

CITY OF ROBERTSDALE



LAND USE ORDINANCE

**Adopted September 23, 2002
Last Amended August 3, 2015**

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ARTICLE I

PURPOSE AND ENACTMENT

- 1.1 PURPOSE. The City of Robertsdale, Alabama, pursuant to the authority granted by Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama, 1975 and 1986 Cumulative Supplement, in order to promote the health, safety, convenience, order, prosperity and general welfare of the residents; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, and parks, to facilitate initiation of the comprehensive plan, and other public requirements, hereby ordains and enacts into law an official Land Use and Development Ordinance in accordance with the laws of Alabama. In their interpretation and application, the provisions of this ordinance shall be:
- A. Considered as minimum requirements;
 - B. Liberally construed in favor of the governing body; and,
 - C. Deemed neither to limit nor repeal any other powers granted under state statutes.
- 1.2 ENACTMENT. An Ordinance of the City of Robertsdale, Alabama, establishing rules and regulations for zoning, platting, and subdividing land which rules and regulations define the legal authority; classify land; establish zoning districts and district requirements; prescribe procedures for plat approval; set standards and specifications for streets, utilities, and other public improvements in subdivisions; and, prescribe methods for enforcement, exceptions and amendments.
- 1.3 TITLE. This ordinance shall be known and may be cited as the "Land Use and Development Ordinance" for the City of Robertsdale, Alabama."

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ARTICLE II

LEGAL STATUS

- 2.1 AUTHORITY. The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.
- A. Zoning. Zoning authority is specifically contained in Title 11, Subtitle 2, Chapter 52, Articles 1 and 4 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.
 - B. Subdivisions. Subdivision authority is specifically contained in Title 11, Subtitle 2, Chapter 52, Articles 1, 2 and 3 of the Code of Alabama, 1975 and 1986 Cumulative Supplement.
- 2.2 JURISDICTION.
- A. Zoning. This Ordinance shall be in force and effect for zoning purposes within the corporate limits of the City of Robertsdale as presently or hereinafter established.
 - B. Subdivision. This Ordinance shall be in force and effect for the subdivision of all land which is situated inside the corporate limits of the City of Robertsdale as presently or hereinafter established, as well as of all land lying within the planning jurisdiction of the City of Robertsdale as presently or hereinafter established.
- 2.3 CONFLICT WITH OTHER LAWS. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.
- 2.4 VALIDITY. Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision 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.
- 2.5 REPEAL OF REGULATIONS AND ORDINANCES. This is a comprehensive enactment of a Zoning Ordinances and Subdivision Regulations for the City of Robertsdale and all prior-zoning ordinances and subdivision regulations are hereby superseded and repealed.

- 2.6 DISCLAIMER OF LIABILITY. These Regulations shall not create liability on the part of the City of Robertsdale, the Robertsdale Planning Commission or any officer or employee thereof for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- 2.7 EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after the date of its adoption by the Robertsdale City Council.

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ARTICLE III

OFFICIAL PLANS AND MAPS

- 3.1 This Ordinance shall be implemented in support of the Robertsdale Comprehensive Plan. Copies of this plan are filed in the office of the City Clerk.
- 3.2 The Future Land Use Map contained in the Comprehensive Plan shall serve as a guide for the future development of Robertsdale. To the extent practical, it shall be followed in the administration of this Ordinance.
- 3.3 The Official Zoning District Map shall be signed by the Mayor and attested by the City Clerk, it shall be filed in the office of the City Clerk.
- 3.4 If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the Official Zoning Map, changes shall be made on the Map promptly after the amendment has been approved by the City Council. Unauthorized alterations of the Official Zoning Map shall be considered a violation of this Ordinance, and subject to penalties as prescribed under Article 13.6.
- 3.5 The Zoning Enforcement Officer shall maintain a file or registry of properties rezoned, variances granted and subdivisions approved under the authority of this Ordinance together with all pertinent requirements and/or conditions thereto.

ARTICLE IV

ADOPTION

4.1 This ordinance was adopted by the City of Robertsdale, Alabama, on the 23rd day of September, 2002.

(Charles H. Murphy)

MAYOR

(Jackie K. Lipscomb)

CITY CLERK

4.2 I, Jackie K. Lipscomb, City Clerk of the City of Robertsdale, Alabama, certify that the document described herein, identified as the "Land Use and Development Ordinance" for the City of Robertsdale, Alabama, is a true and correct copy of the Ordinance Number 02-10, adopted by the City of Robertsdale, this 23rd, day of September, 2002.

4.3 Seal of the City of Robertsdale.

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ARTICLE V

PROCEDURES FOR THE TRANSACTION OF BUSINESS

- 5.1 IMPLEMENTING AUTHORITY. The Robertsdale Planning Commission shall be the implementing authority for this Ordinance, except that, where required by law, action of the Robertsdale City Council or the Zoning Board of Adjustment is necessary. Such deliberative action of the Council or the Zoning Board of Adjustment shall take place after due consideration of recommendations made to it by the Planning Commission.
- 5.2 PUBLIC HEARINGS. When the Planning Commission must hold a public hearing on any matter where its action is decisive, due notice shall be given as required by law. When the City Council or the Zoning Board of Adjustment must hold a public hearing on any matter recommended by the Planning Commission, the Planning Commission may dispense with a separate hearing and submit its recommendation to the appropriate body. The public notice of such hearing by the City Council or the Board of Adjustment may be published or posted, as required by law, by the City Clerk immediately upon receipt of the recommendation from the Planning Commission and consultation with the Mayor or Chairman of the Board of Adjustment regarding the date and time of said hearing.
- 5.3 RULES. "Robert's Rules of Order" shall generally govern the order of business and conduct of meetings of the Planning Commission or any Committee of said Commission.
- 5.4 MEETINGS.
- A. The Planning Commission shall hold at least one (1) regular scheduled meeting per month. The Planning Commission shall determine the date, time, and place of such meeting.
 - B. Special meetings of the Planning Commission and/or the Zoning Board of Adjustment may be called by the Chairman upon the giving notice of such meetings as required by Law.
- 5.5 AGENDA. The Commission Secretary for each regular and/or special meeting of the Planning Commission or the Zoning Board of Adjustment shall prepare an agenda for each meeting.
- 5.6 QUORUM. Unless otherwise provided by statute, a majority of the members shall constitute a quorum for the conduct of business.
- 5.7 APPLICATIONS. Applications for Zoning Amendment or Subdivision Plats and recommendations regarding the development of land shall be filed and handled in accordance with the provisions hereinafter detailed in this Ordinance.

- 5.8 STUDY. The Planning Commission may defer action on any matter submitted to it at a regular meeting until the next regular meeting so that proper study of the matter may be made by the membership; provided, however, that the Commission shall take action on any matter submitted to it within the time limitation as required by law.
- 5.9 SIGNATURES. The Chairman or in the event of his absence, the Vice-Chairman and/or the Secretary shall be the person(s) authorized to sign documents testifying to action taken by the Planning Commission.

ARTICLE VI

DEFINITIONS OF TERMS

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

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

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

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

Agriculture. The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Airport. Any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down area, hangars, and other necessary buildings, and open spaces.

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

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

Antenna Support Structure. Any building or other structure forty-five (45) feet in height or taller and which complies with the maximum height allowed in the district in which it is located, other than a tower which can be used for location of Telecommunications Facilities.

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

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

Assisted Living Facility. See Elderly housing, assisted living.

Atrium. An open area within a building surrounded on all four sides by the building walls and open and unobstructed from the first floor level to the roof or sky except as otherwise provided in this Ordinance.

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.

Banner. Any sign or lightweight fabric or similar material that is mounted to a pole or a building at one or more edges that carries a message.

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

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

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

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

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council wherever a bond is required by these regulations.

Buildable Area. The portion of a lot remaining after required yards have been provided.

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 addition 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 or from walls enclosing an atrium.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Inspector. (See Building Official)

Building Line. (See Setback Line.)

Building Official. Individual appointed by the City to carry out the duties and enforcement required by the Zoning Ordinance, and the Building Code. May be used

interchangeably with Building Inspector, Zoning Enforcement Officer, Zoning Administrator and Code Enforcement Officer.

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.

Caliper. Diameter of a tree trunk. Caliper is used to determine the minimum size of trees planted to fulfill this ordinance. For trees less than 4" in diameter, is measure 6" above the ground. For trees between 4" and 12" in diameter, it is measure 12" above the ground.

Camouflage. To minimize a visual impact and to blend into the surrounding environment (applies to any tower or telecommunications facility).

Camp Site. 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.

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.

Central Sewer System. All equipment and property involved in the operation of a sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.

Central Water System. All of the equipment and property involved in the operation of a water utility, including water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.

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 therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

City. The City of Robertsdale, Alabama.

City Attorney. The Licensed attorney designated by the City of Robertsdale to furnish legal assistance for the administration of this ordinance.

City Council. The chief legislative body of the City of Robertsdale, Alabama

City Engineer. The consulting Engineer appointed by the Robertsdale City Council.

City Horticulturist. Refers to the City of Robertsdale Grounds keeping Superintendent or designated authority.

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.

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

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

Commission. (See Planning Commission).

Comprehensive Plan. The Comprehensive Plan including land use, housing, public facilities, and other plan elements currently in use by the City.

Condominium. A development where all land, including that under the buildings in the development, is held in single ownership for the common use of unit owners or tenants; also a living unit within such a development.

Construction sign. Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the premises during the time actual construction work is in progress.

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

Cul-de-Sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Curb and Curb Line. The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist.

D.B.H. Diameter at Breast Height, or 4.5 feet above the grade. Used to measure all existing trees with a diameter greater than 12 inches.

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.

Dedication. The deliberate assignation of land by its owner(s) for any general or public use(s), reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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

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

Design Engineer. A professional engineer which is registered in the state of Alabama.

Detention Basin (Pond). A facility for the temporary storage of stormwater runoff.

- a. Detention basins or ponds differ from retention basins in that the water storage is only temporary, often released by mechanical means at such time as downstream facilities can handle the flow. Basins are generally designed to regulate the rate of flow to pre-development conditions. Usually, the basins are planted with grass and, if large enough, can be used for open space or recreation in periods of dry weather. Basins also serve to recharge groundwater.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

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

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; the customer or patron brings meals or refreshments to the motor vehicles for consumption.

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

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

Dwelling, Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

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 cooking and housekeeping facilities, either permanently or temporarily.

- a. Single-Family - a detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities.
- b. Two-Family - a single building occupied by or designed for occupancy by two families only, with separate cooking and housekeeping facilities for each, separated by a common wall and sharing a common roof and foundation.
- c. Multiple-Family - a building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each.

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

Elderly Housing, Assisted Living. Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc. These are also referred to as board and care establishments.

Entertainment Facility. Any type of family business or operation which is not more appropriately categorized as a Restaurant, Retail, Lodging or Public establishment, such as movie theaters, bowling alleys, batting cages. (see also Amusement and Recreation Services in *Table 9.2 – Table of Permitted Uses and Conditions*)

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.

Escrow. A deposit of cash with the City of Robertsdale in lieu of an amount required and still in force on a performance or maintenance bond. The Building and Zoning Official shall deposit such escrow funds in a separate account.

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

Establishment. A commercial, industrial, institutional, educational, office, business, or financial entity.

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.

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

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

Filling Station. (See Service Station.)

Final Plat. The completed PUD or subdivision plat with appropriate official signatures in form for approval and recording.

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

Flashing or Intermittent Illuminating Signs. A time and temperature announcement, excluding other advertising copy, is not deemed to be flashing or intermittent illuminating signs.

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

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

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

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

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

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

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

Fortune Teller. Any person or establishment engaged in the occupation of occult sciences, including a fortune-teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader, tea leaf reader, prophet, psychic or advisor or who in any other manner claims or pretends to tell fortunes or claims or pretends to disclose mental faculties of individuals for any form of compensation.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

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

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

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

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

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

Garage, Repair. (See Automobile Repair.)

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Group Development. A development comprising two or more structures built on a single lot, tract or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises.

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

Hard Surface Streets. Those roadways constructed with an asphalt or concrete.

Height of Building. (see Building, Height.)

Home Association. An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or homeowner in a planned or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

Home Occupation – Any business occupation conducted in a residential dwelling unit.

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

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

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

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

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

Interval Occupancy Facility. A facility comprised of one or more dwelling units in which the exclusive right of use, possession, or occupancy of each dwelling unit circulates

among twelve (12) or more owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

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

Junk Yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including used tires, unregistered, inoperable vehicles, auto wrecking yards, used lumber yards, used mobile home yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. One year from the date of adoption of this ordinance all junk yards, auto salvage or scrap yards shall be surrounded by either a fence at least six feet high or a buffer strip of solid screen planting within the building lines and maintain it in acceptable condition so that the yard cannot be seen from any public street and the yard may not be located within 1,000 feet of any residential structure.

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

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

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

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

Landscape Plan. Detailed drawings of proposed landscaping, which are evaluated by the Robertsdale Tree Board to meet this ordinance. (See Section V No. 2.)

Lease. A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

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

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Local Government. The City of Robertsdale, Alabama.

Lodging Facility. A type of business or operation that has as its primary purpose the temporary housing of guests, such as hotels, motels, camping facilities, and RV Parks.

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

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

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

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

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

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

Lot Line, Side. Any lot 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 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.

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

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivision of five (5) or more lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.

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

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

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

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

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

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. Any unmarried person, under the age of nineteen (19) years, who is not emancipated. An emancipated minor is or has been married or has by court order otherwise been legally freed from the care, custody, and control of his or her parents.

Minor Subdivision. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving nay new street or road, or the extension of municipal

facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.

Mobile Home. Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes.

Mobile Home Park. A residential development on a parcel of land, with one ownership, providing rental spaces for two (2) or more mobile homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation.

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

Mobile Home Subdivision. A residential development designed for the accommodation of mobile homes on individually-owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourist or vacation-oriented travel, motor homes, campers, etc.

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

Motel, Motor Hotel. (See Hotel.)

Municipality. See local government.

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 floorshows or other forms of entertainment by persons are provided for guests.

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

Nude (Nudity): The showing, display or appearance of:

- a. All or any part of the human male or female genitals, pubic area or anus with less than a fully opaque covering;
- b. More than one half (1/2) of the buttocks of the human male or female with less than a fully opaque covering;
- c. Any portion of the human female areola or nipple with less than a fully opaque covering; or
- d. The covered male genitals in a discernibly turgid state.

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

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

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

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

Office Park. Two or more offices grouped together on one lot. This may be either in one or multiple buildings.

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

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

Overstory Tree. Trees, which at maturity comprise the canopy of a natural forest. Generally greater than fifty (50) feet at mature height.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Park. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the city which was under the control, operation, or management of either the city, Baldwin County, the State of Alabama, or the United States Government.

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

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

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

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

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

Planned Unit Development (PUD). A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated or maintained at public expense.

Planning Commission. The City of Robertsdale's planning group as detailed by the state codes, 11-52-3 & 11-52-4, which governs subdivision, zoning applications, annexation reviews, and other items of business which are so granted by the state of Alabama.

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

Police Jurisdiction. Area outside the City Limits that conveys authority through the State of Alabama for public safety and taxation authority by municipalities in the State of Alabama.

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.

Prefabricated House - A site-built residential dwelling whose construction consists mainly of assembly and uniting standardized structural parts, which have been fabricated at a factory.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or lay out of the subdivision to be submitted to the Planning Commission for approval.

Premises. An area of land with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Primary Arterial. A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental units, and/or as a route for traffic between communities or large areas.

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

Profit Center. A collection of related products, items or services which could be treated as a separate, stand-alone section of the business generating its own profits and losses.

Public Facility. A type of operation or location that is owned and operated by the federal, state or local government or some other governmental entity, agency, department, or related entity on a not-for-profit basis.

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.

Public Tree, City Tree. Any tree located on city property. This includes city rights-of-way.

Public Works Director. City official as designated by the City Council.

Recommended Tree. Any of the trees listed in Appendix II or III, or others as approved by the Robertsdale Tree Board.

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

Registered Engineer. An engineer properly licensed and registered in the State.

Registered Land Surveyor. A land surveyor properly licensed and registered in the State.

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

Regulatory Flood Protection Elevation. The elevation required for protection from the regulatory flood by the Federal Emergency Management Agency (FEMA).

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

Re-subdivision. The combination of or recombination of portions of previously platted lots where the resultant lots are equal to or exceed the minimum standards set forth in this ordinance.

Restaurant Facility. A type of business or operation that has as its primary purpose the furnishing or sale of prepared foods and/or beverages for immediate consumption by patrons whether on-premises or off-premises.

Retail Facility. A type of business or operation, or group of businesses or operations at one location, which predominantly offers goods or products for sale, excluding Restaurants.

Retention Basin. A pond, pool, or basin used for the permanent storage of water runoff.

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

Road Classification. For the purpose of providing for the development of the streets, highways roads, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, alignment, and necessary widening including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map. Street, highway, road and right-of-way are based upon their location in the respective zoning districts of the local government and their present and estimated future traffic volume and their relative importance and function as specified in the Master Plan of the local government. The required improvements shall be measured as set forth for each street classification on the Official Map.

Road Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the street.

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

Roadway. That portion of a street between the regularly established curb lines or that part of a street devoted to vehicular traffic.

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

Sale. The exchange of goods or property for money or some other consideration.

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.

School. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special educations schools,

junior colleges, and universities. This term includes all of the school grounds and connected or related facilities.

Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, or a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow with the name of the establishment with "for Patrons Only" or like limitation, not over two (2) square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

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.

Secondary Arterial. A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospital, major recreational areas, churches, and offices, and/or is designed to carry traffic from collector streets to the system of primary arterials.

Semi-Public Land Uses. Philanthropic and charitable land uses including: YMCAs, YWCAs, Salvation Army, churches and church institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

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

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

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

Sewers, On-Site. A septic tank or similar installation on an individual lot which utilizes a bacteriological or equally satisfactory process for the elimination of sewage and provides

for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sexual Activity. Activities consisting of the following:

- a. The stimulation, fondling or touching of male or female genital organs or anus;
- b. The stimulation, fondling or touching of the female breast; or
- c. Flagellation, torture, fettering, binding or other physical restraint of any persons in a sexual relationship.

Sexually Oriented Business: Any adult arcade, adult bookstore, adult motion picture theater, adult motion picture rental, adult mini-motion picture theater, adult steam room/bathhouse/sauna facility, adult companionship establishment, adult rap/conversation parlor, adult massage parlors, adult health/sport club, adult cabaret, adult novelty store, adult motion picture arcade, adult modeling studio, adult hotel/motel, adult body painting studio, escort, escort agency, sexual encounter establishment, nude studio, or any other commercial or business enterprise which has as a primary focus of its business and/or one of its Profit Centers offering for sale, rent, or exhibit, or the exhibit of, items or services intended to provide sexual stimulation or sexual gratification to the customer, or which places an emphasis on the presentation, display, depiction or description of sexual activities or of nude persons or topless females. The term “sexually oriented business,” however, shall not be construed to include:

- (a) Professional offices or schools of licensed physicians, chiropractors, psychologists, physical therapists, teachers or similar licensed professionals performing functions authorized under the license(s) held; or
- (b) Establishments or businesses operated by or employing licensed cosmetologists or barbers, performing functions authorized under licenses held.

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

Shopping Center. A group of two or more 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.

Sidewalk Area. That portion of a street not included in the roadway, and devoted in whole or in part to pedestrian traffic.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a

profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

Billboard sign. Any off-premise, or off site sign advertising an establishment, product, service, etc., that is not located at that site, which is visible from any roadway.

Business sign. A separately attached sign face panel mounted on a Directional Sign that displays the trade or common name of a Public Facility, Restaurant Facility, Retail Facility, Lodging Facility, or Entertainment Facility and the direction of travel toward said business, place or facility.

Directional sign. A sign structure that has space for the attachment of multiple Business Signs by the City.

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

Permanent sign. A sign permanently affixed to a building or the ground.

Political sign. A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

Portable sign. A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

Real estate sign. A sign which advertises the sale, rental or development of the premises upon which it is located.

Sandwich sign. Any sign, double or single faced, which is portable and may readily be moved from place to place.

Temporary sign. A sign or advertising display intended to be displayed for a short period of time.

Wall sign. A sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall.

Window sign. Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

Sign height. The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Illuminated. A sign designed or arranged to reflect light from an artificial source.

- a. Direct Illumination: Light sources, including spotlights and neon tubing, which is directed toward sign face that are attached to the structure.
- b. Electric Message Center: Light sources arranged in rows, designed to be lit in such a manner as to form letters or graphics which may blink on and off, travel or flash.
- c. Indirect Illumination: Light sources not attached to the sign structure or sign face, but which are designed to be directed onto the sign face area.
- d. Internal Illumination: Light sources enclosed in a sign face; also described as direct illumination.
- e. Digital Illumination: Internal LED lighting enclosed in a sign face. These must meet State Regulations

Sign surface area. The surface area of a sign shall be computed for the area within the periphery of regular geometric forms, comprising all of the display area of the sign and including all the elements of the matter displayed, but not including structural elements of the sign bearing no advertising matter.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority. See Site Plan Requirements as listed in section 11.211.

Significant Tree. (See Section 11.5- Tree Protection) Any tree that has aged and grown to an impressive enough stature (for its species) to be considered an integral part of the city's natural heritage.

Sketch Plat. (see Section 14.3 - Submission of Sketch Plat)

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

Spot Zoning. The zoning of a "spot" or small area (individual lot or several contiguous lots) within the limits of an existing zoning district, and in which are permitted uses other than those permitted in the larger existing zoning district surrounding the "spot". "Spot Zoning" is not authorized by law.

Storm Water Detention Storage. Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. *See Detention Basin; Retention Basin.*

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

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

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

Collector Street. A street used to carry traffic from minor streets to the system of major streets.

Cul-de-sac or Dead End Street. A street having one end open to traffic and one terminating in a vehicular turnaround.

Major Street, Arterial Street or Highway. A street or highway or exceptional continuity designed to carry high volume traffic considerable distances.

Minor Street or Local Street. A street used primarily for access to abutting properties.

Street Line. The right-of-way of a street.

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

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

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

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

Subdivider. Any individual, firm, association, syndicate co-partnership, corporation, trust, or any other legal entity commencing proceedings to effect a subdivision of land hereunder.

Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets. However, the following shall not be included within this definition or be subject to the requirements thereof:

- a. Property that is divided by probated family estates;
- b. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses.
- c. Property that is divided by an individual and given or sold to parents, spouses, sisters or brothers, children or grandchildren, either adopted or natural, where no streets or roadway access to the lots is involved and where lots are not less than the minimum lot size as herein required.

Subdivision, Major. See major subdivision.

Subdivision, Minor. See minor subdivision.

