



ORDINANCE 2013-05 AMENDING THE TOWN OF PERDIDO BEACH LAND USE AND ZONING ORDINANCE PURSUANT TO TITLE 11, SUBTITLE 2, CHAPTER 52, ARTICLE 4, SECTION 11-52-70 CODE OF ALABAMA, 1975, AS AMENDED.

WHEREAS, upon recommendation by the Town’s administrator, the Town of Perdido Beach Planning Commission has reviewed ARTICLES XXII Definitions and XXIII Table of Permitted Uses, of the Town of Perdido Beach Land Use and Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on July 3, 2013 and voted to recommend to the Town Council that the following proposed amendments be approved.

Article XXII Definitions

Section 22.1 Usage

Except as otherwise provided herein, all words shall have the customary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes an individual, a firm, corporation, association, organization, trust, limited liability company, partnership, club, or other legal entity or jural person. The word "building" includes "structure." The words "shall" and "will" are always mandatory, and the word “may” shall be permissive. 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."

Section 22.2 Words and Terms Defined

As used in these ordinances, the following words and terms shall have the meaning set out below:

A zone: (See Floodplain).

Abutting/contiguous property: Any property that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

Accessory dwelling: An accessory building used as a complete, independent living facility.

Accessory Structure: A building detached from but located on the same lot as a principal structure, the use of which is incidental or adjunct to that of the principal structure.

Agriculture/agricultural uses: The use of land for growing or cultivating crops or raising of animals as a commercial venture or for profit and may include, but is not limited to, farming,

dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and related accessory uses.

Alteration: The word “alteration” shall include any of the following, excluding minor changes or repairs:

- (a) Any addition to the height or depth of a building or structure.
- (b) Any change in the location of any of the exterior walls of a building or structure.
- (c) Any increase in the interior accommodations of a building or structure.

Animal Breeding: The branch of agriculture concerned with the care and breeding of domestic animals such as cattle, hogs, sheep and horses.

Antenna: An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. Typically this includes “whips,” “cornucopia horns,” “panels” and parabolic “dishes.”

Antenna support structure: Any structure on which telecommunications antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four “legs” (self-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *tower*).

Applicant: Legal entity – a person or persons have legal authority to make application.

Area and dimensional requirements: Numerical standards established for a lot, yard or building in a particular zoning district.

As of right: Uses that are specifically authorized by the Town of Perdido Beach Land Use and Zoning Ordinance. (see also *Permitted use*).

Automotive convenience market: A retail establishment where motor vehicle fuel is retailed directly to the public on the premises in combination with retailing of items typically found in a neighborhood convenience store. An automotive convenience market may include a drive-through car wash but may not include automobile service bays.

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

Automotive service station: Any building or land used for retail sale and dispensing of automotive fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles.

Base flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation: The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it.

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and breakfast: A building or part thereof other than a motel or hotel, typically a residential dwelling unit, where sleeping accommodations are provided to transient guests, with or without meals, for compensation and which also serves as the residence of the operator. Breakfasts should be limited to guests only.

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

Boat Building: The craft of boat construction for compensation.

Boathouse: A structure constructed, at least in part, over water designed or intended to be used for the purpose of docking, storing and protecting one (1) or more watercraft.

Boat construction facility: A facility engaged in the construction of watercraft for compensation.

Boat repair: Major and/or minor overhauling or repair of watercraft for compensation that requires open air, partially covered or enclosed facilities and heavy equipment, yard space and dock facilities as may be necessary.

Boat sales and service: Any building or land used for retail sales and servicing of watercraft.

Boat slip: A facility for the mooring of watercraft.

Buffer: Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

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

Building height: The vertical distance stated in feet measured from the average elevation of the proposed finished grade at the front of the building to the highest eave of the roof.

Building Official: Individual appointed by the Perdido Beach Town Council to carry out inspections required by the building code.

Building line: (See *Setback line*)

Car wash: An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Certificate of occupancy: Official certification that a premise conforms to provisions of the Land Use and Zoning Ordinance and Building Code, and may be used or occupied.

