



Town of Dauphin Island Alabama

est. 1847

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PREPARED BY

Dauphin Island
Planning Commission
&
Town Council

ADOPTED BY

Dauphin Island
Town Council

ORDINANCE NO.

105

ADOPTION DATE

November 7, 2023

AMENDED

January 10, 2024

ZONING ORDINANCE

DAUPHIN ISLAND, ALABAMA



Created in Partnership With





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ACKNOWLEDGEMENTS

2023 Dauphin Island Mayor & Town Council

Mayor

Honorable Jeff Collier

Place 1

Honorable Gene Fox

Place 2

Honorable Trey Alderman

Place 3

Honorable Earle Connell

Place 4

Honorable Rich Colberg

Place 5

Honorable Clinton Collier

2023 Dauphin Island Planning Commission

Honorable Jeff Collier ~ Mayor

Carolyn Wood ~ Chair

Neil Sass ~ Vice Chair

Honorable Earle Connell ~ Town Council Representative

Wanda Sandagger ~ Secretary & Town Administrative Official

Pat Edwards

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ZONING ORDINANCE

TOWN OF DAUPHIN ISLAND, ALABAMA

PREAMBLE

ORDINANCE NO. 105

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE TOWN OF DAUPHIN ISLAND, ALABAMA; PROVIDING FOR DEFINITIONS, FOR DISTRICTS, A ZONING MAP FOR USE AND LOCATION OF LAND AND BUILDING FOR RESIDENCE, TRADE, INDUSTRY OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE SIZE OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, THE SIZE AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; PROVIDING FOR ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING AREA AND EXCEPTION SUPPLEMENTS; PROVIDING FOR OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR SIGN REGULATIONS; PROVIDING FOR LANDSCAPING AND REGULATION OF FENCES; PROVIDING FOR NONCONFORMING USES AND BUILDINGS; PROVIDING FOR PROPER LAND DEVELOPMENT TO PROTECT AND SUSTAIN ECONOMIC, SOCIAL, AND ENVIRONMENTAL CONDITIONS; PROVIDING BUFFER REQUIREMENTS FOR WETLANDS, WATERBODIES, AND OTHER NATURAL RESOURCES TO ENSURE WATER QUALITY, FLOOD PREVENTION, AND RESILENCY, PROVIDING FOR ADMINISTRATION, AND ENFORCEMENT.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAUPHIN ISLAND, ALABAMA, WHILE IN REGULAR SESSION AT THE TOWN HALL OF DAUPHIN ISLAND ON November 7, 2023 AS FOLLOWS:

ARTICLE 1

Title, Purpose & Legal Status

§ 1.1	AUTHORITY & ENACTMENT
§ 1.2	SHORT TITLE & JURISDICTION
§ 1.3	PURPOSE & INTENT
§ 1.4	SEVERABILITY & VALIDITY
§ 1.5	INTERPRETATION & LEGAL STATUS
§ 1.6	RELATIONSHIP TO OTHER LAWS
§ 1.7	OFFICIAL PLANS & MAPS
§ 1.8	CONTENTS OF ORDINANCE
§ 1.9	EFFECTIVE DATE



SECTION 1.1 **AUTHORITY & ENACTMENT**

The Town Council of the Town of Dauphin Island, Alabama in pursuance of the authority granted by Code of Alabama 1975, as amended, Title 11, Chapter 52, hereby ordains and enacts into law the following Sections.

SECTION 1.2 **SHORT TITLE & JURISDICTION**

This Ordinance shall be known as and may be cited as “Zoning Ordinance of the Town of Dauphin Island, Alabama”. The area subject to this Ordinance shall be that incorporated portion of Dauphin Island under the jurisdiction of the Mayor and Town Council. The rules and regulations herein set forth are hereby adopted in accordance with Title 11, Subtitle 2, Chapter 52, Articles 1 through 4, Code of Alabama 1975, as amended and supplemented by all applicable laws.

SECTION 1.3 **PURPOSE & INTENT**

Code of Alabama 1975, Section 11-52-70, authorizes municipalities to establish zoning districts and to provide for the “kind, character and use of structures and improvements that may be erected or made” in each of these districts.

The purpose of a municipal zoning ordinance is to divide a municipality into districts or zones according to suitability for particular uses and to regulate the erection, construction, reconstruction, alteration, repair or use of buildings, structures and land according to such districts. The goal is to lessen congestion in the streets; to provide safety from fire; to provide adequate light and air; to prevent overcrowding of land; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements; protect, preserve, and minimize disturbance and prevent damage to natural resources; and to protect the value of personal property and buildings on Dauphin Island. These goals are achieved by ensuring proper development occurs, beginning with site plan review for each application for development on Dauphin Island. The Planning Commission is the review body that oversees applications and site plans to ensure the proposed development conforms to the requirements of the currently adopted zoning ordinance. They bear the major responsibility of the preparation, adoption, and maintenance of the Town’s Comprehensive Master Plan. They are the essential advisory body to

the Town Council in relation to development issues, and to the implementation of the Comprehensive Plan through the administration of the zoning ordinance and subdivision regulations. The zoning regulations and districts as set forth are made in accordance with the Town of Dauphin Island's Comprehensive Master Plan for the purposes of guiding development to meet existing and future needs. The Plan encompasses all facets of municipal development, which are considered guidelines to be used in directing proper growth of a municipality, and zoning ordinances should be drafted to further the main objectives. As required by Section 11-52-72 of the Code, zoning regulations must be consistent with a comprehensive master plan to achieve the following:

- Achieve the highest quality of life on Dauphin Island, consistent with sound land development, economic, social, and environmental conditions;
- Provide for guiding and accomplishing coordinated, adjusted and harmonious development of that portion of the barrier island under the jurisdiction of the Town of Dauphin Island;
- Protect, promote and improve public health, safety, comfort, order, appearance, convenience and the general welfare of present and future inhabitants of and visitors to Dauphin Island;
- Recognize the unique and distinguishing characteristics of Dauphin Island as a barrier island buffer, protecting mainland areas of Mobile County from the hazardous and damaging effects of hurricanes and storm surges;
- Divide the town into districts of such number, shape and size as may be deemed by the Town Council to be best suited to carry out the purpose of this Ordinance;
- Regulate, determine and establish within these districts:
 1. Use of land and buildings for residential, commerce, trade, and other purposes;
 2. Height, number of stories, size, bulk, location, construction, repair, reconstruction and alterations of buildings;
 3. Size of yards, courts, and other open spaces;
 4. Density of population;
 5. Conditions under which various classes of nonconforming use of land and buildings may continue, and reasonable schedule for altering or eliminating nonconforming uses of land or buildings;
 6. Minimum floor area of structures, and types and sizes of structures in all areas, particularly those areas subject to seasonal or periodic floods, so that danger to life and property in such areas will be minimized; and,
- All regulations shall be uniform throughout each zoning district, but the regulations in one district may differ from those in other districts. To the end that incompatible uses are minimized or eliminated, uses permitted in one district may be prohibited in other districts.
- Regulations and district boundaries shall be made with reasonable consideration of the character of the districts and their special suitability for particular uses, with a view to conserving property values and encouraging the most appropriate use of land;

- The interpretation and application of the provisions of this Ordinance shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 1.4 SEVERABILITY & VALIDITY

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

SECTION 1.5 INTERPRETATION & LEGAL STATUS

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

SECTION 1.6 RELATIONSHIP TO OTHER LAWS

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

SECTION 1.7 OFFICIAL PLANS & MAPS

This Ordinance shall be implemented in support of the Future Land Use Map from the Town of Dauphin Island's Comprehensive Master Plan. The Future Land Use Map contained in the Plan serves as a guide for the future development of Dauphin Island. To the extent practical, it shall be followed in the administration of this Ordinance.

The zoning map shall be officially titled, "Zoning Districts Map", and is hereby adopted and made a part of this Ordinance. A copy of this Ordinance and map shall be filed at Dauphin Island Town Hall and in the office of the Probate Court of Mobile County, Alabama and shall show thereon the date of adoption of this Ordinance and zoning map.

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the Official Zoning Districts Map, changes shall be made on the map promptly after the amendment has been approved by the Town Council of Dauphin Island. Unauthorized alterations of the official zoning map shall be considered a violation of this

Ordinance and subject to penalties as prescribed under *Article 11: Violations, Remedies, and Penalties*. The Town Clerk shall maintain a file or registry of properties rezoned and variances granted under the authority of this Ordinance together with all pertinent requirements and/or conditions thereto.

SECTION 1.8 CONTENTS OF ORDINANCE

This Zoning Ordinance consists of two elements; the text and the zoning map. The text sets forth the requirements and procedures, and describes the zoning districts and the uses permitted within them. The zoning map shows the geographical location of the zoning districts. The text has no validity without the map, and vice versa. The following general items are included in this Ordinance:

- **Preamble-** The statement that relates this Ordinance to the delegated police power of the town.
- **Definitions-** Words and phrases contained in this Ordinance are specifically defined as they apply to the town to ensure all terms within are interpreted clearly and all potentially ambiguous terms are clearly defined.
- **Zoning Districts & Zoning Map-** This Ordinance provides a detailed list of each zoning district and the description and intended purpose of each. The zoning map shows the geographic location of each zoning district within the town's corporate limits. An attested copy of the official adopted zoning map is located and made available at Dauphin Island Town Hall.
- **Permitted Uses-** Each zoning district provides a list of general use categories that are permitted in each district, either by *Right*, with *Planning Commission Approval*, or by *Special Exception*. Each use category provides common examples of uses that are needed and appropriate for each zoning district.
- **Dimensional Requirements-** These are provisions required to properly manage the intensity of each use or the development of a piece of property to ensure overdevelopment or improper development does not occur, while ensuring stormwater management does occur and properties are protected. These provisions include:
 - Density of developments, expressed in dwelling units per acre;
 - Floor area ratios;
 - Setbacks from property lines;
 - Limitations on heights of structures;
 - Limitations on the percentage of the lot that can be covered with hard surface.
- **General Provisions-** These are regulations which are to be considered the minimum requirements that apply to all zoning districts in order to provide for the health, safety, and general welfare of the public as well as the island itself.
- **Special Provisions-** Regulations that apply to activities and uses that are specific to the town or a situation that require additional or particular standards.
- **Parking, Lighting, Landscaping & Signs-** Regulations that require the minimum amount to ensure proper development is achieved.
- **Resource Protection-** Additional construction standards required to avoid and minimize

the adverse impacts of development in environmentally sensitive areas. These standards are applied to such natural features including but not limited to dunes, wetlands, shorelines, waterbodies, and floodplains to ensure their natural functions are preserved and not damaged or destroyed by improper development.

- **Administration & Enforcement-** This part of the Ordinance defines the bodies responsible for the administration, review, and enforcement of this Ordinance. It describes the functions and responsibilities of the different review bodies and town administration, the procedures which are to be followed in reviewing development applications and plans, the process by which to amend the Ordinance, and the penalties for violating this Ordinance.

SECTION 1.9 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its adoption by the Dauphin Island Town Council, and upon such date, all previous zoning ordinances and maps, with all subsequent amendments thereto, are hereby repealed and replaced as of the effective date of this Ordinance.

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ARTICLE 2

Definition of Terms



§ 2.1	WORD INTERPRETATION
§ 2.2	WORDS AND TERMS DEFINED

SECTION 2.1 WORD INTERPRETATION

Except as otherwise provided herein, all words shall have the customary dictionary meaning. If a term used in this Ordinance is not defined in this article, the Planning Commission shall have the authority to provide a definition based upon the definitions used in accepted sources including, but not limited to, the most recent editions of *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions*, published by the American Planning Association (APA).

- The word “person” includes a firm, corporation, association, organization, trust or partnership.
- The word “lot” includes “plot” or “parcel”.
- The word “used” or occupied” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- The word “map” means the “Official Zoning Districts Map of the Town of Dauphin Island, Alabama”.
- The word “building” includes “structure”.
- The words “shall”, “will”, and “must” are always mandatory.
- The words “may” and “should” are permissive in nature.
- 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.

SECTION 2.2 WORDS AND TERMS DEFINED

As used in this Ordinance, the following words and terms shall have the meaning defined:

100-Year-Flood (or Storm). A 100-year flood or storm is an event with significantly damaging floods that has a 1% chance of occurring in any given year. It does not mean that once a storm of that magnitude has occurred, it will not happen again for another 100 years. Over the life of a 30-year mortgage, there is a 26% chance that a property will experience a 100-year flood or storm.

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

Accessory Building and/or Structure, Attached. A building and/or structure attached to a

principal building located on the same lot by either a common wall or roofed structure, and incidental and subordinate to the principal building or use, such as a carport or garage apartment.

Accessory Building and/or Structure, Detached. A building and/or structure detached from a principal building located on the same lot and incidental and subordinate to the principal building or use.

Accessory Dwelling Unit (ADU). A second dwelling unit that is either contained within the structure of a single-family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guesthouses. For the purposes of this Ordinance, Recreational Vehicles (RV's) shall not be considered an ADU.

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

Accidental Event. A sudden, unintended and unexpected occurrence that results in damage or loss of property.

Accretion. The creation of land by the gradual accumulation or deposition of solid material by wind or water.

Acre. A measure of land containing 43,560 square feet. See *Gross Acre*.

Act of God. A sudden and inevitable occurrence caused by natural forces and not by the agency of man, such as a hurricane, flood, earthquake or a similar catastrophe.

Active Recreational Use. Activities that involve active forms of exercise or leisure-time interests which are more suited for commercial zoning districts due to the intensity of their use, that could disturb and alter the character of the residential neighborhood. They are uses and features that have a commercial component and create increased traffic such as, golf courses, campgrounds, and RV Parks.

Addition. Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be

considered “new construction.”

ADEM. The Alabama Department of Environmental Management.

Adjacent Property. A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administrative Appeal. A means of obtaining a review by the Board of Adjustment when an applicant declares that an official of the Town has made an error in an interpretation or decision made, or has failed to take action, with respect to the Zoning Ordinance.

Administrative Official. A designated government official identified as a specific official, such as the town clerk, building official, court, police chief, etc.

Administrative Subdivision. See *Exempt Subdivision*.

Adult Day Care. A for-profit program operated in a state-licensed facility with limited hours that provides group care and supervision to adults 18 years of age or older who may be physically or mentally disabled.

Adverse Impact. A significant negative impact to land, water, associated resources and/or public facilities resulting from development. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife, flora and fauna, and other resources; inadequate capacity for traffic, potable water, wastewater, police, fire, and emergency medical services and threaten public health.

Affected Party. The owner of land adjacent to the land subject to a development; a person or organization who reasonably believes their property will be directly and materially affected by a proposed development or any officer or agent of the town.

Aggrieved Party. A person who has a legal reason to file an appeal because they have suffered or will suffer harm or adverse impact caused by a decision or action by the town in administering this Ordinance, and including any officer or agent of the town.

Air B&B. See *Short Term Rental*.

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

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

Allowable Stress Design (ASD). Permissible allowable stress design is a design philosophy used by civil engineers. The designer ensures that the stresses developed in a structure due to service loads do not exceed the elastic limit.

Aloe Bay Overlay District (ABOD). An overlay district to the Working Waterfront zoning district that requires additional use criteria and design guidelines in efforts to create a “Town Center” along with a mixed-use district with public facilities to enhance economic, tourism, and resident opportunities for the Town of Dauphin Island.

Alter. To change an existing structure for purposes other than to enhance its integrity or value.

Alteration and/or 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.

Amendment. See *Zoning Amendment*.

Animal Care Uses. A use category that is characterized by use types related to the provision of medical services, general care and boarding services for domestic animals. Example use types include animal shelters, animal grooming, kennels (outdoor and indoor) and veterinary clinics (with and without boarding).

Animal Shelter. A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

Antenna Support Structure. See *Wireless Tele-Communications Tower Definitions and Related Terms*.

Antique Vehicle. Any vehicle that was manufactured over thirty (30) years from the present date. Also see *Project Vehicle*.

Appeal. See *Administrative Appeal*.

Applicant. The owner of land, or the authorized representative of the landowner, applying for a development license or permit.

Application. The completed form or forms and all accompanying documents, exhibits and fees required of an applicant by the appropriate town department, board or commission as part of the review for a development permit or approval reviewed under this Ordinance.

Application Review Committee (ARC). The review committee created to oversee the

application and permit process for construction applications in the Dune Protection Overlay District (DPOD) and other development applications. This committee consists of Town of Dauphin Island Building Official, Town of Dauphin Island Engineer & Town of Dauphin Island Coastal Engineer (per the discretion of Town Building Official), and members of Town of Dauphin Island Planning Commission.

Aquaculture and/or Mariculture. The propagation, rearing and harvesting of aquatic organisms in controlled or selected water environments, and the subsequent processing, packing, and marketing.

Aquifer. A geologic formation, group of formations or part of a formation capable of storing and yielding ground water to wells or springs, lakes and wetlands.

Architect. Any registered Architect duly licensed by the State of Alabama offering or performing any service, work, act or thing within the scope of the practice of architecture.

Arena, Stadium and/or Amphitheatre. A building or structure area designed or intended for use for spectator sports, entertainment events, expositions, performing arts and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities and maintenance areas.

Arterial Street. See *Street, Arterial*.

Assembly, Places of. Land or buildings arranged for public assembly for community or religious purposes such as but not limited to, community centers, churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating and other integrally related activities.

Athletic Field. Outdoor areas designed for athletic competitions and training for field sports such as soccer, baseball, football and similar sports requiring outdoor fields. Associated accessory uses may include clubhouses, shelters, bleachers, restrooms, concessions, parking, equipment storage, irrigation system and athletic equipment.

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.

Auditorium and/or Theatre. A building or structure designed or intended for lectures, speeches, dramas, musical performances, or other live presentations or performances, all occurring inside a structure typically limited to a capacity of 500 or fewer seats.

Authorized Agent. An individual, firm, or corporation who is empowered, appointed or named by the property owner to represent said owner of property in the development process.

Automotive Repair Garages. Buildings and premises where oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), and where in addition, the following services may be rendered and sales made, and no other:

- Sale and service of spark plugs, batteries, and distributors and distributor parts;
- Tire servicing and repair, but not recapping or re-grooving;
- Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- Radiator cleaning and flushing;
- Washing and polishing, and sale of automotive washing and polishing materials;
- Greasing and lubrication;
- Fueling;
- Providing and repairing fuel pumps, oil pumps, and lines;
- Minor servicing and repair of carburetors;
- Emergency wiring repairs;
- Adjusting and repairing brakes;
- Mechanical repair and motor adjustments;
- Provision of road maps and other informational material to customers; and
- Provision of restroom facilities.

Uses permissible at an automotive garage establishment do not include body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes or smoke.

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

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

Base Flood Elevation (BFE). The expected height of water during a flood that has a 1% chance of occurring in any given year. The BFE is identified in the Special Flood Hazard Area (SFHA) and varies between flood zones. It is expressed on a flood map as a number of feet. The BFE is used to determine the risk of flooding for each structure in the SFHA by comparing the BFE to the elevation of the lowest floor of the structure. If the structure is elevated above the BFE, it has a low risk of flooding and will receive lower flood insurance rates. If the structure is below the BFE, the risk of flooding for that structure is high and flood insurance rates will be accordingly high. The further the structure is below the BFE, the higher its rates will be.

Beach. A sandy shoreline area characterized by low relief, generally of gentle slope and some vegetation. The beach extends from the waterline to a change in physiographic form such as a dune or bluff, a change in sediment type, such as clay from sand, and/or a change in vegetation

type. For the purposes of this Ordinance, it is the area which extends from the mean high-water line of the Gulf of Mexico, Mobile Bay and other adjacent bays, landward 1,000 feet and seaward 2,500 feet, respectively. Gulf beaches are those sand beaches of the mainland and islands in Alabama which are subject to the direct wave action of the Gulf of Mexico. Also see Engineered Beach.