Supervisory Control and Data Acquisition. Communications equipment necessary for the remote control and operation of Public Safety and Utility devices (traffic lights, lift stations, pumps, wells, substations, etc.).

Tattoo Facility. The geographic location at which an individual does one or more of the following for compensation:

- a. Places an indelible mark upon the body of another individual by the insertion of a pigment in or under the skin; or
- b. Places an indelible design upon the body of another individual by production of scars; or
- c. The perforation of human tissue other than ear for a nonmedical purpose.

Telecommunications Facilities. Any cables, wire, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communication which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term Telecommunications Facilities shall not include private radio and transformers, satellite receivers dishes and supervisory control and data acquisition devices less than one meter in length.

Collocation. The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

Monopole. A support structure constructed of a single, self-supporting hollow metal, wooden or concrete tube securely anchored to a foundation.

Open Space. Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

Telecommunication. The technology, which enables information to be, exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

Wireless Telecommunications Antenna. The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless Telecommunications Equipment Shelter. The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility. A facility consisting of the equipment and structures involved in receiving telecommunications and/or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless Telecommunications Tower. A structure intended to support equipment used to transmit and/ or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. For the purpose of this ordinance

the word tower is synonymous with the words wireless telecommunications tower.

Temporary Use. Any use of a mobile home facility not longer than three (3) calendar months within any given calendar year.

Topless. The exposing of any portion of the human female breast below a horizontal line across the top or the areola at its highest point or stimulation thereof excluding any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or outerwear apparel.

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.

Tower. A self-supporting lattice, guyed or monopole structure constructed from grade, which receives, and/or send radio and television communications or which supports Telecommunications Facilities.

Townhouse or Condominium. An individually owned single family 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, and not exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

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

Tree Credits. A means of crediting existing trees for trees that would have to be planted, if existing trees could not be saved and protected as stated in this ordinance.

Understory Tree. Trees, which at maturity, comprise the sub-canopy of a natural forest. These are generally 20-40 feet at mature height.

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

Variance. A modification of the strict terms of the relevant regulations in the City with regard to placement of structures, developmental criteria or provision of facilities. Examples include: (1) allowing smaller yard dimensions because an existing lot of record

is of substandard size; (2) waiving a portion of required parking and/or loading space due to some unusual circumstances; (3) allowing fencing and/or plant material buffering different from that required, due to some unusual circumstances. Available only on appeal to the Board of Adjustment.

Watershed. The drainage basin, catchment, or other area of land that drains water, sediment, and dissolved materials to a common outlet point. Wetlands are characterized by one or more parameters: certain soil types, aquatic plants, and hydrology. Recent federal and state legislation make the filling or dredging of wetlands extremely difficult. Many states also require buffer or transition areas to provide additional protection to wetlands.

Wetlands. Jurisdictional wetlands as defined by the U.S. Army Corp of Engineers.

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

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

- a. Yard, Front. An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the building to the water.
- b. Yard, Rear. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.
- c. Yard, Side. An open, unoccupied space on the same lot with a main building, situated between the sideline of the building and the adjacent sideline of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the

lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

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

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

Zoning Board of Adjustments. See Section 13.3.

Zoning Administrator. The administrative officer designated to administer the zoning ordinance and issue land use certificates.

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

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

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

ARTICLE VII

GENERAL PROVISIONS

- 7.1 GENERAL REQUIREMENTS. Except as hereinafter provided, the following shall generally apply:
- A. Use. No building, structure or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located.
 - B. Building Heights. No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein (Table 9.3) except as otherwise provided in the Ordinance.
 - 1. Height Exceptions. The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, non-commercial communication antennas, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.
 - C. Lots. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.
 - D. Yards. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.
 - E. Multi-Family. Site plans for all multi-family dwellings intended for occupancy by three or more families shall be submitted to the Planning Commission for approval and at the least shall contain the information required in Section 9.4.
 - F. One Principal Building on Lot. Every residential building, including hotels,

motels, condominiums, single-family and multi-family dwellings, and duplexes hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot except as follows:

1. In any district where multi-family structures, motels, or hotels are permitted, two or more such residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.

G. Yard Requirements. Yard requirements shall be modified subject to the following conditions:

1. On double frontage lots, the required front yard shall be provided on each street.
2. Whenever a rear property line of a lot abuts upon an alley, one-half (1/2) of the alley width shall be considered as a portion of the required rear yard.
3. An unroofed porch shall not project into a required front yard for a distance exceeding five (5) feet.

7.2 NON-CONFORMANCE. It is the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights. Any structure or use of land existing at the time of the enactment of this Ordinance and amendments thereto, not in conformity with its use regulations and provisions, may be continued subject to the following provisions:

A. Unsafe Structures. Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that said restoration cost does not exceed 50% of the structures fair market value.

B. Alterations. Any change in a non-conforming building site or yard area is subject to the following:

1. Any improvements, alterations, repairs or installation of new fixtures or

equipment for an existing non-conforming structure may be accomplished by the owner of the structure upon obtaining the proper permits from the Building Official, provided that such improvements will bring into conformity, if possible, or that it will at least not increase, unnecessarily, the non-conformity and will in all other respects, meet the requirements of the district in which it is located.

2. Should a non-conforming building be moved, all non-conforming yard areas shall be eliminated.
 3. A non-conforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this Ordinance.
 4. A non-conforming business, house, manufactured/mobile home, building, structure or other improvement or one that is hereafter removed, damaged or destroyed by fire, storm or other disaster to an extent greater than fifty percent (50%) of its estimated fair market value, may be improved, repaired, rebuilt or replaced on the same lot for the same or a similar use as often as may be necessary; provided that such improvement, repairing, rebuilding or replacement will bring it into conformity, if possible, or that it will at least not increase, unnecessarily, the non-conformity, and will, in all other respects, meet the requirements of the district in which it is located. Furthermore, a transfer of title to property that becomes non-conforming to any zoning regulation adopted in this Ordinance shall not be encumbered or burdened by the provisions of this Ordinance except as otherwise provided by law.
- C. Change in Use. A non-conforming use, which is changed to a conforming use, shall not be permitted to revert to the original or a less restrictive use.
- D. Discontinuance. A non-conforming use which became such upon the adoption of this Ordinance and which has been discontinued for a continuous period of four months shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.
- E. Adjacent Land. The presence of a non-conforming use in a zoning district shall not be allowable as legal grounds for the granting of variances or zoning amendments for other surrounding properties by the Board of Adjustment or the City Council.
- F. Access to Public Streets. Access to public streets shall be maintained in accordance with the following requirements:

1. Each principal use shall be placed on a lot or parcel, which provides frontage on a public or private street having a right-of-way of not less than fifty (50) feet.
- G. Lots of Record. Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the following exceptions may be allowed:
1. Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, said lot may be used for a single-family dwelling in any Residential District, provided the lot to be so used has a minimum area of 4,000 square feet and a minimum lot width at the building line of 40 feet, provided it is located where public sewer is available. In Business/Commercial and Industrial Districts, such lot may be used for any use permitted in the district in which it is located.
 2. When two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, such lots may be platted or re-parcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.
 3. Buildings or structures located on substandard lots of record may be improved provided that such improvement is not detrimental to the area, does not increase the non-conformance, or is required by other laws or ordinances of the City.

7.3 SCREENING, LIGHTING AND SPACE.

- A. In any Commercial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.
- B. In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height.
- C. Outdoor lighting of all types shall be directed so as to reflect away from all

adjacent properties and shall be so situated as not to reflect directly into any public right-of-way.

- D. All screening, lighting, space, etc., shall be in good condition and appearance. The Building Official may cause to be removed, replaced, repaired or corrected at the owner's expense, any screening, lighting and space improperly maintained.

7.4 SURFACE DRAINAGE. Owners and developers of the larger paved areas such as those in connection with apartment complexes, shopping centers, etc., shall be responsible for increased runoff resulting from these developments, which cause flood damage to neighboring property. The Building Official shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage in accordance with good engineering practices have been made in the applicant's design, and report these findings for the Planning Commission's consideration in acting on building applications. If such provisions are not made in the applicant's design, the Planning Commission shall make such recommendations as may be available to the applicant as a condition of the building permit issuance.

7.5 EROSION AND SEDIMENT CONTROL. Where more than one acre of land will be disturbed for construction purposes, developers shall be required to submit a sediment and erosion control plan for approval.

7.6 UTILITIES.

- A. Septic Tanks. In areas where there are no sewerage facilities, septic tanks may be used in accordance with current regulations of the Alabama Department of Public Health and the Baldwin County Health Department.

- B. Water and Sewer Connections. Developments or individual lots in all districts must connect to public or private community water and sewer systems where such systems are reasonably available and the appropriate utility has the capacity to provide the service; otherwise, lots must meet the minimum size requirements of the Health Department for on-site wells and/or septic systems. Existing private wells and septic systems that are functioning properly and meet the Health Department requirements may continue to be used.

- 1. It is the intent of this Ordinance to eliminate by attrition all existing private wells and septic systems in areas where public or private community water and sewer systems are available. Therefore, at such time as any private well or septic system is destroyed or must be replaced, the owner must connect to the public or private community water and sewer system where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service.

C. Other. All new utilities shall be placed underground where practical.

7.7 RESTRICTIVE COVENANTS. The City has no authority or jurisdiction in the regulation of such restrictions and covenants that shall apply to Real Property.

7.8 GRANDFATHER CLAUSE. Any use of buildings or land existing on the date and not in compliance with its provisions unless restricted by other provisions of this ordinance shall be allowed to continue as a non-conforming use. Any land development projects in the City under legal authority of this Ordinance that are not located in a zoning district designated for their intended use may be permitted to continue provided that:

A. The project was under construction prior to the date of adoption of this Ordinance. For the purposes of this Section, under construction shall mean that a legal building or construction permit has been issued and that actual construction has been or will be started within the initial period of validity of the permit, exclusive of any time extensions, or that a permit application has been submitted to the Alabama Department of Environmental Management.

B. The developer complies with other conditions that may be required by the Planning Commission due to the unique circumstances of the land.

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ARTICLE VIII

ESTABLISHMENT OF DISTRICTS

8.1 THE OFFICIAL ZONING MAP.

- A. Incorporation of the Zoning Map. The official zoning map, with all notations, references and other information shown thereon shall be the official zoning map, and is hereby made a part of this ordinance. The official zoning map is hereby made a public record and shall be kept permanently in the office of the city clerk, where the map will be accessible to the general public.
- B. Identification of the Official Zoning Map. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, signed and dated at the time of adoption of the ordinance.
- C. Map Amendment. If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other information portrayed on the official zoning map, changes shall be made on the map promptly after the amendment has been approved by the city council. Unauthorized alterations of the official zoning map shall be considered a violation of this ordinance and subject to penalties as prescribed under "penalties".

8.2 DISTRICT BOUNDARIES. The boundaries of the above districts are hereby established as shown on the zoning map of Robertsdale. Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, the centerline or railroad tracks, or the corporate limit lines, as they existed at the time of enactment of this ordinance. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- B. Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof; provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line.
- C. In circumstances not covered by the preceding rules, the zoning board of adjustment shall interpret the district boundaries.

8.3 RESIDENTIAL DISTRICTS

- A. R-1 Low Density Single-Family Residential District - This district is intended as a low-density residential suburban district consisting of single-family structures, associated accessory uses and other uses permitted by special exception.
- B. R-1A Medium Density Single-Family Residential District – This district is intended as a medium density suburban district consisting of single-family structures associated accessory uses and other uses permitted by special exception.
- C. R-1B High Density Single-Family Residential District – This district is intended as a high-density urban district consisting of single-family structures, associated accessory uses and other uses permitted by special exception.
- D. R-2 Medium Density Two-Family Residential District – This district is intended as a medium-density two family urban district, consisting of one and two family structures, associated accessory uses and other uses permitted by special exception.
- E. R-3 Limited Multi-Family Residential District - This district is intended as a medium to high density multi-family district, consisting of one, two and multi-family structures, associated accessory uses and other uses permitted by special exception.
- F. RMH Manufactured Home Residential District – This district is intended as a high-density residential district that allows for the establishment of manufactured home parks and subdivisions, consisting of single-family manufactured homes, accessory uses and other uses permitted by special exception.
- G. RGP Garden Patio Home Residential District – This district is intended as a high-density single-family residential district that allows for the construction of Garden Patio Homes, accessory uses and other uses permitted by special exception.
- H. RTH Townhouse Residential District – This district is intended as a high-density single-family residential district that allows for the construction of Townhouses, accessory uses and other uses permitted by special exception.

8.4 BUSINESS DISTRICTS

- A. B-1 Local Shopping District – This district is intended for the location of businesses that include limited retail, convenience goods, and personal service establishments in the general vicinity of residential neighborhoods, and to encourage concentration of these uses in one location for each residential area rather than in scattered sites throughout a neighborhood.
- B. B-2 General Business District – This district is intended for the location of business activities that may cause noise and generate heavy traffic flows. These uses will serve a regional as well as a local market, and require location in proximity to major transportation routes.
- C. B-3 Medical Business District – This district is intended for the location of medical services and allied fields to conduct activities pertaining to humans only, and to encourage the concentration of these medical facilities.
- D. I-1 Light Industrial District (Currently M-1) – The purpose of this district is to provide a suitable protected environment for the manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions and generate only small amounts of traffic. Industrial Parks are encouraged in this district.
- E. I-2 Heavy Industrial District – The purpose of this district is to provide locations from manufacturing and processing industries, service industries, warehousing, or research and testing operations that, due to employment of heavy equipment and/or machinery or to the nature of the materials and processes involved, require special locations and development safeguards to prevent pollution of the environment by noise, vibrations, odors or other factors. Such industries may require sites extensive in size and served by adequate utilities and transportation facilities.

8.5 SPECIAL ZONING DISTRICTS

- A. AG Agricultural District – The district is intended to establish and preserve areas of agriculture, conservation and such low intensity outdoors activities and uses that do not significantly change the natural character of the land or attract large numbers of people.
- B. MU Multi-Use District – The purpose of this district is to allow for partial residential occupation of designated areas of downtown business buildings. Such use of property allows for a more viable and appealing downtown community.
- C. PUD Planned Unit Development – The purpose of this district is to allow for the innovative design and development of a planned satellite community where multiple types of uses are allowed. Within such planned communities, the location of all residential, commercial, parks, playgrounds, recreational areas and open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another. (*See Article 12 for requirements*)
- D. FH-1 Flood Hazard District – This designation places the boundaries of the flood hazard district as specified in this ordinance hereunder, over all other districts. The boundaries of this district are shown on the official zoning map which is hereby incorporated by reference

This district is intended to provide protection from the hazards and financial losses caused by flooding of the residents, businesses, industries, and public uses of the community, and to protect sensitive natural resources and environments that may be damaged by improper use and development of floodways and floodway fringes.

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ARTICLE IX

DISTRICT REQUIREMENTS

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

9.1 TABLE OF PERMITTED USES The uses permitted in each of the several zoning districts are listed in this table in three categories, as follows:

- A. Uses Allowed by Right Uses in the Tables identified by (R) are permitted by right, subject to the conditions specified in the Tables or elsewhere in this Ordinance.
- B. Uses Requiring Planning Approval Uses in the Tables identified by (P) are permitted upon approval by the Robertsdale Planning Commission of the location and the site plan as being appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and is being in harmony with the orderly and appropriate development of the district in which the use is located. A site plan must be submitted to the Robertsdale Planning Commission for these uses. See Section 9.4 Site Plan Requirements.
- C. Special Exceptions Uses in the Tables identified by (S) are subject to the same approval of location and site plan will need approval by the Planning Commission in addition, these uses are subject to the approval by the Zoning Board of Adjustments. The first step of this process will be through the Zoning Board of Adjustments.
- D. Compliance with District Requirements Any use permitted in any district whether by Right, with Planning Approval, or as a Special Exception, must comply with the requirements of the district in which it is located, unless variance from such requirements is specifically requested and approved by the Board of Adjustment; or unless approved under the Planned Unit Development provisions of this Ordinance.
 - 1. Other provisions of this Ordinance notwithstanding, any tracts of farmland under cultivation or pastureland and timberland presently being used for such purposes may continue to be used for such purposes regardless of the zoning district in which they may be located.
 - 2. Undeveloped land and land used for agricultural purposes or timber growing shall be rezoned for single family use, upon proper application and rezoning procedures.

- E. Uses Prohibited Where any use or analogous use has blank spaces under any zones listed in the headings of the Tables of Permitted Uses, such use is specifically prohibited in such zones.

TABLE
OF
PERMITTED USES

9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS															
	USES	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
Accessory buildings and uses, including home occupations and home swimming pools, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met. A detached accessory building may be no taller than the principal structure located on the same site unless approved by the Zoning Board of Adjustments by a Special Exception. (See Section 10.2 for other requirements)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops and orchards.	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Air conditioning sales and service.										R	R		R	R		
Ambulance/EMS service.										R	R	R	R	S		
Amusement and recreation services: Must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:																
Amusement park										R	R					S
Amusement arcade, kiddieland										R	R					S
Archery range										R	R					S
Baseball batting cage										R	R					S
Billiard or pool hall										R	R					S
Bowling alley										R	R					S
Fairgrounds, circus or carnival	S	S	S	S	S					R	R					S
Golf course	S	S	S	S	S	S	S	S	S	R	R					S

R – Uses Allowed by Right
P – Uses Requiring Approval by the Robertsdale Planning Commission.
S – Uses Requiring a Special Exception by the Robertsdale ZBA.

9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS															
	USES	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
Golf course, miniature										R	R					S
Golf driving range	S	S	S	S	S	S	S	S	S	R	R		S			S
Racquetball or tennis courts, indoor										R	R					S
Skating rink - indoor										R	R					R
Tennis courts, outdoor; need not be enclosed within a structure.	S	S	S	S	S	S	S	S	S	R	R					S
Theater, indoor										S	R		S			S
Theater, outdoor/drive-in: need not be enclosed within a structure											S					
Animal clinic/kennels for small animals; need not be enclosed within a structure.										R	R					R
Antique store, not including repairing and refinishing.										R	R		R			
Apparel and accessory store.										R	R		R			
Appliance store.										R	R		R			
Armory										R	R		R			
Art gallery or museum.										R	R		R			
Art supplies.										R	R		R			
Auditoriums, stadiums, coliseums, and other such places of public assembly.										P	P		S,P			
Automobile washing facilities, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer.										S	R					
Automobile parts sales, except used parts.										R	R		R			

R – Uses Allowed by Right
P – Uses Requiring Approval by the Robertsdale Planning Commission.
S – Uses Requiring a Special Exception by the Robertsdale ZBA.

CITY OF ROBERTSDALE
The Hub of Baldwin County

Land Use Ordinance

9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
USES	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
Automobile wrecking and salvage: need not be enclosed within a structure but must be enclosed within a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided.										S			R	R	
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening facing the residential district other than a stationary window within 100 feet of a residential district.										R		S			
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any opening, facing the residential district other than a stationary window, within 100 feet of a residential district, and which shall not store or otherwise maintain any parts or waste materials outside such structures.										R		S			
Automobile and truck sales and service; but not including commercial wrecking dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities.										S			R		

- R – Uses Allowed by Right
- P – Uses Requiring Approval by the Robertsdale Planning Commission.
- S – Uses Requiring a Special Exception by the Robertsdale ZBA.

9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
USES															
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure.										R		S			
Bakery, retail.									R	R		R			
Bakery, wholesale.										R			R		
Bank, including drive-in window.									R	R		R			
Barber shop or beauty parlor.									R	R		R			
Barber and beauty supplies & equipment sales.										R					
Bicycle, lawnmower sales, service and repair.									S	R		R			
Blueprinting and photostating shop.									R	R		R			
Boat construction, storage, service and repair, major; need not be enclosed within a structure.										S			R	R	
Boat dry storage: pleasure boats having lengths not greater than 31 feet										S			R	R	
Boat sales, accessories and service.										R			S	S	
Boat storage, service and repair, minor. May include dry storage in an enclosed structure.										R			R	R	

9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
USES															
Book store.									R	R		R			
Bottling works.										S			R	R	
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district.										R			R		
Bus and railroad terminal facilities.										R					
Business machines sales and service.									R	R		R			
Business school, Trade School, or College.									P	P		P			
Butane and other liquefied petroleum gas products sales; need not be enclosed within a structure.									S	R			R	R	
Cabinet or carpenter shop.									R	R		S	R	R	
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant.									R	R		R			
Camera and photographic supply store.									R	R		R			
Candy, nut and confectionery store.									R	R		R			
Canvas products manufacture.										S			R	R	
Carting, express, crating, hauling, storage.										S			R	R	
Catering shop or service.									R	R		R			

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CITY OF ROBERTSDALE
The Hub of Baldwin County

Land Use Ordinance

9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
	USERS	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2
Cemetery, subject to requirements of the Special Provisions, Section 10.5	S	S	S	S	S	S	S	S	S	S		S	S	S	S
Churches and related accessory buildings	S	S	S	S	S	S	S	S	S	S		S			S
City hall, police station, fire station, municipal parks, courthouse, federal office building and similar public building and facilities.	R	R	R	R	R	R	R	R	R	R		R	R	R	R
Clay and clay products manufacture; need not be enclosed within a structure.											S			R	R
Clinic; dental, medical or psychiatric for humans.										S	R	R	S		
Clothing manufacture.											S			R	
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business.	S	S	S	S	S	S	S	S	S	R	R		R		
Club, country club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park, recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line.	S	S	S	S	S	S	S	S	S	S	R		S		S
Cold storage plant.											S			R	
College sorority or fraternity house	S	S	S	S	S	S	S	S	S						
Concrete and concrete products manufacture; need not be enclosed within a structure.														R	R
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided.										S	R		S		S

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9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS															
	USERS	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
Convenience store.										R	R		S			
Dairy equipment sales.											R					R
Dairy products sales.										R	R		R			
Delicatessen.										R	R		R			
Department store.											P		S,P			
Dog pound: need not be enclosed within a structure.											S					
Drive-in restaurant.											R					
Drug store.										R	R		R			
Dry cleaning shop, including self-service.										R	R		R			
Dry goods or fabric store.										S	R		R			
Dwelling, one-family.	R	R	R	R	R	R	R	R	R				S			R
Dwelling, two-family.				R	R				R				R			
Dwelling, multi-family.					R				R				R			
Electric power generating plant.															S	
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen.	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Electric repair shop.										S	R					
Electric supply store.										R	R		R			
Elevator maintenance service.											R			R		