Child care facility: A facility established for the care of children as defined in §38-7-2 of the Code of Alabama, 1975. For the purpose of this ordinance, the definition includes the following:

- (a) *Child care center:* This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the *Code of Alabama, 1975*. Day care centers and nighttime centers serve more than twelve (12) children.

(b) *Child care institution:* This includes facilities licensed as group homes and child care institutions in accordance with §38-7-2 of the *Code of Alabama, 1975*. These facilities provide full time care.

(c) *Day care home:* A child care facility which is a family home and which receives not more than six children for care during the day in accordance with §38-7-2 of the *Code of Alabama, 1975*.

Church or similar religious facility: A place where religious worship is conducted. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any faith, belief, or denomination are held.

Clinic: A place used for the care, diagnosis, or 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 room or board.

Club: A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose but not operated or maintained for profit.

Commercial occupant: An occupant of property who is engaged in commerce as the principal activity on such property.

Commercial vehicle: Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

Commercially developed parcel: A parcel of property on which there is at least one structure used, or designed to be used, for other than residential or agricultural purposes.

Common open space: Open space within a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use and/or enjoyment of the residents of the development.

Common property: Land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites within a planned development.

Conditional use: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a zoning district subject to approval by the Planning Commission, and subject to special requirements, different from those usual requirements for the zoning district in which the conditional use may be located.

Conservation easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, wildlife; or maintaining existing land uses.

Construction sign: Any temporary sign giving the name or names of principal contractors, architects, or lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Copy: The linguistic content of a sign.

Copy shop: A retail establishment that provides duplicating services and may include collating and binding services.

County: Baldwin County, Alabama.

County Commission: The Baldwin County Commission.

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

Density: The number of dwelling units per stated square footage or acre of land.

Development: Any man made change to improved or unimproved real estate including but not limited to buildings or other structures, digging, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Dwelling: A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, rooming houses, lodging houses, group homes, dormitories or other structures designed for transient residence.

Dwelling, Accessory: See Accessory Dwelling.

Dwelling, multiple-family: A building designed for or occupied by three or more families, with separate toilets and facilities for cooking and sleeping for each dwelling unit.

Dwelling, single-family: A detached building designed for and occupied by one family as a home, with toilets and facilities for cooking and sleeping.

Dwelling, two-family: A building designed for or occupied by two families only, with separate dwelling units for each family, separated by a common wall but sharing a common roof and foundation.

Dwelling unit: Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate toilets and facilities for cooking and sleeping, either permanently or temporarily.

Eave(s): The lower edge of a roof at the intersection of or projecting beyond the side of a building where side refers to each vertical wall of such building.

Electric sign: Any sign containing electric wiring.

Emergency Vehicle Access: A means of accessing each building located on a lot which provides open space that is clear to the sky and is a minimum of fifteen (15) feet wide, together with adequate turning radius where needed to allow navigation of emergency vehicles.

Erect a sign: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. The change of message on a sign or routine maintenance to a sign will not be to “erect a sign”.

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.

Estuary: A body of water usually found where rivers or streams meet the sea. Estuaries are home to unique plant and animal communities that have adapted to brackish – a mixture of fresh water draining from the land and salty seawater. (NOAA)

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

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

FAA: Federal Aviation Administration.

Family: One or more persons living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a boarding or rooming house, hotel, group home, or other group user residence.

FCC: Federal Communications Commission.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters or
- (b) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

Floodplain: Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

Floodway: That portion of the floodplain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway. For the purpose of these ordinances, floodways shall be defined as follows:

- (a) The floodways as identified or delineated in the *Flood Insurance Study* for Baldwin County, Alabama.
- (b) Along Small Streams and Watercourses. All lands lying within 25 feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the Perdido Beach Planning Commission that a lesser distance (but not less than 15 feet) is adequate based on the watershed characteristics and probable storm runoff for the base flood.

Floor area, gross: The sum of the gross enclosed horizontal area, stated in square feet, of all the stories of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

Food processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

Frontage: The length of the property line of any one parcel along a street or waterfront on which it borders.

Garage, private: An Accessory Building (in whole or in part) or part of a main building designed and/or used for inside parking of private 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.

General commercial uses: This land use includes those commercial activities which require outdoor storage, have higher trip generations than local commercial uses, or have potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation.