Beach Fence. Decorative fencing consisting of wired slats. Commonly used for visual effect rather than structural, although it may catch and hold beach sands.

Beach Shelter. An accessory structure, temporary or permanent, consisting of one or more columns and a roof and not including walls or permanent facilities of any type. Placement of a beach shelter shall be subject to the regulations of the appropriate federal and/or state regulatory agency.

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

Bedroom/Occupancy. A room designated for the sleeping of occupants. Every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof. Additional bedroom requirements are identified in the International Building Maintenance Code as adopted.

Berm. An elongated earthen mound typically designed and/or constructed on a site for the purposes of separation, border, barrier, screening or buffering adjacent uses. A level space, shelf or raised barrier (usually made of compacted soil or deposited sand) separating two areas. They are man-made or made of materials that may have been dunes that were disrupted and are intended to defend those areas once protected by the original dunes. To the extent possible, they consist of the same materials contained in natural dunes.

Best Management Practices (BMPs). Methods that have been determined to be the most effective and practical means of preventing or reducing non-point source pollution to help achieve water quality goals. Structural or non-structural design, measures, practices, techniques or devices employed to avoid or minimize sand, soil, sediment, or pollutants from being carried in runoff to waters of the town or state.

Bienville Boulevard South Overlay District (BSOD). This Overlay District is intended to provide relief and flexibility for base zoning setback requirements for specific lots that are impacted by the constant shifting terrain of the island. The overlay allowances only apply to the northernmost lot line on through lots located at the west end of the Island, south of Bienville Boulevard and north of the Gulf of Mexico.

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

Board of Adjustment. An appellate board appointed by Council, per Code of Alabama, Section 11-52-80, consisting of five (5) members and two (2) supernumerary members, each of which serves a three (3) year term. The Board hears and acts on matters and grievances pertaining to the Zoning Ordinance exclusively and has the power to waive and/or modify the zoning regulations in those situations where a literal interpretation and enforcement of them would render the property useless. The Board is responsible for hearing and ruling on three different actions pertaining to zoning only, which are: (1) administrative appeals; (2) special exception uses; and (3) variances. Also referred to as the Board of Zoning Adjustment (BZA).

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

Boardwalk. A ground-level or elevated public pedestrian walkway constructed along a public street or waterfront providing public access. Also see Dune Walkover.

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

Boat and Marine Sales and/or Rental. Premises on which new or used boats, marine engines or marine equipment are displayed for sale, lease or rental.

Boat Dock. See *Pier*.

Boat Docking Facility. A fixed or floating structure, including moorings, used for berthing buoyant vessels on a commercial basis.

Boat Dry Storage. An enclosed or partially enclosed structure erected on land and designed for the use and storage of private watercraft and marine equipment.

Boat Fueling Station. A use involving the dockside sale and dispensing of marine fuel to boats.

Boat House. An enclosed or partially enclosed structure constructed wholly or partially over water that is designed to provide shelter for boats or other watercraft and marine-related equipment. Boathouses are generally attached to or closely associated with a pier.

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

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

Boat Repair. Major overhauling or repair of small craft and pleasure boats that requires open

air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

Boat Slip. A space designed for the mooring of a single watercraft.

Boatyard. A yard where boats are built, repaired, and stored and often sold or rented. Often located in a marina.

Boundary Survey. A process carried out to determine property lines and define true property corners of a parcel of land described in a deed. It also indicates the extent of any easements or encroachments and may show the limitations imposed on the property by state or local regulations. It includes locating, describing, monumenting, and mapping the boundaries and corners of a parcel of land. It may also include mapping of the topography of the parcel, and the location of buildings or other improvements upon the parcel.

Buffer, Riparian. See *Riparian Buffer*.

Buffer Strip and/or Zone. An area of land along the perimeter of a development site that contains any combination of vegetative materials, landscaping, open space, berms, fences and walls, and provides the physical separation and screening of one use or dissimilar development from another so as to visually shield or minimize potential adverse impacts and nuisances between adjacent properties.

Buildable Area. The area of a lot available for building upon after the minimum required yard space standards of the zoning district have been met.

Buildable Lot. Any lot upon which construction of a structure is permissible by all State, Federal, and local codes and regulations.

Building. Any roofed and walled structure attached to the ground and intended for permanent or semi-permanent use as a shelter, housing or enclosure for persons, animals or chattels.

Building Area. That portion of a lot that is occupied by the main or principal building and any covered or uncovered porches, decks, and/or any other type of structure permitted by this Ordinance. The building area on one lot may differ depending on the type of structure or building (e.g., accessory structures may be allowed in areas a principal structure is not allowed). The building area shall not include areas on which no structure or building can be built or located, such as the required yards and areas designated for storm water retention/detention, open ditches, and other such areas.

Building Code. The International Building Code, as adopted and modified by the Town of Dauphin Island. Buildings and Building Regulations, of the Code of Ordinances.

Building Coverage. The percent of total lot area covered by buildings and structures but

excluding roof overhangs, unenclosed balconies and walkways, and other allowable yard encroachments and/or projections.

Building Façade. See *Façade*.

Building Footprint. The perimeter of the area occupied by all of the structures on a single lot including any roof overhangs, decks, stairways or other permanent attachments.

Building Frontage. The side of a building that faces and is substantially parallel to a street. For the purpose of determining maximum sign area for a wall or projecting sign for one of multiple establishments within a building, building frontage applies to that portion of the side of the building's street-facing side that is devoted to the particular establishment.

Building Height. The vertical distance measured from the average existing grade to the highest point of the structure. Mechanical equipment, chimneys, air conditioners, church spires/steeple, and other similar structures that are appurtenant to a building are not exempt from height restrictions. *Comment:* Stand-alone Cellular towers and Town-owned water towers are exempt from height restrictions.

Building Inspector and/or Official. The individual designated by the appointing authority to enforce the provisions of the building code.

Building Line. Also known as the setback line, it is the line that defines the boundary of lot where construction can occur, which is the buildable area of a lot (see definition). This line is important because no vehicle, trailer, vessel, RV, etc. can be stored in the yard area between the street and building line. All of the above must be stored behind the building line.

Building Permit. An official document or certification that is issued by the Building Official pursuant to the current adopted Building Code and other required Ordinance standards, authorizing the construction, erection, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, demolition, moving or repair of a building or structure as being in compliance with Building Code and all other applicable standards.

Building, Principal and/or Primary. See *Principal and/or Primary Building*.

Bulk. Height and percentage of land coverage of a building and/or structure.

Bulkhead. An upright structure or partition built parallel or nearly parallel to the shoreline, primarily to retain or prevent land from sliding and secondarily, to protect uplands from erosion and damage from wave action.

Business License. A legal document that grants you the right to operate a business in the Town of Dauphin Island. Depending on your business, there are other licenses that may also be required.

Caliper. See *Tree Definitions and Related Terms*.

Campground. An outdoor lodging facility designed for overnight accommodation of persons in tents, rustic cabins, recreational vehicles, shelters, and similar structures for the purpose of recreation, education, naturalist or vacation. May be accompanied with appropriate facilities which accommodate the guests such as office, bath houses, retail, and other commercial uses commonly established in conjunction with such facilities.

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

Camouflage. The design of a tower or telecommunications facility to minimize a visual impact and to blend into the surrounding environment. The term "Camouflage" does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole tower designs.

Canopy, Building. 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.

Canopy, Forest. See *Tree Canopy*.

Cargo Container. See *Shipping Container*.

Carport. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

Cell Tower. See *Tele-Communications Tower*.

Cemetery. Land used or intended to be used for the burial of the human and/or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of Occupancy (CO). 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.

Certified Engineer. See *Professional Engineer P.E.*

Change of Occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use or activity and the establishment of a different use or activity, as well as a change of tenants and/or proprietors.

Change of Tenants/Proprietor. Change of tenants or proprietors at a licensed business address.

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

Charter Service. A personal service for hire that provides accommodations for transportation and/or leisure services such as vehicle, vessel, aircraft, or other forms of transportation for private use. Also see *Fishing Charter*.

Chattel. An item of property other than real estate.

Chickens. See *Poultry*.

Child Day Care Facility. A facility that provides shelter and personal care for any part of a 24-hour day to six or more children under 12 years of age who are not related to the operator(s) of the facility. This includes day nurseries, day care centers, and other facilities that fall within the scope of this definition.

Church. See *Place of Worship*.

Circumference. See *Tree Definitions and Related Terms*.

Clear Cutting. The indiscriminate removal of trees, shrubs and underlying vegetation/undergrowth with the intention of preparing real property for nonagricultural development purposes.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who need medical or surgical attention, but who are not provided with board.

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

Club, Clubhouse and/or Lodge. 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.

Co-location. See *Wireless Tele-Communications Tower Definitions and Related Terms*.

Coastal Use Permit. The permit obtained to perform any land disturbance, tree removal, new

construction and/or alterations in the 'Dune Protection Overlay District' of Dauphin Island, Alabama.

Code Enforcement. Code Enforcement is the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs.

Code Enforcement Officer. A Code Enforcement Officer is a sworn or non-sworn inspector, officer or investigator, employed by the Town of Dauphin Island, who possesses specialized training in, and whose primary duties are the prevention, detection, investigation and enforcement of violations of laws regulating public nuisance, public health, safety and welfare, public works, business activities and consumer protection, building standards, land-use or municipal affairs.

Cold Storage Facility. A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

Collector. See *Street, Collector*.

Columbarium. A place for the respectful and usually public storage of cinerary urns (those holding a deceased's cremated remains).

Commercial Fishing Charter. See *Fishing Charter*.

Commercial Lodging Use. A public facility offering transient lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, recreational facilities, and the like.

Commercial Parking Deck and/or Garage. A structure designed to accommodate vehicular, vessel and trailer parking spaces that are fully or partially enclosed or located on the deck surface of a building. Where the parking facility is the primary use of the property, not the accessory use.

Commercial Parking Lot. The use of a lot for the temporary or long-term parking of motor vehicles, boats and trailers as a principal use (rather than as accessory to any principal use on the lot), which contains parking spaces that may or may not be enclosed.

Commercial Vehicle. Any type of motor vehicle, vessel, trailer, and the like, whether self-propelled or towed, that is used for transporting goods, property, or passengers for compensation; having the following specifications: (1) has a gross weight rating of 10,001 lbs. or more; (2) designed and used to transport more than eight (8) passengers, including the driver, for compensation; (3) designed and used to transport more than fifteen (15) passengers,

including the driver, not for compensation; (4) used for transporting material determined to be hazardous by the Secretary of Transportation.

Common Driveway. A single driveway providing access to two (2) or more properties.

Common Open Space. See Open and/or Green Space.

Common Wall. One wall that is shared by two separate and adjoining dwelling units in a multi-family housing structure.

Community Center. A building used for events and activities for community, youth, senior, civic, recreational, social, educational, cultural and other like activities, open to the public and usually owned and operated by a public or nonprofit group or agency.

Community Garden. An area of land managed and maintained by an individual or group to grow and harvest food crops or non-food ornamental crops (e.g., flowers and ornamental plants) for personal or group use, consumption, donation or sale. Community gardens may be divided into separate plots for cultivation by one or more individuals, be farmed collectively by members of a group, include common areas maintained and used by group members, or include composting areas. They may be located on private land (vacant or developed) or on public lands and rights-of-way as allowed by the town. Community gardens do not include gardens maintained by individual property owners or occupants for the purpose of their personal consumption or use. Accessory structures may include storage and tool sheds, greenhouses, hoop houses, and cold frames.

Comprehensive Master Plan. A comprehensive, long-range plan intended to guide the physical development of an entire municipality or region over a set period of time, which typically includes inventory and analytic sections leading to the recommendations for the community's land use, economic development, housing, transportation, community facilities, and the like. Also referred to as a MASTER PLAN. As used in this Ordinance, the term refers to the most recently adopted Comprehensive Plan of the Town of Dauphin Island, Alabama, as amended and supplemented from time to time by order or resolution of the Planning Commission.

Conditional Use. See *Special Exception Use*.

Condominium. Condominium is a single building or group of buildings, either attached or detached, in which each dwelling unit, office or floor area is owned individually, and the structure and common areas are jointly owned by all the owners on a proportional, undivided basis. All of the lands (includes lands underneath each unit), roofs, exterior steps, exterior wall/structure, plumbing (outside an interior wall), electrical (outside an interior wall), other utilities (outside an interior wall), and other improvements outside the building structure are owned jointly by all unit owners on a proportional, undivided basis. ***Comment:*** By definition, a condominium has common areas and facilities and there is an association of owners organized

for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements include the land underneath and surrounding the building, certain improvements on the land and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

Conex Container/Box. See *Shipping Container*.

Conforming Use. Any lawful use of a building or a lot that complies with the provisions of this ordinance.

Connectivity. The relative degree of connection between streets, sidewalks or other means of travel.

Construction. Any work or activity involved in the building of something, usually but not always large structures.

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

Construction Plans. Plans that accompany a Site Plan or Subdivision Plat, prepared by a Professional Engineer (P.E.), showing details of any land disturbing activity, which are in accordance with the Stormwater Management Standards of this Ordinance. They include, but are not limited to Street Plans, Drainage Plans, Building Plans, Erosion and Sediment Control Plan, and Utility Plans.

Construction Site. An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Contiguous. Adjacent, adjoining, abutting, next to or touching and having a boundary or portion thereof, that is coterminous.

Contour and/or Elevation Line. A line on a topographic map that connects all points of the same ground elevation that represent ground formation by indicating the slope of the land.

Contractor Storage Yard. A use involving the outdoor storage of materials, supplies and equipment by entities such as building, heating, plumbing or electrical contractors.

Accessory uses may include Contractor's offices.

Convalescent and/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.

Convenience Store. A store with extended opening hours and in a convenient location, stocking a limited range of household goods and groceries, and which may also provide gasoline and limited associated automotive products.

Corner Lot. See *Lot, Corner*.

County. Mobile County, Alabama.

Covenants. See *Restrictive Covenants*.

Critical Dune Area. See *Dune Definitions and Related Terms*.

Cut-Off Lighting. A light having a light distribution in which the candela per 1000 lamp lumens does not numerically exceed 2.5% at or above an angle of 90° above the angle pointing directly downward from the light, and 10% at or above a vertical angle of 80° above the angle pointing directly downward from the light.

Damage to Dunes. See *Dune Definitions and Related Terms*.

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

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

Deed. A legal document conveying ownership of real property.

Density. A unit of measurement which defines the number of separate dwelling units per gross residential acre.

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

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

Detention Pond. See *Stormwater Detention Facility*.

Developed Lot. See *Lot, Improved*.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures.

Diameter. See *Tree Definitions and Related Terms*.

Diameter Breast Height (DBH). See *Tree Definitions and Related Terms*.

District. See *Zoning District*.

Dock. See *Pier*.

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

Double Frontage or Through Lot. See *Lot, Through*.

Drainage Plan. See *Stormwater Management Plan*.

Dripline. The guide measurement used to prevent unnecessary damage to trees during construction works. It is defined as the outermost circumference of the tree's canopy, from which water drips onto the ground. The 'dripline area' is taken to include the soil and roots that lie within that circumference.

Drive-Thru Restaurant. A restaurant or public eating business so conducted that food, meals or refreshments are delivered to the motor vehicles for consumption by the customer or patron.

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

Driveway / Drive. A private drive, route, course and/or way leading from a lot and/or structure, and providing access to a public road or street. May be paved or unpaved and are not considered a public street, road, or right-of-way.

Dune. A naturally occurring or man-made emergent mound, hill or other ridge of windblown sand either bare or vegetated, naturally or artificially accumulated. A living, moving, maritime geologic structure consisting of sand, detritus, clays and water. A dune includes all living materials on the dune, which stabilizes the structure of the dune including trees, bushes, plants and vines.

Dune Definitions and Related Terms:

- Critical Dune Area. The area of land covered by the Dune Protection Overlay District portion of this ordinance.
- Damage to Dunes. An activity including, but not limited to, any alteration of the existing characteristics of the dune that could significantly increase the danger of erosion, storm damage or flooding and includes the moving, digging or removal of beach or dune, or the erection of any temporary or permanent structure without first obtaining an authorized Coastal Use Permit.
- Dune Crest. The highest land of any dune.
- Dune Protection Overlay District (DPOD). An overlay zoning district that in addition to the base zoning, requires specific regulations and policies that permit reasonable use and repair of the dune systems or resources, consistent with sound sand dune conservation practices. The overlay requirements address dune protection and management techniques that are both beneficial and effective in protecting the Island's dune system while also allowing property owners the opportunity to use, develop, and maintain their land as they intend.
- Dune Protection Overlay District (DPOD) Boundary. The properties and land area lying within the area of the dune line of Dauphin Island as shown on Town of Dauphin Island Zoning Map. Best management practices are required for construction in the DPOD.
- Dune Protection Overlay District Site Plan Review Committee. See *Application Review Committee (ARC)*.
- Dune Slope. A part of the side of a dune, the surface of which at one end or side is at a higher level than another; a rising or falling surface.
- Dune Toe. The lowest point on a slope of a dune.
- Dune Walkover. An elevated walkway constructed over a sand dune to allow pedestrian access without causing damage to the dune itself. Note: Dune Walkovers must be constructed to the standards found in the DPOD Article within the Town of Dauphin Island Zoning ordinance.
- Interdunal Pond. A water-filled depression between coastal sand dunes.
- Interdunal Wetland. A water-filled expanse of area between coastal sand dunes. They typically remain inundated with water and are very shallow and provide an abundant source of invertebrates eaten by many species of shorebirds. Many interdunal wetlands are ephemeral, drying out during periods of low rain or low water.

- Maintenance (Maintenance Activities). Those activities involved with repairing and/or renovation existing structures and those that do not alter or increase the foot print of existing structures or adversely impact dunes and/or dune vegetation. Maintenance activities include, but are not limited to: repairing or replacing siding, steps, roofs, windows, doors, fences, sidewalks, dune walkovers, landscaping.
- Man-Made Groin. Mechanically connected extensions of a dune that deviated from the elongated dune. It may be characterized by soils, sediments, clays, foliage of recent development. They are often made to perform the same function as natural dunes which have been destroyed or altered.
- Natural Groin. A natural extension of a dune that deviates from the elongated dune system and/or footprint but remains part of the natural dune. It is characterized by soils, sediments, clays, foliage, of the same age and characteristics of the natural dune.
- Sand Dune Protection and Management Plan. The plan adopted by the Town of Dauphin Island as Appendix A of the Comprehensive Plan, for the purpose of imposing reasonable regulations that will protect the public investment in the beaches and dunes, and to protect public and private infrastructures. The regulations are intended to prevent harm or degradation to the valuable and protective sand dune resources.
- Substantial Change. Any alteration in the existing characteristics of the dune that could significantly increase the danger of erosion, storm damage or flooding and including the moving, digging, or removal of beach material or the erection of any permanent or semi-permanent structure.

Duplex. *See Dwelling Unit, Two Family.*

Dwelling, Residential. A building or portion thereof designed or used exclusively for residential occupancy of a family (see definition of Family) and meeting the locally adopted building code. For the purposes of this Ordinance, the term “Dwelling” does not include mobile homes, trailer homes, campers, recreational vehicles (RVs), portable trailers, hotels, motels, inns, tents, yurts, kivas, tourist courts or tourist homes.

Dwelling, Detached. A dwelling that is not attached to any other dwelling structure by any roof, wall, floor, or other means in common with any other dwelling unit.

Dwelling Unit. A structure comprised of a room or group of rooms containing one (1) kitchen facility and sanitary facilities designed and used exclusively or occupied as separate living quarters, attached to a permanent foundation. Dwelling Units are categorized as the following:

- a. Single-Family Dwelling Unit Detached,: A single residential structure designed for and occupied by one (1) family as a home, with housekeeping facilities and one (1) kitchen

facility. Each individual single-family dwelling unit shall have its own front and rear access to the outside, housekeeping facilities, and one (1) kitchen facility, as well as provisions for living, sleeping, eating, and sanitation, all of which are accessible from within the unit. Each individual single-family dwelling unit is to be occupied exclusively by one (1) family. Only one (1) single-family dwelling unit is allowed per one (1) lot of record to be used as the principal use of the lot.