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	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
USES															
Employee credit union office.									R	R		R			
Exterminator service office.									R	R		R			
Farm and garden equipment and supply store.										R		R			R
Farmer's market.									R	R		R			
Fix-it shop, including small appliance repair.									R	R		R	R		
Fixture sales.									R	R		S			
Floor covering sales and service.									R	R		R			
Floral shop.									R	R		R			
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.										R			R		
Food products processing plant.													R	R	
Food products, wholesale storage and sales.										S			R	R	
Fortune Telling Business (See Also Section 10.9)									S	R					
Freight depot, railway or truck.										S			R	R	
Fruit and produce, retail.									R	R		R			
Funeral home, mortuary or undertaking establishment.									S	R		S			
Furniture retail, repair, including upholstering and refinishing.									S	R		S			
Gas regulator station.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Gift shop.									R	R		R			

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9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS															
	USES	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
Grocery store, retail.										P	P		S,P			
Gymnasium, commercial.										S	R		S, P			
Hardware store, retail.										P	P		P			
Hardware store, wholesale, storage and sales.										S,P	P			P		
Hatchery, poultry or fish.														S	S	R
Heating and plumbing equipment, supplies and service.										S	R		S	R		
Hobby shop and supply store.										R	R		R			
Home occupation.	S	S	S	S	S	S	S	S	S				S			S
Hospital, convalescent or nursing home, extended care facility or sanitarium for humans.										S,P	S,P	P	S,P			
Hotel, motel or tourist home.					S					R	R		R			
Ice cream parlor										R	R		R			
Ice plant.											R		R	R	R	
Institution for children or the aged, day care.	S	S	S	S	S	S	S	S	S	R	R		S			S
Interior decorating shop.										R	R		R			
Junk yard including storage, baling or sale of rags, paper, iron or junk: need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.											S			S	S	

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CITY OF ROBERTSDALE
The Hub of Baldwin County

Land Use Ordinance

9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
USES															
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.	S	S	S	S	S	S	S	S	S	R		S			
Laboratory, scientific.									S	S			R		
Laboratory, medical or dental.									S	S	R	S	R		
Landscape garden sales; need not be enclosed within a structure.									S	R		S			
Laundry, self-service.									R	R		R			
Laundry and dry cleaning pick-up station.									R	R		R			
Laundry and dry cleaning plant.													R	R	
Laundry, linen supply or diaper service.									S	R		S	R		
Leather goods or luggage.									R	R		R			
Library.	S	S	S	S	S	S	S	S	S	S	S	S			
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.									R	R		R			
Loan office.									R	R		R			
Locksmith.									R	R		R			
Lodging, boarding or rooming houses.	S	S	S	S	R				R	R		R			
Lumberyards and building materials; need not be enclosed within a structure.										P					
Machine shop.										R			R	R	
Machinery, tools and construction equipment, sales and service.										R			R		
Mail order house.									S	R			R		

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9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
USES															
Manufactured Home, dwelling (Mobile)						R									
Manufactured Home Park, (Mobile)						R									
Manufactured Home Subdivision, (Mobile)						R									
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including, but not limited to, the following:															
Automobile, assembly													R	R	
Clothing and garment manufacturing													R	R	
Food products processing and packaging.													R	R	
Glass products manufacturing.													R	R	
Laboratories for testing materials, chemical analysis, photographic processing										S			R	R	
Metal products and manufacturing.													R	R	
Millwork and similar wood products manufacturing.													R	R	
Musical instruments and parts manufacturing													R	R	
Paper products manufacturing.													R	R	
Plastic manufacturing.													R	R	
Scientific, optical and electronic equipment assembly and manufacturing													R	R	
Souvenirs and novelties manufacturing													R	R	
Surgical and dental supplies manufacturing.													R	R	
Toy, sporting goods and athletic goods manufacturing													R	R	
Marine stores and supplies.									S	R		S			

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9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS															
	USERS	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
Motorcycle sales, service & repair.											R		S			
Music store.										R	R		R			
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping site and similar uses.	S,P	S,P	S,P	S,P	S,P	S,P	S,P	S,P	S,P	S,P	S,P		S,P			S,P
News stand.										R	R		R			
Night club, bar, tavern and cocktail lounge when separate from a restaurant.										R	R		R			
Office buildings, general.										R	R		R			
Office buildings, professional.										R	R		R			
Office equipment and supplies, retail.										R	R		R			
Office Park										R	R		R			
Oil and gas exploration and production activities.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Optician.										R	R	R	R	S		
Paint and wallpaper store.										S	R		R			
Painting and decorating contractor.										S	R		S			
Paper supplies, wholesale.											R			R		
Park or playground including recreation centers which are privately owned; need not be enclosed within a structure.	S	S	S	S	S	S	S	S	S							
Pawn shop.										S	R		S			
Pet shop.										S	R		S			
Photographic studio and/or processing.										S	R		S	R		
Picture framing and/or mirror silvering.										S	R		S	R		

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9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
USES															
Plastic fabrication.													R	R	
Plumbing shop.									R	R		R			
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment.									R	R		R	R		
Radio and television station									S	S		S	S	S	S
Radio and television sales, service and repair store.									R	R		R			
Recreational vehicle parks.						S				S					
Restaurant.									R	R		R			
Restaurant supplies and sales.									S	R		R	R		
Retail or Discount Store greater than 10,000 Sq. Ft.										P					
Riding academy: need not be enclosed within a structure.										S					R
Roofing and sheet metal shop.									S	R		S	R		
Rug and/or drapery cleaning service.									S	R		S	R		
Sand and gravel storage yard: need not be enclosed within a structure.													R	R	S
Saw mill or planing mill.													R	R	
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama.	S	S	S	S	S	S	S	S	S	S		S			

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9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS															
	USERS	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	M-U	I-1	I-2	AG-1
Seafood store, retail.										R	R		S			
Sewage disposal plant; need not be enclosed within a structure.	S	S	S	S	S	S				S	S	S	S	S	S	S
Sexually Oriented Businesses (See Also Section 10.7)										S	R					
Shoe repair shop.										R	R		R			
Shoe store, retail.										R	R		R			
Sign shop.										R	R		R	R		
Sporting goods store.										R	R		R			
Stone monument sales, retail: may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure.										S	R		S	R	R	
Storage activities, mini-type, do it yourself										R	R		R			
Studio for professional work or teaching of fine arts, such as photography, drama, speech, painting.										R	R		R			
Studio for dance or music.										R	R		R			
Surgical or dental supplies retail.										S	R	S	S			
Tailor shop.										R	R		R			
Tattoo Facilities (See Also Section 10.8)										S	R					
Taxi dispatching station.										R	R		R			
Taxi terminal: storage and repair of vehicles.										S	R		S	R		
Taxidermy shop.										R	R		S			
Teen club or youth center.	S	S	S	S	S	S	S	S	S	S	S		S			

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9.2 TABLE OF PERMITTED USES AND CONDITIONS	DISTRICTS														
	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	MU	I-1	I-2	AG-1
USES															
Telecommunications towers and facilities.									S	S		S	S	S	S
Telephone exchange.	S	S	S	S	S	S	S	S	R	R	S	R	R	R	S
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening.									S	R		S			
Temporary uses, including revival tents, the sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses for a period not to exceed two (2) months in any calendar year.	S	S	S	S	S	S	S	S	R	R		R			S
Tire, batteries and other automotive accessories sales establishments.									S	R		S			
Tobacco store.									R	R		R			
Toy store.									R	R		R			
Transit vehicle storage and servicing; need not be enclosed within a structure.									S	R		S	R	R	
Utility company storage facility; need not be enclosed within a structure but must provide adequate screening.										R			S	S	
Variety store.									S	R		S			
Veterinary service.									S	R					R
Warehouse and storage facilities, major.													R	R	
Water storage; need not be enclosed within a structure.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Welding shop.										R			R	R	
Well drilling company.										R			R	R	R
YMCA, YWCA and similar institutions.	S	S	S	S	S	S	S	S	S	S	S	S			S
Zoo: need not be enclosed within a structure.									S,P	S,P		S,P			S

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9.3 TABLE OF AREA AND DIMENSIONAL REQUIREMENTS:

Zoning District	R-1	R-1A	R-1B	R-2	R-3	RMH	RGP	RTH	B-1	B-2	B-3	I-1	I-2	AG	MU	PUD	FH-1
Minimum Lot Area(SF)	12,000	10,500	9,500	11,000	8,500(A)	7,000	6,000	3,000	N/A	N/A	N/A	N/A	N/A	20 acres	N/A	F	N/A
Minimum Lot Width (ft)	80	80	80	80	80 (B)	60	60	30	N/A	N/A	N/A	N/A	N/A	N/A	N/A	F	N/A
Required Building Setbacks																	
Front Yard (ft)	35	35	35	35	35	30	30	30	35	35	35	35	35	N/A	35	F	N/A
Rear Yard (ft)	40	35	30	35	35	30	30	25	20	10 (C)	20	20	50	N/A	10	F	N/A
Side Yard (ft)	10	10	10	10	10	10	10	15(E)	0(C)	0(C)	10(C)	10(H)	10(H)	N/A	0	F	N/A
Side Abutting a Street (ft)	20	20	20	20	20	20	15	15	20	10	20	20	30	N/A	10	F	N/A
Maximum Bldg. Height (ft)	35	35	35	35	35	15	35	35	35	50	35	50	100	N/A	50	F	N/A
Maximum Bldg. Coverage	30%	30%	30%	40%	50%	40%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	F	N/A
Maximum Density DU/Acre	3	4	4.5	4	15	6	9	15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	F	0

- A) For each additional unit, add 1,500 sq. ft.
- B) 80 ft. for the first 2 units; for each additional unit, add 5 ft. width.
- C) The required side and rear setbacks shall be increased to 20 feet when abutting residential zones, which are not otherwise separated by a street or highway.
- D) Along State Hwy 59 & U.S. Hwy 90 no structure shall be located within 50 ft. of the said R.O.W.
- E) Applied only to unattached end unit.
- F) See Article 12
- G) In the case of a new subdivision the Planning Commission may vary the side setbacks, provided no adjacent structures will be allowed within 10 feet of each other.
- H) The required side and rear setbacks shall be increased to 50 feet for I-1 property and to 100 feet for I-2 property, when abutting residential zones, which are not otherwise separated by a street or highway.

9.4 SITE PLAN REQUIREMENTS A site plan shall be required for all projects denoted by (P) in Table 9.2. Site plan reviews shall be accomplished by the Planning Commission to assure compliance with the provisions of the Zoning Ordinance in conformity with its purpose as stated in Article I.

- A. Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Inspector may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.
- B. The PWD may recommend waiving certain requirements contained in Section 9.4C of this Ordinance if, in the requirements are determined to not be essential to a proper decision on the project; or , the list may be supplemented with other requirements deemed necessary to clarify the nature of the proposed development.
- C. An application for site plan review shall include the following information unless some or all of these requirements are waived by the Planning Commission.
 - 1. The location and size of the site including its legal description and a certified survey dated no more than 6 months prior to the submission.
 - 2. A vicinity map showing the site in relation to surrounding property.
 - 3. The recorded ownership interests, including liens, encumbrances, title certification in the form of a current title policy, title opinion or title report and the nature of the developer's interest, if the developer is not the owner.
 - 4. The relationship of the site to existing development in the area including streets, utilities, residential, and commercial development, and physical features of the land including significant ecological features.
 - 5. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.
 - 6. The location, size and character of any common open space. Commonly owned facilities and form of organization, which will own and maintain any common open space and such facilities.
 - 7. The use and maximum height, bulk and location of all building and other structures to be located on the site.
 - 8. The substance of covenants, grants of easements or other restrictions

- which will be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities or other purposes.
9. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
 10. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
 11. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for: screening, lighting and space, surface drainage, erosion, and sediment control, water and sewer connections, landscaping, and signs.
 12. A traffic impact analysis and corrective measures may be required by the Planning Commission in order to address detrimental conditions brought about by the development.
 13. Architectural renderings, elevations and representative floor plans in preliminary form.
 14. The location and size of all signs to be located on the site. In the event that a sign is pre-existing and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.
 15. Landscape plans which include the location of any trees in a tree protection zone.
- D. The Site Plan shall be submitted a minimum of 21 calendar days prior to the regularly scheduled Planning Commission Meeting.

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ARTICLE X

SPECIAL PROVISIONS

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

- A. No more than eight (8) continuous apartments, townhouses and condominiums per floor shall be built in a row with approximately the same front line.
- B. Setback applicable as detailed in Table 9.3.
- C. Insofar as practicable, off-street parking facilities shall be under habitable floors of buildings or grouped in bays, either adjacent to streets or in the interior of blocks, and no off-street parking shall be more than 100 feet by the most direct pedestrian route from a door of the structure it intends to serve. (See 11.3 for minimum parking standards)
- D. All multi-family developments shall be required to tie into the City's water system and sewer system operating under the conditions of an NPDES permit from the Alabama Department of Environmental Management. No other means of water supply and waste disposal shall be permitted.
- E. All other requirements within the district in which the apartments, townhouses or condominiums are located shall prevail.

10.2 ACCESSORY USES; TEMPORARY BUILDINGS; HOME OCCUPATIONS.

- A. Accessory Uses. Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use;
 - 1. Is customarily incidental to and is maintained and operated as a part of the principal use;
 - 2. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
 - 3. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use;
 - 4. Is not located in minimum exterior yard; and,

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

a. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof and, therefore, such requirements applicable to the main building shall apply.

b. A detached accessory building, fifteen (15) feet or less in overall height, measured from the lowest adjacent grade to the highest peak of the roof, shall not be closer than five (5) feet to any lot line.

A detached accessory building taller than (15) feet in overall height, measured from the lowest adjacent grade to the peak of the highest roof, shall not be closer than (10) feet to any lot line.

c. A detached accessory building may be constructed on not more than 30 percent of the rear yard.

d. A detached accessory building may not be located in the required front yard of a lot, on a lot by itself, nor closer to any public street right-of-way than 20 feet.

e. A detached accessory building may be no taller than the principal structure located on the same site, unless approved by the Zoning Board of Adjustments by a Special Exception.

B. Temporary Buildings. Temporary buildings or mobile type trailers used in conjunction with construction work only may be permitted in any district and shall be removed immediately upon completion of construction.

C. Home Occupations. Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other condition, which would constitute an objectionable use of residentially zoned property.

1. Limitations on Type of Home Occupation are as follows:

a. Area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area in the principal building.

- b. The home occupation shall be confined entirely to the principal building. Anyone involved must be a member of the household and an inhabitant thereof.
- c. Chemical, mechanical or electrical equipment that creates air emissions, odors, light, glare or noises that are detectable outside of the dwelling shall be prohibited.
- d. No display of products shall be visible from the street and only articles made on the premises may be sold; except that one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building; and non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.
- e. Instruction in music, dancing, and similar subjects shall be limited to six (6) students at a time.
- f. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- g. All home occupations existing at the time of adoption of this Ordinance must fully comply with the requirements set for home occupations after one (1) year.
- h. Customary home occupations shall not include the following:
 - 1. Uses which do not meet the provision listed above.
 - 2. Automobile and/or body and fender repairing.
 - 3. Food handling on a large-scale basis, processing or packing.
 - 4. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution.
 - 5. Restaurants.

10.3 TELECOMMUNICATIONS TOWERS AND FACILITIES The general purpose of this Section is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

A. Specifically:

1. To accommodate the need for personal wireless communications service by regulating the siting of towers and telecommunications facilities in the City;
2. To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
4. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
5. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound;
6. To ensure that towers and telecommunications facilities are compatible with surrounding land uses;
7. To facilitate the provision of wireless telecommunications services to the residents and businesses of the City in an orderly fashion.

B. Location and Construction of Wireless Telecommunications Towers

1. No person shall build, erect or construct a tower upon any plot of land within the City of Robertsdale unless approval has been granted by the City of Robertsdale Board of Adjustment. A tower shall be a prohibited use in all residentially zoning districts. Application shall be made to the City of Robertsdale Board of Adjustment in the manner provided herein accompanied with a recommendation from the City of Robertsdale Planning Commission.
2. No Person shall build, erect, or construct a tower upon any plot of land unless required building permits and approvals have been obtained from

the Building Official of the City of Robertsdale.

3. Towers shall be restricted to a height of 150 feet.
4. The City may authorize the use of City property in appropriately zoned districts in accordance with applicable law; however, the City shall have no obligation whatsoever to use City property for such purposes. A fee may be charged for this.
5. The City will encourage the collocation of multi-providers on tower facilities to minimize the proliferation of tower numbers.

C. Applications to Locate a Tower. All applications shall include the following:

1. The name, address and telephone number of the owner and lessee of the parcel of land upon which the Tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application.
2. The legal description, tax parcel identification number, and address of the parcel of land upon which the tower to be is sited.
3. The names, addresses, and telephone numbers of all owners of other towers and usable antenna support structures within a one-half mile radius of the proposed new tower site, including City-owned property.
4. Written documentation that the applicant has: (1) made diligent, but unsuccessful efforts for a minimum of ninety (90) days prior to the submission of the application to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the City and others located within a one-half mile radius of the proposed tower site; and (2) written documentation explaining the necessity for siting a tower on that parcel.
5. Written, technical evidence from an engineer that the proposed structure meets the standards set forth in the Ordinance, and that the tower or telecommunications facilities, located on the proposed site, do not pose a risk of explosion, fire or other danger due to their proximity to volatile, flammable, explosive, or hazardous materials or corrosive or other dangerous chemicals.
6. A map of the General Area, showing the design and location of all existing and proposed towers as well as the applicant's entire existing wireless telecommunications network in the area. Such map shall also show the location of the proposed tower, and antenna sites, which are the subject of the application, their dimensions, latitude and longitude, and specifications of the site.
7. A certificate from an engineer documenting collocation capability of the applicant's telecommunications tower.

D. All Site Plans shall include the following:

1. Setbacks. Setbacks on all sides shall be a distance at least equal to, but in no case less than the height of the proposed tower, unless the applicant submits an Engineer's certification, and otherwise demonstrates to the Board of Adjustment the safety of the proposed tower in a collapse occurrence.

Setback requirements for towers shall be measured from the base of the tower to the property line.

2. Separation and Buffer Requirements. Towers shall be separated from all residentially zoned land by a minimum of 200 feet, or 150% of the height of the proposed Tower, whichever is greater. This distance for the purpose of compliance with this Section shall be measured from the base of the tower to the closest point of residentially zoned land.
3. Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities, shall be constructed in accordance with the fencing requirements as defined by the zoning district, and the chart of permitted uses, unless more stringent fencing requirements are established by FCC regulations. Security fencing shall surround the tower equipment and any guy wires, as determined by the Board of Adjustment.
4. Access. All parcels upon which towers are located must have all weather access facilities to the site.

E. Criteria for Site Development Modifications.

1. The City of Robertsdale Board of Adjustment may grant approval of site plan development modifications if the Commission agrees with written evidence that:
 - a. The location, shape, appearance, or nature of use of the proposed tower will not substantially detract from the aesthetics of the area, nor change the character of the neighborhood in which the tower is proposed to be located, and;
 - b. The site plan development modification will not create any threat to the health, safety, or welfare of the public.
 - c. Modification for height may be approved by the Board of Adjustment to facilitate collocation of telecommunications facilities in order to avoid construction of a new tower, or to meet the coverage requirements of the wireless communications system, which must be documented with written, technical evidence from an electrical engineer(s).

- F. All proposed towers, antenna support structures or telecommunications facilities shall include landscaping that is deemed acceptable to the Robertsdale Board of Adjustment. Every effort shall be made to preserve existing vegetation to the maximum extent possible and should indicate how the facility will be screened

from adjoining uses.

- G. Structural Requirements. All towers must be designed and certified by an engineer to be structurally sound, and in conformance with the current City building code and any other standards outlined in this Section. Guy wires are not the preferable means of support.
1. Towers must be located and equipped with step bolts and ladders to provide ready access for inspection purposes. (Step bolts and ladders may be removed during normal operation but must be readily available.)
 2. Tower accessories must not cross or encroach upon any street or other public place or over any electric power lines or encroach upon any other privately owned property.
 3. All towers must be constructed of approved corrosion resistant, non-combustible material.
 4. Towers must be designed to resist wind loads in accordance with the building code and any other applicable document or standards. Consideration must be given to conditions involving wind loads on sections subject to ice build-up, and localities subject to sustained freezing temperatures.
 5. All towers must be permanently and effectively grounded.
 6. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).
- H. Noise. No equipment shall be operated at towers and telecommunication facilities that will produce excessive noise, except during emergencies or periodic routine maintenance that requires the use of a backup generator.
- I. Electromagnetic Radio Frequency Emissions.
1. The Federal Telecommunications Act of 1996 (FTA) gives the FCC sole jurisdiction to regulate radio frequency (RF) emissions, and telecommunications towers, which meet the FCC standards, shall not be conditioned or denied on the basis of RF impacts.
 2. Applicants for tower sites shall be required to provide information on the projected power density of the facility.
- J. Maintenance.
1. Ordinary and reasonable care shall be utilized for preventing failures and

accidents, which are likely to cause damage, injuries, or nuisances to the public.

2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, State, and local regulations.
3. All towers, telecommunications facilities and antenna support structures shall be kept and maintained in good condition, order, and repair so that these do not act as a menace or endanger any life or property.
4. In the event the use of a tower is discontinued or scheduled for such, the tower owner shall provide written notice to the City of its intent to discontinue use, or to cease operations, and the date when the use shall be discontinued. If at any time the use of the facility is discontinued for a period of 180 days, a designated local official may declare the facility abandoned. The facility's owner will receive written notice from the Building Official and will be instructed to (a) reactivate the use within 180 days, or (b) dismantle and remove the facility. If reactivation or dismantling does not occur within the given time, the municipality will remove, or contract to have the facility removed at the expense of the tower owner.

K. Telecommunications Facilities on Antenna Support Structures.

- A. Any telecommunications facilities, which are not attached to a tower, may be permitted as an accessory use to any antenna support structure at least 45 feet tall.
- B. At the time that the plans are submitted for a building permit, the owner of such structure shall, by written certification to the Building Official, establish the following:
 1. The telecommunications facilities do not extend more than 20 feet above the maximum height of the antenna support structure.
 2. The antenna support structure and telecommunications facilities comply with the current building codes, as adopted by the City of Robertsdale.
 3. Any telecommunications facilities and their appurtenances located on the roof of an antenna support structure are setback at least one (1) foot from the edge of the roof of the antenna support structure.
 4. The setback requirements do not apply to such facilities that are appropriately screened from view with panels, walls, fences, or

other techniques approved by the Board of Adjustment, or to camouflage antennas which are mounted to the exterior of the antenna support structure below the roof, but which do not protrude more than 24 inches from the side of such an antenna support structure.