Generalized Wetland Map: Refers to the National Wetland Inventory (NWI) Maps maintained by the U.S. Army Corps of Engineers, the Baldwin County Digital Wetland layer and/or any other digital data depicting the general locations of wetlands or hydric soils and their degree of functionality within the jurisdiction of the Town of Perdido Beach.

Group Home: A dwelling housing ten (10) or less unrelated people with an intellectual disability or mental illness.

Height: When referring to a structure other than a building, the distance measured from the ground level at the base of the tower to the highest point on the tower or structure, including if said highest point is an antenna placed on a structure or tower. See also the definition for Building Height.

Home occupation: Any occupation for gain or support customarily conducted at or from, but entirely within the walls of, a residential dwelling unit and carried on solely by the inhabitant thereof, and which use is incidental or secondary to the use of the dwelling for residence purposes, and does not change the character of the building which contains the dwelling unit.

Home occupation, rural: An accessory use engaged in for compensation at a household located in a rural area involving the sale of goods and/or services that is conducted either from within the dwelling or from accessory buildings located on the same lot as the dwelling unit occupied by the family conducting the home occupation.

Ice Manufacturing Unit: A facility for producing ice for retail sales.

Illuminated sign: A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Impervious surface: Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to: building roofs; streets; sidewalks; parking and driveway areas paved with asphalt, concrete or similar materials; and paved recreation areas.

Impervious surface ratio (ISR): A ratio derived by dividing the total of all impervious surfaces on a lot by the lot area.

Industrial Use: (see light industrial use)

Ingress and egress: A means of entering and leaving the property in question.

Institutional uses: This group of uses includes: educational facilities (public or private); pre school and child care facilities; churches; residential care facilities, clubs; libraries; museums; emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue; and all other similar institutional uses.

Junk vehicle: Any vehicle that does not have a current license tag and that the owner has left to deteriorate.

Jurisdictional determination: An official, written statement or map signed by the U.S. Army Corps of Engineers.

Jurisdictional wetland: A wetland area that is regulated by the U.S. Army Corps of Engineers under the Clean Water Act and meets the definitional requirements for wetlands (i.e. hydrophytic vegetation, hydric soils and hydrology) as determined by the U.S. Corps of Engineers, 1987 Federal Wetland Delineation Manual.

Land area: (See *Lot area*).

Land Disturbance: Any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.

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

Land use plan: A map and supporting written documentation indicating the projected or proposed utilization of land resulting from planning and zoning studies.

Lateral riparian rights: The apportionment of riparian rights between adjoining riparian owners is made by extending lines from the ends of the side lines at right angles to the line of the water front if the latter is straight or substantially so, subject to variation where the line of navigation is not parallel with the shore line, without regard to the direction of the dividing line of the upland parcels. In case of a decided convexity or concavity of the shore, riparian rights are apportioned ratably between the riparian owners, as by straight lines drawn out to the line of navigability at such points as will divide the latter proportionately to the several frontages on the shore, or by line perpendicular to a tangent drawn on a circular shore.

Licensed Engineer: An engineer properly licensed and registered in the State of Alabama.

Light industrial uses: This land use includes manufacturing, research and wholesale establishments which are clean, quiet, and free of hazardous or objectionable emissions, and generate little industrial traffic.

Local commercial uses: This land use includes limited retail convenience goods and personal service establishments as well as professional service and office uses.

Lot: A piece, parcel, tract 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 these zoning ordinances, or as are intended to be used with such piece, parcel, tract or plot of land.

Lot area: The total horizontal area, measured in square feet, within the lot lines of a lot.

Lot, Boathouse. A lot whose principal use is to provide a location for the construction of a boathouse and which may not be used for a Dwelling.

Lot, corner: A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

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

Lot, flag: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, interior: A lot other than a corner lot.

Lot line: The boundary line of a lot.

Lot line, front: On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

Lot line, rear: The lot line opposite and most distance from the front lot line.

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

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

Lot of record, substandard: A lot of record which has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot was of record as a legally created lot on the effective date of these zoning ordinances.

Lot, through: A lot, but not a corner lot, that abuts upon two streets, the two frontages being noncontiguous.