- b. **Two-Family Dwelling Unit:** A single residential structure designed for, or used as, the separate home or residence of two separate and distinct families, having the exterior appearance of a single-family dwelling house and separated from the other by at least one common, fire-resistant wall or ceiling. Each individual unit in the two-family residence shall have its own front and rear access to the outside, housekeeping facilities, and one (1) kitchen facility, as well as provisions for living, sleeping, eating, and sanitation, all of which are accessible from within the unit. Each individual unit is to be occupied exclusively by one (1) family. Only one (1) two-family dwelling structure is allowed per one (1) lot of record to be used as the principal use of the lot.
- c. **Multi-Family Dwelling Unit:** A single residential structure designed for, or used as, the separate homes or residence of three (3) or more separate and distinct families. Each individual dwelling unit in the multi-family structure shall have its own front and rear access to the outside, housekeeping facilities and one (1) kitchen facility as well as provisions for living, sleeping, eating, and sanitation, all of which are accessible from within each individual dwelling unit and are separated from the other by at least one common, fire-resistant wall or ceiling. Each individual dwelling unit is to be occupied exclusively by one (1) family. One or more multi-family dwelling structures are allowed on one (1) lot of record.
- d. **Accessory Dwelling Unit:** An additional single-family dwelling unit attached or detached on the same lot as and subordinate to the principal dwelling unit on the lot (i.e. Garage Apartment). *Note: Accessory Dwelling Units may not be allowed in all Zoning Districts.*

Easement. A documented 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.

Edge Effect. Changes in population or community structures that occur at the boundary of two or more habitats. Areas with small habitat fragments exhibit especially pronounced edge effects that may extend throughout the range.

Educational Campus and/or Institution. A public and/or private, non-profit institution for post-secondary education, offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, and other facilities which further the educational mission of the institution. Public schools (kindergarten through 12th grade), trade or vocational

schools are a different use type.

Egress. An exiting place or point of a property.

Elevation Certificate (EC). The National Flood Insurance Program (NFIP) requires participating communities to adopt a floodplain management ordinance that specifies minimum requirements for reducing flood losses. Communities are required to obtain and maintain a record of the lowest floor elevations for all new and substantially improved buildings. The Elevation Certificate allows the community to comply with this requirement and provides insurers the necessary information to determine flood insurance premiums.

Emergency. Any unusual incident which endangers the health safety or resources of the general public, including damages or erosion of any shoreline resulting from a hurricane, storm or any such natural disturbance.

Encroaching Sand. The natural movement and accumulation of sand where prevailing onshore winds blow sand inland. This action causes sand particles to “migrate” inland, as it does so it accumulates and advances beyond established or usual limits.

Encroachment. See *Yard Encroachments and/or Projections*.

Engineer. See *Professional Engineer P.E.*

Engineered Beach. Any method of changing or altering the natural shoreline and beach system in order to stabilize it. The process includes practices such as, but not limited to upland sand recovery, screening and replacement operations, and beach nourishment/re-nourishment through offshore dredging.

Engineering Plans. See *Construction Plans*.

Entertainment District. A designated district(s) within the Town of Dauphin Island allowing alcohol retailers located only within the district’s boundaries to serve to-go alcoholic beverages in a designated cup and allowing alcohol consumption within town in the right-of-way within the district.

Environmentally Sensitive Area. An area containing one or more natural and/or ecological resources that are susceptible and vulnerable to damage and/or degradation resulting from man-made impacts on the land such as land disturbance or construction activities. These natural and ecological resources include areas where plant and/or animal life and their respective habitats exist, which are ecologically valuable due to their function, purpose, and benefit they provide to the land. These resources are also considered rare, threatened, or endangered due to their sensitivity and vulnerability to anthropogenic impacts.

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.

Erosion. The wearing away of land or the removal of land, beach, and/or dune material by actions including but not limited to foot traffic, wind, wave action, tidal currents, littoral currents or deflation.

Erosion and Sediment Control Plan. A plan developed to address effects caused by soil erosion and sedimentation during land disturbing construction activity.

Essential Services and Facilities. Public utility facilities related to water, storm water sewers, sanitary sewers, solid waste disposal, telecommunications, cable television, gas and electrical collection or distribution systems serving the community.

Excavation. The process of any removal of soil, rock, sand, gravel, or other unconsolidated materials from a location.

Exempt Subdivision. Any type of division of land that is not defined as a subdivision that is exempt from the subdivision process, see *Town of Dauphin Island Subdivision Regulations*. Exemption from the subdivision process does not constitute exemption from the requirements of the subdivision regulations and/or other applicable regulations including but not limited to state law, zoning regulations, ordinances, and/or Health Department requirements; however, it does mean that the applicant is exempt from the process required for approval. Any applicant who appears to be circumventing the intent and substance of the Town's Subdivision Regulations shall be required to submit a plat for review by the Planning Commission and shall be subject to penalties.

The following types of land divisions shall not be defined as a subdivision and are exempt from the provisions of the Town of Dauphin Island Subdivision Regulations.

1. Property that is divided by probated family estates;
2. The sale or exchange of lots or parcels of land between adjoining property owners; provided that:
 - no additional lots are created;
 - none of the lots affected by the sale or exchange is reduced below the minimum size required by the Zoning Ordinance for the zoning district in which the property is located;
 - no existing easement shall be vacated or moved without approval by the Town and the granting of a like easement acceptable to the Town;
3. The relocation of a common property line between two parcels where no new parcels are created, also referred to as a re-plat. The re-platted parcels shall meet minimum lot size, width requirements and access requirements as required by the Subdivision Regulations and Zoning Ordinance;
4. Family property that is divided by an individual and given or sold to family members, including, parents, spouses, sisters or brothers, children or grandchildren, either adopted

or natural, where all lots involved in the division front an existing road or right-of-way 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. If the lots created from this type of land division DO NOT front an existing road or right-of-way, this land division must adhere to the minimum standards of the Street and Lot requirements of the Town of Dauphin Island Subdivision Regulations;

5. Subdivision of land by court order including, but not limited to, judgments of foreclosure;
6. 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.

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

Façade. The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof.

Factory-Built Housing. Any structure, or component thereof, designed primarily for residential occupancy which is wholly, or in substantial part, made, fabricated, formed, or assembled in an off-site facility, transported and intended for installation, or assembly and installation on the building site. For the purpose of this Ordinance, factory-built housing consists of modular and manufactured homes and is not considered a stick-built structure.

Family. For the purpose of this ordinance, a family is one or more persons occupying a single dwelling unit and using common cooking facilities; provided that, unless all persons are related by blood, adoption, marriage or guardianship; no such family shall contain more than five (5) unrelated persons.

Farmer's Market. An occasional or periodic market held in a structure or open area where farmers sell their own produce or farm products.

FEMA - Federal Emergency Management Agency of the United States Government. The agency that administers the National Flood Insurance Program (NFIP) and the Flood Insurance Rate Maps (FIRMS).

Fill. Sand, gravel, earth, or other materials of any composition placed on a site for stabilizing or elevating.

Filling. The process of depositing or placing material to raise the level of a certain area or to change the type of soil of the area.

Final Grading. The excavation and leveling process that occurs during construction on top of the existing grade of the land after the initial rough grading process occurs.

Finished Grade. The elevation of the surface of the ground after completion of final grading.

Finished grade is the adding or removing of soil to within 1 - 2 inches of the existing grade, creating the final contour and elevation of the ground needed to prepare the land for a sod base, hydroseed bed, or another ground cover.

FIRMs. See *Flood Insurance Rate Maps*.

Fishing Charter. A personal service for hire carrying a passenger or passengers that provides recreational and sport fishing from a vessel for private use.

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

Flea Market. A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other edible items. A farmers' market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

Flood. To cover or submerge a place or area with an inundation of water. The overflowing of a large amount of water beyond its normal confines, especially over what is normally dry land.

Flood Damage Prevention Ordinance 55. A Town Ordinance adopted by Council requiring additional and higher standards of construction when building in a Special Flood Hazard Area (SFHA-flood zones AE or VE), within the corporate limits.

Flood Hazard Area and/or Special Flood Hazard Area (SFHA). An area identified by the United States Federal Emergency Management Agency (FEMA) as an area with a special flood and/or flood related erosion hazard, as shown on a flood hazard boundary map or flood insurance rate map (FIRM).

Flood Insurance Rate Map (FIRM). The official flood boundary map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Protection Elevation. The base flood elevation plus the community's adopted additional freeboard (2 feet) requirement. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus freeboard.

Floodplain. Land areas established by FEMA's Flood Insurance Rate Maps (FIRM) which lie within or adjacent to the 100-year flood elevation contour boundary.

Floodplain Administrator (FPA). The Town's designee who is responsible for implementing the community's local floodplain ordinance and ensuring that the community is complying with minimum NFIP standards and enforcing any locally imposed higher standards.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area, Gross. The sum of the gross enclosed horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of shared party walls. The term does not include any area used exclusively for the surface parking of motor vehicles for a building, or area under the first habitable story, or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

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

Footprint. See *Building Footprint*.

Fragmentation. The process whereby a large patch of habitat is broken down into many smaller patches of habitat, resulting in a loss in the amount and quality of habitat.

Freeboard. The additional height above base flood elevation (BFE) that is required for new structures to be built to. For example, if the BFE for a new structure is 6' and the Town requires an additional 2' of freeboard, the structure must be elevated 8 feet above the BFE. Higher freeboard results in significantly lower flood insurance rates because the higher a structure is elevated, the less likely it is to flood. FEMA encourages communities to adopt at least 1 foot of freeboard. The standard freeboard requirement for the Town of Dauphin Island is an additional two (2) feet above BFE.

Front Lot Line. See *Lot Line, Front*.

Funeral Home. An establishment used for the preparation of the deceased for burial that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

Garden Home. See *Single-Family Dwelling Unit Attached*.

Gas Station. Buildings and premises where gasoline, oils, batteries and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), and where, in addition, the following services may be rendered and sales made, and no other:

- Sale and service of gasoline, oil, batteries and automobile accessories;
- Sales of drinks, packaged foods, tobacco, beer and similar convenience goods as

- accessory and incidental to principal operation;
- Provision of road maps and other informational material to customers; and
- Provision of restroom facilities.

Uses permissible at a gas sales establishment do not include any repair of automobiles.

General Services. Establishments engaged in the repair or servicing of agriculture, seafood, industrial, business or consumer machinery, equipment, products or by-products. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking and storage. Example use types include machine shops; tool repair shops; small engine repair shops; repair of scientific or professional instruments; and general service uses.

Geology. The relationship of the earth and the materials of which it is composed, to the changes which it has undergone, is undergoing, or is likely to undergo.

Glare. The reflection or harsh, bright light and the physical effect resulting from high luminance or insufficiently shielded light sources to cause annoyance, discomfort or loss in visual performance and visibility.

Golf Course. A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

Golf Driving Range. A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concession stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

Government Uses. A use category that includes use types providing for the general operations and functions of local, state, or federal governments. A wide range of accessory uses may be found, depending on the use type. Example use types include courthouse facilities, government administrative offices, post offices, fire and EMS stations, police stations, correctional facilities, and government maintenance, storage, and distribution facilities. This use category does not include passenger terminals for surface transportation services (categorized as transportation uses), or town, county, or state parks (categorized as park and open area uses), or water, wastewater, gas, electric, or other infrastructure services (categorized as utility and communication uses).

Green Infrastructure. An approach to water management that protects, restores or mimics the natural water cycle. Green infrastructure is effective, economical and enhances community safety and quality of life. It means planting trees and restoring wetlands, rather than installing structural apparatus for stormwater management.

Green Space. See *Open and/or Green Space*.

Greenway. A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.

Gross Acre. All non-submerged land area (upland area) within a given boundary including all roads, infrastructure, utilities, and open space areas.

Group Home. A home with state licensed caretaker and support staff that provides room and board, personal care, and habilitation services in a family environment for three (3) or more adult resident persons with disabilities, i.e., persons with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others. A group home does not include assisted living facilities, nursing care facilities, rooming or boarding houses, or halfway house/mainstreaming facilities. Five or fewer persons with disabilities who live together in a dwelling are considered a family.

Guyed Tower. See *Wireless Tele-Communications Tower Definitions and Related Terms*.

Habitable Living Space. The total square footage of heated and cooled living space.

Health Care Uses. A use category that includes use types providing a variety of health care services, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care is provided on an outpatient basis. Accessory uses may include offices and meeting rooms. Example use types include facilities such as medical and dental clinics and labs, outpatient medical treatment, psychiatric treatment, and blood or tissue collection facilities. This use category does not include assisted living facilities or group homes, which focus on providing personal care rather than medical care to residents and are categorized as group living uses.

Heavy Commercial Use. See *Large Commercial Use*.

Hedge. A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from on-site or off-site views.

Heritage Tree. See *Tree, Heritage*.

Home Occupation. A service, business, profession, occupation, or trade that is usually conducted full-time or part-time within a residential home by the resident(s) of the home for the economic gain or support of the resident(s) of the home. Where the Home Occupation License Holder receives clients and conducts business at the residence; where the Home Occupation use is incidental and secondary to the residential use of the lot, and where the use

does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing) and does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation does not include any business that is clearly inappropriate or out of character for a residential area, or such that its location constitutes an adverse impact on neighboring residential properties. A Home Occupation License is required by the Town of Dauphin Island and issuance of the license requires Planning Commission review.

Home Occupation/Office License. A form of business license issued by the Town of Dauphin Island.

Home Office. A service, business, profession, occupation or trade where the business activity is not conducted in the residence, but rather off-site, and where the business owner does not receive clients at the residential home, and only maintains a home office in the residence for the purpose of general management activities of the business. A Home Office License is required by the Town of Dauphin Island.

Home Owner's Association (HOA) or Property Owner's Association (POA). An incorporated, non-profit organization of homeowners of a subdivision, condominium, or planned unit development that makes and enforces rules for the properties and their residents. Those who purchase property within an HOA's or POA's jurisdiction automatically become members and are usually required to pay dues, known as HOA/POA fees. The purpose of a home owners/property owners association is to provide a common basis for preserving, maintaining, and enhancing homes and property values by enforcing restrictive covenants. With regards to construction and development applications, property owners must meet the regulations of both the Town's Zoning Ordinance and the HOA's or POA's requirements.

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

House Pet. For the purposes of this Ordinance, the term House Pet shall mean domesticated animals other than those defined by this Ordinance as Livestock. Those which are intended for companionship purposes such as: domesticated dogs, cats, guinea pigs, white rats, rabbits, mice, fish, birds, and other similar animals.

Hydraulics. The effects of water or other fluids in motion.

Illegal Nonconforming. Uses, buildings, structures, and lots that were illegally established and

not lawfully permitted prior to the adoption of this Ordinance. Any illegal nonconformity shall remain illegal and be subject to penalties, remedies, and fines that are pursued and set forth in this Ordinance.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration and does not effectively absorb water. Any areas of hard surface such as concrete, asphalt, pavement, roofs, sidewalks, drives, driveways, paved parking lots, and such are considered impervious surfaces.

Impervious Surface Ratio (ISR). A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a development site by the site area.

Improve. To change an existing structure in order to enhance its integrity or value.

Incidental. Subordinate and minor in significance, and bearing a reasonable relationship to the primary use.

Indigenous Trees and/or Vegetation. Naturally occurring trees and vegetation found on dunes, marshlands, maritime forests, savannas, etc. located on Dauphin Island. A list is located in the Dune Protection Overlay Zoning District section of this Ordinance.

Industrial Use. A use category that includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, warehousing, and outdoor storage.

Ingress. Access or entry point.

Interdunal Pond. See *Dune Definitions and Related Terms*.

Interior Drives/Driving Aisles. A drive that connects a public street to a lot or structure on a lot and provides connectivity throughout the lot.

Jurisdictional Wetland. A wetland determined by the U.S. Army Corps of Engineers as being within their jurisdiction.

Kennel. A commercial entity which includes, but not limited to the following activities pertaining to house pets for a temporary period of time, all for a fee or compensation: boarding, housing, harboring, or fostering, training, grooming, breeding, selling, and animal runs.

Kitchen. A single area within a structure that is used or designed to be used for the preparation or

cooking of food and that contains cooking appliances or rough-in facilities and shall include a sink, refrigerator, oven, stove with 240-volt electrical outlets or any gas lines.

Land Disturbance. Any alteration or any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to clearing, demolition, removal of trees and vegetation, stripping, transporting, grading, grubbing, excavating, filling, logging, storing of materials, and other construction activities which would disturb the natural vegetation and/or existing contours of the land.

Land Disturbance Permit. A permit issued by the Building Official's department prior to performing any of the activities listed as land disturbance in this Ordinance.

Land and/or Property Owner. Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

Land Survey. See *Boundary Survey*.

Land Use. A description of how land is occupied or used. The activity occurring on the land.

Landlocked. Property that is surrounded by other property. A lot without direct access to a public or private road. Landlocked property has no legal access road to it in which the only way to access the land is by crossing through neighboring property. No newly created lot shall be created within the Town of Dauphin Island that is considered to be landlocked.

Large Commercial Use. Large Commercial uses are considered any large-scale business activity involving the sale of goods or services carried out for profit. These types of uses are typically larger in size and involve a more intense use that typically generates higher volumes of vehicular traffic.

Legal Conforming. A project meets all zoning district requirements including, but not limited to: use, area, setback, height, density, and parking according to the most recently adopted zoning ordinance, and has been legally established and/or permitted. A proposed use that is allowed and permitted in the zoning district in which the lot is located, the use, building, or structure may be expanded, increased in accordance with all other requirements, within the buildable area defined by this Ordinance, provided that a building permit has been issued and all local building codes have been met.

Legal Nonconforming. Any land use activity or physical design of a building, structure, or lot of record that was legally established and/or permitted prior to the effective date of a new Ordinance, and was conforming to the zoning requirements of the previous Ordinance, but is currently not in full compliance with the regulations of the new Ordinance. Legal Nonconformities shall be permitted to continue indefinitely subject to the provisions of this Article.

Liquor Store. An establishment licensed by the state exclusively for the retail sale of alcoholic beverages in original packages for consumption off the premises where sold.

Little House. See *Tiny House*.

Littoral. Pertaining to the shore of a sea.

Littoral Drift. Material such as sand and stones moved near the shore in the littoral zone under the influence of waves and currents.

Livable Floor Area. Livable (Habitable) floor area is floor area used for living purposes, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor area does not include mechanical rooms, elevators and fireplaces. Habitable floor area is measured either from the exterior of the faces of the building or the exterior limits of any interior wall that separates habitable floor area from non-habitable floor area, whichever is applicable.

Livestock. For the purposes of this Ordinance, the term Livestock shall mean any animal of the equine (horse), bovine (cow), swine (hog), caprine (goat), ovine (sheep), and the like.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

Lodging House. See *Boarding House*.

Lodging Use. Activities that furnish temporary habitation accommodations to individuals for profit.

Long-Term Rental (LTR). A long-term rental is typically considered any type of lodging that is rented and/or leased for a time period of one hundred eighty (180) consecutive days or more.

Lot. A designated parcel of land established by law through platting or subdivision, to be separately owned, used, developed, or built upon; that is occupied by a principal use or structure, together with any accessory uses or structures, and all accompanying drives, walkways, access ways, parking areas, yards, open spaces, and other features required and permitted under this Ordinance; all of which are confined to and within, but not to exceed the legal boundaries of the lot as recorded at Mobile County Probate Court, see **Figure 1**.