- L. Severability. That if any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.
- M. Radio and TV Antennas. Private radio and TV antennas for individual homes or for amateur use are permitted as accessory structures in any district and may be placed on roofs or in rear or side yards so that they do not occupy more than fifty (50) percent of said yard nor come closer than five (5) feet to any right-of-way or property line. Antennas in excess of the normal height limitations for the district in which they are located are subject to approval and permit by the Building Official. Said permit shall include a clause that shall indemnify, hold harmless and protect the City against any and all liabilities that may result from the erection and use of such radio and TV antennas. Antennas must be properly constructed in compliance with the latest Federal Regulations.
- N. Telecommunication Towers. Any company or individual proposing to construct telecommunications towers in the City of Robertsdale shall: 1) present a tower plan showing complete coverage of the City of Robertsdale and its environs; 2) design new towers in compliance with FCC requirements and to be shared with one or more other telecommunications providers; and 3) obtain a building permit which shall indemnify, hold harmless and protect the City of Robertsdale against any and all liabilities that may result from the erection and use of such telecommunications towers and facilities. It is suggested that all telecommunications towers and facilities shall be of camouflage design standards.

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

- A. Location. The property on which an automobile service station is located shall not be within 100 feet of any property containing a school, public playground, church, hospital, public library, institution for children, elderly or dependents.
- B. Site Requirements. An automobile service station shall have a minimum frontage on the primary street of 120 feet and a minimum lot area of 12,000 square feet. All buildings shall be setback 40 feet from all street right-of-way lines and all canopies shall be setback fifteen (15) feet from all street right-of-way lines.
- C. Access to Site. Vehicular entrances or exits at an automobile service station:
 - 1. Shall not be provided with more than two curb cuts for the first 120 feet

of street frontage or fraction thereof.

2. Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.
 3. Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.
- D. Gasoline Pump Islands. All gasoline pump islands shall be setback at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way. However, the pumps shall be at least 60 feet from the centerline of an arterial street, 55 feet from the centerline of a collector street and 45 feet from the centerline of other streets.
- E. Off-Street Parking. A minimum of two (2) off-street parking spaces is required with an additional off-street parking space for each lubrication or wash bay.
- F. Other Site Improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:
1. A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height shall be erected along all adjacent property lines facing any adjacent residential lot.
 2. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
 3. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
 4. All driving, parking storage, and service areas shall be paved and a good stand of grass shall be maintained on the remainder of the lot.
- G. Storage of Flammable Products. Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases shall be restricted to the requirements set forth in this Ordinance and state regulations.
- 10.5 CEMETERIES. Within the districts permitting cemeteries, the following requirements shall apply:

- A. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.
- B. Any new cemetery shall be located on a site containing not less than 10 acres.
- C. There shall be a fifty (50) foot buffer around the perimeter of the property and all structures shall be set back no less than 50 feet from any property line or minor street right-of-way.
- D. All graves or burial lots shall be set back not less than 50 feet from any property line or minor street right-of-way lines, and not less than 50 feet from any collector or arterial street.
- E. The entire cemetery property shall be landscaped and maintained.
- F. An application must be made to the Planning Commission for any extension of existing cemeteries.

10.6 **MOBILE HOME PARKS.** In districts where mobile home parks are permitted, the following minimum standards shall apply, as well as the present minimum regulations established by the state board of public health.

A. **Minimum Park Requirements.**

Area: Three (3) acres and fifteen (15) spaces available for immediate occupancy.
Six thousand (6,000) square feet of land area for each mobile home to be parked.

Buffer Zone: Front, rear and side, twenty-five (25) feet.

Height: Maximum one story or fifteen (15) feet.

B. **Mobile Home Space Requirements.**

Space width: Fifty (50) feet minimum.

Front Yard: Twenty (20) feet minimum

Side Yard: Twenty (20) feet between mobile homes.

Rear Yard: Twenty (20) feet minimum

Set Backs on Front, Side, and Rear Yard will be measured from outside the minimum road access area as designated in plat lay out of the development.

Parking: Two (2) spaces for each mobile home space off-street, and shall be surfaced with all weather materials.

C. Other Requirements.

1. Access roads within mobile home parks shall be not less than twenty-four (24) feet of hard surface and the area designated as roadway access will be a minimum width of forty (40) feet.
2. There shall be established and maintained guest parking facilities at a ratio of one space per four (4) mobile home spaces. If access roads are paved to a width of thirty-two (32) feet, guest off-street parking spaces shall not be required.
3. Each mobile home space shall be equipped with a patio with a minimum dimension of ten (10) feet wide by twenty (20) feet long of hard surface material.
4. Mobile homes may not be used for non-residential use within mobile home parks.
5. The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The storm water and drainage facilities shall be designed by a state licensed engineer and will meet drainage flows of a ten-year storm event.

D. Access and Traffic Circulation.

1. Internal streets shall be privately owned, built and maintained, and shall be designed for safe and convenient access to all lots, parking spaces, and to common used areas of the park facilities.
2. Internal street or common access route shall be provided to each lot. This street shall be a minimum of twenty-four (24) feet in width of hard surface material. The internal street shall be continuous or shall be provided with a cul-de-sac having a minimum radius of sixty (60) feet. No internal street ending in a cul-de-sac shall exceed six hundred (600) feet in length.
3. All streets shall be constructed to meet the minimum specifications for streets within the City of Robertsdale, with the exception of curbing. A concrete lay down curb or acceptable substitute shall be used as approved by the building inspector.
4. Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the operator or owner.
5. All streets within each park shall be numbered or named in an approved manner to meet 911 requirements.

6. Interior streets shall intersect adjoining public streets at ninety (90) degrees and at locations, which will eliminate or minimize interference with the traffic on those public streets.
 7. At each entrance to the park, an eighteen (18) by twenty-four (24) inch sign will be posted stating "private drive, no thru traffic." The owner will post speed limit, stop, and streets signs as needed within the park.
- E. Park Lighting. Adequate lighting shall be provided in a manner approved by the city engineer. All electric and telephone lines should be placed underground when possible.
- F. Recreation Area. All mobile home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. The owner shall maintain such space in a useable and sanitary condition.
- G. Utility Requirements. Each mobile home shall be connected to the municipal water system and to the municipal sewage disposal system, if available. The design and specifications of the utility systems shall meet city specifications and shall be approved by the Public Works Director. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal systems become available. The design and specifications of such systems shall be installed under inspection of the City Building Inspector.
- H. Mobile Home Standards. To protect the health and safety of the public and assure quality construction, all mobile home units shall conform to standards approved by the American National Standards Institute (ANSI) in its Standards for Mobile Homes, A 119.1-1969, as amended.
- I. To Accommodate Recreational Vehicles. The Zoning Board of Adjustments may wave specifications as governed by 10.6 as pursuant to Mobile Home Parks.

10.7 SEXUALLY ORIENTED BUSINESSES.

A. Location Restrictions of Sexually Oriented Businesses.

1. Sexually Oriented Businesses are prohibited within five hundred (500) feet of the following:
 - a. Any zoning district other than those where sexually oriented businesses are expressly permitted.
 - b. A public or private elementary or secondary school.
 - c. A family day care, day care center for children, nursery, or preschool.
 - d. A church or other facility or institution used primarily for religious purposes.
 - e. A public park or trail system.
 - f. A Tattoo Facility.
 - g. A Fortune Teller Facility
 - h. Another Sexually Oriented Business.
2. Sexually Oriented Businesses are prohibited within five hundred (500) feet of residential zone or any single family or multiple-family residential use.
3. Sexually Oriented Businesses shall only be permitted by right in the General Business Zone (B-2), and in the Local Business Zone (B-1) by Special Exception by the Zoning Board of Adjustments. (See Also Table 9.2 Table of Permitted Uses)
4. No more than one Sexually Oriented Business shall be permitted within one unified development or shopping center.
5. The location restrictions contained in this section (10.7 A) shall not apply to properly licensed Sexually Oriented Businesses existing within the City of Robertsdale prior to the adoption of this Ordinance or to newly annexed properties where Sexually Oriented Businesses were operating for a period of 3 months immediately prior to annexation.
6. The distances provided in this Ordinance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

- B. Hours of Operation: No Sexually Oriented Business shall be open to do business before eight o'clock a.m. (8:00 a.m.), and no Sexually Oriented Business shall be open to do business after twelve o'clock (12:00) midnight. No Sexually Oriented Businesses shall be open to do business on Sunday.
- C. Application:
1. It shall be unlawful to operate a Sexually Oriented Business in the City of Robertsdale without a valid Sexually Oriented Business License.
 2. An applicant for a Sexually Oriented Business shall file a completed application made on a form provided by the City Building Department.
 3. An application for a Sexually Oriented Business shall contain:
 - a. Applicant's full name and any other names used by the applicant in the past five (5) years;
 - b. Written proof of the age of the applicant in the form of a driver's license or other picture identification document issued by a governmental agency;
 - c. Current business or mailing address of the applicant;
 - d. The proposed name of the proposed Sexually Oriented Business;
 - e. The proposed location of the proposed Sexually Oriented Business;
 - f. A legal description of the property where the Sexually Oriented Business is proposed to be located.
 - g. Whether the applicant is licensed in this or any other city or county or has had a license suspended or revoked, or has been denied a license, or has been the subject of any other license-related discipline, in connection with any of the activities required to be licensed under this article; and if so, when and where the applicant is or was so licensed or disciplined, has had a license suspended or revoked, or has been denied a license;
 - h. If the applicant is married, applicant shall provide the name of the applicant's spouse and shall provide for said spouse the information required in subsections (a, b, and c).
 - i. All applications shall be signed and sworn to in the presence of a Notary Public. If the applicant is a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by one (1) of the partners; and if by an unincorporated association, by the manager or managing officer thereof.
 - j. If the applicant is a corporation, a limited liability company or other form of business entity, it must provide a certificate of good standing from the state of incorporation or organization.
 - k. The applicant shall authorize the city, its agents and employees to investigate and seek information to confirm or verify any statements or representations made in the application.

4. An application containing all items required by this section shall be considered complete. Within thirty (30) days of the submission of a completed application, the Zoning Official shall approve the application unless:
 - a. The applicant is a minor;
 - b. The location of the proposed Sexually Oriented Business is not in compliance with the location requirement of this ordinance; or
 - c. The application fee required by this ordinance has not been paid.
 - d. The applicant or any person involved in management of the Sexually Oriented Business has been convicted of certain crimes within the last five (5) years of the application filing date;
 - e. Within five (5) years of the application filing, the applicant or applicant's spouse was denied a Sexual Oriented Business license, had the license revoked, or had an uncorrected material violation after written notice from the City of Robertsdale;
 - f. Within three years of the application filing, another municipality or state denied or revoked the Sexual Oriented Business license of the applicant or spouse;
 - g. Failure to pay taxes, fees, fines or penalties relative to operation of the Sexual Oriented Business;
 - h. Failure to comply with all applicable codes, statutes, ordinances or laws;
 - i. Failure to provide required information for the application;
 - j. Granting the application would violate a statute, ordinance or court order; and
 - k. The applicant, if a limited partnership or limited liability company, is not in good standing under Alabama State Law or state of incorporation or organization.

5. The Sexually Oriented Business application approval shall not, and does not relieve the applicant of other relevant business licensing or permitting requirements.

- D. Alcoholic Beverages: Sexually Oriented Businesses shall not deal in the sale of on-premise alcoholic beverages or allow the on-premise consumption of alcoholic beverages.

- E. Restrictions:
1. A Sexually Oriented Business shall not employ a minor.
 2. A Sexually Oriented Business shall not permit minors within its commercial establishment.
 3. No product, service, merchandize or item offered for sale or rental at the licensed premises or any activities which occur in the licensed premises, nor any depiction of the foregoing, shall be visible from any point outside the licensed premises.
 4. The licensee shall engage in practices designed to assure health, cleanliness and good repair of the licensed premises and which are designed to resist anything detrimental to the public's health, safety and welfare. Good repair shall mean compliance with the city's building and property maintenance codes.
- F. Licensing: A license issued under this article must comply with any and all other current requirements and regulations set out by the general license code or ordinances.
- G. Section Cumulative: This article shall not be construed to repeal any of the provisions of the general license code or ordinance of the city, but shall be held to be cumulative, and amounts of the taxes herein levied, if any, shall be in addition to the amounts of all other license taxes imposed by the city.
- H. Suspension or Revocation of License: This section shall be governed by the general licensing suspension and revocation requirements as set forth by the general license code and/or ordinances of the City of Robertsdale.

10.8 TATTOO FACILITIES.

A. Location Restrictions of Tattoo Facilities:

1. Tattoo Facilities are prohibited within five hundred (500) feet of the following:
 - a. Any zoning district other than those where Tattoo Facilities are expressly permitted.
 - b. A public or private elementary or secondary school.
 - c. A family day care, day care facility or institution used primarily for religious purposes not located in a commercial building or facility.
 - d. A church or other facility or institution used primarily for religious purposes not located in a commercial building or facility.
 - e. A public park or trail system.
 - f. A Sexually Oriented Business.
 - g. Another Tattoo Facility.
2. Tattoo Facilities are prohibited within five hundred (500) feet of residential zone or any single family or multiple-family residential use.
3. Tattoo Facilities shall only be permitted by right in the General Business Zone (B-2), and in the Local Business Zone (B-1) by Special Exception by the Zoning Board of Adjustments. (See Also Table 9.2 Table of Permitted Uses)
4. No more than one Tattoo Facilities shall be permitted within one unified development or shopping center.
5. The location restrictions contained in this section (10.8 A) shall not apply to properly licensed Tattoo Facilities existing within the City of Robertsedale prior to the adoption of this Ordinance or to newly annexed properties where Tattoo Facilities were operating for a period of 3 months immediately prior to annexation.
6. The distances provided in this Ordinance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

B. Hours of Operation: No Tattoo Facilities shall be open to do business before eight o'clock a.m. (8:00 a.m.), and no Tattoo Facilities shall be open to do business after twelve o'clock (12:00) midnight.

C. Alcoholic Beverages: A Tattoo Facility shall not deal in the sale of on-premise alcoholic beverages or allow the on-premise consumption of alcoholic beverages.

- D. Section Cumulative: This article shall not be construed to repeal any of the provisions of the general license code or ordinance of the city, but shall be held to be cumulative, and amounts of the taxes herein levied, if any, shall be in addition to the amounts of all other license taxes imposed by the city.

- E. Suspension or Revocation of License: This section shall be governed by the general licensing suspension and revocation requirements as set forth by the general license code and/or ordinances of the City of Robertsdale.

10.9 FORTUNE TELLER FACILITIES.

A. Location Restrictions of Fortune Teller Facilities:

1. Fortune Teller Facilities are prohibited within five hundred (500) feet of the following:
 - a. Any zoning district other than those where Fortune Teller Facilities are expressly permitted.
 - b. A public or private elementary or secondary school.
 - c. A family day care, day care facility or institution used primarily for religious purposes not located in a commercial building or facility.
 - d. A church or other facility or institution used primarily for religious purposes not located in a commercial building or facility.
 - e. A public park or trail system.
 - f. A Sexually Oriented Business.
 - g. Another Fortune Teller Facility.
2. Fortune Teller Facilities are prohibited within five hundred (500) feet of residential zone or any single family or multiple-family residential use.
3. Fortune Teller Facilities shall only be permitted by right in the General Business Zone (B-2), and in the Local Business Zone (B-1) by Special Exception by the Zoning Board of Adjustments. (See Also Table 9.2 Table of Permitted Uses)
4. No more than one Fortune Teller Facilities shall be permitted within one unified development or shopping center.
5. The location restrictions and requirement contained in this section shall not apply to properly licensed Fortune Teller Facilities existing within the City of Robertsdale prior to the adoption of this Ordinance or to newly annexed properties where Fortune Teller Facilities were operating for a period of 3 months immediately prior to annexation.
6. The distances provided in this Ordinance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

B. Hours of Operation: No Fortune Teller Facilities shall be open to do business before eight o'clock a.m. (8:00 a.m.), and no Fortune Teller Facilities shall be open to do business after twelve o'clock (12:00) midnight.

C. Alcoholic Beverages: A Fortune Teller Facility shall not deal in the sale of on-premise alcoholic beverages or allow the on-premise consumption of alcoholic

beverages.

- D. Section Cumulative: This article shall not be construed to repeal any of the provisions of the general license code or ordinance of the city, but shall be held to be cumulative, and amounts of the taxes herein levied, if any, shall be in addition to the amounts of all other license taxes imposed by the city.

- E. Suspension or Revocation of License: This section shall be governed by the general licensing suspension and revocation requirements as set forth by the general license code and/or ordinances of the City of Robertsdale.

ARTICLE XI

SIGNS, PARKING AND LANDSCAPING

11.1 SIGNS.

All signs shall encourage a positive visual environment in harmony with the natural beauty of the area.

A. General Requirements.

1. No sign, unless herein accepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until the Building Inspector has issued a permit. Before any permit shall be issued, an application on official City forms which shall indemnify and hold harmless the City of Robertsdale and its assigns for all damages, demands, or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with such drawings and specifications as may be necessary to fully advise and acquaint the Building Inspector with the location, size, construction materials, manner of illuminating, and securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign. All signs, which are electrically illuminated by neon or by any other means, shall require an electrical inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises. The absence of a proper ID tag shall be prima facie evidence that the sign or advertising structure is being operated in violation of this Ordinance.
2. Any permitted sign shall be subject to the size and height limitations imposed by this Ordinance for the use district in which said sign is located, except as otherwise provided herein.
3. No outdoor advertising sign or sign structure shall be placed upon any street or highway right-of-way except as otherwise provided herein.
4. No outdoor advertising sign or sign structure shall be placed at an intersection or location, which would obstruct the view of intersecting traffic.
5. No outdoor advertising sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.

6. No portion of any outdoor advertising sign shall be less than eight (8) feet above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of a public driveway, alley or street.
 7. Signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Signs made of natural woods and materials featuring earth tones and indirect external lighting are encouraged.
 8. No sign shall be larger than seventy-five (75) square feet, except where the name of a building or firm is to be attached across the front of a building.
 9. A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.
- B. Nonconforming Signs. Any sign in existence prior to the effective date of this Ordinance, that is not in conformance with the requirements of this Ordinance shall be considered a nonconforming sign and shall be permitted to continue to exist, subject to the following conditions:
1. If any nonconforming sign is removed or destroyed or becomes 50% or more structurally deteriorated as determined by the Building Inspector, then the replacement sign shall be in conformance with the requirements of this Ordinance.
 2. Where a change in use, occupancy or ownership occurs which necessitates the altering of a sign in any manner, the altered or changed sign shall be in conformance with the requirements of this Ordinance.
 3. Any nonconforming sign prohibited under Section 11.54 of this Ordinance shall be removed or made to conform within ninety (90) days of the date of adoption of this Ordinance.
 4. The Zoning Board of Adjustment may, in special cases and for good reason, 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 or unique hardship, permit the erection of a sign not in conformance with the requirements of this Ordinance, and at its discretion, may require the posting of a bond in sufficient amount to protect the City against all liabilities that may result from the erection and use of such sign.
 5. No permits for additional signs shall be issued for any premises on which

there are non-conforming signs.

- C. Exempt Signs. The following signs are exempt from the provisions of this Ordinance and may be erected or constructed without permit but in accordance with the structural and safety requirements of the current building codes:
1. Official traffic signs or sign structures, County or municipal information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency.
 2. Changing the copy on a bulletin board, poster board, display encasement, marquee, or changeable copy type sign.
 3. Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.
 4. Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.
 5. Weather flags for providing information on weather conditions; one (1) set for each premises.
 6. Real estate signs, temporary in nature, non-illuminated, not exceeding six and one-half (6-1/2) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage.
 7. Temporary decorative flags, bunting, banners, pennants, streamers, and signs for recognizing holidays, conventions, grand openings, and other commemorative occasions. Said temporary decorations and signs shall be removed as soon as the commemorative occasion is over, and are not to remain after 30 days once the application is over.
 8. Political signs are exempt from the permit requirements of this Ordinance but are subject to the following regulatory controls:
 - a. Political signs shall not be erected, constructed, posted or painted on any public right-of-way, utility pole, tree, bench, fence, awning, stand pipe, nor attached to any City, County, State or Federal roadway marker, directional sign or informational sign.

- b. Political signs shall not be attached to any existing identification announcement or pricing sign for any business or commercial establishment.
 - c. Political signs shall not be located in such a manner as to materially obstruct the view of intersecting traffic, or to adversely affect ingress or egress from parking lots or driveways.
 - d. Political signs may be placed on private property in any zoning district within the city limits of Robertsdale. Political signs shall not exceed eight (8) feet in height.
 - e. Political signs not more than four (4) square feet in area may be attached to private or commercial vehicles used for transportation or business purposes.
 - f. Political signs for municipal elections may only be placed after a candidate has filed the required documents and fees with the City Clerk to run for office and must be removed within five (5) days after the election. (See Section 13.6 of the Zoning Ordinance regarding penalties for violations).
9. National flags and flags of political subdivisions of the United States and flags of bona fide civic, charitable, fraternal, and welfare organizations, when displayed from one (1) flag staff per premises in accord with United States Public Law 623 (Flag Display Practice); except when displayed in connection with a commercial promotion.
 10. Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property.
 11. One (1) identification sign, with or without bulletin board, per street frontage for public, charitable, educational or religious institutions, located on the premises of said institution and not exceeding seventy-five (75) square feet.
 12. Memorial signs and historical markers, constructed of bronze, stone, or other incombustible material, after historical authentication and location is approved by the City Council of the City of Robertsdale.
 13. One (1) each professional, announcement, or occupational sign non-directly illuminated and flat wall mounted, and/or premises or business location, provided the area of the sign or the combined areas of both signs, if two (2) signs are erected does not exceed five (5) square feet, and provided the premises or business location is without a permitted sign.

14. Non-commercial yard or garage sale temporary signs not exceeding eight (8) square feet erected on private property and which display the date(s) and address of the sale. Said signs shall be removed as soon as the sale is concluded.
 15. Signs attached to machinery or equipment which advertises only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed eight (8) square feet.
 16. Window signs which identify or advertise activities, services, goods, or products available within the building.
 17. One (1) each business or professional identification sign mounted to extend vertically below a marquee or canopy provided its area does not exceed six (6) square feet nor exceed the width of the marquee or canopy nor provide less than nine (9) feet of clearance above the sidewalk or pedestrian thoroughfare.
- D. Signs Prohibited in All Districts. The following signs are prohibited in all use districts:
1. Any sign erected or painted upon a fence, tree, standpipe, fire escape or utility pole, except the manufacturer's or installer's ID plate which shall not exceed 5x8 inches in size.
 2. Any sign, which uses the word "Stop" or "Danger" prominently, displayed and/or which is a copy or imitation of official traffic control signs except where such words are a part of an attraction title for a theater or other similar event or purpose.
 3. Signs, which contain flashing or intermittent illuminations, except as required for traffic control. Changing the copy on a bulletin board or changeable copy type sign which displays customary public information, such as time, date, temperature or other such information is deemed not to be flashing or intermittent illuminations.
 4. Portable signs, snipe signs, sandwich signs, or ladder type signs.
 5. Permanent signs that produce sound or noise; cause interference with radio; telephone, or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement.