Lot width: The horizontal distance between side lot lines, measured at the required front setback line.

Major project: Any institutional use, professional service and office use, commercial use, outdoor recreation use, marine recreation use, transportation, communication and utility use, and industrial use.

Manufactured home: A manufactured home is a structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is:

- At least 400 square feet
- Built and remains on a permanent chassis
- Designed to be used as a dwelling with a permanent foundation built to FHA criteria

The structure must be designed for occupancy as a principal residence by a single family.

Manufactured housing: Means “manufactured home” or “modular home”.

Marina: A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Dry boat storage may also be provided.

Marine recreation uses: This land use includes areas where water related recreational activities are the primary use. Activities may include all activities allowed as outdoor recreation activities as herein defined. In addition, permitted activities may include marinas, boat sales, boat servicing, boat storage, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment.

Master plan: The master plan, for the physical development of the corporate areas of the Town of Perdido Beach as adopted by the Perdido Beach Town Council.

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.

Minor Projects: Any land disturbing activity including single family structures and related accessory structures.

Mixed use: A planned and integrated mix of residential and office or retail uses.

Mobile home: A transportable, factory built home, designed to be used as a residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular home: A manufactured dwelling built and inspected in accordance with a national building code and in compliance with the provisions of Section 24 Housing, Code of Alabama, 1975.

Monument sign: A monument sign is a freestanding sign, a wall with a permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than seven (7) feet in height except where further restricted and shall have the lowest portion of its sign face no more than 3 feet above the ground.

Multiple occupancy site: A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Neighborhood convenience store: Any retail establishment offering for sale prepackaged food and beverage products, a limited selection of prepared foods for off premises consumption, household items, and other goods commonly associated with the same and having a gross floor area of less than 2500 square feet. Neighborhood convenience stores shall not include fuel pumps or the selling of fuel for vehicles.

Nonconforming structure: A lawful structure occupying a site, existing at the effective date of this ordinance, or any amendment thereto, which does not conform with the standards of the zoning district in which it is located, including, but not limited to, structures which do not conform to front setback, side setbacks, rear setback, height, coverage, distances between structures and parking facilities.

Nonconforming use: The lawful use of a building, structure or lot, existing at the effective date of this ordinance, or any amendment thereto, which does not conform with the provisions of this ordinance, as amended, for the zoning district in which it is located.

Nursery: Land, building, structure, or combination thereof used or intended for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for sale on or from the premises including, but not limited to, products used for gardening or landscaping.

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

Open space: An area of land not covered by parking areas, rights-of-way or buildings other than enumerated or recreational structures, open to the sky that, by its nature, provides light and air, and is intended for environmental, scenic or recreation purposes or for natural or scenic preservation. Open space may include, but is not limited to, lawns, landscaped areas, buffers, natural areas, wooded areas, unenclosed walkways or sidewalks, decks, patios, fountains and outdoor recreation structure. Streets, driveways, parking lots, buildings and structures that are roofed shall not be included as open space.

Open space, common: (see *Common open space*).

Outdoor Advertising: Any outdoor sign, display, drawing, message, billboard, or anything which is designed, intended or used to advertise or inform (other than a home-occupation sign or customary sized “for sale” or “for rent” sign) any part of which advertising or informational content is visible from any place on a street in the Town.

Outdoor recreation uses: This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are amusement parks, firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Overlay district: A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.

Parking lot: An area of land, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking space, off-street: An off street area of land adequate for parking an automobile with room for opening doors on both sides, together with unobstructed, adequate access to a public street or alley with maneuvering room but shall be totally outside of any street or alley right-of-way.

Pennant: Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from rope, wire, string, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Permitted use: A use by right that is specifically authorized in a particular zoning district. It is contrasted with special exceptions and conditional uses that are authorized only if certain requirements are met and after review and approval by the Zoning Board of Adjustment and Planning Commission respectively.

Pier: An elevated deck structure, usually pile supported, extending out into the water from the shore.

Planning Commission: The Town of Perdido Beach Planning Commission.

