by other ordinances.

2. Shopping centers provided that the boundaries of the buildings are located at least 50 feet from any residential district.

3. Hotels and motels.

4. Indoor Theaters.

5. Service stations and automobile repair shops, provided such repairs are carried on within the confines of a building. Does not include body repair shop.

6. 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.

7. Marinas, boating facilities, including fuel docks, boat sales, services and supplies.

8. 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. Any use requiring review and approval in the preceding districts including land used for residential purposes.

C. Special Exceptions

1. Any special exception allowed in the preceding districts.

2. Public or privately owned and operated amusement/recreational facilities.

D. Site and Building Requirements

1. Residential site and building requirements shall be the same as for the R-C District.
2. Lot shall be large enough to accommodate the intended uses and meet off-street parking, loading and landscaping requirements.

Amended 6/05

3. Building Height Limits. Maximum height 45 feet

E. Traffic requirements

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

F. Screening Adjacent to Residential Districts

Where a lot line of a lot within a C-2 District abuts a side or rear lot line of a lot in any residential district, any open space storage of products, materials and equipment, including commercial vehicles, shall be screened from 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 and shall be at least fifty (50) percent opaque as viewed from any point along said residential lot line. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

G. Off-Street Parking and Loading Requirements

See Article 7

Section 1.9 IM Industrial and Manufacturing District

The district is intended to provide locations for light industrial and manufacturing activities which will not detract from the general resort character of the Town because of hazardous operations, unsightly appearance of buildings and surroundings, objectionable emissions and other factors.

A. Uses Permitted

1. Any use permitted in the C-1 and C-2 districts.

2. Boat Construction, storage, sale, service and repair, wet and dry need not be enclosed within a structure.

3. Food Processing (includes seafood) and handling including cold storage plant.

4. 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 fence with appropriate screening material adequate to obstruct the view is allowed.

5. Warehouses major and minor: mini-type do it yourself storage facilities.

6. Manufacturing, repair, assembly or processing establishments of a light industrial nature.

7. Any uses which are similar or compatible to the uses permitted in this Ordinance that promote the intent and purposes of this district, including oil field service companies.

B. Uses Prohibited

1. Automobile wrecking yards.

2. Junk yards.

3. Residential uses including Mobile Home Parks.

4. Manufacture of flammable acids, chemicals and similar products, which are considered detrimental to the resort character of the Town.

C. Uses Requiring Review

1. Any special exception allowed in the C-1 and C-2 Districts.

2. Bulk petroleum products storage above ground in the excess of 500 gallons.

3. Storage of oyster shells, sand and gravel for buildings or other purposes in the excess of fifteen (15) cubic yards or ten (10) tons.

D. Special Exception

1. Any special exception allowed in the C-1 and C-2 Districts.

2. Natural resource production, including the extraction of oil or gas.

E. Site and Building Requirements

1. Lot shall be large enough to accommodate the intended use and meet off-street parking and loading requirements and landscaping requirements.

Amended 6/05

2. Building Height Limits. Maximum height 45 feet.

F. Traffic Requirements

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

G. Screening Adjacent to Residential Districts.

Where a lot line of a lot within a IM District abuts a side or rear lot line of a lot in any residential district, any open space of storage materials and equipment including commercial vehicles shall be screened from said residential lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six feet (6') in height and shall be at least fifty (50%) percent opaque as viewed from any point along said residential lot line. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

H. Off-Street Parking and Loading Requirements

See Article 7

Section 1.10 C-P Conservation – Park District

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 Prohibited

1. Residential uses except as provided for in "C" 1 Below.

2. All retail and commercial activities except those customary to uses permitted by review.

C. Uses Requiring Review

Amended 6/05

1. Residential uses which specifically relate to the operation or institutional use of governmental lands.

1. Public or private piers and boat docks.

2. Bait store or sales (live bait) need not be enclosed within a structure.

Amended 6/05

3. Commercial uses which specifically apply to the use of the land or buildings as listed in Section 1.10.A (which are the uses permitted)

4. Water and sewer lines and other utilities including easements and roads subject to the approval of the U.S. Corps of Engineer, if required.