Lot, Corner. A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees, see **Figure 1**.

Lot, Developed. See *Lot, Improved*.

Lot, Double Frontage. See *Lot, Through*, see Figure 1.

Lot, Improved. A lot with buildings or structures.

Lot, Interior. A lot other than a corner lot, see Figure 1.

Lot, Substandard. A lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Lot, Through. A lot that fronts on two separate streets or two waterways, both of which lie parallel to the lot, that do not intersect at the boundaries of the lot, see Figure 1. Also known as Double Frontage Lot.

Lot, Waterside Through. A lot that fronts a street on one side and a shoreline on the other side, in which the street or shoreline lie parallel to the lot.

Lot Access. Means of providing a direct entry and exit point to a lot of record by way of a public or private street to ensure said lot is not landlocked by adjacent properties. Each lot of record or newly created lot within the Town of Dauphin Island shall front upon a paved public or private street having a minimum right-of-way width of 50 feet.

Lot Area. The amount of horizontal land area contained within the lot lines of a lot, excluding public street rights-of-way and private street easements.

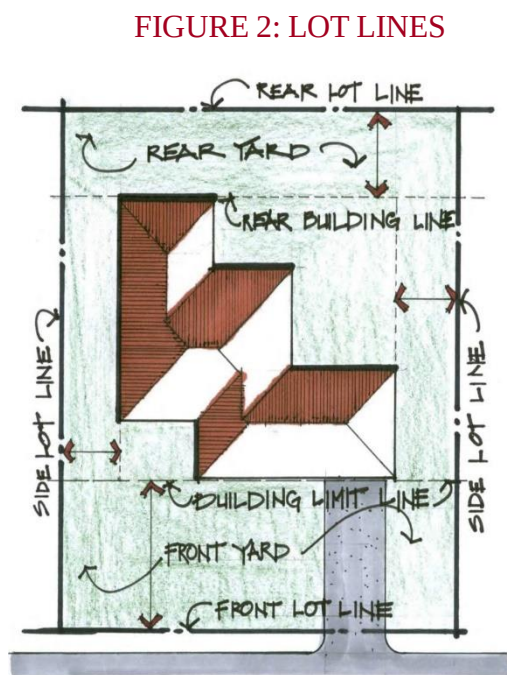
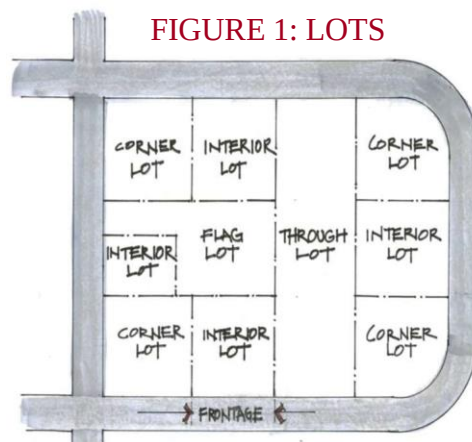
Lot Coverage. The part of the lot that is covered by impervious surfaces. Also see *Building Coverage*.

Lot Density. The maximum number of housing structures and/or dwelling units per units of land. For the purposes of this Ordinance, the maximum lot density is measured in gross acre (see definition of gross acre).

Lot Depth. The average distance measured from the front lot line to the rear lot line.

Lot Frontage. The length of the front lot line measured at the street right-of-way line. That portion of a lot abutting a street.

Lot Line. A line of record that sets the outer boundary of the property, bounding a lot that divides



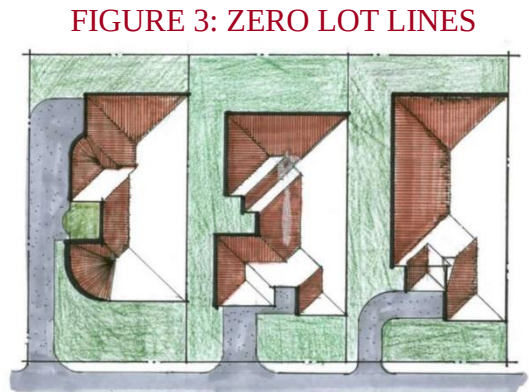
one lot from another lot or from a public or private street or any other public space.

Lot Line, Front. The lot line separating a lot from a street right-of-way, see Figure 2.

Lot Line, Rear. The lot line of a lot that connects the lot's side lot lines along the lot boundary opposite its front lot line, see Figure 2.

Lot Line, Side. The lot line of a lot that lies along a lot boundary connecting the outer ends of the lot's front and rear lot lines. A lot generally has two side lot lines. A side lot line may abut the boundary of another lot, or the boundary of a public street right-of-way or private street easement that is not faced by the lot's principal structure, see Figure 2.

Lot Line, Zero. A lot line that allows a building located on a lot in such a manner that one or more of the dwelling's sides rests on a lot line, see Figure 3.



Lot of Record. A parcel, plot, tract, or other land area created by subdivision which is part of a recorded subdivision plat or a plot described by metes and bounds on a subdivision plat or deed, in which the plat or deed has been recorded in the office of the county clerk according to Alabama Law.

Lot Width. The average horizontal distance between the side lot lines, with the minimum to comply with this code to be measured at the front setback line.

Low Impact Development (LID). Land planning and engineering design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality.

Lowest Floor Elevation and/or Lowest Habitable (Livable) Floor. The lowest portion of the lowest horizontal support member of the lowest enclosed space used for living purposes, which includes working, sleeping, eating, cooking, recreation or combination thereof. Defined by FEMA as: "the lowest floor of the lowest enclosed area, except for unfinished or flood-resistant enclosures used solely for parking of vehicles, building access, or storage." If the lowest enclosed area is used for anything other than vehicle parking, building access, or storage, the floor of that area is considered the lowest floor. A floor used only for storage shall not be considered a habitable floor.

Lumen. A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

Maintenance (Maintenance Activities). See *Dune Definitions and Related Terms*.

Major Construction Project. Any type of large-scale construction that includes the construction or installation of new buildings, streets, roads, drives, parking lots and/or infrastructure.

Major Subdivision. See *Subdivision, Major*.

Man-Made Groin. See *Dune Definitions and Related Terms*.

Manufactured Home Dwelling. A *factory-built*, residential structure or parts thereof (pre-fabricated components) that was manufactured off site and transported on a chassis to the building site. Must be built to the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD Code. A Manufactured Home bears a RED HUD Seal affixed to the rear of each section of the home. For the purposes of this Ordinance, the term “Manufactured Home Dwelling” shall not have the same definition as a Single-Family Dwelling Unit. See additional requirements for Manufactured Home Dwellings in the Supplemental Regulations and Special Provisions Article of this Ordinance.

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

Map Amendment (Rezoning). A change in the zoning district classification applied to land, reviewed and recommended by the Planning Commission and decided by the Town Council in accordance with this Ordinance.

Marine and Water-Dependent Uses. Activities that are intended to preserve and promote the unique waterfront setting of the island through the combination of commercial activities, multi-family housing opportunities, and public open space that are essential to the island economy, and provide numerous opportunities for pedestrian and tourist access to the surrounding waterfront. These uses provide public access to both active and inactive aspects of the waterfront (marinas, harbors, boat slips and launches, parks, pedestrian boardwalks, observation decks, fishing piers, etc.), support the commercial uses that depend on the waterfront location (commercial/recreational fishing and boating, seafood sales, waterfront dining, etc.), and offer additional multi-family housing options, as well as complimentary retail and public service uses to supplement the waterfront activities to ensure the goals of the Working Waterfront are achieved.

Marina. A facility for the docking, mooring, berthing, or storage of four (4) or more watercraft. Such uses may include a wide variety of accessory uses such as boat fuel sales, sales of boating supplies and equipment, boating-related services, laundries, boat repair and rental, retail facilities for owners, crews, and guests, and dry storage of boats.

Mast or Mastings. The production of many seeds by a plant every two or more years in regional synchrony with other plants of the same species.

Master Plan. See *Comprehensive Master Plan*.

Maximum Lot Density. See *Lot Density*.

Maximum Density Factor. A term used in zoning to calculate the maximum allowable number of residential units that can be developed on a single lot or parcel of land. To determine the total number of residential dwelling units allowed per lot, plug the maximum density factor into the density equation and divide the square footage of the lot by the square footage of an acre (43,560) and multiply by the maximum density factor for the zoning district in which the lot is located. These factors vary in different zoning districts. See § 5.4.4.

Maximum Lot Coverage. The maximum area of a lot that can be covered by an impervious/hard-surface which cannot absorb rain water. For the flood protection and safety of the Island, the maximum amount of impervious surface allowed on any lot or portion of the lot used for Residential purposes within the corporate limits of the Town of Dauphin Island shall not exceed forty percent (40%) or the percentage required by the zoning district.

Mean High Tide Line and/or Mean High Waterline. The line on a map which represents the intersection of the land with the water surface when it reaches its average height by high tide.

Mini-Warehouse. See *Self-Service or Mini-Warehouse Facility*.

Minor Construction Project. Any type of small-scale construction that does not include the construction or installation of new buildings, streets, roads, drives, parking lots and/or infrastructure.

Minor Subdivision. See *Subdivision, Minor*.

Mixed-Use Development. A single lot, tract of land, parcel, or structure developed for a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access. Intended for development that is compact, diverse and walkable and that enhances the character and form through appropriate design. It allows for a mix of compatible uses that are either mixed and distributed horizontally within a site or vertically within individual buildings. This type of development allows for flexibility in zoning by making it possible to utilize the property with more than just one use, which provides for more opportunity for the development to maximize the use of the land to its fullest potential.

Mobile Food Vendor. A food service establishment that is vehicle-mounted, trailer –mounted, or wheeled and is capable of being readily moveable. This does not include vehicles regularly

operating on a public road, selling individually packaged items like ice cream trucks. Units may be motorized or not, and may or may not require outside power or utility service, but must be fully mobile and able to be relocated within one hour of notice. The establishment must meet Board of Health standards.

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

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

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

Modification. A partial change in the form of a structure.

Modular Home Dwelling. *A factory-built, transportable building constructed by the assembly of two (2) or more pre-manufactured units, sections, or modules, designed to be fully constructed and used for residential habitable purposes at a building site to be placed on a permanent foundation into a permanent structure according to local and state codes, thereby creating a permanent residence which shall comply with all provisions as set forth in this Ordinance. Must be built to the International Residential Building Code currently adopted by the Town of Dauphin. A modular home bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission (International Building Code) Alabama Code 24-4A. The Insignia is placed on the electrical panel door of a residential modular home. For the purposes of this Ordinance, a Modular Home will be considered the same as a Single Family Dwelling Unit.*

Monopole Tower. *See Wireless Tele-Communications Tower Definitions and Related Terms.*

Moratorium. The legally authorized delay of new construction or development for a set period of time.

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

Museum. A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products to the public.

National Flood Insurance Program (NFIP). A program managed by the Federal Emergency Management Agency (FEMA) that enables homeowners, business owners and renters in participating communities to purchase federally backed flood insurance. This insurance offers an insurance alternative to disaster assistance to meet the escalating costs of repairing flood damage to buildings and their contents. The NFIP is a public-private partnership between the federal government, the property and casualty insurance industry, states, local officials, lending institutions, and property owners. It is administered by FEMA, while insurance policies are sold and serviced by insurance companies and the NFIP Direct.

Native Vegetation. Plants indigenous to a given area in geologic time. This includes plants that have developed, occur naturally, or existed for many years in an area without intentional human involvement.

Natural Groin. See *Dune Definitions and Related Terms*.

Niche. A unique ecological role of an organism in a community.

Nonconforming Lot of Record. Any lot of record that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the lot standards applied by this Ordinance, or the subsequent amendment.

Nonconforming Sign. See *Sign Definitions and Related Terms*.

Nonconforming Site Feature. Any off-street parking, landscaping, perimeter buffer, or screening that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the off-street parking, landscaping, perimeter buffer, or screening standards applied by this Ordinance, or the subsequent amendment.

Nonconforming Structure. Any building or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the standards applied by this Ordinance, or the subsequent amendment, that govern its size, height, coverage, setbacks, and other locational aspects.

Nonconforming Use. Any use of land or a building, sign, or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the use standards applied by this Ordinance, or the subsequent amendment. If the land or structure is vacant or unused before adoption of this Ordinance, or a subsequent amendment, it shall be conclusively presumed that any use of the land or structure is subject to the provisions of this Ordinance, or the subsequent amendment. Damage of fifty percent (50%) or greater, either physically or in fair market value, to a building, sign or other structure that falls under this Nonconforming Use clause must be brought into compliance with the current building code and meet the requirements of the current Zoning Ordinance (if applicable).

Nonconformity. A nonconforming use, structure, lot of record, sign, or site feature that lawfully existed before adoption of this Ordinance.

North American Vertical Datum (NAVD). A fixed reference adopted by the U. S. Government as a standard geodetic datum for vertical elevations.

Notice of Violation. A written notice indicating an infraction of this Ordinance.

Observation Deck. A deck constructed to stand alone away from other structures and used for observation.

Off-Site Parking. See *Parking, Off-Site*.

Off-Street Parking. See *Parking, Off-Street*.

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

Office Uses. A use category that includes use types providing for activities conducted in an office. Example use types include offices for business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), sales (e.g., real estate agents), and contractor's offices.

On-Site Parking. See *Parking, On-Site*.

On-Street Parking. See *Parking, On-Street*.

One Principal Building Per Lot. There shall be no more than one (1) principal building or structure located upon any one lot of record in the R-1 and R-2 residential zoning districts only to ensure limited densities and placement of dwelling structures is achieved in these protected residential zoning districts.

Opacity. The condition of lacking transparency or translucence; opaqueness.

Open and/or Green Space. An open conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or conservation of open spaces or natural features such as creeks, wetlands, swamps, forested areas, undeveloped alleys, sand dunes, fresh and salt water marshes, beaches and wildlife habitat; including all properties zoned Conservation Park. Also see *Usable Open Space*.

Ordinance. A set of regulations adopted and enforceable as municipal law by a governing body.

"Other" Uses. "Other" uses are those activities that are needed by the community, but don't typically fit in with the surrounding area in most zoning districts. Before these uses can be

approved, they may require additional standards and review due to the unique nature of the use and the intensity by which it may impact neighboring areas.

Outdoor Display and/or Sales. The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor Storage. The outside or outdoor storage of goods, material, vehicles and any other equipment associated with the principal use of a building.

Overlay Zone. A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the base underlying zoning district.

Parcel. Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries, and that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit.

Park. Public or private land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of nature, specifically excluding commercially operated amusement parks.

Parking, Off-Street. An off-street parking area provided on a different lot other than the lot where the principal use of the lot is conducted.

Parking, Off-Street. This term shall mean the parking of cars on a lot in which the required number of parking spaces is connected with the permitted use of the lot. The objective being the relief of traffic congestion on public street rights-of-way or private roads by the removal of motor vehicles.

Parking, On-Site. See Parking, Off-Street.

Parking, On-Street. The parking of cars on the dedicated public right-of-way that is reserved for the temporary parking of vehicles.

Parking, Shared. Joint utilization of off-street parking facilities, shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

Parking Deck and/or Garage. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

Parking Lot. The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated

to vehicular use excluding vehicular storage areas.

Parking Space, Off-Street. A parking space located outside of the dedicated public street right-of-way, having an area of not less than 9'x20' or 180 square feet, that is permanently reserved for the temporary or permanent storage of one (1) motor vehicle with unobstructed ingress and egress to each space. A driveway can be used for the off-street required parking space provided it has a minimum area of one hundred eighty one (181) square feet.

Parking Space, On-Street. A parking space area located within the dedicated street right-of-way that is reserved for the temporary parking of vehicles. Such areas are NOT located throughout the entire Town of Dauphin Island, and may or may not be formally designated with signage, striping, or parking meters.

Parking Structure. See *Parking Deck and/or Garage*.

Passive Recreational Use. Low impact recreational activities appropriate for residential zoning districts and other areas and zoning districts as noted in this Ordinance that involve passive forms of exercise, leisure-time interests, and/or facilities such as parks, trails, hiking, biking, benches, statues, fountains, pavilions, ponds, and other natural and cultural features. Includes activities and features that do not disturb the residents or the character of the residential or surrounding neighborhood, but rather enhance the area, promoting and maintaining standards that provide quality of life for the residents.

Performance Bond. Cash, bond, or other surety provided by an applicant in lieu of completing the construction or installation of public infrastructure or required private site features before application for Final Plat approval for a subdivision or issuance of a Building Permit or other development approval.

Personal Service Establishment. An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; hair, tanning, and personal care services; psychics and mediums; massage therapists; and taxidermists.

Pervious Surface. Any material that allows for the full or partial absorption of water into the soil to filter out pollutants and recharge the water table (also known as porous or permeable surfaces); a surface that allows water to percolate into the soil to filter out pollutants and recharge the water table.

Pier. A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

Place of Worship. A building or structure with the principal use (together with its accessory buildings and uses) being where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses

are maintained and controlled by a religious body. Places of worship include churches, mosques, synagogues, temples, and other similar religious places of assembly. Accessory uses may include child day care facilities, schools, recreational facilities, offices, and maintenance facilities.

Planned Unit Development (PUD). An area of a minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses. The Planned Unit Development (PUD) is a special zoning classification that permits flexibility in densities, setbacks, uses, open space and other bulk and area requirements for property that would otherwise be mandated by the Zoning Ordinance and Subdivision Regulations. The classification is voluntary, and nothing in this Ordinance guarantees a property owner the right to develop a PUD. PUDs shall be approved only if the proposed development fully meets the letter, intent, purpose and requirements of this Ordinance.

Planning Commission. The Planning Commission of the Town of Dauphin Island.

Planting Strip. Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically at the back of the curb and the inside edge of the sidewalk (if existing).

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

Plat, Final. The final map of all or a portion of a subdivision that shows all boundaries of lots, rights-of-way, easements, and open space parcels, and that is reviewed and decided by the Planning Commission in accordance with the town's Subdivision Regulations.

Plat, Preliminary. A map of a major subdivision that shows the general layout and design of lots, streets, open space, and other subdivision elements, and that is reviewed and decided by the Planning Commission in accordance with the town's Subdivision Regulations.

Porch. A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

Portable Building and/or Portable on-Demand Storage (POD). Portable buildings and/or PODS refer to buildings planned for the continuing purpose of being easily moved in-tact from one location to another. They are usually kept in one location for a short time and used for short-term storage purposes. Portable buildings are permitted in all zoning districts, they are not considered real property and are not reported as real property inventory. For the purposes of this Ordinance, a POD shall not be considered a shipping container.

Poultry. Domesticated birds kept for eggs or meat. Must be kept and/or contained within property

using a physical barrier and limited to no more than ten (10) animals per household. For the purposes of this Ordinance, this definition does not include roosters.

Prefabricated Home. *See Modular Home.*

Premises. A lot of record together with all improvements occupying the lot.

Primary Entrance. The place of pedestrian ingress and egress to a building, parcel, or development used most frequently by the public.

Principal and/or Primary Building. A building in which is conducted the main or principal use of the lot on which said building is located.

Principal and /or Primary Use. Principal uses relate to the main purpose of the district, exist independently of any other use of a property, and are allowed "by right." Dwellings in a residential district or stores in a business district are examples of principal uses.

Private Utility. Private utilities, also called investor-owned utilities, are owned by investors, and operate for profit, often referred to as a rate of return.

Produce Stand. A building, structure, or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts—but do not include the sale of commercially packaged handicrafts or commercially processed or packaged foods. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

Professional Engineer (P.E.). A certified engineer licensed in the appropriate field by the State of Alabama.

Project Vehicle. A car that is used with the intent of rebuilding and/or restoring as a project or hobby. Also see antique vehicle.

Projections. *See Yard Encroachments and/or Projections.*

Property Line. *See Lot Line.*

Property Owner. One who has the legal or rightful title to something; one to whom property belongs; the legal owner, holder or proprietor of land.