Porch: A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior wall(s) to which it is attached. Open mesh screening shall not be considered an enclosure. Porches shall be considered as a part of the main building and shall not project into the lot in such a way as to encroach on any required set back area.

Portable sign: Any sign not permanently attached to the ground or to a permanent structure, or a sign designed to be or is portable, including, but not limited to, signs designed to be transported by means of wheels or mounted on vehicles or trailers; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from a public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Prefabricated housing and/or accessory buildings. Site built housing and/or accessory buildings which consist of building components that are manufactured at a different location and are transported to the lot for inclusion in a building constructed at such location and which is neither Manufactured Housing nor Modular Housing.

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

Principal Use: The principal purpose for which a lot, the principal building thereon, or establishment therein is designed, arranged or intended, and for which it is or may be used, occupied or maintained. In the event of mixed uses, the use with the greatest square footage shall be considered as the principal use.

Printing and publishing: Includes printing, publishing, or binding of written materials of any kind.

Professional service and office uses: This group of uses includes business and professional offices, medical offices or clinics, financial institutions without drive-up windows, and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples, for illustration and not for limitation, of personal service businesses are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching/communications/office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

Projecting sign: A sign affixed to a building or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of the building or wall.

Recreational vehicle: A self-propelled land vehicle used for temporary housing of individuals and families during travel. This category also includes travel trailers, campers, camping trailers, motor homes, small mobile homes used for vacation purposes and similar transient residential vehicles capable of being towed by a passenger motor vehicle.

Recreational vehicle park: A lot of land upon which one or more recreational vehicle sites (sometimes referred to as a “campsite”) are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Residential district: A zoning district established under this ordinance in which the principal use is for human residence.

Residential dock or pier: A dock or pier constructed as an accessory structure to a residential lot for private recreational purposes and/or mooring of private boats.

Restaurant: An establishment which primarily serves food and refreshments for consumption on the premises.

Restaurant, drive-in: 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.

Restaurant, fast-food: Any establishment whose principal business is the sale of foods and refreshments in ready to consume individual servings, for consumption either within the restaurant building or for carryout, and where either: (1) foods and refreshments are usually served in paper, plastic, or other disposable containers, and where customers are not served their food and refreshments by a restaurant employee at the same table or counter where the items are consumed; or (2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

Rezoning: An amendment to the zoning district boundaries as delineated on the zoning map.

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 or utility facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Riparian Zone: The land and vegetation bordering flowing or standing water such as streams, rivers lakes and ponds. NOAA definition

Roof line: A horizontal line intersecting the highest point or points of a roof.

Satellite receiving dishes: An antenna designed to receive television broadcasts, whether or not relayed by microwave signals, from earth-orbiting communications satellites. This definition also includes satellite earth stations or television dish antennas.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including pre-schools, kindergartens, elementary schools, junior high schools, and high schools.

Setback line: A line defining the limits of a yard in which no building or structure, other than an authorized accessory structure, may be located.

Sewage Treatment Plant: Facility designed to receive the waste from domestic, commercial and industrial sources and to remove materials that damage water quality and compromise public health and safety when discharged into water receiving systems.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which displays or includes any letter, word, model, banner, flag, pennant, insignia, 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. The word “sign” includes the word “billboard” or any other type of advertising device, but does not include flag, pennant, or insignia of any nation, state, city, or other political unit, school, or religion.

Sign face area: The area of any regular geometric shape which contains the entire surface area of a sign upon which information or “message” may be placed.

Sign structure: Any structure used or designed to support a sign.

Silviculture: The care and cultivation of forest trees.

Site plan: The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot(s).

Special exception: A land use that is not similar in nature to the uses permitted in the district but that is desirable in the community and for which a suitable district is not available. Such use may be permitted upon approval of the Zoning Board of Adjustment, in compliance with any special conditions which may be required.

Special flood hazard areas: Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

Stable, public: A building where horses are kept for commercial use including boarding, hire, or sale.

Stable, private: An accessory building in which horses are kept for the use of the occupants of the principal building.

Storm water management: The process of ensuring that the magnitude and frequency of storm water runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated storm water flow.

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

Story, habitable: A story having its floor elevated at or above base flood elevation as determined from the flood insurance rate maps and in compliance with Town of Perdido Beach ordinances, regardless of the intended use of the story or its floor area.