5. Public or private campgrounds.

D. Off-Street Parking Requirements

See Article 7

Section 1.11 MHP Mobile Home Park District

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. 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.

3. 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.

4. At any time that deviations from the approved plans exist which in the judgement of the Building Official, are not in conformity with these regulations or an approved plan, the Building Official shall notify the owner of record of the park to correct such deficiency within thirty (30) days of such notice.

5. 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.

6. 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.

7. 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.

8. 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 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 $100 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 3,200 square feet and a width of not less than thirty (30) feet, and the average area of all spaces shall not be less than 3,600 square feet, and the average width of all spaces shall not be less than forty (40) 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:

Front	Side	Rear
15 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. Recreation Vehicles, Campers, Travel Trailers

1. The following regulations apply to all developments provided for the accommodations of transient recreation vehicles, including travel trailers, campers, and similar transient vehicles:

   (a) Recreation vehicle parks are permitted as a special exception in the MHP Mobile Home District.

   (b) No recreation vehicle park shall be located expect with direct access to a major street, with a minimum lot width of fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.

   (c) The minimum lot area for a recreation vehicle park shall be one (1) acre.

   (d) Use of spaces in recreation vehicle parks shall be limited to travel trailers, motor homes and campers.

   (e) 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.

   (f) Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operations of a recreation 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.

   (g) In addition to meeting the above requirements, the recreation 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. 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.

ARTICLE 6
SUPPLEMENTARY 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, 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 eight (18) months during any three-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 are 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 home shall not replaced with a new one except as provided for in "D" above.

Section 2 – Number of Principal Buildings on Lot

A. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot in any single-family residential district.

Amended 6/05

B. 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 provided that all of the following conditions are met:

30 Feet between two rear walls:
40 Feet between a front & a rear or side wall;
40 feet between two front walls;
20 Feet between two side walls;
20 Feet between buildings when there are no facing walls

For the purpose of this Section, a continuous wall on all sides encloses a principal building. Joining two such buildings with a walkway that is open on one or more sides is permitted only when the two opposite walls joined by such walkway are separated by spaces required by this Section.

C. For the purpose of this Section, a principal building is enclosed by a continuous wall on all sides. Joining two such buildings with a walkway which is open on one or more sides is permitted only when the two opposite walls joined by such walkway are separated by spaces required by this Section.

D. Where there are two or more buildings on a lot, each building shall be directly accessible from a public street or from an unobstructed fire lane.

Section 3 – Accessory Buildings and Structures

Portable Buildings

Amended 6/05

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 homes in R1, R2, RM1, RM2, and RM3 Zoning Districts for a period of not more than 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, etc.

The construction of piers, wharfs, bulkheads, seawalls, boat docks, boat lifts, etc. 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 8.B.1. No more than three boats can be docked at any residential lot.

Section 4 – Service Stations

A. Location of Exits and Entrances

Entrances and exits for vehicles to and from gasoline service stations shall not be closer than twenty (20) feet to an intersection of street right-of-way lines.

B. Lot Size

Gasoline services 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.

C. Location of Oil Drainage Pits and Hydraulic Lifts

All 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.

D. Mechanical Repair

All permitted mechanical repair work shall be conducted within an enclosed structure and shall be located no closer than fifty (50) feet to any 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

Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least twenty (20) feet from any front lot line and thirty (30) feet from any other lot line.

F. Storage of Vehicles

No storage of vehicles shall be permitted for periods in excess of thirty (30) days.

Section 5 – 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 and 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.

Amended 6/05

9. One 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 provision 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.