E. Maintenance and Removal of Signs.

1. All signs shall be maintained in good condition and appearance. The Building Inspector, after due notice in writing to the owner, may cause to be removed, at owners expense, any sign which shows neglect or which appears abandoned or which becomes dilapidated or dysfunctional, or where the area for a distance of ten (10) feet around such sign is not kept free of weeds, rubbish, debris, or uncut grass.
2. Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee within three (3) months of the time of the vacation, or said sign shall be altered or resurfaced by the owner or lessee within the same time period so that it does not display letters, numerals, symbols, figures, designs, or any other device for visual communication that would pertain to the activity formerly associated with the vacated premises.
3. The Building Inspector shall remove or cause to be removed any sign erected or maintained on any public right-of-way within the City of Robertsdale which is in violation of any of the provisions of this Ordinance.
4. The erection or maintenance of any sign in violation of this Ordinance is a misdemeanor and shall be subject to the penalties set forth in Section 13.6 of this Ordinance.

F. Directional Signs - Requirements

1. Directional Signs. Directional Signs may be constructed by the City of Robertsdale, and shall be of such design and color scheme as selected by the City, from time to time, with the capacity to hold multiple Business Signs. These signs shall be located in the public right-of-ways as selected by the City, or on private property that the City of Robertsdale has acquired such legal right to locate such signs. The City is not obligated to provide a Directional Sign at any particular location. Directional Signs may be located within the Corporate Limits of the City of Robertsdale, or within its Police Jurisdiction.
2. Business Signs. Business Signs are signs of such design and color scheme as selected or specified by the City from time to time. Business Signs may only be located on a Directional Sign as provided by the City, and in accordance with City of Robertsdale policies governing such signs.

- G. Traffic Control Devices on Private Property. When the owner of real property allows it to be used by the public for the purpose of vehicular traffic and/or as a public or quasi-public parking lot for the use of customers, tenants or employees of said property, the owner shall erect and maintain all traffic control signs and other devices in accordance with the Alabama Manual on Uniform Traffic Control Devices any revisions thereof.
- H. Permitted Signs.
1. Unless otherwise specified in this Ordinance, the schedule in Section 11.1G5 contains requirements for signs permitted in each use district.
 2. Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment, townhouse, condominium, or other residential or business complex permitted in any district; and signs for any use permitted by Right, with Planning Approval or as a special exception in any residential district, are permitted. Such signs shall not exceed seventy-five (75) square feet in area per face, two (2) faces, twenty-one (21) feet in height, and one (1) such sign per street frontage.
 3. Signs shall require a sign permit unless otherwise accepted elsewhere in this Ordinance.
 4. Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed seventy-five (75) square feet in area and must comply with the other sign requirements for the district in which they are located.

5. Schedule of Permitted Sign Requirements.

a. Permitted signs in Agricultural and Residential (non-retail/non-business) Zoning Districts:

	AG-1 – Agricultural District	R-1, R1A, R-1B – Low Density Residential	R-2, RMH, RGP, RTH – Medium Density Residential	R-3 High Density Residential
Type Sign permitted	Free Standing	Free Standing	Free Standing	Free Standing
Sign Face Area (Sq. Ft.)	75	6.5	6.5	50'
Maximum Height	21'	8'	8'	21'
Number of Faces	2	1	1	1
Number of Signs Permitted	1 Per Street Frontage	1 Per Street Frontage	1 Per Street Frontage	1 Per Street Frontage

b. Permitted signs in Local and General Business (retail and commercial – on premise signs only) Zoning Districts:

	B-1 - Local Business	B-2, MU - General Business	B-3 – Medical Use	I-1, I-2 - Industrial	Notes
Type Sign permitted	FS&BF	FS&BF	FS&BF	FS&BF	1,2,3&4
Sign Face Area (Sq. Ft.)	160	160	32	75	1,2,3&4
Maximum Height	35'	35'	10'	10'	1&2
Number of Faces	2	2	2	2	1&2
Number of Signs Permitted	1 Per Street Frontage	1 Per Street Frontage	1 Per Street Frontage	1 Per Street Frontage	None

Notes: (1) Free Standing – (FS), Building Front – (BF).

(2) Off Premise (OP) Advertising Signs Are Not Permitted

(3) For Retail Establishments Under 25,000 Sq. Ft.

(4) For Retail Establishments Over 25,000 Sq. Ft. – To Be Determined By Planning Commission/Council

c. Permitted Shopping Center & Office Park Locator Signs: (2)

	Under 25,000 Sq. Ft.	Over 25,000 Sq. Ft.	
Sign Face Area (Sq. Ft.)	160	** (see note 1)	
Maximum Height	35'	35'	
Number	1	1	
Number of Faces	2	2	
Zoning Class Allowed	B-1, B-2, & MU	B-1 & B-2	
Notes: (1) For Retail Establishments Over 25,000 Sq. Ft. - To Be Determined By the Planning Commission/Council			
(2) No individual free standing signs shall be constructed where Shopping Centers or Office Parks location signs are provided.			

d. Billboards Off Premise – Off Site

	Small.	Large.
Sign Face Area (Sq. Ft.)	Up to 49	50 to 385
Maximum Height	35'	65'
Number of Faces	2	2
Distance Between Signs	50' radial	1000' Radial
Zoning Class Allowed	B-1, B-2, B-3, I-1, I-2, AG	B-1, B-2, B-3, I-1, I-2, AG
Lighting	Internal or Indirect Illumination	Digital, Internal or direct Illumination

- I. Other Requirements.
1. Signs for any residential use permitted in any non-residential district must comply with the requirements for signs permitted in residential districts.
 2. Each establishment in a shopping center or each business premises in B-1, B2 B-3, and I-1, I-2, and M-U districts may acquire an additional permit for a front or side wall mounted sign of a size not to exceed the lesser of three hundred (300) square feet or twenty (20) percent of the front or side surface area of the building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.
 3. A temporary advertising sign will be permitted to the owner for the development of a individual business premise, shopping center premise, new commercial/ industrial business, subdivision, mobile home park, and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground within the confines of the development and the height no greater than ten (10) feet for no more than one (1) sign, either single or double faced, per street frontage. Permits shall be issued for a period of six (6) months. An additional six (6) month permit may be issued if the Building Inspector has determined that the promotion of the development is active and the temporary sign meets the maintenance requirements in Section 11.1E of this Ordinance. The temporary sign will be removed when a permitted permanent sign is erected.
 4. A temporary sign will be permitted on each premises for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground to a height not to exceed then (10) feet. Said sign may be single or double faced.
 5. Temporary decorative signs, flags, pennants, banners, streamers, bunting, flying paraphernalia, and tethered inflatable signs may be permitted to a premises owner for no more than fourteen (14) continuous calendar days in any six (6) month period.
 6. A permanent or temporary sign, erected on private or public property, not exceeding six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, healthcare facility, public meeting or public event when authorized by the City Council.

7. All existing non-conforming signs and billboards are hereby grandfathered. At such time as any existing non-conforming sign or billboard is removed or destroyed, any replacement sign or billboard shall be in conformance with the provisions of this Ordinance. No new signs or billboards will be permitted in any zone, nor shall a permit be issued for any permitted on-premises sign for any premises on which there exists a grandfathered non-conforming sign or billboard unless the off-premises sign or billboard is first permanently removed.
8. Temporary Business Promotional Signs, such as of a movable nature maybe permitted to the affected owner for no more than 14 days in a 6-month period. However, any displays of this nature must conform to size and height requirements as set forth in Ordinance.

11.2 LANDSCAPING.

A landscape plan may be required for any development within the City of Robertsdale, but is mandatory for all multi-family developments including apartments, townhouses, condominiums and Planned Unit Developments, and for all business and industrial developments. Such plan shall be submitted to the City Engineer prior to commencing any stripping of land or construction activities. The plan shall clearly show what existing trees, shrubbery and other vegetation will be retained; and what trees, shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than six (6) inches in diameter shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic; that it is diseased or weakened by age, storm, fire or other injury; that it is absolutely necessary to construct proposed improvements without incurring significant additional costs; or that it is necessary for the installation of solar energy equipment. In such case, the developer shall be required to plant replacement trees at least six (6) feet tall and one (1) inch in diameter for each tree removed and the landscaping plan shall show the placement of the proper number of required new trees. The plan shall include renderings by a design professional and any other documentation required by the Planning Commission, and the commission can modify or change, as they feel prudent in meaning the landscaping theme of the effected area.

- A. All new developments along County, State and Federal highways and other major arterials shall be set back fifty (50) feet from the right-of-way and shall maintain a minimum of ten (10) feet of the required fifty (50) foot setback as a greenbelt along the entire front width of the property except where curb cuts provide ingress and egress. Said greenbelt shall be planted with trees, shrubs and grass or other ground cover so that an attractive appearance is presented as detailed in the developer's required landscape plan. No landscaping application will reduce visibility of egress or ingress to said site.

- B. A minimum of five (5) feet contiguous side and rear landscaping buffer shall be required in the landscape plan. Such area shall be planted with a combination of trees, shrubs and grass or other ground cover adequate to break the expanse of contiguous parking areas and to present an attractive appearance as determined by the Zoning Enforcement Officer. Adjacent property owners may jointly agree on the establishment of a common landscaped area between their properties that meets the requirement of this Section; provided that such agreement and the planting and maintenance of the common area shall be binding upon both parties and their successors, interests and assigns.
- C. All new businesses primarily related to car, truck or other vehicle service and repair shall be so designed and constructed that service or repair bays shall be located on the sides or the rear.
- D. Junk yards shall be buffered with vegetation and opaque fencing at a minimum height of 6 ft., so as to achieve a complete visual screen of the yard and its ancillary operations.

11.3 PARKING AREAS.

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

- A. At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped;
- B. Such landscaping shall include the placement of shade trees at intervals of approximately twelve (12) parking spaces; such trees shall be a minimum height of 6 feet at planting and 1" in diameter at time of planting.
- C. Interior portions of the parking area shall be broken by provision of landscaped islands;
- D. A maximum of twelve (12) parking spaces in a row will be permitted without an island;
- E. Each separate landscaped area must be a minimum of twenty-five (25) square feet if it is to be counted toward the minimum landscaped area requirements;
- F. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;
- G. 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.

11.4 (This Section not used).

11.5 OFF-STREET AUTOMOBILE STORAGE.

Table 11.5 Off-Street Automobile Storage

Amusement and Recreation Services (not otherwise specified).....	1 space/150 s.f.
Auditoriums, Stadiums, Coliseums, or other such places of assembly..	1 space/50 s.f. of assembly area
Barbershop/Beauty Parlor.....	1 space/station plus 1 space/employee
Bed and Breakfast.....	1 space for owner/manager plus 1 space/sleeping room
Billiard or Pool Hall.....	2 spaces/table
Boarding House.....	1 space for owner/manager plus 1 space/sleeping room
Bowling Alley.....	3 spaces/lane plus spaces required for accessory uses
Car wash	
Full-service.....	1 space/2 employees plus 2 stacking spaces and 1 drying space per cleaning station
Self-service.....	2 stacking spaces and 1 drying space per wash stall
Childcare Facility.....	1 space/2 employees plus 1 space/classroom
Church.....	1 space/4 fixed seats
Cocktail Bar.....	1 space/75 s.f.
Convenience Store.....	1 space/200 s.f. plus accessory uses
Daycare Center.....	1 space/2 employees plus 1 space/classroom
Dry Cleaning and Laundry Shop.....	1 space/2 employees plus 1 space/truck plus 1 space/300 s.f.
Funeral Parlor/Mortuary.....	1 space/50 s.f. of chapel and vestibule
Game Room or Arcade.....	1 space/150 s.f.
Garage, repair.....	1 space/2 employees plus 1 space/indoor service bay
Gas Station.....	1 space/2 employees plus 1 space/indoor service bay plus 1 space/200 s.f. for convenience store
Greenhouse or Nursery.....	1 space/employee plus 1 space/800 s.f. of lot area
Group Home.....	1 space/2 beds
Gymnasium.....	1 space/50 s.f. of assembly area
Health spa.....	1 space/100 s.f.
Hospital.....	1 space/3 beds plus 1 space/staff doctor plus 1 space/3 employees
Hotel.....	1 space/room plus 1 space/3 employees
Industrial Uses.....	1 space/500 s.f.
Kennel.....	1 space/employee plus 1 space/1,000 s.f.
Laundromat.....	1 space/2 washing machines
Library.....	1 space/2 employees plus 1 space/500 s.f.

Lodging House.....	1 space for owner/manager plus 1 space/sleeping room
Manufacturing.....	1 space/500 s.f.
Miniature golf course.....	1 space/hole
Mini-warehouse.....	4 spaces/1,000 s.f. of office plus 1 space/employee
Motel.....	1 space/room plus 1 space/3 employees
Nightclub.....	1 space/75 s.f.
Nursing Home.....	1 space/2 beds
Office	
Government Office.....	1 space/500 s.f.
Medical/Dental Office.....	4 spaces/examining room
Private Club.....	1 space/100 s.f.
Racquetball Club.....	1 space/court
Residential.....	2 spaces/dwelling unit
Rest Home.....	1 space/2 beds
Restaurant	
Drive-in Only.....	1 space/serving station plus 1 space/2 employees plus 1 space/table
Drive-through Only.....	1 space/2 employees plus 1 space/table
Sit-Down Only.....	1 space/100 s.f. (including outdoor dining areas)
Combination Drive-through/Sit-down.....	1 space/100 s.f. (including outdoor dining and/or activity areas)
Retail Sales/Rental	
Boat.....	1 space/500 s.f.
Carpet.....	1 space/500 s.f.
Furniture.....	1 space/500 s.f.
Lumber and Building Materials.....	1 space/500 s.f.
Machinery and Equipment.....	1 space/500 s.f.
School	
Business or Trade.....	1 space/2 employees plus 1 space/200 s.f.
High School, College or Junior College.....	1 space/2 employees plus 1 space/10 students
Kindergarten, Elementary and Middle/Junior High School.....	1 space/2 employees plus 1 space/classroom
Self-Service Storage Facility.....	4 spaces/1,000 s.f. of office plus 1 space/employee
Skating Rink.....	1 space/5 rated patron capacity
Tavern.....	1 space/75 s.f.
Tennis Club.....	1 space/court
Theater.....	1 space/6 seats
Vehicle Sales/Rental.....	1 space/4 employees
Video Arcade.....	1 space/150 s.f.
Warehousing.....	1 space/2,000 s.f.
Wholesale establishment.....	1 space/1,000 s.f.

- A. All other uses. Any use not covered by this chapter shall require one parking space for each three hundred (300) square feet of gross floor area in the building.
- B. Measurement of Area. For the purpose of this section, "floor area" shall mean the gross floor area of all floors of a building, plus any additions to an existing building. The total parking area includes access drives to parking spaces within the actual parking area; however, storage lanes for drive-up service shall be in addition to access drives to parking spaces.
- C. Existing Parking. Any building which meets the parking requirements of this ordinance on the effective date hereof or at any subsequent time, shall continue to comply fully with all requirements thereof. Any existing building which partially meets the requirements of this ordinance on the effective date thereof or at any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached.
- D. General. No off-street parking required for a building or structure shall during its life be occupied by or counted as off-street parking for another building or structure, but may be counted as yard space.
- E. Parking space. An off-street space, enclosed or unenclosed, shall not be smaller than 10 (ten) feet wide by 19 (nineteen) feet deep, exclusive of driveways. In the case of angle parking, there shall be a 10 (ten) feet by 19 (nineteen) feet rectangular area space provided within the confines of the parking space, and exclusive of driveways. For two-way driveways, parking spaces shall be accessed by a driveway with a minimum width of 24 (twenty-four) feet. For one-way driveways, parking spaces shall be accessed by a driveway with a minimum width of 16 (sixteen) feet.
- F. Design. No parking space shall be so designed as to require the vehicle therein to back onto a public street, with the exception of single- and two-family residences. All off-street parking areas except those for single- and two-family residences and mobile homes shall be surfaced according to the city's specifications.
- G. Storage lanes. All non-residential establishments providing drive-up services shall provide lanes for access to drive-up facilities in order to avoid traffic congestion on public rights-of-way.

11.6 OFF-STREET LOADING AND UNLOADING.

In business and industrial districts, each structure hereafter erected or altered shall be provided with adequate off-street loading and unloading facilities as specified in the district schedule. Such space is to be in addition to space required for parking and obstructions to vehicles loading and unloading.

11.7 CORNER VISIBILITY IN RESIDENCE AND LOCAL BUSINESS DISTRICT.

In any district requiring a front yard setback, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of three and one-half (3-1/2) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroads, or of a street and a railroad right-of-way line.

Accessory structures within twenty-five (25) feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street.

11.8 FUTURE STREET LINES.

On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the "major street plan" or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

11.9 ABATEMENT OF NOISE, SMOKE, GAS, VIBRATION, FUMES, DUST, FIRE AND EXPLOSION HAZARD OR OTHER NUISANCE.

The zoning board of adjustment may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, gas, smoke, vibration, fumes, dust, fire or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The board of adjustment may direct the municipal building inspector to issue an abatement order, but such order may be directed only after a public hearing by the said board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice of advertisement in the same manner used to advertise hearings on zoning changes.

A hearing to consider issuance of an abatement order shall be held by the board of adjustment either upon petition signed by any person affected by the hazard or nuisance,

or upon the initiative of the board. An abatement order shall be directed by the board of adjustment only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

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ARTICLE XII

PLANNED UNIT DEVELOPMENT PROVISIONS

12.1 PLANNED UNIT DEVELOPMENTS.

The intent of this section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, provision of larger areas of recreational open space and more economical public services. The purpose of this provision is to encourage the unified development of tracts of land by permitting, within the confines of an overall density limitation, of the zoning district in which it is located, much more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of zoning districts established in this zoning ordinance. The planned unit development is thus a superimposed designation providing broader latitude of design in land use and development; planned unit developments shall be designed on a minimum acreage site of 7.5 acres. The following classes of planned unit developments are established:

- A. “A” Fixed Dwelling Planned Unit Developments. A group of two (2) or more fixed dwelling structures, together with other permitted uses, on a parcel of ground of adequate size that is suitable for the intended use and in single ownership, with not less than fifty (50) feet of frontage that shall serve as the principal means of access to the property.
- B. “B” Mobile Home Planned Unit Residential Developments. Within the scope of the general purpose of planned developments, the purpose of this class is to recognize the increasing demand for the mobile home development type of residential area, and to provide for the appropriate development of such areas. It is intended to provide locational requirements and development standards which will lead to the development of stable and desirable mobile home parks, compatible with other uses in the vicinity.

Plans may be submitted for any parcel of land suitable for the intended use that is in single ownership and zoned appropriately, for a mobile home planned unit development.

- C. Ownership. In complying with the foregoing classes “A” and “B”, single ownership shall be construed to include the following:
 - 1. A person, partnership or corporation.
 - 2. An association of property owners, legally bound to one another, to carry out the provisions of this section for development and operation of a

Planned Unit Development, likewise legally bound to execute the agreements as provided hereinafter.

3. The owner's association of a condominium project, established under the provisions of Alabama law, which has the power to execute the agreements as provided for hereinafter.

12.2 SITE PLAN AND REVIEW PROCESS.

A. A detailed site plan of the proposed planned unit development shall be submitted to the Planning Commission for review.

1. The detailed site plan shall contain maps and written statements including, as a minimum, the following:

a. Maps should include the following information:

1. The topography at one-foot intervals;
2. Proposed land uses and the approximate location of existing and proposed buildings and other structures and uses adjacent to the site;
3. The character and approximate density of the dwellings;
4. The approximate location of all streets and rights-of-way, and walkways, and parking facilities;
5. Public uses including schools, parks, playgrounds and other open spaces;
6. Number of parking spaces;
7. Amount of impervious surface;
8. Drainage plan;
9. Development staging, if appropriate.

b. The written statements shall contain an explanation of:

1. The character of the proposed development and the manner in which it has been designed to take advantage of the planned development concept;
2. The proposed sewage disposal facilities;

3. Water supply and surface drainage provisions;
 4. Evidence of adequate financial stability to complete the proposed project;
 5. The present ownership of all of the land included within the planned development project;
 6. The method proposed to maintain private common open areas, buildings or other facilities, including copies of all legal documents necessary to accomplish this;
 7. A schedule of development.
- B. The Planning Commission shall hold a public hearing prior to granting preliminary approval to proceed with the planned unit development.
- C. Construction of the planned unit development shall be in conformance with the approved site plan. Any deviation from the approved site plan must be reviewed and approved by the planning commission, which has the authority to require reasonable plan changes as a prerequisite to approval.

12.3 USES PERMITTED.

Uses permitted by right in the planned unit development are those normally necessary to make up a total neighborhood community, specifically including the following:

- A. Residential Uses: Any use permitted by right in the zoning district, which the planned unit development is located.
- B. Commercial Uses: Permitted commercial uses shall be those of retail type and personal service type commercial associated with local neighborhood shopping and high quality office park type development.
- C. Public and Semi-Public Facilities: Community centers, schools, parks and other recreational facilities, churches, clubs, public utilities, libraries and other public buildings and structures required to provide essential public services and any other use which primarily serves the residents of such a development.

12.4 REGULATIONS.

- A. Residential Lot Size: No minimum lot sizes are required so that housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.
- B. Open space Reservation: In any planned unit development the amount of land not used by residential buildings, accessory structures, and yards but required by the residential zoning of the site, shall be served collectively in contiguous units accessible to all the building sites in the development as maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety shall be posted with the Robertsdale City Council for completion of said open space improvements prior to such sale. The open space developed will constitute no less than an equivalent proportional amount to the area being developed in the case of partial development.
- C. Development Density: Commercial uses in any planned unit development district shall not constitute over twenty-five (25) percent of the land area of such development and land area occupied by residential, commercial, public and other buildings and accessory structures shall not exceed forty-five (45) percent of the total land area of such development. Parking areas for commercial facilities are considered a commercial use of land. Be it further provided that commercial development may not be started until the residential development is at least one-fourth (1/4) complete.
- D. Home Association: As part of the plan proposed for any planned unit development, the developer shall submit a set of covenants and other legal documents running with the land providing for an automatic membership home association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the planned unit development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the association. Once established the covenants shall continue and remain in force during the entire existence of the planned unit development.
- E. Responsibility for Open Space: Nothing in this section of the ordinance shall be construed as a responsibility of the City of Robertsdale, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a planned unit development desires to dedicate certain land areas to the city for public parks and recreational facilities, and the city

approves the nature and location of such lands, and accepts the dedicated areas, then the city shall be responsible for the operation and maintenance of these lands and properties.