Street: The full right-of-way of a thoroughfare which affords the principal means of access to abutting property.

(a) *Arterial*: A street that connects areas which produce large numbers of trip generations. An arterial functions to move traffic and to provide access to land uses, particularly high trip generating commercial activities.

(b) *Collector*: A collector has the primary function of collecting traffic from an area and moving it to the arterial street system while also providing substantial service to abutting land use.

(c) *Minor street*: A minor street is one whose primary function is to service abutting land use. This includes cul-de-sacs, marginal access streets, residential access streets, country lanes and alleys.

(d) *Marginal access street*: A minor street separating abutting land areas from arterial streets. A service road in commercial areas intended to remove terminal traffic from arterials and allow them to fulfill their high volume, high speed function. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the detrimental effects of highway traffic use by park strips, screen plantings, or other measures, as well as to limit the number of direct driveway accesses to arterials for safety purposes.

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.

Subdivision: The division or redivision of a parcel of land into two or more parcels as provided for in the *Town of Perdido Beach Subdivision Regulations*.

Temporary Use Permit: A permit allowing use of temporary structures as described in Section 12.2 of this ordinance.

Tourist home: A building, or part thereof, other than a motel or hotel, used for vacation residential purposes for compensation.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including, but not limited to, self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers wind electricity generating equipment, or other devices installed more than ten (10) feet above the ground. (see also *antenna support structure*)

Town: The Town of Perdido Beach, Alabama.

Town Council: The Town Council of the Town of Perdido Beach, Alabama.

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

Transportation, communication, and utility uses: This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

- (a) Broadcasting stations and radio, television and telephone transmission towers.
- (b) Utility facilities, such as water plants, sewerage/wastewater treatment plants, sanitary landfill operations and electric power substations.
- (c) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
- (d) Airports, airfields, and truck or bus terminals.
- (e) Railroad stations, terminals, yards and service facilities.

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

Variance: A departure from the provisions of this ordinance relating to building and other structural setbacks, lot dimensions such as width, depth, or area, structure, or building height, open space, buffers, parking or loading requirements, lot coverage, impervious areas, landscaping, and similar type ordinances. A variance may not involve the actual use of the property, building or structures, procedural requirements, or definitions.

Vehicle sign: Any sign affixed to or made a part of a vehicle.

Vehicle 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.

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

Wetlands: Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Window sign: Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, goods, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

Yard: A space on the same lot with a principal 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 comply with applicable building codes.

Yard, front: A yard 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. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the principal building to the waterfront property line.

Yard, rear: A yard extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side: A yard, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the parallel to the street upon which the lot has its greatest dimension shall be considered to be a side yard.

Zoning Administrator: The Zoning Administrator or his/her designee. The Zoning Administrator shall be responsible for administering these zoning ordinances.

Zoning amendment: A change or revision of the zoning ordinances or zoning map.

Zoning Board of Adjustment: A board created by the Perdido Beach Town Council in accordance with Alabama Code Section 11-52-80 to hear and decide appeals, special exceptions and variances from the terms of the zoning ordinance.

Zoning district: A section of the Town delineated on the zoning map wherein all requirements for use of land and building and development standards are uniform.

Zoning map: The map or maps which are a part of these zoning ordinances and which delineate the boundaries of various zoning districts.

Article XXIII Table of Permitted Uses

Section 23.1 Use of Land and Structures

No building, structure or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved or altered except in conformity this ordinance and the uses specified in the table of permitted uses for the zoning district in which it is or is to be located.

Section 23.2 Permitted Uses

Uses in the table of permitted uses identified by “P” are permitted as of right, subject to the conditions specified in this ordinance.

Section 23.3 Special Exceptions

Uses in the table of permitted uses identified by “S” are permitted upon special exception approval by the Board of Adjustment.

Section 23.4 Conditional Uses

Uses in the table of permitted uses identified by “C” are permitted upon conditional use approval by the Planning Commission as to location and the site plan appropriate with regard to transportation, access, water supply, waste disposal, fire, police protection and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and in harmony with the orderly and appropriate development of the district in which the development is to occur.