Property Owner’s Association (POA). *See Home Owner’s Association (HOA).*

Public & Semi-Public Use-Large Scale and/or Small Scale. Any building operated using public revenues and used exclusively for public or semi-public purposes by any department or branch of government; a building of an institutional nature and serving a public need, such as places of worship, hospital, school, library, post offices, police and fire stations, museums, water treatment facilities, etc. These areas exist to provide necessary community services to residents and business alike.

Public Boat Launch or Ramp. A public facility used to launch and retrieve recreational boats to and from the water. Launches and ramps may include parking areas for users' motor vehicles and trailers, docks to assist in launching, restrooms, refuse containers, and breakwater protection structures.

Public Building. A building used or designed to be used principally by a municipality, county, state, public corporation, public utility or by the federal government as a courthouse, jail, city hall, auditorium, library, civic center, music hall, art gallery, art center, museum, municipal building, post office, office, warehouse, storage, and other uses deemed necessary by these types of entities.

Public Hearing. A hearing on a development application reviewed under this Ordinance held by the Planning Commission or Town Council that is advertised to the public and provides members of the public the opportunity to present information and testimony related to the application that will be considered as subsequent Planning Commission recommendations and Town Council decisions are made.

Public Safety. Public Safety refers to the welfare and protection of the general public. It is usually expressed as a governmental responsibility. Public safety is comprised of many organizations, including, but not limited to, police protection, firefighting services, or emergency medical services.

Public Utility. A public utility is a company that operates as a public-service corporation and provides essential services to the public such as electricity, telephone service, natural gas, water or postal services. The public utility is typically regulated by the national, state or local government.

Qualified Credentialed Inspector (QCI). An operator, operator employee, or operator designated person who has successfully completed initial training and annual refresher Qualified Credentialed Inspection Program (QCIP) training and holds a valid certification from an approved training entity.

Qualified Credentialed Professional (QCP). A staff member of the Alabama Department of Environmental Management (ADEM) designated by the Director of ADEM, a licensed Professional Engineer, an Alabama Natural Resources Conservation Service Professional designated by the State Conservationist, a Certified Professional in Erosion and Sediment Control, or other registered professionals (geologists, soil scientists, land surveyors, landscape

architects) currently holding appropriate professional licenses issued by the State of Alabama.

Recreational-Active Use. See *Active Recreational Use*.

Recreational-Passive Use. See *Passive Recreational Use*.

Recreation/Entertainment Uses, Indoor. A use category that includes private use types providing recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, and maintenance facilities. Example use types include auditoriums, theaters, motion picture theaters, and other indoor commercial recreation/entertainment uses (including fitness centers, bowling alleys, game rooms, skating rinks, indoor swimming pools, and indoor tennis club facilities). Note: Recreation/Entertainment Uses, Indoor require the issuance of a Town of Dauphin Island business license.

Recreation/Entertainment Uses, Outdoor. A use category that includes large and generally commercial use types providing continuous recreation or entertainment-oriented activities that primarily take place outdoors. Such uses may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, and maintenance facilities. Example use types include arenas, amphitheaters, or stadiums, athletic fields, golf courses, and other outdoor commercial recreation/entertainment uses (including privately-owned miniature golf facilities; go-cart racing, race-track facilities; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; and privately-owned or membership sports and recreational facilities such as swim or tennis courts, and archery ranges). Note: Recreation/Entertainment Uses, Outdoor require the issuance of a Town of Dauphin Island business license.

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

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

Recycling Drop-Off Center. A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood or municipal recycling stations.

Recycling Drop-Off Station. A container or set of containers used for the collection and temporary storage of recyclable materials generated on-site.

Renovation. The removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation includes the replacement of equipment or

fixtures.

Repair. The act of restoring a structure to good condition after it has been damaged. Repair does not mean expansion or modification of a structure.

Re-Plat and/or Re-Subdivision. See *Subdivision, Re-Subdivision and/or Re-Plat*.

Required Yard. See *Yard, Required*.

Residential Dwelling and/or Residence. See *Dwelling, Residential*.

Residential Lodging Use. Activities that furnish temporary habitation accommodations to transient individuals for profit within a property owner's private home.

Residential Use. Residential uses are activities that involve the housing of individuals and families alike, offering a place for neighborhoods that provide a variety of lot sizes, housing unit types, and ownership options. This use category provides areas where the buildings are predominantly used for habitation purposes, where other uses permitted are limited to those that are considered complimentary and appropriate to the surrounding area in order to provide safety and quality of life to the residents while ensuring the integrity of the neighborhood is not compromised. Housing units range from low-density style housing such as single-family homes to high density style housing that include duplexes, quadplexes, condominiums, and apartments, depending on the zoning district.

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

Restrictive, More (Less). A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business use.

Retail Sales Establishment. A use category that includes use types involved in the sale, lease or rent of new or used products or services to the general public, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Re-Subdivision. The combining of two or more separate lots into one or more new lots of record. Also referred to as a re-plat. For the purposes of this Ordinance, a Re-subdivision shall be considered the same meaning as a Subdivision.

Retention Pond. See *Stormwater Retention Facility*.

Retaining Wall. A retaining wall is a structure that holds or retains soil behind it. There are many

types of materials that can be used to create retaining walls like concrete blocks, poured concrete, treated timbers, rocks or boulders.

Retrofit. The act of adding a component or accessory to something that did not have it when manufactured.

Revetment. A facing of stone, concrete, rip-rap, etc., built to protect a sharp embankment, or shore structure against erosion by wave action or current.

Right-of-Way (ROW). A portion of land acquired by the Town through reservation or dedication for the sole use of a public way; to be left open and unobstructed, separate and distinct from adjacent lots of record and not included within the dimensions or areas of such lots. In addition to the roadway, it normally includes the full width of the street and incorporates publicly owned and maintained curbs, ditches, lawn strips, temporary on-street parking spaces, lighting fixtures, drainage and sewer facilities, and utility lines. Right-of-Way widths vary throughout the Town and can be verified through Town Hall. The ROW may be used in some areas of Town for temporary parking purposes, but in no way is intended to be used for the permanent storage of any type of structure or item. No private entity can operate and conduct businesses within the dedicated right-of-way without written permission from the Town of Dauphin Island.

Riparian Buffer. A vegetated area or a buffer strip adjacent to a stream, bayou, shoreline, waterway, waterbody, wetland, or other watercourse that is managed to maintain the integrity of the watercourse, to reduce pollution, and to provide food, habitat, and thermal protection for fish and wildlife; to help shade and protect said watercourse from stormwater runoff and the impacts of activities conducted on adjacent land uses. A riparian buffer maintaining a specific width is required when development occurs near said watercourse to help capture sediments, nutrients, and pesticides, and other pollutants found in surface runoff prior to their entry into surface waters. They also provide habitat and wildlife corridors in developed areas and reduce erosion by providing sand and sediment stabilization.

Road and/or Roadway. See *Street*.

Sand Barren. An area of exposed sand with short trees, shrubs and grasses.

Sand Dune Protection and Management Plan. See *Dune Definitions and Related Terms*.

Sand Fence. A mechanically sound fence consisting of parallel, elongated sections of fiber screen, slats, rigid wiring, and posts. Set at an angle of 90 degrees to 60 degrees into prevailing beach winds and are intended to reduce wind speeds by 70 percent or more, allowing windblown particles to naturally drop to the ground where sand and soils can accumulate and build a natural dune structure and vegetation can be established for soil stabilization, but which may also be used to channel human and vehicular traffic.

Satellite Dish. A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

Scenic Byway. A road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Set up by Congress in 1991 to recognize, protect, and promote America's most outstanding roads.

School (Public, Private, Elementary, Secondary, Vocational). An institution for the teaching of children and adults, either publicly or privately funded.

Screening. Any landscaping or structure such as walls, landscaped berms, and hedges, used to conceal or reduce the negative visual and audio impacts of certain land uses or activities from streets or adjacent development. The height of a screen is measured from the highest finished grade abutting the element to be screened. In the case of screening between residential and non-residential zoning, walls, fences or landscaping; shall be at least six (6) feet in height. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established. In the case of screening required within residential zoning, the screening shall be compatible with residential structures and designed to complement the architecture of the structure.

Sediment. Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Self -Storage or Mini-Warehouse Facility. A building or group of buildings divided into separate compartments offered for rent and used to meet short-term or long-term off-site storage needs.

Self-Service Storage Uses. A use category that includes use types providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and campers, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use. Example use types include self-service storage establishments, also called "mini-warehouses." This use category does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (categorized as a warehousing and freight movement use).

Semi-Public Buildings/Uses. Structures for the use of a group the membership of which is open to the public, such as churches, Y.M.C.A. and Y.W.C.A. facilities, private schools, hospitals and nursing homes, colleges and health clubs, country clubs, tennis clubs, etc._

Senior Center. A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned but are not operated for

a profit.

Service Station. See *Gas Station*.

Setback. The required minimum distance a structure must be from the lot lines of a parcel to the building setback line and/or the building line in where no building or structure is permitted except those expressly permitted by this Ordinance. The required setback distance is determined by the zoning district requirement in which the lot is located.

Setback Line. See *Building Line*.

Shipping Container. Also referred to as a cargo container, storage container, conex container, intermodal container, and/or freight container. A large standardized shipping container, designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport from ship to rail to truck without unloading and reloading their cargo. They are primarily used to store and transport materials and products efficiently and securely in the containerized intermodal freight transport system. For the purposes of this Ordinance, a shipping container shall be referred to as a shipping container and only permitted to be used as an accessory use, permanent or temporary, to a commercial use only in the Central Business (CB) and Working Waterfront (WW) zoning districts.

Shoreline. The intersection of the land with the water surface. The shoreline represents the line of contact between the land and a selected water elevation. In areas affected by tidal fluctuations, this line of contact is the mean high-water line.

Short-Term Rental (STR). A residential dwelling unit or portion thereof, that is rented or leased to transient individuals or families for temporary lodging accommodations in exchange for compensation for not more than a maximum of 179 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses. This term includes lodging accommodations rented and/or leased through rental services such as Vacation Rental by Owner (VRBO), AIRBNB, and other similar rental services. Short term rentals include all housing types, but exclude motels, hotels, or bed and breakfasts (which are typically rented on an overnight basis), or other lodging uses.

Short-Term Rental Overlay District 1 (STROD1). An overlay district encompassing all R-1 and Village (V) zoned properties on the eastern portion of Dauphin Island, where in this geographic area, a limit (cap) of Short-Term Rental (STR) licenses are available in this historically full-time residential area. Located beginning specifically on the westernmost boundary of R-1 lots adjacent to the west side of Omega and Orleans Streets and extending east to the eastern end of the island, but excluding DeSoto Landing and Audubon Place subdivisions, see *Article 4, STROD1 Map* for location of exact boundary.

Short-Term Rental Overlay District 2 (STROD2). An overlay district encompassing all properties

zoned “R1” adjacent to Cadillac Avenue, beginning at the western end of Cadillac Avenue and extending east to the west side of Perdido Street, where in this geographic area, a limit (cap) of Short-Term Rental (STR) licenses are available in this historically full-time residential area. This area includes all R-1 lots on streets north of Cadillac Avenue and west of Perdido Street including Pineda, Port Royal, Polaris and Quivira Streets, *see Article 4, STROD2 Map* for location of exact boundary.

Short-Term Rental Overlay District 3 (STROD3). An overlay district encompassing all R-1 zoned properties west of Pirates Cove Street that are not included in STROD2, extending west to the west end of Dauphin Island, *see Article 4, STROD3 Map* for location of exact boundary. Where in this geographic area, there is not a limit (cap) of Short-Term Rental (STR) licenses, and special conditions exists that manage lodging and parking standards.

Shrub. A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Sidewalk or Bike Trail. A hard-surfaced, all-weather pedestrian way, usually alongside a street roadway.

Sight Triangle. A triangular area at each corner of intersecting roadways, or at the intersection of a roadway and driveway, within which the structures and vegetation are regulated to ensure safe sight distance for drivers of vehicles approaching the intersection.

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

Sign Definitions and Related Terms:

- **Address Sign.** The street address number (building number) for a structure, also known as the 911 address. The address number sign of each of the premises in the Town shall be displayed, as per Town Ordinance, in a legible manner in a location visible from the public rights-of-way.
- **Aggregate.** The sum, total or combination; a total or whole.
- **Air Dancer.** Air dancers are large inflatable devices comprising of a long tube attached to a fan which causes the tube to move in a dancing or flailing motion. Air dancers are generally called an inflatable tube or a moving figure, such as "windy man", "sky dancer", "tube man", and "fly guy". Variants of an Air dancer may resemble humans with tube arms.
- **Attached Premises.** A building with two (2) or more tenants sharing a common wall between tenants. Sometimes referred to as a strip center where an attached row of stores or service outlets are managed as a coherent retail entity, with on-site parking usually located in front.
- **Auction Sign.** Sign indicating that the property on which the sign is located is to be sold at auction on a specific date.

- Authorized Agent. An individual duly authorized by the owner of premises to apply for a sign permit, approval of a Master Sign Plan or other form of official action by the Town with regard to any sign or signs on the property. An authorized agent, if not an attorney, shall have written authorization from all owners of the development site. Only an individual may be an authorized agent.
- Awning Sign. Sign that is painted on, applied to, or otherwise is a part of a fabric or other non- structuralawning.
- Bandit (or Lawn) Sign. Bandit (or lawn) signs (also known as yard signs, placards and road signs, among other names) are used for local advertising. They can be used by businesses such as real estate and are popular in election campaigns. They are small signs that can be placed on the property of a business or on the lawns of a candidate's supporters. Bandit signs are often also placed near polling places on Election Day, although in most jurisdictions, there are legal restrictions on campaigning within a certain distance from a voting facility. The signs are typically placed close to the road for greater visibility. Signs come in various shapes and sizes but are most often rectangular and between twelve (12) and forty (40) inches on each side. They are usually produced in packages that include lawn sign wires since most of these signs need to be placed on a grass or dirt surface.
- Banner. Sign, not otherwise classified as a temporary sign, made of cloth, canvas, plastic sheeting or any other flexible material, not rigidly attached to a building or the ground through a permanent support structure.
- Billboard. A large outdoor board for displaying advertisements. For the sake of this Ordinance, the size may not exceed 32 square feet.
- Bulletin Board - Noncommercial. Sign placed on the premises of any school, public agency, Town rights-of-way, church or other religious organization, charitable organization or institutional organization consisting of changeable copy boards or panels for the posting of noncommercial notices.
- Bulletin Board – Commercial. Sign placed on the premises of any commercial business consisting of panels for the posting of notices.
- Business Sign. See *General Business Sign*.
- Charter Sign. A sign advertising charter services for a charter business.
- Church Sign. A sign posted on or near a place of worship usually bearing the name and denomination of the church, and the days and times of worship.
- Commercial Message. Any wording, contact information, website, email address, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- Commercial Sign. See *General Business Sign*.
- Community Event Sign. Sign indicating an event or activity conducted by a person or an educational, civic or charitable organization, and having a public or community service-related purpose.
- Construction Sign. Sign pertaining only to the construction, alteration, rehabilitation or remodeling of buildings, identifying only those parties involved in construction on the premises and future activity for which the construction is

intended.

- Development Site. One or more parcels of land unified under a single development plan which constitutes the entire development shown on a site plan or subdivision plat, including all land needed for landscaping, drainage facilities, parking, internal access roads, driveways or other physical design features needed to serve the proposed development.
- Digital Sign. A form of electronic display that shows programming, menus, information, advertising and/or other messages. Digital signs utilize technologies such as LCD, LED, plasma displays or projected images to display content.
- Dilapidated Sign. Any sign that is structurally unsound, has defective parts, or is in need of painting or maintenance.
- Directional Sign, On-Premises. Sign, other than an official sign, not displaying any commercial message, designed and created solely for the purpose of traffic or pedestrian direction and placed on the property.
- Directory Sign. Sign listing only the names and addresses of tenants or occupants of, and the name of, a permitted multiple occupancy commercial building or group of buildings.
- Display Area, General. The area that can be enclosed or measured by the smallest rectangle that will encompass the entire sign face and/or wall graphics; including frame, but excluding posts, uprights, braces or other structural members that support it.
- Dock Sign. A sign attached to a dock or pier for identification purposes and/or for the advertisement of charter services.
- Door Sign. Sign attached to, painted on or etched into a door. A sign in a window that is part of a door is a door sign rather than a window sign.
- Double Face Sign. A sign with two (2) display areas against each other or where the interior angle formed by the display areas is fifteen (15) degrees or less. The sign must be identical on both sides, where one face is designed to be seen from one direction and the other side from another direction. The display area of a double face sign is calculated from the area of one (1) side of the sign.
- Façade (or Attached) Sign. Sign attached to, or painted directly upon, a facade.
- Feather Flag. Tall, thin flags mounted on long poles that bend with the wind and resemble a sail. Their narrow, long dimensions make them look similar to feathers, and when the wind blows, the entire flag ruffles.
- Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol.
- Flashing. To give off light or be lighted in sudden or intermittent bursts.
- Freestanding Sign. See *Ground Sign*.
- Gasoline Service Station Price Sign. Sign placed at a gasoline service station indicating grades, prices and brand of gasoline offered for sale.
- General Business Sign. Sign advertising or identifying only the premises whereon the sign is located, which may include, but not be limited to, the name, hours of operation, symbol or logo of the owner, occupant, manager, business, institution

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

- Ground Sign. A freestanding sign supported by uprights, posts or bases affixed in or upon the ground and not attached to any part of a building.
- Hazard Sign. Sign warning of construction, excavation or similar hazards, and of such size and placement that is in accord with the provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition, published by the US Department of Transportation, Federal Highway Administration.
- House Identification Sign. See *Residential Identification Sign*.
- Identification Marker, Subdivision. An on-premise sign marking an entrance to a residential subdivision containing the name of subdivision and no other content.
- Incidental Sign. Sign, other than an official sign, containing no commercial message, providing only information or direction for the convenience and necessity of the public.
- Institutional Sign. A sign setting forth the name of service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses.
- Internal Sign. Sign inside a business.
- Light and/or Utility Pole Sign. A sign, flag and/or banner attached to a light and/or utility pole in the public right-of-way. For Town use ONLY.
- Logo. A graphic representation or symbol of a company name, trademark, abbreviation, etc., often uniquely designed for ready recognition.
- Murals. Any picture painted directly onto a building or structure that does not contain wording or logos.
- Non-Commercial Message. Any wording or other display other than a commercial message.
- Non-Conforming Sign. A sign lawfully erected and legally existing at the time of the effective date of this Ordinance, but which does not conform to the provisions of this Ordinance.
- Non-Official Flag. Any flag other than an Official Flag.
- Off-premise Sign. Sign not located on the premises (same platted parcel of land) of the business, advertising only goods and services of the business to which an off-premise permit has been issued, such as a billboard.
- Official Flag. Any official government flag or emblem.
- Official Sign. Any official governmental, traffic, directional, regulatory or informational sign placed by a duly authorized public official, or notice issued by any court officer or order, or officer in performance of a public duty; an official historical marker; any sign erected by a federal, state or local government agency for identification purposes at any office, institutional, recreational or other publicly owned or leased site.
- On-Premise Sign. Any sign located or proposed to be located within the same platted parcel of land on which a business or other activity identified on such sign is located.

