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 Robertsdale 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.