Section 6 – 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 7 Tree Protection~~

Amended 09/15/09

~~A. Definition of Tree~~

~~Any woody plant having at least one well-defined stem at least four (4) inches in diameter measured at the height above the natural grade and a formed crown.~~

~~Such plant must normally grow to an overall height of twenty (20) feet and normally develop an average mature spread of crown of twenty (20) feet.~~

~~B. Tree Removal~~

~~No tree shall be removed on any lot, parcel, plot or right-of-way unless one or more of the following conditions is present:~~

~~1. Safety Hazard. Necessity to remove trees which pose a safety hazard to pedestrians, property, vehicular traffic or threaten to cause disruption of public services; or which pose a safety hazard to persons or buildings.~~

~~2. Diseased or weakened trees. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury.~~

~~3. Good forestry practices. Necessity to observe good forestry practices.~~

~~4. Construction of improvements. Necessity to remove trees in order to construct proposed improvements as a result of:~~

~~(a) Need for access to the building site for construction equipment;~~

~~(b) Need for access immediately around the proposed structure for construction equipment;~~

~~(c) Essential grade changes that are needed to implement safety standards;~~

~~(d) Surface water drainage and utility installations;~~

~~(e) Location of proposed structure so as to avoid unreasonable economic hardship;~~

~~(f) Location of driveways, buildings or other permanent improvements. Drive aisles shall be a maximum of fifteen (15) feet in width for one-way drives and twenty-seven (27) feet in width for two-way drives.~~

~~C. Permit~~

Amended 6/05

~~1. No building permit shall be issued unless, and until, a tree removal permit has been secured, if required, by the property owner/developer/contractor actually performing the tree removal. As a minimum, the application for the Tree Removal Permit will include the number and type (e.g., Water Oak, Southern Pine) of trees which meet the definition specified in~~

~~paragraph Section 7.A. At the discretion of the Building Inspector, particularly when the property contains a large number of trees meeting the aforementioned definition, the applicant may be required to include a site plan which displays the location and type of each tree. Before the Tree Removal permit is issued, the building inspector will make a visual on-site inspection of the property to verify the accuracy of the application.~~

~~2. If trees are removed without a permit or otherwise removed, and construction of the building(s) on the property has not started within six (6) months after the issuance of the building permit, all of the trees specified and recorded in the Tree Removal Permit shall be replaced using good and accepted forestry practices with trees of similar variety with heights of at least ten (10) feet.~~

~~3. Trees removed without a permit or property owner/developer/contractors who has not started building construction within the aforementioned six (6) months time period is in violation of this ordinance and is subject to the fine in accordance with Section 10.5 of this Ordinance until replacement trees have been planted on the property, until another building permit is obtained or the existing building permit is approved for extension, or until the Town Council for Dauphin Island is satisfied as to the "good faith" intentions of the owner/developer/contractor with regard to building construction continuance or replacement tree plantings.~~

Section 8 – 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

AMEND. 19D 11/17/96

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 in the public interest; and

Amended 6/05

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.

AMEND. 19D 11/17/96

(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 200 feet South of mean high tide.

Amended 6/05

(2) Any structure in existence in the area described in this sub-section on the effective date of this Amendment shall constitute 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. Little Dauphin Island

Amended 6/05

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

Section 9 - General Provisions

A. Animals

No animals, livestock or poultry of any kind, other than house pets, shall be kept on said property provided they are not kept, bred or maintained for any commercial use or purpose.

Amended 6/05

B. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

Moved to Article 5 – Districts, Boundaries, Zoning Map

G. 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 15 feet. Mounting dishes on roofs is prohibited in all residential districts and R-C and MHP districts. Installation and construction must also comply with the Building Code. No form of advertising or identification is allowed on the dish or framework other than the manufacturer's small identification plates.

H. 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.)

Amended 6/05

I. Residential Lots: R-1, R-2, MHP, RM-1, RM-2, RM-3

(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 14 days.

(3) Recreational vehicles may be stored/parked at a homeowner's residence (with a primary building).

Amended 6/05

L. Commercial, Industrial & Manufacturing, and Conservation/park Lots: C-1, C-2, IM, or C-P

(1) No recreational vehicle shall be allowed temporarily or permanently on any vacant commercial lot.

(2) Recreational vehicles may be stored on any commercial lot with a primary building and a current business license.

AMEND. 09/03/02

ARTICLE 7
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 dwelling, attached or detached - any housing 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. Two-family structures –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 required spaces shall be located within the lot or within a contiguous lot.

3. Multi-family structures not exceeding 8 dwelling units per lot located within zoning classifications of Multi-Family Residential One to Four Units, Multi-Family Residential One to Six 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. Multi-family structure(s) where densities exceed 8 dwelling units per lot located within zoning classifications of Multi-Family Residential One to Ten 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.