- Outdoor Advertising Sign. See *Off-Premise Sign*.
- Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.
- Pole Sign. See *Light and/or Utility Pole Sign*.
- Political Sign. Sign containing a non-commercial message regarding a public issue, promoting a political cause or supporting the campaign of an individual for public office.
- Premises. Land and building or part of a building having a separate street address. The plat of record, which is, affected either directly or indirectly by the contents of this Ordinance.
- Product Sign. Sign directly attached to a licensed or otherwise authorized vending machine, gasoline pump or similar apparatus that directs attention only to products or services dispensed therefrom.
- Professional/Home Occupation Sign. Sign fastened directly to the building containing only profession/name of business, business hours and phone number.
- Projecting Sign. Sign placed above the ground, permanently affixed at more or less a right angle to the exterior facade of the building to which it is attached.
- Portable Sign. Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.
- Real Estate Directional Signs. A sign intended to provide directional information to real estate available. Signs shall be placed so as to minimize interference with any type of road crew maintenance. Signs shall be maintained in good condition as long as displayed. A small logo or name may be included on the face of the sign. A real estate directional sign shall not be considered a “directional sign” as described herein.
- Real Estate Sign. Sign indicating that the property on which the sign is located is for sale, lease, rent, auction or development; to announce an open house event in connection with the sale or lease of a building, or to identify a model home.
- Rental Business. The rental of products available for use in return for payment (Bikes, Boats, Jet Skis, Wind Surfers, Kite Boards, Surf Boards, etc.).
- Rental Home Sign. A permanent sign limited in content to name of house (rental), graphics, name and contact information of rental agent (not to exceed 20% of sign face), address of premises, and not to exceed sixteen (16) square feet including graphics.
- Required Signs. The street address (building number) of each of the premises in the Town shall be displayed, as per Town Ordinance, in a legible manner in a location visible from the public rights-of-way. See *Address Sign*.
- Residential Identification Sign. Identification sign naming the residence or condominium with graphics, containing no commercial message, located on the property identified. Not to exceed one (1) sign per residence, display area not to exceed sixteen (16) square feet including graphics.
- Residential Rental Sign. Identification sign naming the residence used for short-term

or long-term purposes, containing no commercial message, and located on the property identified. Not to exceed one (1) sign per residence, display area not to exceed sixteen (16) square feet including graphics.

- Retail Sales Business. A business engaged in the sale of goods in small quantities to customers.
- Roof Sign. Sign mounted on a roof, above the eaves or above the top of a parapet wall of a building, but not extending above the highest point of its supporting roof or of another architectural element that serves to block a rear view of the sign.
- Sandwich (Sidewalk) Sign. A movable sign not permanently secured or attached to the ground or surface upon which it is located, but supported by its own frame. These signs are known by various names based on the manufacturer and include names such as wind signs, rolling, folding, tip 'n' roll, swinger sidewalk signs or equivalent.
- Security Sign. Sign indicating only the logo, name and contact telephone number of the company providing security services to the property upon which the sign is located.
- Shopping Center. A group of commercial establishments on one or more contiguous parcels of land having shared access and/or off-street customer parking.
- Sign. A lettered, numbered, symbolic, pictorial, graphic, logo or illuminated visual display that is designed to identify, announce, direct, advertise, or inform.
- Sign Face. The area of the smallest rectangle within which all letters, logos, symbols, graphics or other elements displayed on the sign can be enclosed.
- Sign Height. The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater. No freestanding or ground sign may exceed sixteen (16) feet in height.
- Sign Variance. A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. Permission to depart from the sign regulations when, because of special circumstances applicable to the property, strict application of the provisions of the sign regulations deprives such property the privileges enjoyed by other property owners.
- Snipe Sign. An overlay added to an existing sign layout as an additional message to the main sign, for example, a band (stripe) across a corner saying (Coming Soon). It is also a term for illegal posting of hand bills, bandit signs and posters without permits.
- Suspended Sign. Sign attached to, and supported by, the underside of an elevated structural element.
- Temporary Sign. Sign not permanently and rigidly affixed to the ground or a building.
- The 'T'. An area defined by the centerlines of Le Moyne Drive and Bienville Boulevard to. (1) East to Key Street, (2) North to Cadillac Avenue, (3) West to Lackland Street, and (4) South of Bienville Boulevard from Key to Lackland Streets. In this Ordinance, this area shall be known as The 'T'.

- Utility Sign. Sign showing the location of a public telephone, or sign placed by a regulated public utility to indicate location of its facilities, and includes no commercial message.
- Vacation Rental Sign. See *Residential Rental Sign*.
- Window Sign. Sign painted onto the inside or outside of a window, or sign attached to the outside of, or displayed in front of, a window.
- Wrap Sign. Any type of advertising information that is displayed on a vehicle, vessel, or other type of machinery and/or equipment, either mobile or stationary, by way of completely or partially covering (wrapping) such object in a vinyl material or the purposes of advertising a business, trade, service, product, and the like to be used as a mobile or stationary billboard (off-premise sign).

Single-Family Dwelling Unit. See *Dwelling Unit, Single-Family Detached & Dwelling Unit, Single-Family Attached*.

Site. A lot or parcel of land, or any combination of contiguous lots or parcels of land, including buildings and appurtenances located thereon, having a unity of use and ownership or control.

Site Plan. A development plan drawn to scale showing uses, structures, and other physical features of a lot, as required by this Ordinance under Site Plan Approval Procedures.

Sketch Plan. A conceptual plan drawn to scale showing a rough sketch of a proposed development containing enough detail to be used for the purpose of discussion and clarification, as required by this Ordinance under Site Plan Approval Procedures.

Slope. See *Dune Slope*.

Small Commercial Use. Small Commercial uses are considered any small-scale business activity involving the sale of goods or services carried out for profit that serve the day-to-day commercial needs of surrounding neighborhoods. The maximum size of the business is limited to 1,500 square feet or less, and the activity of the use is less intensive to ensure the integrity of the neighboring properties is not infringed upon or compromised.

Small Home and/or House. See *Tiny House*.

Special Exception Use. This term refers to a use that is reasonably compatible with the zoning district intent and may or may not be permitted as a special exception; and, due to the nature and intensity of the use, it requires the review of the Planning Commission and the Board of Adjustment. Once a recommendation is made by the Planning Commission, the Board of Adjustment shall hear and ultimately decide after a public hearing is held, if the proposed use shall be permitted in said zoning district and if any additional standards are required to ensure it does not create any harmful impacts on the surrounding area.

Special Flood Hazard Area (SFHA). A land area identified by the United States Federal Emergency Management Agency (FEMA) as an area considered to be at high risk for flooding, with a special flood and/or flood related erosion hazard, as shown on FEMA's flood insurance rate maps (FIRMs). Land areas in the SFHA are designated on the FIRMs as Flood Zones A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, VO, V1-V30, VE, and V. Additionally, these areas are where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and where the mandatory purchase of flood insurance applies in some instances.

Special Flood Hazard Overlay District (SFHOD). An overlay district that, in addition to the base zoning, requires additional and specific construction standards to prevent and/or help reduce flood damage to property.

Stick-Built Structure. Any structure that is built and fully constructed on the site where said structure will permanently sit, built with raw building materials where not part of the structure is pre-assembled off-site and transported to the site.

Stop Work Order. An order issued by the Building Official or other authorized town staff that directs the person responsible for a development activity or other act in violation of this Ordinance to cease and desist such activity or act.

Stormwater Detention Facility. A storage facility for stormwater runoff collected and/or stored for a temporary period of time and released at a rate equal to or less than the pre-development rate. Also called a Detention Basin.

Stormwater Drainage Facility. Any pipe, ditch, creek, river, lake, swale, watercourse, wetlands, or any other natural or man-made facility through which stormwater or stormwater runoff may pass regularly or intermittently. See *Stormwater Retention Facility* and *Stormwater Detention Facility*.

Stormwater Management Plan. A plan or map drawn to scale by a Professional Engineer (P.E.) detailing the control and management of stormwater from a construction site, showing plans and specifications that describe the measures proposed to manage stormwater runoff as per the requirements listed in the Stormwater Management Standards of this Ordinance.

Stormwater Retention Facility. A permanent storage facility for stormwater runoff collected where the stormwater remains in the facility at all times. Also called a Retention Basin.

Stormwater Run-Off. The flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

Street. A public or private vehicular way or thoroughfare intended for the sole use of carrying vehicular traffic which provides the principal means of access to other streets

and/or adjacent property; to remain open and unobstructed from any permanent structure from ground to sky and from curb to curb or to the dedicated right-of-way boundary on each side of the street. The term includes all facilities that normally occur within the right-of-way, such as roadways, on-street parking lanes, sidewalks, curbs and gutters, drainage facilities, and utility lines and facilities. Streets are classified as principal arterial, minor arterial, collector, and local, depending on the volume of vehicular traffic they carry. May also be known as thoroughfares, parkways, throughways, roads, avenues, boulevards, lanes, places and courts. Streets do not include public alleys.

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

Street, Collector. A street, designated on the town's Street Plan, that is designed and intended both to provide vehicular access to and from abutting development, particularly in commercial and industrial areas, and to provide both travel mobility among neighborhoods and activity centers by connecting local streets and other collector streets with arterial streets. Collector streets also provide bicycle and pedestrian access and circulation.

Street, Marginal Access. A street designed and intended primarily to provide direct vehicular access to and from abutting development, or part of a large development, as well as provide travel mobility by connecting driveways and other local streets with collector streets and arterial streets. Local streets generally handle low to medium vehicular travel speeds and traffic volumes but may handle relatively high traffic volumes within large commercial and mixed-use developments and in urbanized areas such as the downtown. Local streets serve as primary providers of bicycle and pedestrian access and circulation.

Street Width. The area that includes the boundary of the entire right-of-way.

Streetscape. All the elements that constitute the physical makeup of a street, including enhancements that, as a group, define the street's character; including: building frontage, street paving, street furniture, landscaping to include street trees and other plantings, signs, and lighting.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a permanent location on the ground or attached to something having a location on the ground, including but not limited to, a house, building, deck, pool, parking lot, gazebo, signs, walls, fences, screened enclosures, gas or liquid storage tanks or other objects. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. This definition does not include sand fences or dune walkovers constructed for the purpose of dune protection or enhancement.

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

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

Structure, Principal. See *Principal and/or Primary Building*.

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

Subdivider. Any person who subdivides land deemed to be a subdivision as defined by this Ordinance.

Subdivision. Any division of a tract or parcel of land into two or more lots, parcels, building sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development; and including any division of land involving the dedication of a new street or a change to or encroachment on an existing street. For the purposes of this Ordinance, the term re-subdivision shall have the same meaning. Any division of land by metes and bounds constitutes a subdivision of land and shall require compliance with these Regulations unless it falls within one of the exemptions hereinafter set out.

Subdivision, Administrative. See *Exempt Subdivision*.

Subdivision, Exempt. See *Exempt Subdivision*.

Subdivision, Major. A subdivision of more than six (6) new lots, or one which involves the creation and installation of new streets, utilities, and/or infrastructure, regardless of the number of lots.

Subdivision, Minor. A subdivision of land into not more than six (6) lots new lots and does not involve the creation and installation of new streets, utilities, and/or infrastructure.

Subdivision, Re-Subdivision and/or Re-Plat. The combining of two or more separate lots into one or more new lots of record. Also referred to as a re-plat. For the purposes of this Ordinance, a re-subdivision shall be considered the same meaning as a subdivision.

Subdivision Plat. A map or drawing, drawn to scale by a certified land surveyor or professional engineer, detailing how a parcel or parcels of land will be subdivided or re-subdivided from its original platting. Presented to the Dauphin Island Planning Commission for formal review, the subdivision plat shows a depiction of the property, noting the dimensions, location, and boundaries of the property with the lots, streets, alleys, easements, rights-of-way, and other features required by the Town of Dauphin Island's Subdivision Regulations.

Subdivision Regulations. The rules that govern the subdivision process for the Town of Dauphin Island as adopted by the Dauphin Island Planning Commission.

Submerged Lands. Those lands situated below the mean low waterline or all of the lands covered by the mean high waterline.

Subordinate. Of or characteristic of low rank or importance or considered less in comparison.

Substantial Amount. Any amount, the moving, alteration, or removal of which could significantly increase danger of erosion, storm, damage or flooding.

Substantial Change. See *Dune Definitions and Related Terms*.

Survey. See *Boundary Survey*.

Surveyor. A Land Surveyor licensed and registered by the State of Alabama Board of registration for Professional Engineering and Land Surveyors.

Swale. A depression in the ground which channels stormwater runoff, where the side slopes are no steeper than four (4) to one (1) run to rise.

Telecommunications. See *Wireless Tele-Communications Tower*.

Telecommunications Tower. See *Wireless Tele-Communications Tower*.

Temporary. Lasting for only a limited period of time; not permanent.

Temporary Building and/or Structure. A structure that is installed without any foundation or footings and is removed when the designated time-period, activity, or use for which the temporary structure was installed has expired, usually not to exceed 90 consecutive days. Such structure shall be subject to the currently adopted building code and all applicable zoning requirements for the district in which it is located.

Temporary Use. A use established for a limited period of time with the intent to discontinue such use upon the expiration of the time period.

Temporary Use Permit. A permit authorizing the operation of a temporary use or special event that is reviewed and decided by the Building Official in accordance with the Town's Temporary Use Permit.

Tent. A portable shelter made of cloth, supported by one or more poles and stretched tight by cords or loops attached to pegs driven into the ground.

Text Amendment. An amendment to the language of this Ordinance that is reviewed and

recommended by the Planning Commission and decided by the Town Council in accordance with this Ordinance.

Tiny House and/or Home. A structure intended for use as a habitable dwelling with a maximum floor area not to exceed four hundred (400) square feet. For the purposes of this Ordinance, a Tiny House shall not be considered a Single-Family or One-Family Dwelling Unit.

Town Engineer. The Engineer duly licensed with the State of Alabama, County of Mobile and the Town of Dauphin Island, Alabama; hired and appointed by the Town Council of Dauphin Island for engineering services.

Townhouse. See *Single-Family Dwelling Unit Attached*.

Transient. Not lasting, enduring, or permanent; transitory, lasting only a short time; existing briefly; temporary.

Tree. An evergreen or deciduous upright woody perennial plant having a single main stem or trunk, or several main stems or trunks, and usually a distinct crown of foliage and few or no branches on its lower part, and ordinarily growing to a considerable height (i.e., at least 8 feet).

Tree Definitions and Related Terms:

- **Caliper.** Diameter of stem six inches (6") above the nursery planting line.
- **Circumference.** The distance measured around an object.
- **Diameter.** A straight line passing from side to side through the center of a body or figure, especially a circle or sphere.
- **Diameter Breast Height (DBH).** The standard measurement method used to measure a tree which defines the attributes of a tree. For the purposes of this Ordinance, a DBH threshold is established for the purpose of protecting existing trees. DBH refers to the diameter or cross section of the tree at 4.5 feet or 54 inches above the ground.
Comment: To calculate DBH, measure 4 and one half feet (4 ½') up the trunk from the ground and demark that height. Measure the circumference of the tree at this height. Divide the measurement by pi (3.14) and round up to the nearest whole number to get the diameter of the tree at breast height, or DBH. For example, a tree that measures 30" in circumference at 4 ½' will have a DBH of 10" ($30 \div 3.14 = 9.5$ or 10"). The DBH requirement for protected trees in this Ordinance is 4" DBH; or approximately 12 ½ inches in circumference at 4 ½ feet from the ground. Additionally, on steep slopes, measure this distance on the uphill side of the tree. Trees with multiple tree trunks should be treated as multiple trees and the DBH of each trunk added to the aggregate diameter measurement.
- **Tree Canopy.** The extent of the outer and/or upper layer of leaves of an individual tree or group of trees formed by mature tree crowns.
- **Tree Removal.** The actual removal of a tree by digging up or cutting down, or the effective removal through damage or neglect.

- Tree Removal Permit. A permit authorizing the removal of trees that requires review and action by the Building Official in accordance with the Tree Removal Ordinance 87A.
- Tree, Heritage. Any species or category of tree listed in the Tree Ordinance. Heritage Trees are identified with a DBH (Diameter at Breast Height) equal to or greater than a certain DBH based on tree type.
- Tree, Overstory. A tree that has an expected height at maturity greater than 30 feet and produces significant shade because it has a crown that is oval, round, vase-shaped or umbrella-shaped.
- Tree, Understory. A tree that has an expected height at maturity of not greater than 30 feet.

Turtle Lighting Fixture. A lighting fixture with a bulb that produces light with a wavelength of 560 nanometers (nm) or higher.

Usable Open Space. An open area that provides public access intended to be utilized for activities such as passive forms of exercise, leisure-time interests, and/or facilities such as parks, trails, hiking, biking, benches, statues, fountains, pavilions, ponds, and other natural and cultural features. See *Passive Recreational Uses*.

Utility and Communication Uses. A use category that includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. The category also includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, storage areas, generators or data transmission equipment. Example use types include major utilities, minor utilities, wireless communication towers and antennas, radio and television broadcasting studios, and newspaper printing facilities.

Utility, Major. Infrastructure services providing community-or region-wide service that normally involve the construction of buildings or structures, such as water towers, wastewater treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

Utility, Minor. Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, and telephone exchanges.

Utility, Private. Private utilities, also called investor-owned utilities, are owned by investors, and operate for profit, often referred to as a rate of return. They extend beyond service meters or public utilities, often on to privately owned property and are not regulated by a governmental entity. Examples of private utilities can include cellular services, electrical feeders and gas mains running through parking lots or to critical facilities such as hospitals or fire stations.

Utility, Public. Any organization which provides services to the general public and maintains the infrastructure for a public service. Public utilities include electric, gas, water, telephone, and television cable systems. Public utilities are publicly or privately owned and are regulated by state, county and/or city public utility commissions under state laws.

Vacation Rental. See *Short-Term and/or Long-Term Rental*.

Variance. A means for property owners to use their property in a manner that is not permitted under the terms of the Zoning Ordinance. Its purpose is to authorize land owners, due to conditions naturally occurring on their property which are unique to their property specifically, a deviation from the strict requirements of the Zoning Ordinance. The land owner must prove that using the property in compliance with the Zoning Ordinance would create an unnecessary hardship beyond their control. If granted, the variance is tied to the land in perpetuity. A variance is heard and decided upon by the Town of Dauphin Island Board of Adjustment. There are two types of variance, which are:

- (1) Area Variance, which modifies the site development standards in the Ordinance. It provides relief from the dimensional requirements relating to setbacks, site coverage, lot sizes, building height, parking standards, and the like. And;
- (2) Use Variance, which allows property to be used for a use or activity that otherwise would not be permitted in the zoning district by the Ordinance. This action has the same effect as the re-zoning of property. For the purpose of this Ordinance, a use variance is not allowed and shall not be granted by the Dauphin Island Board of Adjustment. Rather, the proper action to take in this instance is for the land owner to file an application for the rezoning of their property.

Vegetated Swale. Broad, shallow channels designed to convey and infiltrate stormwater runoff. The swales are vegetated along the bottom and sides of the channel, with side vegetation at a height greater than the maximum design stormwater volume.

Vegetation. All the plants or plant life of a place, taken as a whole.

Viewshed. An area of water that is visible to the human eye from a fixed vantage point that is subject to viewshed protection standards such as height and spacing requirements to ensure development does not prevent contiguous loss of waterfront views and public access to waterfronts.

Warehouse, Mini. See *Mini-Warehouse*.

Waste Composting. Uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.

Water(s). Includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and

water percolating, standing, or flowing beneath the surface of the ground.

Watercourse and/or Waterbody. A natural or artificial channel through which water flows.

Wattle. A log-like structure created of straw and wood and contained in a fabric sheath and are used as an erosion and sediment control device. Wattles assist in stabilizing disturbances by shortening the slope lengths, reducing water flow velocities, and sand movement by trapping sediment.

Wetland. A wetland is defined by USACE as: “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions”. For the purposes of this Ordinance, wetlands presence or absence shall be documented by the USACE process using the Wetland Determination Data Form.

Wetland Delineation. A process conducted by a qualified and/or certified professional who establishes the existence, physical location, and boundary area of a wetland for the purposes of federal, state, and local regulations.