- F. Appearance of Public Utility Facilities: Public utility facilities and structures shall be architecturally compatible, or shall be properly screened and landscaped in keeping with the character and appearance of the neighborhood, all as approved by the Planning Commission.

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ARTICLE XIII

ZONING ADMINISTRATION AND ENFORCEMENT

13.1 DUTIES AND POWERS OF THE ZONING ENFORCEMENT OFFICER.

- A. The Zoning Enforcement Officer shall be the municipal building official, as designated by the city council, whose duties shall be as follows.
- B. The Zoning Enforcement Officer is authorized and empowered on behalf and in the name of the council.
 - 1. 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. To act upon all matters dealing with zoning applications within the City and the City's planning jurisdiction.
 - 3. To interface on zoning matters with the general public and other governmental agencies as the representative for the City.
- C. The zoning enforcement officer does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this ordinance has reserved for public hearing before the Zoning Board of Adjustment, the Planning Commission, and/or the City Council.
- D. 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 his office and shall be made as a public record.

13.2 PERMITS AND CERTIFICATES.

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

- A. 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 Municipal Building Inspector 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 Municipal Building

Inspector on forms provided for that purpose.

- B. 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 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 Municipal Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance. The plan or plat shall include, as a minimum, the following:
1. The actual shape, proportion and dimensions of the lot to be built upon.
 2. 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.
 3. The existing and intended use of all such buildings or other structures.

If the proposed excavation, construction, moving or alterations as set forth in the application, are in conformity with the provisions of this ordinance, the Municipal Building Inspector 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 provisions of this ordinance.

- C. 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 Municipal Building Inspector 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 Municipal Building Inspector that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Municipal Building Inspector 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 such certificate is refused, to state the refusal in writing with the cause.

13.3 ESTABLISHMENT OF THE ZONING BOARD OF ADJUSTMENTS.

The Zoning Board of Adjustments of the City of Robertsdale, Alabama, is hereby established; and, the following rules are set forth to govern its operation:

- A. Membership. The board of adjustment shall consist of five (5) members, appointed by the council of Robertsdale, Alabama, for overlapping terms of three (3) years. In addition, two (2) supernumerary members shall be appointed to serve at the call of the chairman only in the absence of regular members. Such members shall be appointed for three (3) years and shall be eligible for reappointment.
- B. Initial Appointment. The initial appointment of the board of adjustment shall be as follows: Two (2) members for one year; two (2) members for two (2) years; and one member for three (3) years.
- C. Vacancies. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. The council upon written charges and after public hearing thereon shall remove members for cause.
- D. Public Offices Held. No members shall hold any other public office or position, except that one member may be a member of the planning commission.
- E. 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 members, 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 meeting 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 each 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.

- F. Duties and Powers. The board of adjustment shall have the following duties and powers.
1. Administrative Review - 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 Exceptions - 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 condition, 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 this 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.
 4. Uses not provided for - Whenever, in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the zoning officer for such use, the zoning officer shall refer the application to the Zoning Board of Adjustments which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district, and in no way is in conflict with the general purpose and intent of this ordinance.

13.4 PROCEDURE FOR REQUESTING A HEARING.

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

- A. A completed application form must be filed with the zoning enforcement officer from whom the appeal is taken, and with the board of adjustment at least two (2) calendar weeks prior to the regular meeting of the board of adjustment. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.
- B. 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; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public), watercourse, and if existing and proposed, fences, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
- C. The board of adjustment shall hear the appeal at its next regularly scheduled meeting, or, if for good reason this is not feasible, shall fix a reasonable time within twenty-one (21) days after the date of its regularly scheduled meeting for hearing the appeal. 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; and, (2) notice by registered mail to the owners of all property within three hundred (300) feet of the affected property on the same side of the street, across the street, and to the rear of the affected property.
- D. The board of adjustment shall render a decision on any appeal or other matter before it within forty-five (45) days from the date of the public hearing on it.
- E. An appeal stays all legal proceedings in furtherance's 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 the said board or by a court of record of application on notice to the official from whom the appeal is taken and on due cause shown.
- F. In exercising the powers granted the board of adjustment, the 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 zoning compliance permit.

G. Limitation, withdrawal, and 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 take, within fifteen (15) days thereafter appeal to the circuit court or like jurisdiction, by filing with such board a written notice of appeal specifying the judgment or decision from which appeal is taken.

13.5 DUTIES AND POWERS OF THE PLANNING COMMISSION.

- A. The commission is charged with the responsibility to review, apply and monitor the enforcement of this ordinance in accordance with the adopted comprehensive plan or portion thereof, which is adopted.
- B. The planning commission shall hear matters "on appeal" or require commission "approval" as herein specified.
- C. The commission shall hear and recommend to the city council on all matters of zoning, rezoning (and in the case of municipalities, all cases of annexation).
- D. Requests before the commission shall adhere to the requirements specified herein, and the commission for the lawful rendering of its duty may establish as. To act upon all matters as detailed by the statues of the state of Alabama and ordinances as given by the City of Robertsdale.

13.6 PENALTIES.

Any person violating any provision of this ordinance shall be fined upon conviction, not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

13.7 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 especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of said building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

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ARTICLE XIV

SUBDIVISION PROCEDURES AND APPROVALS

14.1 APPROVAL OF SUBDIVISION PLATS REQUIRED

From and after the date of filing a certified copy of these regulations with the Probate Judge, no subdivision plat of land within the planning jurisdiction, as defined in Article III of these regulations, shall be filed or recorded nor shall any lots be sold until a final plat has been submitted and approved by the Planning Commission and recorded by the Probate Judge. The Probate Judge, upon receipt of a copy of these regulations, shall not thereafter file or record a plat of a subdivision of land located within the City's Planning jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations.

No services or utilities shall be extended to a subdivision, unless and until the requirements set forth in these regulations have been complied with and the same has been approved by the Planning Commission.

- A. Any and all subdividers or developers of land in the City of Robertsdale jurisdiction, be they individuals, firms, trusts, organizations, agencies or other legal entities, must submit a plat of any proposed subdivision or development of land to the Planning Commission, unless they are exempt under Section 14.2.B of these Regulations. Owners of exempt subdivisions shall not be required to submit a plat to the Planning Commission nor pay any of the required fees.

Any subdivider or developer who appears to be circumventing the intent and substance of these Regulations may be required to submit a plat for review and approval by the Planning Commission and shall be subject to the penalties under Section 13.6 of these Regulations.

- B. Any proposed subdivision or development located within a flood prone area of the Planning jurisdiction of the City must also be reviewed and approved under the requirements of the National Flood Insurance Program.

14.2 GENERAL PROCEDURE

- A. Classification of Subdivision. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures as herein established. Applications for approval of a major subdivision shall consist of a Preliminary Plat and Final Plat.

- B. Exception to Required Approval. Notwithstanding the preceding paragraph, the following subdivisions are exempt from the provisions of these regulations and

from any requirement for approval to subdivide. Exemption from the requirement for approval to subdivide does not constitute exemption from the requirements of other applicable regulations including but not limited to minimum zoning and health requirements. The Planning Commission and/or Planning Commission staff may require documentation to substantiate any claim of exemption.

1. Subdivision of land by testamentary or intestate provisions;
2. Subdivision of land by court order including, but not limited to, judgments of foreclosure;
3. Family division of land in accordance with the opinion of the Attorney General of the State of Alabama dated May 31, 1979, not within a previously recorded subdivision and involves no street or other public improvements;
4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. The division of land wherein the size of each and every resulting parcel of land equals or exceeds twenty (20) acres and involves no street or other public improvements;
6. One-time split of land, provided the property has not been divided since February, 1984.

14.3 SUBMISSION OF SKETCH PLAT

The procedure for obtaining Sketch Plat concurrence is as follows:

- A. Discussion of Requirements Before preparing the Sketch Plat for a subdivision or development, the applicant should discuss with the City Building Official the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, water and similar matters as well as the availability of existing services. The City Building Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision or development, with those County officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.
- B. Application Procedure Whenever any subdivision of a tract of land is proposed to be made, the applicant shall submit to the City Clerk at least ten (10) working days prior to a regularly scheduled meeting, eight (8) copies of a Sketch plat of the proposed subdivision together with a sketch vicinity map and any other data which will convey his intentions as to the proposed layout and type of development. The applicant shall appear at the regularly scheduled meeting of

the Planning Commission to discuss the proposed subdivision or development and become familiar with the application of the regulations affecting the land to be subdivided. This procedure is mandatory but does not require a formal application or fee.

- C. Sketch Plat Requirements A Sketch Plat shall be drawn at an approximate scale of one inch to 100 feet and shall show the tentative street layout, approximate right-of-way width, lot arrangements, the location of the nearest water and sewer lines (if any), water courses, existing structures, total acres, approximate number of lots, adjoining streets, north point, tract boundary, and proposed use of land.
- D. Classification Tentative classification of the Sketch Plat shall be made at the time of review at the regularly scheduled meeting of the Planning Commission as to whether the subdivision is a major or minor subdivision as defined in Article VI of these regulations. Subsequent to the approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat, as provided, in these regulations, if classified as a minor subdivision; and if classified as a major subdivision, the applicant must first file an application for approval of a Preliminary Plat, as provided in these regulations before filing for Final Plat approval.
- E. Concurrence of Sketch Plat After reviewing and discussing the Sketch Plat, the Planning Commission will advise the applicant of the specific changes or additions, if any, to be made in the layout and the character and extent of improvements and reservations to be required as prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said review shall constitute authorization to prepare and submit a Preliminary Plat in the case of a major subdivision or a Final Plat in the case of a minor subdivision.

14.4 SUBMISSION OF PRELIMINARY PLAT

The procedure for obtaining Preliminary Plat approval is as follows:

- A. Application.
The applicant shall file an application for approval of a Preliminary Plat. The application shall:
 - 1. Be made on forms available at the Office of the City Clerk;
 - 2. Be accompanied by appropriate fees (as per current fee schedule from City Council) made payable to the City of Robertsdale;
 - 3. Be accompanied by four (4) sets of 24" x 36" black or blue-line prints of

the proposed subdivision prepared in accordance with the requirements of this section and one (1) 11”X17” copy of the preliminary plat;

4. Be submitted to the City Clerk at least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission;
 5. Be accompanied with a list of adjacent property owners abutting the proposed development site according to the latest Baldwin County tax recorders;
 6. Be accompanied by a letter from all Utility Providers, that are to serve the proposed development, stating that they have the capacity and are willing to provide services to said development;
- B. Public Hearing. The Planning Commission shall hold a public hearing on the Preliminary Plat. Notice of such public hearing shall be sent to all adjoining landowners by certified mail. Such notices shall be sent at least five (5) days prior to the date of the public hearing. Any Preliminary Plat submitted to the Planning Commission shall contain an application form with the names and addresses of all persons to whom notices of a public hearing shall be sent. Any change or modification to a Preliminary Plat shall be resubmitted to the Planning Commission for approval and may be subject to a second public hearing, if deemed necessary by the Planning Commission.
- C. Preliminary Plat. After the Planning Commission, Building Official, and County Health Department (when applicable), have reviewed the Preliminary Plat and construction plans, the applicant shall be advised of any required changes and/or additions. One (1) copy of the proposed Preliminary Plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat and one copy shall be retained by the Planning Commission. The approval of the Preliminary Plat shall not be deemed final acceptance, but rather an expression of approval of the layout as submitted on the Preliminary Plat.
- D. Effective Period of Preliminary Approval. The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval of the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the Probate Judge. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new plat for preliminary approval subject to all subdivision regulations and filing fees. However, upon written request from the applicant stating the reasons for such request, the Planning Commission upon advice from the Public Works Director, may extend the effective period of the approval up to twenty-four months.

- E. Resubmission of Preliminary Plat. The Planning Commission shall not consider, for a period of twelve (12) months, a Preliminary Plat which has been submitted for approval after Planning Commission disapproval, unless the applicant has complied with the Planning Commission's required changes and/or additions. Any resubmission shall be subject to a public hearing and full payment of all required fees.
- F. Preliminary Plat Requirements. The Preliminary Plat shall be prepared by a registered engineer or land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Preliminary Plat shall show the following:
1. Name of owner(s) or record;
 2. Proposed name of subdivision, date, north point, scale, and location;
 3. Name of registered engineer and/or land surveyor;
 4. Vicinity map showing location of the subdivision;
 5. Exact boundaries of the tract of land being subdivided shown with bearings and distances;
 6. Names and addresses of the owners of land immediately adjoining the tract of land being subdivided;
 7. Wooded areas, marshes, and any other conditions affecting the site;
 8. The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on the tract being subdivided and on adjacent land within 100 feet of the tract being subdivided;
 9. Proposed rights-of-way or easements including location, widths, purposes, and street names;
 10. Proposed lot lines with bearings and distances, square footage or acreage of each and lot and block numbers;
 11. Proposed minimum building setback lines;
 12. Proposed parks, school sites, or other public open spaces, if any;

13. Site data:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets;
 14. Any area within 100 feet of the proposed subdivision subject to inundation by the 100-year flood as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat;
 15. If all or any part of the proposed subdivision lies within an existing flood hazard zone as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, a statement to that effect should be written on the Preliminary Plat and on the Final Plat;
- G. Construction Plans. At the time of submission of the Preliminary Plat, the applicant shall also submit construction plans for all required improvements. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet and map sheets shall be of the same size as the Preliminary Plat. Construction plans shall be prepared by a Registered Engineer. The following construction plans shall be included:
1. Street Plan containing the following information:
 - a. Locations of all proposed and existing streets or rights-of-way in or adjacent to the subdivisions;
 - b. Width of existing and proposed rights-of-way and easements;
 - c. Street names;
 - d. Plan and Profile of all streets, showing natural and finished grades drawn to scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical;
 - e. Cross sections of proposed streets at a minimum of 100-foot stations;
 - f. Curve data for the centerline of each street: Delta, Tangent, and Radius;
 - g. Location of all required sidewalks and crosswalks;
 2. Storm Drainage Plan containing the following information:
 - a. Location of proposed drainage ways, streams, and ponds in the subdivision;
 - b. Topography at two-foot contour intervals; on more severe terrain, greater intervals may be accepted;

- c. Location, size, and invert elevations of existing and proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage plan, including conduit schedule;
 - d. Construction details of typical manholes, connections, and other drainage structures proposed;
 - e. Area of land contributing run-off to each drainage structure along with run-off calculations of each area and drainage calculations for each drainage structure and drainage ditch;
 - f. Location of easements and rights-of-way for drainage ways and maintenance access thereof;
 - g. Typical cross sections of each drainage way;
 - h. Direction of stormwater flow throughout subdivision and compatibility with existing drainage;
3. Sanitary Sewer Plan, if applicable, containing the following information:
 - a. Location and size of all existing and proposed sewers in the subdivision and tie-points of the subdivision. Location of sewer laterals;
 - b. Direction of flow of each sewer line;
 - c. Location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, if any;
 - d. Construction details of typical manholes, connections, and other sewage structures proposed;
 - e. Plan and profile of sewage system;
 4. Water Distribution Plan containing the following information:
 - a. Location and size of existing and proposed water distribution system including pipes, valves, fittings, hydrants, high pressure pumping equipment, etc;
 5. Electric Distribution Plan containing the following information:
 - a. Location of existing and proposed poles or subsurface facilities, as detailed by the Utility Provider, as necessary to serve each lot or parcel of land within the subdivision;
 6. Gas Distribution Plan showing the following information (if applicable):
 - a. Location and size of existing and proposed gas distribution lines including pipes, valves and fittings;

H. Approvals.

No Preliminary Plat shall be approved by the Planning Commission until each utility affected has submitted a letter to the Planning Commission as to whether the service to be provided by such utility is reasonable and adequate.

14.5 SUBMISSION OF FINAL PLAT

In accordance with the policy of the Planning Commission, no lot may be sold, or utilities extended to, or connected with, any subdivision of land, as defined herein until the Final Plat has been approved by the Planning Commission.

A. Application Procedure and Requirements.

In the case of a minor subdivision or following approval of the Preliminary Plat in the case of a major subdivision, the applicant, shall file with the Planning Commission an application for approval of the Final Plat. The application shall:

1. Be made on forms available at the Office of the City Clerk;
2. Be accompanied by appropriate fees (as per current fee schedule from City Clerk) made payable to the City of Robertsdale;
3. Be accompanied by four (4) - 24"X36" black or blueprint copies and one (1) 11"X17" of the Final Plat, and one (1) electronic disk in a software format as required by the City;
4. Comply in all respects with the Preliminary Plat, as approved, except for minor modifications not altering the design of the subdivision; contour lines may be excluded;
5. Be submitted to the City Clerk at least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission;
6. Be submitted within one (1) year of the date of Preliminary Plat approval;
7. Be accompanied by a surety bond, if required, in a form satisfactory to the City Attorney and in an amount sufficient to guarantee the actual construction and installation of such approved public streets, roads, drainage structures and public utilities;
8. Be accompanied by the following copies of As-Built construction plans; two (2) sets of 24"X36" black or blue line copies, one (1) set of 11"X17", and one electronic disk in a software format as required by the City;

B. Review, Approval, Signing and Recording of Final Plat

1. Within thirty (30) days of submittal of a complete and accurate application, the Planning Commission shall determine whether the Final Plat should be approved or not approved based on whether the development conforms to the provisions of these Regulations and the approved Preliminary Plat and the conditions, if any, imposed during review.
2. Upon determination that the Final Plat should be approved and that the installation of all required improvements has been satisfactorily completed in accordance with City specifications and approved by the City Engineer or that an acceptable financial guarantee has been provided for the satisfactory completion of all required improvements, the original Final Plat tracing shall be signed by the person authorized by the Planning Commission to sign such plats.
3. Two copies of the recorded plat shall be submitted to the City Clerk within sixty days from the date of approval by the Planning Commission or the approval shall become null and void.
4. Upon determination that the Final Plat should not be approved, the Planning Commission shall explain the deficiency in the plat to the subdivider with notice that a corrected plat may be resubmitted for approval.

C. Final Plat Requirements.

The Final Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared in ink on linen or a suitable permanent Mylar reproducible. The sheet shall be of such size as is acceptable for filing in the Office of the Probate Judge, but shall not exceed twenty-four by thirty-six (24 x 36) inches. The Final Plat shall show the following:

1. Name of subdivision, north point, scale, and location;
2. The relation of the land so platted to the Government Survey of City of Robertsdale. The "point of beginning" as referred to in the written description shall be so indicated;
3. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arc and chords;

4. The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
 5. The exact position of the permanent monuments shall be indicated on the plat by a small circle "o";
 6. Streets and alleys, rights-of-way, and street names;
 7. All easements, including locations, widths, and purposes;
 8. Lot lines, square footage or acreage of each lot and lot and block numbers;
 9. Parks, school sites, or other public open spaces, if any;
 10. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles within plus or minus five (5) seconds;
 11. The following endorsements, dedications, and certificates shall be placed on the Final Plat as applicable (see Appendix for sample certificates):
 - a. Registered Land Surveyor's Certificate and Description of Land Platted;
 - b. Dedication;
 - c. Notary's Acknowledgment of the Dedication Certificate referred to in "b";
 - d. A Certificate of Approval by the appropriate electric, gas, telephone, water and sewer utility distributor;
 - e. A Certificate of Approval by the County Engineer in the extra-territorial jurisdiction;
 - f. A Certificate of Approval by the City of Robertsedale Planning Commission;
 - g. A Certificate of Approval by the Baldwin County Health Department (if applicable);
 - h. Registered Land Surveyor's Certificate of Flood Hazard Zone;
 - i. Registered Engineer's Certification of Improvements (if applicable);
 12. The above certificates shall be lettered or typed on the Final Plat in such a manner as to insure that said certificates will be legible on any prints made therefrom.
 13. In addition to all of the above, the subdivider shall also submit to the Planning Commission copies of all Federal and State permits required for construction of the development shown on the plat.
- D. Engineering Plan. At the time of Final Plat approval, the applicant shall also

submit an engineering plan, or "as built" plan, giving details of construction and locations of the improvements which have been installed. The primary purpose of the engineering plan is to provide the City with a record of the location, size, and design of underground utilities for the City's use in the course of maintaining such improvements. If the installation of improvements is completed under a bond, the engineering plan shall be submitted to the City upon request of release of the bond by the applicant.

14.6 MINIMUM STANDARDS

The following development standards shall be complied with, and no higher standard may be required by the Planning Commission, except where, because of exceptional and unique conditions of topography, location, shape, size, drainage, or other physical features of the site, minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare. Any higher standard required shall be reasonable and shall be limited to the minimum additional improvements necessary to protect the public health, safety, or welfare. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- A. All applicable statutory provisions;
- B. The special requirements and rules of the Baldwin County Health Department and/or appropriate State agencies;
- C. The rules and standards of the ALDOT if the subdivision or any lot contained therein abuts a State highway;
- D. The standards and regulations adopted by all boards, commissions, agencies, and officials of the City of Robertsdale;
- E. Plat approval may be withheld if a subdivision is not in conformity with the above guides or with the policy and purpose established in Article I of these regulations;
- F. Any development in the Extra-territorial Planning Jurisdiction shall comply with the stricter of the Baldwin County Subdivision Regulations or the Robertsdale Land Use Ordinance;

14.7 GENERAL REQUIREMENTS

A. Plats Straddling Jurisdictional Boundaries.

Whenever access to a subdivision is required across land in another local government planning jurisdiction, the Planning Commission may request assurance from the City Engineer, Attorney, or other appropriate official, that the access road is adequately improved, or that surety has been duly executed and is sufficient in amount to assure the construction of the access road.

- B. Trees and Natural Features. Reasonable requirements for the preservation of outstanding natural features may be specified by the Planning Commission. These include large trees or groves, watercourses, historical sites, exceptional views, and similar irreplaceable assets.

- C. Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse soil formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Planning Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions; otherwise such land shall be set aside for uses as shall not involve such a danger.

Where a parcel of land proposed to be subdivided contains an area of wetlands delineated as jurisdictional by the Corps of Engineers, said wetlands shall be preserved as defined by law. Lots may be platted where sufficient upland areas exist to provide a building site for the main structure and necessary ancillary facilities. Fill may not be used in wetlands to create building sites for the purpose of subdividing property unless approval for such fill has been received from the Corps of Engineers and other appropriated governmental agencies.

Land within any Floodway District shall not be platted for residential occupancy or building sites. Land outside the floodway but subject to flood may be platted for residential occupancy provided each lot contains a building site that may reasonably lend itself to construction of a minimum floor level of one (1) foot above flood elevation, or for such other uses which will not increase the danger to health, life, and property. Fill may not be used to raise land in the floodway. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

- D. Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision, which shall be determined at Preliminary Plat approval.

- F. Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, the ownership of and responsibility for safe maintenance of the water body shall be such that it will not become a City responsibility. No public roadways will be approved which provide access across dams.