5. 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.

6. 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 40 square feet of floor area available for the accommodation of moveable seats in the largest assembly room

7. Libraries, art museums and similar cultural facilities – one (1) space for each 400 square feet of gross floor area.

8. Funeral home – one (1) space for each ten (10) seats or bench seating spaces in chapel.

9. Medical offices, dental offices and clinics – four (4) parking spaces for each doctor plus one (1) parking space for each employee.

10. 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.

11. 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.

12. Service stations, car wash – two (2) parking spaces for each Bay and one (1) for each wash rack.

Amended 6/05

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 - parking will require ten (10) vehicle/trailer spaces for each launch.

24. All parking situations can not 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

Amended 6/05

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. The space 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 re*new*al 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

Amended 6/05

The following landscaping standards shall apply to all parking lots accommodating six (6) or more parking spaces and to the foot print area of parking decks having two 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 12 parking spaces and not less than one tree for each 24 parking spaces;

5. Shrubs shall be a minimum of two (2) feet and six (6) 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

Proposed Change May 2006

1. ~~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~~.

Proposed Change May 2006

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.

Proposed Change May 2006

3. ~~Parking Area Dimensions. The width of all driving aisles providing direct access to individual parking spaces shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in driving aisles serving single-row parking spaces placed at an angle of other than ninety (90) degrees.~~

~~Parking Angle (in degrees)~~	~~Minimum Driving Aisle Width (in feet)~~
~~30~~	~~12~~
~~45~~	~~13~~
~~60~~	~~18~~
~~90~~	~~24~~

Proposed Change May 2006

~~4. Width of Two-Way Access Driveways. The minimum width of two-way access driveways with single stack parking shall be twenty (20) feet and minimum width of two-way access driveways with double-stack parking shall be twenty-four (24) feet.~~

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

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

Proposed Change May 2006

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

Proposed Change May 2006

4. ~~Width of Two-Way Access Driveways. The minimum width of two-way access driveways with single-stack parking shall be twenty (20) feet and minimum width of two-way access driveways with double-stack parking shall be twenty-four (24) feet.~~

Proposed Change May 2006

Moved to Definition Section

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

Proposed Change May 2006

Moved to Definition Section

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

5. 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.

6. Wheel stops. Parking facilities without curbing shall provide wheel stops for all spaces not less than 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 (4000) 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:

Gross Floor Area	Number of Berths
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.

ARTICLE 8
SIGNS

REPEALED
10/02/01

ADOPTED
ORD. 71
10/02/01

ARTICLE 9
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.

Amended 6/05

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 of its member, other than a member of the Planning Commission, as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.

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 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:

   (1) 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.

   (2) 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 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 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 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 judgement 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.

Amended 6/05

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 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

Amended 6/05

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 therefore 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. 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:

Amended 6/05

(1) A flat administrative and review fee of fifty ($50.00) dollars that shall accompany each request for appeal or zoning amendment.

Proposed Change May 2006

~~(2) In addition, the applicant prior to any decision by the Board of Adjustment or the City Council shall pay the actual costs for legal advertisement of the request and notification of parties in interest.~~

~~(2) **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 $5.00 per certified mail for notification of parties in interest.**~~

Amended December 2007

(2) 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.

ARTICLE 10
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 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 Upon Outstanding Building Permit

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 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 or 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

Posted 12/10/07

~~This ordinance shall be effective on _____, 2005.~~
~~This ordinance shall be effective on December 15, 2007.~~

Posted 09/16/09

First Reading of Amendment September 1, 2009 - ~~Second~~ Reading September 15, 2009
This ordinance amendment shall be effective on September 22, 2009

Signed: Jeff Collier, Mayor

Nannette Davidson

Attested: Nannette Davidson, Town Clerk

APPLICATION FOR APPEAL
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

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

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).

   a. Special conditions exist peculiar to the land or building in question
   b. That a literal interpretation of the ordinance would deprive the applicant of rights enjoyed by other property owners.
   c. That the special conditions do not result from previous actions of the applicant.
   d. 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

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