Wetland Protection Overlay District (WPOD). A zoning overlay district which identifies and encompasses Island properties containing possible wetlands, with physical features and characteristics indicative of wetlands. Appropriate protection measures are necessary because these sensitive habitats are unique natural resources that are critical to the protection of all Island properties. Additional development standards and building requirements may apply to these properties if it is determined that wetlands are indeed present.

Wireless Tele-Communications Tower. A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi- public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

Wireless Tele-Communications Tower Definitions and Related Terms:

- **Antenna Support Structure.** Any building or other structure allowed in the district in which it is located, other than a tower which can be used for location of telecommunications facilities.
- **Camouflage.** The design of a tower or telecommunications facility to minimize a visual impact and to blend into the surrounding environment. The term "Camouflage" does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole tower designs.
- **Co-Location.** The practice of locating multiple wireless broadcast facilities/providers within or upon the same facility. This Ordinance requires co-

location of tele-communication carriers within a single facility to avoid the proliferation of telecommunication towers.

- Guyed Tower. A structure erected for mounting communications transmission and receiving devices. The structure is usually an open, triangular or rectangular shape and maintains its width the entire length of its structure. The distinction of this tower lies in its support system, which includes anchored guyed-wire at varying angles to support its entire length.
- Monopole Tower. An upright, self-supporting structure erected for mounting communications transmitting and receiving devices. This structure is cylindrical in shape and is wider at the base for sufficient strength to be self-supporting. It usually decreases in diameter toward the top. It derives its name from its single anchoring leg or pillar.
- Owner.
 - Owner, Land. (Land Owner of Property Where Cell Tower Will be Located). Any individual with free title, or with written permission from an individual with free title, to any plot of land within the Town of Dauphin Island and its police jurisdiction, who desires to develop, construct, build, operate, modify or erect a tower upon such land, or lease said land to a telecommunications company to develop, construct, build, operate, modify or erect a tower;
 - Owner, Tower. Any individual, firm, partnership, association, corporation, company or other legal entity that develops, constructs, builds, operates, modifies or erects a telecommunications tower.
- Repeater. A receiving and transmission site used to gather communication signals and amplifies it for further distribution. A repeater is the key to broadcasting a signal over extended distances and varying terrain.
- Self-Supported Tower. A triangular based structure with three support legs as its base, erected for mounting communications transmission and receiving devices. This structure is wider at its base and becomes smaller at its apex. These structures also gain its strength through its lattice- like, cross-member structure.
- Satellite Earth Station. A ground link network which acts as a relay loop between an orbiting satellite for receiving and transmitting signals. Its main purpose is to extract the satellite signal and process it for distribution. These stations are placed at strategic locations to complete a communications network.
- Telecommunications. The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.
- Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which an individual seeks to locate or has installed upon or near a tower or Antenna Support Structure. However, the term “Telecommunications

Facilities" shall not include the following:

1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial;
 2. Any residential satellite earth station antenna regardless of zoning category;
- Telecommunications Tower. A self-supporting lattice, guyed or monopole structure constructed from grade, or resting on grade as a temporary or testing installation which supports telecommunications facilities.
 - Tower Owner. Any individual, firm, partnership, association, corporation, company or other legal entity that develops, constructs, builds, operates, modifies or erects a tele- communications tower.

Yard. A ground area of open space on a lot that is unoccupied and unobstructed by any portion of a structure from the ground upward. Yards are further classified as front, rear, waterside, and side yards. Yards shall be measured from the wall of the structure to the property line perpendicularly using a straight line and shall not contain more than twenty percent (20%) impervious surface materials such as concrete and pavement on residential lots for the purposes of achieving proper stormwater management standards to control flooding.

Yard, Front. The ground space extending across the entire width of the lot between the principal buildings on the lot and the front property line, measured perpendicular to the building. On corner lots, the yard containing the shorter of the two front lot lines shall be considered the front yard regardless of the location of the main entrance of the dwelling (see definition of Front Lot Line). Where both front lot lines on a corner lot are equal in size, the front yard shall be defined as the side on which the majority of lots front on that block.

Yard, Rear. The ground space between the rear façade of the principal structure(s) on a lot and the rear lot line and extending the full width of the lot.

Yard, Required. The minimum ground space that is required when the property is developed for the purposes of stormwater management and flooding control. The required yard is part of the general yard space, but may or may not encompass the entire yard space depending on the size of the lot. The required yard is located between the property line and the building setback line and/or buildable area boundary, see "Yards" diagram in Article 5 of this Ordinance. The required yard shall remain unoccupied and unobstructed from permanent structures including impervious surfaces from the ground upward to the sky, with the exception of permitted yard encroachments and projections, such as driveways, accessory buildings, swimming pools, and uncovered porches, patios, decks, and stairs, see "Allowable Yard Encroachments" table in Article 5 of this Ordinance.

Yard, Side. The ground space between the side façade of the principal structure(s) on a lot and the nearest side lot line and extending between the front yard and rear yard of the

lot.

Yard, Waterside. The ground space abutting any body of water and the principal structure (s) on a lot. May be either a front, side, or rear yard depending on the orientation of the principal building on the lot.

Yard Encroachments and/or Projections. Certain architectural features, mechanical equipment, and/or landscaped structures, which are allowed to extend into a standard required yard space, provided that the encroachments and/or projections meet the locally adopted building codes and minimum vision clearance triangle on a corner lot.

Yurt. A circular domed tent of skins or felt stretched over a collapsible lattice framework primarily used by pastoral peoples of inner Asia.

Zoning. Zoning is a legal instrument that places certain land use controls over privately-owned land governing the use, placement, spacing, and size of land and buildings to protect the health, safety, and general welfare of the public. Zoning consists of a zoning map which delineates different zoning classifications and written regulations which provide the uses allowed and development standards for each zone.

Zoning Amendment. The formal procedure to amend the adopted zoning ordinance and/or official zoning map of the City by changing the text of the ordinance and/or boundaries of any zoning district on the zoning map. A public hearing is required by the Planning Commission and City Council for this action before a vote can be considered by Town Council.

Zoning District. An area delineated on the Official Zoning Map within which a prescribed set of land uses and development standards are applied to various types of development.

Zoning District, Base. A zoning district within which one or more uses are allowed and where intensity, dimensional, and development standards are applied and required.

Zoning District, Overlay. See Overlay Zone.

Zoning Enforcement Officer. The individual designated by the appointing authority to enforce the provisions of the Zoning Ordinance.

Zoning Map. The Official Zoning Map of the Town of Dauphin Island, upon which the boundaries of various zoning districts are drawn, and which is an integral part of this Ordinance.

ARTICLE 3

General Provisions

§ 3.1	APPLICATION & COMPLIANCE OF REGULATIONS
§ 3.2	EXISTING COVENANTS
§ 3.3	LAND DISTURBANCE PERMIT
§ 3.4	BUFFER PROTECTION REQUIREMENTS
§ 3.5	LIGHTING REGULATIONS
§ 3.6	GARBAGE & TRASH DISPOSAL
§ 3.7	OUTDOOR STORAGE & SCREENING
§ 3.8	TEMPORARY USES, STRUCTURES & PERMITS
§ 3.9	VIEWSHED PROTECTION
§ 3.10	JUNKED VEHICLES, TRAILERS, & VESSELS
§ 3.11	ABATEMENT OF NUISANCES
§ 3.12	ANIMALS & LIVESTOCK



SECTION 3.1 APPLICATION & COMPLIANCE OF REGULATIONS

Except as hereinafter provided, the following shall generally apply to all zoning districts within the corporate limits of the Town of Dauphin Island:

No building 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. All non-stick-built structures installed within the corporate limits of the Town must meet the Town's current adopted building code.

SECTION 3.2 EXISTING COVENANTS

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants must be met in addition to the requirements of this Ordinance.

*Note: All applications must meet Town of Dauphin Island Zoning Regulations before the issuance of a building permit. Additional standards may be required by the Property Owner's Association (POA) in which property is located. Applicants are strongly encouraged to hold a pre-application meeting with both the Town and the POA, if applicable, to ensure standards from both entities are met.

SECTION 3.3 LAND DISTURBANCE PERMIT

A Land Disturbance Permit shall be required for any land-disturbing activity related to the clearing of a piece of property or other land-disturbing activity not covered by a building permit, see definition of Land Disturbance in *Article 2: Definition of Terms*.

SECTION 3.4 BUFFER PROTECTION REQUIREMENTS

In efforts to minimize disturbances between potentially incompatible land uses and to ensure the integrity of residential neighborhoods is not compromised or disturbed by adjacent non-residential uses that may be intrusive and disruptive to a resident's quality of life, protective buffers shall be required to be installed in accordance with the following provisions of this section. Properties are considered adjacent to each other when they are separated by either a property line, street, waterbody, or other impediment. When a new commercial or non-residential use is established adjacent to a residential use and/or residential district, the new commercial establishment shall install a protective buffer or screen to ensure the integrity of the residential use and/or district is not disturbed.

§ 3.4.1 PROTECTION BUFFER REQUIRED

Where a new commercial use or any non-residential use is established adjacent to a residential use or any part of a residential district, a buffer zone of ten (10) feet wide shall be required to be installed on the commercial or non-residential lot. The buffer or screen shall be installed on the side(s) of the commercial property that is/are adjacent to the residential use/district and shall run the entire length of the abutting lot line(s) to ensure the residential use is not negatively impacted from nuisances the new commercial use could possibly generate such as: the glare of lights, dust and debris, visual encroachment and noise. Screen planting shall be maintained in a clean and uniform fashion, in such manner as to accomplish its purpose continuously and shall not impair vehicular flow. Said buffer zones shall be in addition to the required yard dimensions and shall be reviewed by the Planning Commission during site plan review.

§ 3.4.2 TYPES OF BUFFERING & SCREENING

- **Wall or Fence.** If a wall or fence is provided as a protection buffer, it shall be a maximum of four (4) feet in height if installed along the front property line, and six (6) feet in height if installed along the side and/or rear property line. It shall be of a construction and design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.
- **Screen Planting Strip.** If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height, but in no case less than four (4) feet in height if planted along the front property line, or six (6) feet in height if planted along the side and/or rear property line at the time of planting.

SECTION 3.5 LIGHTING REGULATIONS

All lighting and lighting fixtures on a lot shall be in good condition and appearance. The Building Official may require the removal, replacement, repair or correction of a lighting fixture, at the owner's expense, for any lighting fixture on the property that is improperly maintained.

§ 3.5.1 OUTDOOR LIGHTING FOR RESIDENTIAL STRUCTURES

- All external lighting shall be appropriate and not exceed that which is normally found in

residential areas per the requirements of the Town’s most recently adopted Building Code.

- All external lighting that negatively impacts adjacent residential lots or areas shall be prohibited.
- Lots bordering on or near the beach may not shed light onto the beach area in efforts to protect sea turtle nesting and hatching activities. “Turtle friendly” lighting is strongly encouraged and is required in the Turtle Lighting Overlay District (TLOD), see *Article 4* for more information.

§ 3.5.2 OUTDOOR LIGHTING FOR COMMERCIAL STRUCTURES

- Exterior lighting shall be complimentary to the district, compatible with the architectural design of the building, and enhance landscaping and public safety. Excessive brightness shall be avoided.
- Exterior lighting shall be shielded at its source to prevent glare and adverse illumination of adjacent properties, public areas, and streets.
- If off-street parking is required, parking areas shall have appropriate lighting that is complimentary to the district to permit safe pedestrian travel.
- Commercial buildings shall comply with the Turtle Lighting requirements set forth in this Ordinance, see *Article 6*.

§ 3.5.3 OUTDOOR LIGHTING ADJACENT TO AND IN RESIDENTIAL AREAS

- Any outdoor lighting located on a lot shall be so situated as not to reflect directly into any public right-of-way or neighboring property.

§ 3.5.4 OUTDOOR LIGHTING REQUIREMENT FOR TURTLE LIGHTING OVERLAY DISTRICT (TLOD)

Sea turtle nesting activities occur annually on Dauphin Island beaches and shorelines. Sea turtle conservation practices are essential in sustaining and rebuilding sea turtle populations. Sea turtles serve a crucial purpose in preserving healthy ocean ecosystems by maintaining healthy seagrass beds and productive coral reef ecosystems, transporting essential nutrients from the oceans to beaches and coastal dunes, all of which help provide key habitat for other marine life and balance marine food webs. All sea turtle species are federally protected under the Endangered Species Act of 1973. Disorienting turtles with artificial lighting is a violation of the Act and may result in fines of up to \$25,000 per hatchling.

The purpose of these lighting regulations is to reduce the potential impact of artificial coastal lighting on nesting sea turtles and hatchlings by restricting artificial lighting that may detour mature sea turtles and disorient sea turtle hatchlings, causing them to crawl toward land rather than toward the Gulf. Hatchlings have an instinctive response to crawl toward a light source that helps lead them seaward on naturally lighted beaches. The apparent brightness and glare of artificial lighting is what often leads hatchlings astray, resulting in the death of thousands of hatchlings each year in Alabama and neighboring states. These regulations are intended to provide conservation standards that will achieve overall improvements in Dauphin Island’s nesting habitats

that are currently degraded by light pollution, while increasing successful production of hatchlings without jeopardizing public safety or the security of persons or property.

Appropriate “turtle-friendly” lighting is required in specific areas of Dauphin Island where there is potential sea turtle activity in order to ensure the light sources from these areas don’t create a hazard for sea turtles and interrupt their natural instinctive behaviors. Light sources that create a potential hazard for sea turtles are considered "light fixtures that are directly, indirectly or cumulatively visible from the beach". To effectively protect nesting sea turtles and their hatchlings, property owners in the boundary must minimize all lights that may be visible from the beach, including all exterior, structural, decorative, and landscape lighting. This light visible through glass windows, doors and walls (either facing or perpendicular includes interior to the beach) as well as light from pools, fire pits, electronic devices such as televisions, tiki torches, and all other outdoor lighting.

See Section 6.10 of this Ordinance for a list of lighting regulations that apply to all new coastal construction projects as well as all new lighting fixtures installed on existing structures located on the seaward side of all lots adjacent to the Gulf of Mexico and all lots west of St. Denis Court located on the north and south sides of Bienville Boulevard. The required sea turtle lighting regulations apply to all lighting fixtures that are beachfront, front, side, and rear of the building or structure in efforts to provide protection for nesting sea turtle activities and promote the production of sea turtle hatchlings on the Island. See boundary area in *Article 4, Section 4: Turtle Lighting Overlay District (TLOD)*

SECTION 3.6 GARBAGE & TRASH DISPOSAL

The following regulations regarding the removal and disposal of trash and debris shall apply to all zoning districts:

- No lot shall be used or maintained as a dumping ground for rubbish.
- Trash, garbage or other waste shall be kept in sanitary containers.
- Garbage and trash disposal shall be in compliance with applicable Town ordinances.
- Commercial dumpsters, trash refuse, and recycling containers should not be located forward of the front building Line. Such containers shall be screened by the combination of opaque fence or masonry wall that is higher than the dumpster, and/or plant material on three (3) sides.
- Commercial dumpsters shall be placed on a concrete pad of sufficient size and properly screened with a strength to support service vehicles without failure.
- Commercial dumpsters are prohibited in the R-1, R-2, and Village zoning districts unless required for temporary purposes.

SECTION 3.7 OUTDOOR STORAGE - COMMERCIAL & MULTI-FAMILY USES

The following regulations apply to all multi-family uses and all other commercial and/or non-residential uses.

- All outdoor storage of garbage, materials, servicing equipment, and the like, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than eight (8) feet in height conceal such areas from an adjacent residential district.
- Any outside area designated for service facilities such as utility dumpsters, garbage dumpsters, construction materials and/or equipment, gas, fuel tanks, liquid petroleum tanks, other outdoor storage tanks, etc. shall be properly screened and be shielded from public view.
- Said storage shall be limited to the rear yard and screened from public view with an opaque fence or wall of permanent construction and of a design and of materials approved by the Building Official for existing storage and through the Planning Commission for new projects at the Site Plan Review process.
- The Building Official may require the outdoor storage screening to be removed, replaced, repaired or corrected at the owner's expense if not properly maintained.
- Outdoor Storage is prohibited on undeveloped lots.

SECTION 3.8 TEMPORARY USES, STRUCTURES & PERMITS**§ 3.8.1 PERMIT REQUIRED**

The regulations contained in this section are necessary to govern the operation of transitory, seasonal and/or temporary structures and uses that are considered to be nonpermanent in nature. They do not apply to clean-up activities due to a storm event or natural and/or man-made disaster.

- All temporary structures shall be reviewed and considered by the Town Council on a

case-by-case basis. Town Council approval is required for all temporary uses and structures before the issuance of a Temporary Use Permit. The Temporary Use approval shall be noted on the building permit application.

- All Temporary structures and/or uses require a Temporary Use Permit obtained through the Town's Building Department after the review of Town Council.
- The Temporary Use Permit for the temporary building and/or structure is valid for ninety (90) days. If the temporary building and/or structure will be used for longer than ninety (90) days, the property owner must apply for another Temporary Use Permit.
- All applications for a Temporary Use Permit must provide the following:
 1. Physical address for the location of the temporary building or use;
 2. A description of the proposed use or purpose of the temporary building;
 3. Site plan showing where temporary structure or use will be located on the lot, zoning, setback requirements of the zoning district for the site, and any easements on the property, and the location for all parking and sanitary facilities.
 4. Letter of Authorization from the property owner giving permission for the temporary structure or use.

§ 3.8.2 **GENERAL REQUIREMENTS**

- The temporary structure or use shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zoning district, except as otherwise provided by these regulations.
- Termination of use of the temporary structure shall coincide with the expiration of permit, completion of construction, abandonment or revocation of the related use permit and thereafter shall be removed from subject property.
- The use of a shipping container (see definition) as a temporary structure is prohibited except in the CB and WW zoning districts.

§ 3.8.3 **USES ALLOWED**

The following temporary uses shall be permitted as specified by these regulations:

- **Construction Support**- Temporary buildings or portable type trailers used in conjunction with construction work only, may be permitted in any zoning district and shall be removed immediately upon completion of construction.
- **Business Support**- Construction or Real Estate Office on or adjacent to any site on which a building or construction project is being diligently pursued for which a permit has been granted.
- **Seasonal Support**- Christmas Tree/Seasonal Sale Lot – A temporary use permit may be issued for the display and open lot sales of Christmas trees and/or seasonal promotions in a non-residential district only.
- **Special Event Support**- Tent Events/Religious Gatherings – A temporary use permit is required for any tent event or other temporary structure to house an event, gathering, and/or meeting. Tents used in all zoning districts shall be temporary in nature, as for the protection of the public, surplus, or sale goods, or as temporary uses incidental to an established principal use. No tent shall be used, erected or maintained as living

quarters.

- **Personal Support-** A Temporary Use Permit shall be issued for recreational vehicles visiting occupied residential structures in all zoning districts for a period not to exceed more than fourteen (14) days.

SECTION 3.9 VIEWSHED PROTECTION

Every waterfront lot on Dauphin Island has an intrinsic right of providing a scenic view for all to enjoy. All new developments on the Island must adhere to viewshed protection standards such as height and spacing requirements to ensure development does not interfere with this right and to prevent contiguous loss of waterfront views and public access to waterfronts. Any existing lot that is adjacent to the waterfront encompassed within the municipal limits of the Town of Dauphin Island shall provide viewshed protection consistent with the surrounding properties to protect all views and to maintain the Island's character.

SECTION 3.10 JUNKED VEHICLES, TRAILERS, & VESSELS

A junked vehicle, trailer, or vessel, or one that is not in use or cannot move under its own power shall not be permitted to be located on any lot.