14.8 STREET PLAN.

The arrangement, character, extent, location and grade of all streets shall be laid out according to good land planning principles and shall be integrated with all existing and planned streets. New streets shall consider topographical conditions, orientation to vistas, public convenience and safety, and the proposed uses of land to be served by them.

- A. Continuation of Adjoining Street System Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Planning Commission for reason of topography or design.
- B. Access to Adjacent Properties. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to an adjoining property, streets shall be extended by dedication to the boundary of such property at a minimum of one (1) per quarter mile.
- C. Marginal Access Streets. Where, in the opinion of the Planning Commission, development which abuts or has included within the proposed subdivided area any arterial, the Planning Commission may require a marginal access street or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.
- D. Private Streets. There shall be no private streets platted within a subdivision where abutting properties will be sold, whether immediately or in the future, to the public; however, in certain instances, private streets may be approved by the Planning Commission provided they are constructed according to the standards of City of Robertsedale.

In the event that the Planning Commission does approve a private street, it is recommended the Commission require the developer to install a sign of reasonable size stating that the arterial is a private street and is not subject to public maintenance by the City. Such statements shall also be shown on the preliminary and the final plats.

- E. Private Reserve Strips. Private reserve strips controlling access to streets shall be prohibited.
- F. Additional Width on Existing Roads. Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements.
- G. Street Names Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the names of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue,

boulevard, drive, place, court, etc. Naming shall be consistent with the directional line of the street as follows:

- Through streets lying east and west...avenues
- Through streets lying north and south...streets
- Through streets lying other than what can be termed north and south or east and west...roads
- Cul-de-sacs.....lanes
- Meandering streets.....drives

Street names are subject to the approval of the Planning Commission, and Baldwin County E-911.

H. New Half-streets And New Half-alleys. No new half-streets or half-alleys shall be platted.

I. Vacating a Street or Easement. No street or easement may be vacated unless a petition for that purpose (accompanied by the necessary documents specified by the Planning Commission) is submitted through the Planning Commission to the City. The Planning Commission shall review such petition and make recommendations to the City Council of Robertsdale, whose decision, following a public hearing, shall be final.

J. Frontage on Improved Roads.

1. No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from an existing hard surface State, County, or City road or highway; or
2. A hard surface street upon a plat approved by the Planning Commission and recorded in the Baldwin County Probate Judge's Office. Such street or highway must be suitably improved as required by rules, regulations, specifications, or orders, or be secured by an improvement guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

K. Topography and Arrangement

1. Roads shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Design Standards (Section 15-4) of these regulations.
2. All proposed streets shall be properly integrated with the existing system

of streets.

3. All arterial streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
4. Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
5. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets will be accepted where such use will result in a more desirable layout.
6. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

L. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial, the Planning Commission may require that access to such arterial be limited by one of the following means:

1. The subdivision of lots so as to back onto the arterial and front onto a parallel minor street; in this case no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots;
2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial;
3. A marginal access or service road (separated from the arterial by a sufficient planting or grass strip and having access thereto at suitable points).

M. Excess Right-of-way or Easements Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of 2:1.

- N. Major Thoroughfares Major thoroughfares where so located as to affect the subdivision of adjoining lands shall be treated as follows:
In residential districts, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the major thoroughfare. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited".
- O. Cul-De-Sacs Permanent dead-end streets shall not exceed six hundred (600) feet in length, and shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet.
- P. Intersections Street intersections shall be laid out as follows:
1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
 2. Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where minor streets intersect collectors or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart. Where a street intersects a state highway, the design standards of the ALDOT shall apply;
 3. Minimum curb radius at the intersection of two (2) minor streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet;
 4. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having a grade not greater than five percent (5%) at a distance of fifty (50) feet, measured from the nearest right-of-way line of the intersecting street;
 5. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation

- (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance;
6. The cross-slopes on all streets, including intersections, shall be five percent (5%) or less;
 7. Property lines at street intersections shall be rounded with a minimum radius of twenty-five (25) feet.
 8. Turn Lanes, Deceleration and/or acceleration lanes may be required where necessary to maintain a safe flow of traffic on existing or proposed streets.
- Q. Perimeter Streets Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the applicant. The Planning Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
- R. Street Elevations The Planning Commission may require, where necessary, profiles and elevations of streets for areas subject to flood. No street shall be approved for construction within an area subject to flood that is proposed to be constructed more than two (2) feet below the elevation of the floodplain, as defined in these regulations. Fill may be used for streets. Drainage openings shall be so designed as not to restrict the flow of floodwaters or increase upstream flood heights.
- S. Common Driveways
1. Where lots will access an existing off-site publicly maintained street, common driveways shall be used where appropriate to minimize the number of curb cuts required.
 2. The maximum number of lots served by a common driveway shall be two.
 3. The maximum length of a common driveway shall be 300 feet.
 4. Common driveways shall be contained within a private ingress and egress easement labeled as such on the final plat. Said easement shall be of sufficient width to contain the common driveway and any utilities and provide adequate ingress and egress.
 5. The final plat of a subdivision in which common driveways are utilized shall contain the following notation "The common driveway shown hereon is private and will not be maintained by City of Robertsdale".

6. All subdivisions using common driveways shall provide an easement agreement to address the responsibility of maintenance of the common driveway.

14.9 DESIGN STANDARDS.

The following design standards shall be considered minimum requirements and shall specifically apply to all subdivisions.

TABLE 14.9
Design Standards

	Primary/Secondary Arterial	Collector Street(Road)	Local Street(Road)	Cul-de-Sac Streets	Marginal Access Street
Minimum Right-of-Way Width	80'	60'	50'	50'	50'
Maximum Grade ¹	6.0%	8.0%	12.0%	12.0%	12.0%
Minimum Radius of Curves ¹	500'	300'	100'	80'	100'
Minimum Tangent Length Between Reverse Curves ¹	200'	100'	100'	100'	100'
Minimum Grades within 100 ft. of Centerline Intersection	5%	5%	5%	5%	5%
Minimum Distance Between Centerline Offsets at Street Jogs	800'	125'	125'	125'	125'
Angle at Intersection of Street Centerlines	90 ⁰	80 ⁰ -100 ⁰	80 ⁰ -100 ⁰	80 ⁰ -100 ⁰	80 ⁰ -100 ⁰
Minimum Pavement Width	32'	28'	24'	24'	24'

1. See Illustration 1
2. All new roads constructed shall have a 24" curb & gutter, 24" valley gutter, or other approved type of curbing.
3. All streets shall conform to ALDOT Specifications.

14.10 BLOCKS

- A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses;
- B. Blocks shall not exceed fifteen hundred (1500) feet nor be less than five hundred (500) feet in length;
- C. In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- D. Pedestrian ways or crosswalks not less than ten (10) feet wide may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

14.11 LOTS.

Subdivision lots shall comply with the following requirements:

- A. The size, shape and orientation of lots within the City Limits shall be such as shown in Article IX of this *Land Use Ordinance*.
- B. The subdivision plat shall provide each lot with satisfactory access to an existing street.
- C. Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- D. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.
- E. Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography or orientation.
- G. Side lot lines should be at right angles to streets, except on curves where they shall be radial.

- G. Excessive depth in relations to width shall be avoided. A depth to width ratio of 3:1 will normally be considered maximum.
- H. Minimal lot size should be usable land.

14.12 REQUIRED UTILITIES:

General: When water, sewer, electricity, telephone, and other utilities are to be installed in the street rights-of-way, said installation shall be completed prior to the construction of the streets or roadways.

Standards:

A. Water:

1. Water mains for both domestic use and fire protection shall be properly connected with a central water system or with an alternate water supply approved by ADEM for human consumption. The lines shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat
2. Where a public water system is within reasonable distance of the subdivision, as determined by the Planning Commission, the developer shall connect with said water system. The design and specifications of the distribution system shall meet the City water system requirements. If a well is required for each lot, the location, construction and use of such well shall also meet the Baldwin County Health Department. If a well is to serve more than one lot, a public water system shall be required. The design and specifications of such system shall meet the Alabama Department of environmental Management requirements.
3. Fire hydrants shall be installed along each street at a maximum interval of 600 ft., or at the ends and center of each block as determined by the Planning Commission. The water supply and pressure shall be sufficient to provide adequate fire protection as well as the future needs of the intended land use.

B. Sewer:

1. Where a public or private sanitary sewer system is within reasonable distance of the subdivision, as determined by the Planning Commission, the developer shall install a sanitary sewer system which meets the requirements of the City and shall connect to such system at his expense. Where lots cannot be reasonably connected with a public or private sewerage system, they must contain adequate area for the installation of septic tanks and disposal fields, and shall be approved by the Baldwin County Health Department.

2. Sewer stub-outs, capable of allowing gravity connections, shall be provided for each lot and shall extend to the right-of-way line of said lots.
- C. Electricity:
1. Electric lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plat. Electrical services and streetlights shall be installed along all new roadways within subdivisions at the expense of the developer. These streetlights shall be spaced at a maximum of 200 ft. along the right-of-way, or as determined by the Planning Commission. Street lights may be mounted on power poles if overhead power lines are utilized, or on approved light posts if power is run underground for the development. All electrical improvements shall be paid for and installed prior to final plat approval.
- D. Telephone:
1. Telephone service shall be provided to all lots within proposed subdivisions. The installation of all telephone conduit, wire, and/or structures shall be coordinated by and if necessary, paid for by the developer prior to final plat approval.

14.13 SIDEWALKS

All major subdivisions shall provide for sidewalks adjacent to all new lots.

- A. Sidewalks shall be located within the right-of-way or within an easement of sufficient width adjacent to the right-of-way.
- B. Sidewalks shall be a minimum of 5 feet in width. All sidewalks shall be constructed of reinforced concrete that has a minimum 28 day compressive strength of 3,000 psi.
- C. Sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access. Sidewalks that are located adjacent to common areas or otherwise not adjacent to individual lots shall be constructed by the developer prior to final plat approval.
- D. Sidewalks adjacent to individual lots shall be constructed at the same time as the principal structures, and prior to any certification of occupancy being issues by the Building Official.
- E. All sidewalks shall be in accordance with current A.D.A. Requirements.

14.14 OPEN SPACE

All subdivisions greater than 24 lots shall be provided with open space.

- A. For every 25 lots or fraction thereof, the developer shall provide an open space that is equal in size to one (1) average lot in the subject development.
- B. Said open space shall be provided in one location and all required open space shall be contiguous. This shall also apply to phased developments.
- C. Stormwater management facilities and narrow strips less than 20 feet in width shall not be counted as the required open space.
- D. Open Spaces can be held by the developer, Homeowners' Association, or deeded to the city.

14.15 PERMANENT REFERENCE POINTS

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

- A. Subdivision Corner Tie. At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Baldwin County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distance from the Government Survey corner, to an accuracy of 1:5,000.
- B. Monuments. Concrete monuments four (4) inches in diameter or four (4) inches square and three (3) feet long with a flat top shall be set at all exterior corners of the subdivision. The top of the monument shall have an indented mark to identify properly the location, and shall be set flush with the finished grade. Elevation from mean sea level datum shall be established on a permanent benchmark at the corner of the subdivision and at a distance no greater than 2000' on perimeter.
- C. Property Markers. All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than one-half (2) inch in diameter or in width, and twenty-four (24) inches long, and driven so as to be flush with the finished grade.
- D. Accuracy. The land survey shall be in accordance with the *State of Alabama's Minimum Technical Standards for Land Surveyors*

ARTICLE XV

DEVELOPMENT STANDARDS

15.1 DRAINAGE & STORMWATER MANAGEMENT STANDARDS

A. General Policy

The main objective of drainage design shall be the safety of the traveling public with the protection of City and private property consistent with good engineering practice.

B. Drainage and Storm Sewers

General Requirements: The responsible Design Engineer shall not submit for approval any plan which does not appear to make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of engineering plans and basic design computations shall be submitted as specified in Section 15.1.E.

1. Rain Event. The drainage structures along arterial roadways shall normally accommodate flows from at least a 25-year frequency design storm. All other areas shall normally accommodate flows from at least a 10-year frequency design storm.
2. Location. The applicant may be required by the Public Works Director to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the development. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the ALDOT Standard and Specifications.
3. Accessibility to Public Storm Sewers. Where a public storm sewer is accessible, the applicant may be required to install storm sewer facilities, or, if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the requirements of the City of Robertsdale. Inspection of facilities shall be conducted by the Design Engineer.

If a connection to a public storm sewer will eventually be provided, the developer shall make arrangements for future storm water disposal by a storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance surety required for any such subdivision plat.

4. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential developed property runoff from its entire upstream drainage area, whether inside or outside the subdivision or development.
5. Effect on Downstream Drainage Areas. The Design Engineer shall also review the effect of each subdivision or development on existing downstream drainage facilities outside the area of the development. These drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the differential runoff of a development or subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the development or subdivision until provision has been made for the improvement of said potential condition in such sum as the Public Works Director shall determine. No subdivision or development shall be approved unless adequate drainage will be provided to the natural drainage watercourse or an existing facility.

C. Dedication of Drainage Easements.

1. General Requirements. Where a subdivision or development of land is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and/or construction as will be adequate for the purpose.
2. Drainage Easements. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the record plat. Drainage easements shall be carried from the road to the natural watercourse or to other drainage facilities.

The applicant may be required to dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Public Works Director.

Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways, except where improvements are warranted as may be deemed necessary by the Public Works Director. No floodways or wetlands shall be filled to create usable land for development.

D. Drainage, General Provisions

All subdivisions, commercial and industrial developments shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be approved for a development by the Planning Commission unless the developer or subdivider makes necessary provisions to eliminate such flooding.

A complete drainage plan and contour map showing the criteria outlined in Section 15.1.E, shall be submitted along with the profile grades and typical roadway section for approval.

All existing drainage structures shall be shown on the preliminary plat, contour map, and construction plans.

All off project drainage, draining onto a subdivision or other development, shall be shown on contour maps and/or construction plans showing the areas in acres that the subdivision or development will have to accommodate.

On any single drainage structure requiring 20 square feet or more of end area, a special design drawing will be required for approval.

Where the subdivider or developer has open ditches, a maximum of 3 to 1 front slopes and flat bottom ditch is required; the width of the ditch shall be determined by the required flows and the existing conditions and be approved by the Public Works Director. V-bottom ditches or other special designs will be permitted in special cases. Resulting 2-year peak flow rates in the natural system or open ditch drainage shall be less than the critical rates that would cause excessive channel scour.

These provisions shall apply to all commercial developments and subdivisions.

E. Engineering Plans

The developer or contractor shall submit detailed drainage plans and drainage calculations to the City for review and approval for all commercial developments and subdivisions. Said plans shall be prepared by a Professional Engineer registered in the State of Alabama and shall contain the following information.

1. Topography map of proposed developed areas.
2. Existing and proposed contours at sufficient intervals, usually 2 feet if not over 5%.
3. Existing drainage system, effecting the proposed development or subdivision.

4. Proposed drainage system, including onsite and offsite drainage areas.
5. Structure location, type and size, and slope, cfs, Inlet El., Outlet El., Velocity, Headwater El., Tailwater El.
6. Discharge quantities, pre and post runoff cfs.
7. Other pertinent information necessary for review of the drainage plans as may be required by the Public Works Director.
8. Erosion and sediment control plan.
9. Description of natural water body to receive the site runoff.

F. Inlets

1. Inlets shall be provided so that surface water is not carried across any intersection or for a distance of more than 600 feet in the gutter unless approved by the Public Works Director.
2. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point.

G. Culverts

1. All roadway cross drain pipes shall be reinforced concrete and have a minimum size of 18 inches. Only pipe that meets specifications equaling ALDOT Specifications will be acceptable.
2. Culverts under arterial roadways shall normally accommodate a minimum of 25-year frequency design storm. Conditions may dictate that 100-year design storms must be accommodated.
3. Culverts under all other roadways shall normally accommodate a minimum of a 10-year storm.
4. Design storm criteria will be used by the Design Engineer based on the site-specific conditions that warrant life and property protection.
5. All types of culverts within the rights-of-way of public roads must be approved by the Public Works Director and shall conform to ALDOT Standards.
6. Culverts shall be placed in excavated trenches to the line and grade shown on the plans. The maximum width of the excavated trenches shall not

exceed the outside diameter of the pipe by more than 1.5 feet on either side of the pipe.

7. Material used for backfilling culvert trenches shall consist of small diameter uniform material and shall be free of large rock or other unsuitable material. The backfill material shall be placed in uniform 8-inch lifts and mechanically compacted to 95% of relative density. The backfill shall be placed uniformly on each side of the pipe and all pipes shall be laid in accordance with City Standards.
8. A minimum of 12 inches cover shall be placed over each culvert pipe 48 inches or less in diameter and 24 inches or more of cover shall be placed on all larger diameter pipes.
9. When a battery of pipes is used, a clear spacing of 1/2 the pipe diameter shall be provided between adjacent pipes.
10. The maximum cover allowed, pipe class, and strength requirements shall be in accordance with the manufacturer's recommendation.
11. The velocity of the flow in culverts shall be calculated using ranges from the latest edition of the ALDOT Hydraulics Manual.

H. Bridges

Bridges shall accommodate a minimum of a 50-year frequency design storm. Conditions may dictate that of a 100-year frequency design storm.

I. Open Channels and Ditches

1. Open channels and ditches shall be designed so as not to create a traffic hazard or create hazardous erosion.
2. The minimum flow line slope for paved ditches shall be 0.3% and shall be a maximum of 1% for unpaved ditches.
3. The recommended maximum flow velocities shall be in accordance with the ranges recommended in the latest edition of the ALDOT Hydraulics Manual.
4. Cleanout accesses shall be provided at least every 300 feet for continuous pipes of 24 inches in diameter or less and at least every 400 feet for larger continuous pipes if required. Clean out accesses are also required at each angle point and at each change in grade in the pipe.

J. Storm Runoff Estimates

1. Basic design data and calculations shall be prepared, sealed and submitted by a registered professional engineer in the State of Alabama for the developer, contractor or owner.
2. The method of determining storm runoff shall be based on acceptable engineering practice and/or these standards.

For small basins, up to 200 acres, the Rational Method ($Q=cia$) may be used.

Q = estimated peak discharge in cubic feet per second.
c = runoff coefficient (to be taken from the table below).
I = rainfall intensity in inches per hour for a design storm derived from the time of concentration
a = runoff area in acres

3. Recommended "C" Values

1. Flat or Rolling Terrain

Farmland	0.20 to 0.40
Barren	0.40 to 0.65
Irrigated	0.40 to 0.55

2. Streets and Parking Lots

Unpaved	0.60 to 0.80
Paved	0.80 to 1.00

3. Improvements

Buildings	0.80 to 0.95
Lawns	0.25 to 0.40

K. Special Construction

1. Concrete Box Culverts. Concrete box culverts used as culverts shall be designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge Construction, ALDOT.
3. Headwalls and Riprap. Concrete headwalls shall be required on all culverts, and head walls shall have a minimum slope of 3 to 1. Special types of headwalls may be required by the City when deemed necessary for erosion control. Riprap may be required at the upstream and downstream ends of

culverts and shall be placed at these locations based on the velocities at these locations. Culverts placed within the state of Alabama's right-of-way shall be permitted by ALDOT.

15.2 EROSION AND SEDIMENTATION

- A. General. Erosion and sedimentation shall be effectively controlled, both during active construction and after stabilization, from both a technical and an economic standpoint. Effectiveness of erosion and administrative methods shall be determined by the Public Works Director.

The following provisions impose requirements on persons engaged in land disturbing activities, which require planning, and implementation of effective sedimentation controls for subdivision and other development sites.

1. Construction Requirements. An erosion and sedimentation control plan shall be a part of the construction plans and shall be filed with the City prior to the commencement of any land-disturbing activity.
 2. Protection of Property. Persons engaged in land-disturbing activities shall take all necessary measures to protect all public and private property, from damage by such activities.
 3. More Restrictive Rules Shall Apply. Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees the more restrictive provision shall apply.
- B. Basic Control Objectives. The basic control objectives which should be considered in developing and implementing an erosion and sedimentation control plan are to:
1. Identify Critical Areas. On-site areas, which are subject to severe erosion, and off-site areas, which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
 2. Limit Exposed Areas. All land-disturbing activities should be planned and conducted to minimize the size of the area to be exposed at any one time.
 3. Limit Time of Exposure. All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time.
 4. Control Surface Water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

5. Control Sedimentation. All land-disturbing activities should be planned and conducted so as to minimize off-site sedimentation damage.
6. Manage Stormwater Runoff. When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause damaging accelerated erosion of the receiving ditch or channel stream, plans should include measures to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel.
7. Mandatory Standards. No land-disturbing activity subject to these provisions and requirements shall be undertaken except in accordance with the following mandatory requirements.
 - a. No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse, or adjacent property.
 - b. The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control devices or structures. Any exposed slopes shall be graded, planted or otherwise stabilized with ground cover, devices, or structures, sufficient to eliminate erosion as soon as possible.
8. Design and Performance Standards. Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a 25-year storm event. Runoff rates may be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for this area.
9. Permanent Downstream Protection of Stream Banks and Channels. Provision may be required for the permanent protection of on-site or adjacent stream banks and channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities.
10. Stormwater Control. A combination of storage and controlled release of storm water runoff shall be required for roadway and highway construction; commercial, industrial, educational, institutional, and

subdivision developments of one acre or more; for multi-family residential developments of five acres or more; and, for single-family developments of ten acres or more.

11. Post development release rates shall not exceed pre-development rates. Provisions shall be made to address 100-year storm events to ensure that detention facilities survive such events. Detention facilities shall be owned, operated and maintained by development entities and shall not be accepted for maintenance by the City of Robertsdale.
12. Detention storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the storm water release will not cause an increase in accelerated erosion or sedimentation of the receiving ditch, stream channel, or other drainage facility, taking into consideration any anticipated development of the watershed in question.
13. Borrow and Waste Areas. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained shall be considered a part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.
14. Access and Haul Roads. Temporary access and haul roads, other than public roads, constructed or used in connection with land-disturbing activity shall be considered a part of such activity.
15. Operations in Lakes or Natural Watercourses. Land-disturbing activity in connection with construction, in, on, over, or under a lake or natural water course shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided. Any project such as this shall be approved by the U.S.C.O.E. and any other local, state, or federal agency that may have jurisdiction over such activity.
16. Responsibility for Maintenance. The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after

site development is completed shall lie with the landowner, until such time adequate vegetative cover and site stabilization is achieved. Maintenance of these facilities lies with the landowner until assumed by other parties.

17. Standards for Erosion and Sediment Control Practices. Persons engaged in planning, designing, installing and maintaining sedimentation control measures may use generally accepted references on the subject following standard engineering and/or practices such as the Alabama Soil Conservation Service manual for standards and specifications for erosion control. All plans will be subject to review by the City.
18. Additional Measures. Whenever the City determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.