Section 23.5 Prohibited Uses

Where any use or analogous use has blank spaces under any zoning district listed in the headings of the table of permitted uses, such use is specifically prohibited in such zoning district.

Section 23.6 Unlisted Uses

In any case where a requested use is not specifically provided, such use is prohibited unless the Town Council elects to amend this ordinance to include it.

Section 23.7 Business Uses

Any use description (“P”, “C”, or “S”) which is marked under zoning district B-1 shall, unless expressly marked with a different designation, apply with the same letter description to zoning district B-2.

Figure 1: Table of Permitted Uses

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
RESIDENTIAL USES										
Accessory Dwelling	P		P	P	C					
Accessory structures and uses	P	P	P	P	P	P	P	P	P	P
Boarding, rooming or lodging house, dormitory						P	P			P
Mobile home										
Manufactured Homes	P		P	P	P					
Modular Homes	P	P	P	P	P					
Multiple family dwellings										
Recreational Vehicle Park										
Single family dwelling,	P	P	P	P	P					
Townhouse										
Two family dwelling										
AGRICULTURE USES										
Agriculture	P	C	C							
Animal raising	P		C							
Dairying	P									
Farming	P									
Floriculture	P	C	C							

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
Hatchery, poultry and fish	P		S							
Horticulture	P	C	C							
Pasturage	P		C							
Silviculture	P	P	P	P	P	P	P	P	P	P
Stables, Public/Private	P	C	C							
INSTITUTIONAL USES										
Ambulance/EMS Service	C					P	P			P
Art gallery or museum						P	P			
Child Care Center	C					P	P			
Church or similar religious facility	P		P	P	P	P	P	P	P	
City hall or courthouse						P	P			
Club	C						C	C		
Correctional, detention, or penal institution										
Day care home	C		C	C	C					
Fire station	C	C	C	C	C					P
Library						P	P			
Police station	P					P	P			
Post office						P	P			
Sanitarium										
School (public or private)	C		C	C		P	P			
Teen club or youth center	C									
YMCA, YWCA	C									

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
PROFESSIONAL SERVICE & OFFICE USE										
Bank							P			P
Barber shop or beauty parlor						P	P			P
Clinic or doctor office (medical, dental, psychiatric)						P	P			P
Laboratory, scientific, medical, dental						P	P			
Mixed commercial/residential						C	C			
Office						P	P	P		P
Optician						P	P			
Studio for dance, music, photography, painting, etc.						P	P			
LOCAL COMMERCIAL USES										
Antique store							P			
Apparel and accessory store							P			
Appliance store including repair							P			
Art supplies							P			
Automobile parts sales							P			P
Bakery retail							P			
Bed and breakfast or tourist home	C		C	C	C	P	P	P		
Bicycle sales and service							P			

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
Boat Repair							P	C		P
Book Store							P			
Café							P	P		P
Camera and photo shop							P	P		
Candy store							P			
Catering shop or service							P			
Copy shop							P			
Delicatessen							P	P		P
Discount/variety store (not to exceed 8,000 square feet)							P			
Drug store (not to exceed 8,000 square feet)							P			
Fixture sales							P			
Floor covering sales or service							P			
Florist							P			
Fruit and produce store							P			
Gift shop							P	P		
Hardware store, retail							P			P
Ice cream parlor							P	P		
Interior decorating shop							P			
Laundry, self service							C			C
Laundry and dry cleaning store										C
Locksmith							P			P
Music store							P			P

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
Neighborhood convenience store							P			P
News stand							P			P
Paint and wallpaper store							P			P
Picture framing and/or mirror silvering							P			P
Restaurant							P	P		P
Shoe repair shop							P			P
Shoe store							P			P
Sign shop							P			P
Sporting goods store							P			P
Tailor shop							P			P
Tobacco store							P			P
Toy store							P			P

GENERAL COMMERCIAL USES										
Air conditioning sales and service							P			P
Animal clinic/kennels							C			P
Automotive convenience market							C			P
Auto parts sales										P
Automobile repair (mechanical and body)										C
Automobile service							C			C