- C. Plan Requirement. Whenever the area to be disturbed comprises more than one acre, a copy of the plan shall be filed with the City a minimum of 30 days prior to beginning any land-disturbing activity. A copy of the plans shall also be on file at the job site. If the City determines, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan to be prepared. Pending the preparation of the revised plan, the work shall be either suspended or continued under conditions outlined by the City.

Erosion and sediment control plans shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe adequately the proposed development of the site and the measures planned to meet the Basic Control Objectives. Plan content may vary to meet the needs of specific site conditions.

15.3 STORM WATER MANAGEMENT

- A. General. Developments which produce an increase in the amount of storm water runoff will be required to construct storm water management facilities.

The design engineer shall submit, detailed engineering plans to the City including historical runoff, developed runoff, detention pond details, method of discharge, and other information as required for review. The developer shall also include the method of maintenance for the detention pond after the development is completed.

- B. Minimum Requirements for Storm Water Detention and Design Criteria

Among the consequences of growth and development, are two elements of great

relevance to storm water management. Increased runoff created by the change of the nature and properties of the surface of the ground and velocity of discharge of this increased runoff.

The natural condition of the land before development is in relative balance with the natural capacity of the receiving streams. The undeveloped conditions provide greater permeability and longer times of concentration. It is the intent of this section to alert the developers to possible harmful effects from any land development project on properties downstream and provide a guideline for evaluation and control of the elements related to stormwater, which affect the welfare and safety of City of Robertsdale citizens.

In order to provide some control of these possible harmful elements of development and to reduce economic losses due to erosion and flooding, the criteria of differential runoff and stormwater detention are hereby established. Post-development release rates shall NOT exceed pre-development rates, and the differential runoff should be less.

The terms of these design criteria shall become effective for all projects under direct jurisdiction of the City.

1. Jurisdiction. All projects which fall under the inspection, permitting, or plan review jurisdiction of the City, on items related to storm water management and site development.
2. Liability. The design criteria establish minimum elements of design, which must be implemented with good engineering and good workmanship. Use of the information contained herein for placement of any structure or use of land, shall not constitute a representation, guarantee, or warranty of any kind by City of Robertsdale, its offices or employees, of the practicability, adequacy or safety and shall not create liability upon or cause action against any such public body, office, or employee for any damage that may result pursuant thereto.
3. Engineer's Seal. All plans and specifications submitted for review and/or approval shall be prepared by, or under the direct supervision of a registered professional engineer, licensed in the State of Alabama, and shall meet the minimum standards and requirements of the City of Robertsdale, and other applicable authorities. Each of the plan, profile and special drawing sheets for a project shall bear a signature and legible stamp of the Professional Engineer in charge. It is imperative that the professional design engineer be qualified in the area of drainage per the State of Alabama Engineering laws.
4. Pre-design Conference. The developer and the consulting engineer are encouraged to contact the City for a pre-design conference at the

conceptual stage of the project. Such conference would be mutually beneficial to outline the complexity and scope of design, applicability of criteria and elimination of possible items of conflict during the review process. Subsequent conferences, during the preparation of plans may be arranged by the consulting engineer or the developer to obtain preliminary, informal decisions on items in need of clarification.

5. Letter of Transmittal. In order to facilitate review of plans, all projects shall be submitted with a letter of transmittal which shall include the name of the project, name and address of the owner or developer, name, address and telephone number of the engineer, and clarification as to the purpose of submittal.

Documents left in the office without a letter of transmittal will be returned to the owner or engineer (if proper identification can be made).

6. Differential Runoff. The difference in rate and volume of storm water runoff from a parcel or project in its undeveloped natural condition, and its developed condition is known as the Differential Runoff.
7. Developments Affected. Detention requirements are directly related to permitted land use of City of Robertsdale where it exists. The permitted densities and minimum lot areas are important factors in the anticipated runoff. Projects of small acreage may be required to provide detention if conditions in the receiving system are inadequate, or harmful effects can be anticipated if detention is not implemented.
8. Phasing and Platting. The effective acreage for a project is not limited to a fractional part of the total concept, rather if a project is developed in phases of small plats, the total acreage of the conceptual project will be considered.
9. Method of Evaluation. Differential runoff evaluation consists of determination of rates of runoff before and after development, determination of required volume of detention and verification of adequacy of discharge and control structures. Design should be based on a 25-year storm, a 24-hour event, or greater for industrial, commercial, and multi-family residential. This shall be based on sound engineering criteria and computations shall be submitted to the City for review.
10. Method of Detention. The following conditions and limitations should be observed in selection and use of method of detention.
11. General Location. Detention facilities shall be located within the parcel limits of the project under consideration. No detention or ponding will be

permitted within public road rights-of-way. Location of detention facilities immediately upstream or downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility and proof of ownership or right-of-use of the area proposed.

12. Common Ground Projects. It is preferred that detention facilities are always located in common ground. Projects developed under these procedures shall establish (in the recorded plat or other related document) maintenance and access easements for the detention facilities and include provisions for perpetual maintenance.
13. Ditch Stabilization. The entire reservoir area of the open channel shall be seeded, fertilized and mulched, sodded, paved, or lined prior to final plat approval by the City.
14. Hydraulic Elevations. The hydraulic elevations resulting from channel detention shall not adversely affect adjoining properties.
15. Permanent Lakes. Permanent lakes with fluctuating volume controls may be used as detention areas provided that the limits of maximum ponding elevations are no closer than thirty (30) feet horizontally from any building and less than two (2) feet below the lowest sill elevation of any building.
 - a. Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.
 - b. Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet.
 - c. Special consideration is suggested to safety and accessibility for small children in design of permanent lakes in residential areas.
 - d. Viability of the permanent impoundment shall be considered. An acceptable guideline is to make the area of the permanent pool no greater than one-tenth the size of the tributary drainage area. It is suggested that the minimum depth of twenty-five percent (25%) of the permanent pool area be no less than eight (8) feet. Allowances for silting under denuded soil conditions (during construction) for a period no less than one year is also recommended.
 - e. The entire fluctuating area of the permanent reservoir shall be

seeded, fertilized and mulched, sodded or paved prior to release of surety if required by the City. Any area susceptible to or designed as overflow by higher design intensity rainfall, as indicated previously, shall be sodded or paved.

16. Parking Lots. Detention is permitted in parking lots to maximum depth of 8 inches. In no case should the maximum limits of ponding be designed closer than ten (10) feet from a building unless water proofing of the building pedestrian accessibility is properly documented.
 - a. The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be one (1) foot.
17. Other Methods. Other methods of detention such as seepage pits, french drains, etc. are discouraged. If other methods are proposed, proper documentation of soils data, percolation, geological features, etc. will be needed for review and consideration. Infiltration controls (including grass-lined ditches) will be needed if the project runoff volume, for the set of 1 year, exceeds the pre-development runoff volume.
18. Verification of Adequacy. Analysis of all elements of design shall always be performed by the registered professional engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance with the aims of design:
 - a. Volume of retention for the total project
 - b. Tributary (Q) peak runoff to basin
 - c. Balanced maximum outflow rate from the low-flow structure
 - d. Ratios of inflow to outflow
 - e. Sizing of the overflow facilities
 - f. Stability of dikes
 - g. Safety features
 - h. Maintenance features

For projects up to 200 acres, routing calculations shall be submitted in legible tabulated form. Proof of adequacy of volume of retention and sizing computations for low-flow structures shall also be submitted. Features of stability and safety may also need to be documented if the scope of the project requires special attention in this area of design.

Projects over 200 acres in area shall provide documented verification of adequacy according to scope and complexity of design.

19. Control Structures. Detention facilities shall be provided with obvious and effective control structures. Plan view and sections of the structure with adequate detail shall be included in plans.

- a. Sizing the low-flow discharge shall be the surface overflow rate method to provide trapping of sediment less than ten inches in size, or 90% of the suspended sediment load. At least three feet of standing water is to be provided in all ponds to allow permanent trapping of sediment.
 - b. Low-flow pipes shall not be smaller than eight (8) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof retention where minimum size of opening shall be designed specifically for each condition.
 - c. The maximum overflow opening or emergency spillway shall be designed to accept the total peak runoff of the improved tributary area during the 100-year storm.
 - d. Proper engineering judgment shall be exercised in analysis of secondary routing of discharge of greater intensity than the basic design storm in order to avoid economic losses or damage downstream. Review with the maximum probable precipitation event is recommended.
 - e. When existing downstream pipe sizing, outside the developers control jurisdiction, is inadequate, an evaluation for undersizing of pipes may be undertaken by the City upon receipt of written request from the engineer specifying the run or runs desired to be undersized.
 - f. Requests for undersizing shall be accompanied by plans and profiles of the entire undersized system downstream if less than five hundred (500) feet in length or a minimum of five hundred (500) feet.
 - g. Require hydrograph routing evaluation of entire system (such as using HydroCad) before allowing downstream undersizing.
 - h. When hydraulic gradients of the proposed undersize system affect the performance or capacity of structures maintained by the City, no undersizing will be allowed.
- C. Easements. Two types of easements shall be provided in plans for detention facilities.
1. Maintenance Easement. All detention reservoirs with the exception of parking lot and roof detention shall be enclosed by a maintenance easement. The limits of the easement shall extend ten (10) feet beyond the

maximum anticipated ponding area.

2. Drainage Easement. A minimum fifteen (15) foot wide drainage easement shall be provided within the reservoir area connecting the tributary pipes and the discharge system along the best possible routing of a piping system for possible future elimination of detention.

D. Maintenance.

Detention facilities when mandatory, are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain close to full storage capacity.

The responsibility for maintenance of the detention facilities in subdivision projects, if such has been required, shall remain with the developer until such time as applicable escrows are released. Upon release of escrows the maintenance responsibility shall be vested in the Trustees of the subdivision, by virtue of the trust indenture. The indenture of trust shall clearly indicate resident responsibility for maintenance in cases of projects without common ground. These maintenance requirements do not imply that any drainage structures or systems are or will become the maintenance responsibility of City of Robertsdale. A letter from the owner/developer indicating responsibility for maintenance of all drainage structures or systems shall be submitted and will become part of the official record that will run with the land.

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ARTICLE XVI

**GUARANTEE OF COMPLETION OF IMPROVEMENTS
&
WARRANTEE ACTIONS ON INFRASTRUCTURE COMPLETION**

16.1 INSTALLATION OF REQUIRED IMPROVEMENTS.

The subdivider/developer shall be responsible for the provision of all required improvements to the subdivision/development. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to the Planning Commission, or by the provision of a financial guarantee of performance.

A. Provisional final approval can be given by the Planning Commission under extenuating circumstances, provided that a financial guarantee in the form of a surety bond shall be given in the amount equal to one hundred twenty-five (125) percent of the cost as estimated by an independent source of installing all improvements, including grading, paving of the streets, and installation of all required utilities, and fees encountered during execution of improvements. The surety bond will be made payable to the City of Robertsdale and will be held until all improvements are met per the specifications of the City. Once the development is satisfactorily constructed, the developer on said action will request the release of said bond through the Planning Commission, and the Planning Commission will then notify the City for said release.

B. Failure to Complete Work. If within twelve (12) months after filing said surety, the subdivider/developer has not completed all necessary improvements or if in the opinion of the City Planning Commission said improvements have not been satisfactorily installed, the bond shall be used by the City to complete the improvements in satisfactory fashion, or the City may take such steps as may be necessary to require performance under the bond.

16.2 INSPECTION AND CERTIFICATION OF IMPROVEMENTS.

The Public Works Director shall regularly supervise inspection for defects in the construction of the required improvements or assigns such work. The applicant shall pay to the City an inspection fee of \$20.00 per lot for the initial inspection. If additional inspections are required, additional fees shall be required in the amount of \$10.00 per lot and the Chairman of the Planning Commission shall not sign the subdivision plat until the applicant has paid all fees. These fees shall be due and payable upon demand by the City. If the Public Works Director finds upon inspection that any of the required improvements have not been constructed in accordance with the City's adopted construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever a surety covers the cost of improvements, the applicant and the surety company

shall be severally and jointly liable for completing the improvements according to specifications.

Upon completion of the improvements, the applicant shall file with the Planning Commission a statement stipulating the following:

1. That all required improvements are complete;
2. That these improvements are in compliance with the minimum standards specified by the Planning Commission and the City for their construction;
3. That the applicant knows of no defects from any cause in these improvements; and,
4. That these improvements are free and clear of any encumbrance or lien.

The applicant shall also file with the City an agreement dedicating all said improvements of the development.

Upon completion of these improvements, the Public Works Director shall file with the City Commission a statement either certifying that the improvements have been completed in the specified manner or listing the defects in these improvements.

If the Public Works Director has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the City may accept the dedication of these improvements. The City may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

16.3 REDUCTION OF GUARANTEE.

In those cases where an improvement guarantee has been made under subsection 16.1.A of these regulations, the amount of the surety may be reduced upon acceptance, in compliance with these regulations, of the dedication of a portion of the required improvements. A surety shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a surety be reduced below twenty-five percent (25%) of the principal amount.

16.4 RELEASE OF GUARANTEE.

Upon acceptance, in accordance with these regulations of the dedication of the final portion of improvements, the City Council shall authorize the release of the remaining portion of the improvement guarantee.

16.5 ACCEPTANCE OF IMPROVEMENTS.

Guarantee Against Faulty Material and Workmanship. The City only in accordance with one of the following requirements shall grant final approval of all improvements on said development:

- A. Said improvements shall have been completed and in place for a period of one year and shall, upon inspection following such period of time, be found to be free from defective workmanship or material and free from sink-holes or other settling.
- B. Following satisfactory completion of such work, the subdivider shall post with the City a guaranty bond in an amount equal to ten (10) percent of the improvement cost on said project for which acceptance is sought. Said bond will guarantee the City that the installation and workmanship is in acceptable condition for a period of one year. Said guaranty bond shall be effective for a period of one year. If at the end of the one year period the improvements is found to be defective or to be otherwise unacceptable because of faulty workmanship or material, said defects shall be repaired at the cost of the developer up to the amount of the guaranty bond, and upon the developer's failure or refusal to do so within 90 days after demand is made upon them by the City. Then the City shall make such repairs as are reasonably necessary, and recover the cost thereof.

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ARTICLE XVII

VARIANCES

17.1 **GENERAL.**

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Any application for a variance shall first be submitted to the Public Works Director for recommendation to the Planning Commission. The applicant shall submit an application for a variance in writing at the time when the Preliminary Plat is filed for the consideration of the Planning Commission. The application shall state fully the grounds for the variance and all of the facts relied upon by the applicant. The variance if approved by the Planning Commission shall become part of the official record of the Planning Commission and shall be noted on the Final Plat. The Planning Commission shall not approve a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
4. Owners of land who deed property to a descendent or next of kin shall be exempt from these regulations; however, descendants must comply with all regulations, if further land subdivision is undertaken by them.
5. The variance will not in any manner vary the provisions of other adopted policies and regulations of City of Robertsdale.

17.2 CONDITIONS.

In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards or requirements of these regulations.

The Planning Commission shall not grant any variance within the Flood Plain unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

Within other areas subject to flooding, variances shall only be issued upon a determination by the Planning Commission that the relief granted is the minimum necessary considering the flood hazard.

17.3 EXPERIMENTAL SUBDIVISIONS/DEVELOPMENTS.

The Planning Commission may waive, vary, or modify the standards and requirements of these regulations, if in its judgment; (1) an unusual or experimental subdivision/development might prove of considerable merit toward the use of unusual materials in constructing required improvements or (2) a new or untried design concept in the City of Robertsdale area which appears promising.

Special attention may be given to experimental subdivisions, which are related to low-cost housing design or energy conservation. The Planning Commission shall require the applicant to provide a written proposal stating the nature of the experiment and cost-benefit study following the implementation of it.

A. Conditions. In granting variances, modifications, and approval for experimental subdivisions/developments, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified, or approved. These may include, without being limited to: personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments.

17.4 SPECIAL REQUIREMENTS FOR NONRESIDENTIAL SUBDIVISIONS

A. General Procedural Requirements It is recognized that the applicant, in creating nonresidential subdivisions/developments, faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the applicant to follow the regular procedure outlined in Article XIV and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show but must include at least two parcels. Then, from time to time, as prospective buyers express interest in lots sized to their required specifications, and following informal discussions with the Planning Commission if the applicant

so requests, the applicant shall submit directly at a regular meeting of the Planning Commission an amendment to the preliminary plat for approval. Regular procedural requirements of the Planning Commission following receipt of a Final Plat shall then apply.

B. Other Special Requirements. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

1. Proposed nonresidential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
2. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to expressways, arterial, or collector streets in such a way that the number of intersections with such expressways, arterial, or collectors shall be minimized.
3. Street rights-of-way and pavement shall be adequate and in accordance with Section 14.9 to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at driveway intersections shall be at least 25 feet.
4. The applicant shall insure that the nonresidential subdivision as a whole may be self-sufficient with regard to providing necessary off-street parking. The applicant may make parking self-sufficiency a requirement of individual lots.
5. With respect to physical improvements, special requirements may be imposed by the Planning Commission with the advice of the Public Works Director within the nonresidential subdivision.
6. Every effort shall be made to protect adjacent residential areas from potential nuisances from nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential developments and provision for a permanently landscaped buffer strip when necessary.

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CERTIFICATION BY SURVEYOR

STATE OF ALABAMA

COUNTY OF BALDWIN

This is to certify that I, _____, Land Surveyor, have surveyed and subdivided the property shown or described hereon which is a correct representation of said survey and subdivision. All distances, bearing angles, radii, curves, and other dimensions thereof are true and correct to the accuracy required by the City of Robertsdale Planning Commission and that iron pins and monuments have been placed as shown hereon. I further certify that all regulations enacted by the City of Robertsdale Planning Commission relative to plats and subdivisions have been complied with in the preparation of this plat.

Given under my hand and seal at _____, Alabama, this _____ day of _____, 20__.

Surveyor

DEDICATION

I/We (Land Owner or Developer, address), as proprietor(s), have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (Subdivision Name), a part of (Section Call Out). City of Robertsedale, Baldwin County, Alabama, and that the (streets, drives, alleys, etc.) as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:

Witness

Property Owner

Witness

Property Owner

In any case that the developer and the land owner are not one and the same, two or more Dedication Certificates may appear on the plat in order for the owner's signature to be fixed to said Plat, in which case the following notary's acknowledgement must appear for each Dedication Certificate.

ACKNOWLEDGEMENT

STATE OF ALABAMA

COUNTY OF BALDWIN

I, _____, a Notary Public in and for said County in said State, hereby certify that (individual's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this _____ day of _____, 20__.

Notary Public

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, as Principal and the undersigned Surety, are held and firmly bound unto Robertsdale, Alabama, hereafter call City, in the full sum of _____ DOLLARS (\$ _____) for payment which, well and truly to be made, we and each of us, bind ourselves jointly and severally, by these presents.

Dated this _____ day of _____, A.D. 20_____.

The conditions of this obligation are such that,

WHEREAS, PRINCIPAL HAS submitted to the Planning Commission a Preliminary Plat for subdivision of a tract of land described as follows:

AND, WHEREAS, PRINCIPAL has, pursuant to the Subdivision Regulations of the City of Robertsdale, Alabama, elected to file this bond in lieu of actual completion of improvements and utilities in the above subdivision.

NOW, THEREFORE, if the PRINCIPAL shall, within one (1) year from the date of approval of the final plat of the subdivision, faithfully install complete improvements and utilities in the subdivision accord.

Signed and sealed in the presence of:

Witness

Property Owner

CERTIFICATION BY BALDWIN COUNTY
DEPARTMENT OF PUBLIC HEALTH

STATE OF ALABAMA

COUNTY OF BALDWIN

I, _____, do hereby certify that the plans and specifications of the required improvements covering a sanitary sewerage system and/or sewer lines and domestic water supply system and/or distribution lines have been examined by me and found to comply with the requirements set forth in the regulations of the Alabama State Health Department; and are hereby APPROVED as shown.

Dated this _____ day of _____, 20____.

County Health Officer or his
Authorized Representative

CERTIFICATION OF THE APPROVAL
OF STREET AND UTILITIES

STATE OF ALABAMA

COUNTY OF BALDWIN

I hereby certify: (1) that streets, utilities, and other improvements have been installed in an acceptable manner according to City specifications in the subdivision entitled _____, or (2) that a security bond in the amount of \$ _____ has been posted with the Planning Commission to assure completion of all required improvements in case of default.

Dated this _____ day of _____, 20__.

City Street Superintendent
or Other Approving Agents

CERTIFICATION OF THE APPROVAL
OF WATER AND SEWERAGE SYSTEMS

STATE OF ALABAMA

COUNTY OF BALDWIN

I hereby certify that the water supply and sewage disposal utility systems installed or proposed for installation in the subdivision plat entitled _____ fully meet the requirements of the Alabama State Health Department, and are hereby approved as shown.

Dated this _____ day of _____, 20____.

City Health Officer or his
Authorized Representative

CERTIFICATION OF THE APPROVAL
BY THE PLANNING COMMISSION

STATE OF ALABAMA

COUNTY OF BALDWIN

The within plat of (Subdivision Name), Baldwin County, Alabama is hereby approved by the Planning Commission of the City of Robertsdale, this__ day of _____, 20__.

IN WITNESS WHEREOF, the Robertsdale City Planning Commission has caused this certificate to be issued and executed by its Chairman on this_____ day of _____, 20__.

ROBERTSDALE CITY PLANNING COMMISSION

By:_____ Chairman

OFFICE OF THE JUDGE OF PROBATE

STATE OF ALABAMA

COUNTY OF BALDWIN

I hereby certify that this Plat or Map was filed in this office for record this ____ day of _____, 20____. at _____ o'clock, and recorded in Book _____ of Plats and Maps, Page _____.

Judge of Probate

AMENDMENTS	DESCRIPTION	ORDINANCE NO.	DATE
#1	Subdivision App. Fee Change	PC Action	10-28-2002
#2	#6 Added to Section 14.2 B	PC Action	09-22-2003
#3	Table of Permitted Uses pg 60 & 66 Table of Area and Dimensional Requirements Section 11 - Parking Requirements	Ord. No. 03-09	11-17-2003
#4	Billboard Standards	Ord. No. 05-07	02-19-2007
#5	Section 10.2 A Accessory Uses	Ord. No. 001-12	01/03/2012
#6	Community Standards	Ord. No. 001-14	03/03/2014
#7	Directional Signs	Ord. No. 003-14	03/17/2014
#8	Added Section 14.13 & 14.14 Revised Table of Area & Dimensional Requirements Revised Section 11.1 Signs C-8-f	Ord. No. 002-15	08/03/2015