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
station										
Bakery, wholesale										P
Business machine sales and service							C			P
Butane gas sales										P
Car wash							C			P
Convenience store										P
Country club	C					C	C	C		C
Department store							C			P
Discount/variety store (exceeding 8,000 sq.ft.)										P
Drug Store (exceeding 8,000 sq ft)										P
Elevator maintenance service										P
Exterminator service office										C
Farm implement sales & repair	P									C
Farmer's market/truck crops	P						P			P
Firing Range, indoor	S									
Fitness center or gym							C			P
Golf driving range	C									P
Grocery store							C			P
Landscape sales							C			P
Lawnmower sales and service							C			P
Liquor store							C			C

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
Miniature golf										P
Mini-warehouse							C			C
Movie theatre/playhouse							C			
Nursery	P						C			P
Office equipment and supplies sales							C			P
Pet shop							C			P
Plumbing shop							C			P
Printing and publishing establishment										P
Recreational Vehicle Park										
Restaurant, drive-in							C			P
Restaurant, fast food							C			P
Restaurant sales and supplies										P
Rug and/or drapery cleaning service										C
Seafood store							C	C		C
Stone monument sales										P
Taxidermy										C
OUTDOOR RECREATION USES										
Ball fields									C	
Conservation easement	P	P	P							
Golf course									C	
Park, playground, public park, public pier, public boat launch and other outdoor recreational uses.(see definition)									C	

	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
Riding academy									C	
Swimming pool (outdoor)									C	
Tennis court (outdoor)									C	
Wildlife sanctuary	C	C	C						C	
MARINE RECREATION USES										
Bait store							P	P		P
Boat sales and service								P		P
Marina								P		P
Marine store and supplies							C	P		P

TRANSPORTATION, COMMUNICATION & UTILITY USES										
Landfill/Sanitary Landfill										
Sewage treatment plant										
LIGHT INDUSTRIAL USES										
Boat Building/Boat Construction Facility										P
Cabinet shop							C			P
Contractor's yard										C
Ice plant								C		C
Lumberyard										C
Machine shop										C
Machinery, tools and construction equipment sales and service										C

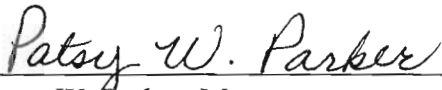
	RA	CR	E-R	R-1	R-2	B-1	B-2	MR	OR	I
Manufacturing, repair, assembly or processing establishments of a light industrial nature including: food and milk products; clothing; musical instruments; optical, medical & electronic equipment; souvenirs and novelties; toys, sporting goods & athletic goods;										C
Millwork										C
Vehicle Wrecking										
Warehouse and storage facilities	C									C
Welding shop										P

WHEREAS, the Town Council of the Town of Perdido Beach, Alabama held a public hearing on August 20, 2013 in which the public was given opportunity to appear before the Town Council in support of or opposed to the proposed amendment; and

WHEREAS, the requirements of Title 11, Subtitle 2, Chapter 52, Article 4, Section 11-52-70 and Section 11-52-77 Code of Alabama 1975, as amended, regarding procedures to amend the Town of Perdido Beach Land Use and Zoning Ordinance have been met.


NOW THEREFORE BE IT ORDAINED, BY THE TOWN COUNCIL OF PERDIDO BEACH, ALABAMA, IN REGULAR SESSION ASSEMBLED, that the proposed text amendment to the Perdido Beach Land Use and Zoning Ordinance as it pertains to ARTICLE XXII Definitions and ARTICLE XXIII Table of Permitted Uses is hereby APPROVED.

DONE, Under the Seal of the Town of Perdido Beach, Alabama, on this the **17th of September, 2013.**



Patsy W. Parker, Mayor

Attest:



Lynn Thompson, Town Clerk

Certificate of Publication

This is to certify that Ordinance 2013-05 of the Town of Perdido Beach, Alabama, was published by posting on four (4) bulletin boards in the Town from September 18th, 2013 until October 17th, 2013, at the following locations:

- (1) Town Hall
- (2) Perdido Beach Volunteer Fire Department
- (3) Saint Andrews by the Sea Church
- (4) Perdido Beach Baptist Church
- (5)



Lynn Thompson, Town Clerk