SECTION 3.11 ABATEMENT OF NUISANCES

The Town Council may require the conduct of any use that is conforming or non-conforming, which results in unreasonable noise, light, increased traffic, smoke, gas, vibration, fumes, dust, fire, radio interference, explosion hazard, or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Council may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the Council, notice of which shall be sent by certified mail to the owners or operators of the property on which the use is conducted five (5) days before said hearing shall occur. A hearing to consider issuance of an abatement order shall be held by the Council either upon petition signed by any person affected by the hazard of the nuisance, or upon the initiative of the Town. An abatement order shall be directed by the Council only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

SECTION 3.12 ANIMALS & LIVESTOCK

No livestock of any type or species shall be kept within the corporate limits of the Town of Dauphin Island. Commercial kennels are permitted in the Central Business (CB) zoning district only and are prohibited in all other zoning districts. House pets and poultry (not to include roosters) are permitted in all zoning districts, provided their accommodations don't fall under the definition of Kennel. For more information, see the following definitions in *Article 2: Definition of Terms*: Livestock, House Pet, Poultry, and Kennel.

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ARTICLE 4

Zoning District Requirements & Permitted Uses

§ 4.1	PURPOSE OF ZONING DISTRICTS
§ 4.2	RULES FOR DETERMINING BOUNDARIES
§ 4.3	CLASSIFICATION OF ZONING DISTRICTS
§ 4.4	ESTABLISHMENT OF ZONING DISTRICTS
§ 4.5	ZONING DISTRICTS DESCRIPTIONS
§ 4.6	USE COMPLIANCE WITH DISTRICT REQUIREMENTS
§ 4.7	USE CATEGORIES
§ 4.8	TABLE OF PERMITTED USES
§ 4.9	ZONING DISTRICT USES & REQUIREMENTS
§ 4.10	ZONING DISTRICTS MAP
§ 4.11	OVERLAY DISTRICTS PERFORMANCE STANDARDS



SECTION 4.1 PURPOSE OF ZONING DISTRICTS

The Town of Dauphin Island, Alabama is hereby divided into zoning districts as listed and described below and as shown on the official zoning district map, for the purpose of:

1. Providing a residential environment free of incompatible uses, safe from natural and manmade hazards;
2. Promoting, where possible, planned residential and commercial areas in appropriate locations, with appropriate standards;
3. Providing a level of flexibility of control sufficient to promote innovation and creativity in community development and to encourage maximum living comfort and convenience; and
4. Promoting and adhering to the currently adopted Comprehensive Master Plan for the Town.

SECTION 4.2 RULES FOR DETERMINING BOUNDARIES

The boundaries of the districts are shown on the zoning map in Section 4.1 as adopted by this Ordinance and made part hereof and entitled “Zoning Districts Map of Town of Dauphin Island, Alabama.” The Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance. The zoning map, which is properly attested, is on file in the official records of the Town of Dauphin Island, Alabama.

The boundaries of the zoning districts are shown on the map adopted by this Ordinance or amendments thereto; and the regulations of this Ordinance govern the use of land and buildings, the heights, density, and placement of buildings, size of yards and other open spaces, and other features as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries under the jurisdiction of the Town of Dauphin Island.

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

1. Where district boundaries are indicated as approximately following street centerlines or lot lines, such lines shall be construed to be boundaries.
2. Where a street or alley is officially vacated or abandoned by the Town, the classification of the abutting parcel shall apply to that portion of the street or alley added to such parcel.
3. In cases of the uncertainty of the district boundary, the Building Official shall interpret the Zoning Map. Any decisions may be appealed to the Zoning Board of Adjustment.
4. If any property is not shown as being in a zoning district because of error or omission, the zoning classification of such property shall be by default, R-1, Single Family Residential until zoned by an amendment to this Ordinance.
5. Any new annexed property to be included in the Town's corporate limits shall be zoned R-1 by default. The property owner of the annexed property may request a different zoning classification.

SECTION 4.3 CLASSIFICATION OF ZONING DISTRICTS

All individual land parcels within the Town's corporate limits are officially designated by this Ordinance to be assigned one (1) base zoning classification per parcel. Some lands located within the Town limits may be assigned one base zoning classification and one or more overlay zoning classifications.

Land shall be classified (zoned) or reclassified (re-zoned) into a zoning district only in accordance with the procedures and requirements set forth in this Ordinance.

§ 4.3.1 RELATIONSHIPS BETWEEN BASE AND OVERLAY ZONING DISTRICTS

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. If the standards governing an overlay zoning district expressly conflict with those governing an underlying base zoning district, the standards governing the overlay zoning district shall control.

SECTION 4.4 ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are established within the corporate limits of Dauphin Island to implement the Future Land Use Map of the Town's Comprehensive Master Plan. To achieve the purposes of this Ordinance, the Town of Dauphin Island is hereby divided into the following zoning districts:

SYMBOL ZONING DISTRICTS

R-1	Single Family Residential District
R-2	Two Family Residential District
R-3	Multi-Family Residential District
RC	Resort Commercial District
CB	Central Business District
CP	Conservation Park District
V	Village District
WW	Working Waterfront District

SYMBOL OVERLAY DISTRICTS

WEOD	West End Overlay District
DPOD	Dune Protection Overlay District
ABOD	Aloe Bay Overlay District
WPOD	Wetland Protection Overlay District
SFHOD	Special Flood Hazard Overlay District
TLOD	Turtle Lighting Overlay District
STROD1	Short-Term Rental Overlay District 1
STROD2	Short-Term Rental Overlay District 2
STROD3	Short-Term Rental Overlay District 3

SECTION 4.5 ZONING DISTRICTS DESCRIPTIONS

§ 4.5.1 RESIDENTIAL DISTRICTS

- R-1: Single-Family Residential District (One Dwelling Unit per Structure per Lot)**

The R-1 Single Family Residential zoning district provides a low-density neighborhood environment that limits uses primarily to single-family dwellings and their associated accessory uses, along with residentially appropriate uses. Single-family style housing which is designed and intended for occupancy by one (1) family is permitted in the district, where only one (1) housing unit is located on one single lot of record. This zoning classification offers the most protection to the landowner by restricting uses that would compromise the integrity of the residential neighborhood, ensuring quality of life standards are met.
- R-2: Two-Family Residential District (Two Units/Structure per Lot)**

The R-2 district provides a low to medium density residential neighborhood environment, offering a choice of single-family and/or two-family (duplex) housing options together with their associated accessory uses; where one (1) principal housing structure (duplex) is located on one single lot of record, and where limited residentially appropriate uses which are compatible with the district are permitted as well.
- R-3: Multi-Family Residential District**

The R-3 district is intended to provide appropriate locations for development of low to medium multi-family housing and other residentially compatible types of uses. Single-family, Two-family and multi-family housing is permitted along with their associated accessory uses and other compatible uses that are appropriate for the district. Two or more principal buildings are permitted per one lot of record, not to exceed a maximum of six (6) dwelling units per one lot of record.

§ 4.5.2 COMMERCIAL DISTRICTS

- RC: Resort Commercial District**

This district is intended to provide suitable locations for commercial uses together with medium to high density multi-family housing and lodging opportunities that serve the needs of tourists and/or residents alike. The district's regulations are designed to permit development in the area for its intended purpose as well as to protect the integrity of adjacent neighborhoods and surrounding residential areas. Two or more structures may be located on one lot of record in the RC district.

- **CB:** **Central Business District**

This district is intended to provide locations for retail and wholesale sales and services that accommodate the residential and seasonal population of the town. Types of uses permitted are restricted to those that are compatible with the Island's small town resort character. Two or more structures may be located on one lot of record in the CB district.

§ 4.5.3 RECREATION & CONSERVATION DISTRICTS

- **CP:** **Conservation Park District**

This district is established to preserve and maintain land for conservation, open green space, and outdoor recreational uses. Some areas of this district are not permitted to be developed due to their unique environmental characteristics. Two or more structures may be located on one lot of record in the CP district.

§ 4.5.4 SPECIAL USE DISTRICTS

- **V:** **Village District**

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

- **WW:** **Working Waterfront District**

The intent of the Working Waterfront District is to create a district that preserves and promotes the unique waterfront setting of the Island through the combination of public open space, commercial, retail and tourism activities, and multi-family residential uses. The purpose of this district is to support and encourage water oriented commercial uses that are essential to the Island's economy, provide abundant pedestrian and waterfront access, and promote tourism activities to the surrounding waterfront.

§ 4.5.5 OVERLAY DISTRICTS

- **WEOD:** **West End Overlay District**

The West End Overlay District (WEOD) is needed due to the dynamic conditions that exists on the barrier island and is focused on the adjustment of setback requirements

because of fluctuating shoreline conditions. It sets the development standards for parcels on the north and south side of the west end of the island that are either eroding or accreting due to natural and manmade occurrences to ensure the viewshed enjoyed by residents is protected in this area. It is intended to provide relief and flexibility from base zoning setback requirements that may not be feasible for specific lots that are impacted by the constant shifting terrain occurring on the west end of the island.

- **DPOD: Dune Protection Overlay District**

The Dune Protection Overlay District (DPOD) is established to provide effective and reasonable regulations which offer guidelines for proper development and management of the sand dunes on Dauphin Island. These regulations are intended to ensure the protection of the barrier island's dune systems.

- **ABOD: Aloe Bay Overlay District**

The intent of the Aloe Bay Overlay District is to create a sense of place that reflects the unique character of Dauphin Island. To achieve this goal, specific uses and design criteria are required in the overlay boundary, which are in addition to the base zoning requirements of the Working Waterfront. These additional requirements are to ensure that distinctive design features are installed to create a "Town Center" which provides a unique civic identity that is exclusive only to the Island community. Additional requirements include waterfront view protection standards, public assembly areas, public accessibility to the waterfront, and pedestrian connectivity throughout this area of town.

- **WPOD: Wetland Protection Overlay District**

The purpose of this overlay is to identify parcels that encompass wetlands or may possibly contain wetlands, and to implement protection measures that are required to protect and manage the Island's wetlands system. These measures include avoidance and minimization of wetland impacts from construction and development, and aids in enforcement of the Town's ordinances.

- **SFHOD: Special Flood Hazard Overlay District**

The purpose of this overlay is to identify parcels that are in a Special Flood Hazard Area (SFHA) per FEMA Flood Insurance Rate Maps (FIRMs). Properties located in flood zones VE or AE require additional construction standards per Town of Dauphin Island Flood Damage Prevention Ordinance No. 55A to reduce and prevent flood damage to personal property.

- **TLOD: Turtle Lighting Overlay District**

The purpose of the Turtle Lighting Overlay District (TLOD) is to reduce the potential impact of artificial coastal lighting on nesting sea turtles and hatchlings by restricting artificial lighting that may detour mature sea turtles and disorient sea turtle hatchlings, causing them to crawl toward land rather than toward the Gulf. The TLOD encompasses lots that are adjacent to the Gulf of Mexico and all lots west of St. Denis

Court located on the north and south sides of Bienville Boulevard, see map in Article 6 of this Ordinance. Appropriate “turtle-friendly” lighting is required for all new developments located in the TLOD as well as replacement of existing lighting on existing structures in the TLOD due to the potential sea turtle activity, in order to ensure the light sources from said structures don’t create a hazard for sea turtles and interrupt their natural instinctive behaviors. The required turtle lighting regulations in the TLOD apply to all lighting fixtures that are beachfront, front, side, and rear of the building or structure and are intended to provide conservation standards that will achieve overall improvements in Dauphin Island’s nesting habitats that are currently degraded by light pollution, while increasing successful production of hatchlings without jeopardizing public safety or the security of persons or property.

- **STROD1: Short-Term Rental Overlay District 1**

The purpose of this overlay district is to provide a limit (cap) on the number of available Short-Term Rental (STR) licenses and require a minimum three (3) night consecutive stay in historically full-time residential areas. Short-Term Overlay District 1 (STROD1) shall be all properties zoned "R1 " and "V" (Village) on the portion of the island located beginning specifically on the westernmost boundary of R-1 lots adjacent to the west side of Omega and Orleans Streets and extending east to the eastern end of the island, but excluding DeSoto Landing and Audubon Place subdivisions, see *Article 4, STROD1 Map* for location of exact boundary.

- **STROD2: Short-Term Rental Overlay District 2**

The purpose of this overlay district is to provide a limit (cap) on the number of available Short-Term Rental (STR) licenses and require a minimum three (3) night consecutive stay in historically full-time residential areas. Short-Term Overlay District 2 (STROD2) shall be all properties zoned "R1 " adjacent to Cadillac Avenue beginning at the western end of Cadillac Avenue and extending east to the west side of Perdido Street, and all streets North of Cadillac Avenue and West of Perdido street including Pineda, Port Royal, Polaris and Quivira Streets, see *Article 4, STRO2 Map* for location of exact boundary.

- **STROD3: Short-Term Rental Overlay District 3**

The purpose of this overlay district is to provide specific parking standards due to the environmental dynamic existing on the West End of Dauphin Island. There is no limit (cap) on the number of Short-Term Rental (STR) licenses and a minimum two (2) night consecutive stay is required. Short-Term Overlay District 3 (STROD3) shall include all R-1 zoned properties west of Pirates Cove Street that are not included in STROD2, extending west to the west end of Dauphin Island, see *Article 4, STROD3 Map* for location of exact boundary.

SECTION 4.6 USE COMPLIANCE WITH DISTRICT REQUIREMENTS

Any use permitted in any zoning district, whether by Right, with Planning Commission Approval, or by Special Exception must comply with the requirements of the zoning district in which it is located.

- In most cases, any use that is more restrictive may be permitted in a zoning district that permits less restrictive uses. However, no less restrictive use may be permitted in a zoning district that requires a more restrictive use.
- In general, uses in all zoning districts shall be conducted within a completely enclosed structure unless exempted from enclosure requirements in this Ordinance.
- All utility structures necessary for the transmission and distribution of electric power, telephone lines, gas, and water lines, etc. shall be allowed in zoning districts within the Town of Dauphin Island. Electric substations and telecommunication (cell) towers are only permitted in Central Business (CB), Conservation Park (CP), and Working Waterfront (WW) districts as a special exception use.
- It shall be the responsibility of the owner and/or authorized agent to demonstrate compliance with the requirements of this Ordinance.

§ 4.6.1 PERMITTED USES BY RIGHT (R)

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

§ 4.6.2 USES REQUIRING PLANNING COMMISSION REVIEW (P)

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

§ 4.6.3 USES BY SPECIAL EXCEPTION (S)

Special Exception uses are sometimes referred to as conditional uses permitted on appeal because the use, while generally compatible with the district, requires additional review and may require additional standards due to the potentially disruptive nature of the use. Each application to the Board of Adjustment for a use permitted by special exception shall be accompanied by a site plan which shall first be reviewed by the Planning Commission for compliance with the Zoning Ordinance. The Planning Commission makes a recommendation to the Board of Adjustment as to whether the use should be allowed in the zoning district. The Board of Adjustment shall hold a public hearing to review the application. The Board shall consider the recommendations of the Planning Commission and make them a part of the record of the public hearing held on an application for a special exception, prior to deciding on the application. If the decision of the Board of Adjustment is not consistent with the recommendation of the Planning Commission, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

§ 4.6.4 USES PROHIBITED (-)

Any use listed as Prohibited in any zoning district shall not be allowed in said district.

§ 4.6.5 USES NOT SPECIFIED

In any case where a use is not specifically referred to under Uses Permitted by Right, with Planning Commission Approval, or by Special Exception, or elsewhere in this Ordinance, its status shall be determined by the Building Official by reference to the most clearly analogous use. When the status of a use has been so determined, it shall be officially recorded by the Building Official and such determination shall be referenced as and thereafter have general application to all uses of the same type. The Planning Commission will determine if an appropriate business license is required and if the zoning ordinance should be amended to include the use.

SECTION 4.7 USE CATEGORIES

The following land uses and activities are organized and grouped into the following categories:

- RESIDENTIAL USES
- SMALL COMMERCIAL USES (1,500 SQUARE FEET OR LESS)
- LARGE COMMERCIAL USES (LARGER THAN 1,500 SQUARE FEET)
- RECREATIONAL USES (PASSIVE AND ACTIVE RECREATIONAL)
- PUBLIC/SEMI-PUBLIC USES (SMALL-SCALE AND LARGE-SCALE)
- MARINE & WATER-DEPENDENT USES
- LODGING USES (RESIDENTIAL AND COMMERCIAL LODGING)
- MIXED-USES
- ACCESSORY USES
- OTHER USES

The Use Category Table in Section 4.8 of this Article identifies which uses are permitted in each zoning district.

§ 4.7.1 RESIDENTIAL USES

Residential uses are activities that involve the housing of individuals and families, offering a place for neighborhoods that provide a variety of lot sizes, housing unit types, and ownership options. This use category provides areas where the buildings are predominantly used for habitation purposes, where other uses permitted are limited to those that are considered complimentary and appropriate to the surrounding area to provide safety and quality of life to the residents while ensuring the integrity of the neighborhood is not compromised. Housing units range from low-density style housing such as single-family homes to high density style housing that include duplexes, quadplexes, condominiums, and apartments, depending on the zoning district. Only one (1) principal building (dwelling) and it's accessory building is allowed to be placed on one lot of record in the R-1 and R-2 zoning districts. Two or more principal buildings and their accessory buildings are allowed to be located on one lot of record in all other zoning districts provided all required setbacks are met.

Examples:

1. Single Family Detached Dwellings
2. Two Family Dwellings
3. Multi-Family Dwellings
4. Condominium Structures
5. Modular Homes
6. Manufactured Homes
7. Accessory Buildings and Structures - including, but not limited to: garages, utility buildings for storage, piers, boat docks

§ 4.7.2 SMALL COMMERCIAL USES

Small Commercial uses are considered any small-scale business activity involving the sale of goods or services carried out for profit that serve the day-to-day commercial needs of surrounding neighborhoods. The maximum size of the business is limited to 1,500 square feet or less, and the activity of the use is less intensive to ensure the integrity of the neighboring properties is not infringed upon or compromised.

Examples:

*****Small-scale development: size limited to 1,500 square feet or less***

1. Retail establishments
2. Dining establishments
3. Markets (grocery, farmers, artisan, etc.)
4. Personal service establishments
5. Professional Offices
6. Banks and other financial institutions
7. Studios for display/instruction in art, dance, music, drama, theater, and other performing arts.
8. Lodging
9. Museums
10. Public Parking Lots
11. Other Small-scale, neighborhood appropriate establishments

§ 4.7.3 LARGE COMMERCIAL USES

Large Commercial uses are considered any large-scale business activity involving the sale of goods or services carried out for profit. These types of uses are typically larger in size and involve a more intense use that typically generates higher volumes of vehicular traffic.

Examples:

*****Larger-scale development: 1,500 square feet or larger***

1. All uses listed under Small Commercial Uses
2. Retail establishments
3. Dining establishments
4. Grocery store
5. Hardware store
6. Brewery/liquor sales

7. Bars, night clubs, lounges
8. Country clubs, community centers, lodges, private clubs, and meeting rooms
9. Gas stations
10. Small engine repair
11. Automobile/boat sales, equipment sales, supplies, rentals and service
12. Bait and tackle shop
13. Public parking lots
14. Lodging Uses – hotels and motels, and Bed & Breakfasts
15. Medical/dental/optical/healthcare offices and/or facilities
16. Animal vet clinic, kennel or pet boarding facility (indoor or outdoor kennels)
17. Banks and other financial institutions
18. Child/adult day care centers
19. Car wash
20. Taxi/shuttle/public transportation services
21. Rental services
22. Family entertainment establishments
23. Outdoor and covered markets (grocery, farmers, artisan, etc.)
24. Specialists/trade services and workshops (All work/services must be conducted entirely within the property limits)

§ 4.7.4 RECREATIONAL USES

Recreational uses are considered activities that involve active or passive forms of exercise or leisure-time interests. Due to the differences in the intensity level of each use and the amount of disturbance each could create, this use category is divided into “Recreational-Passive” uses and “Recreational-Active” uses. For the purposes of this Ordinance, Recreational-Passive uses shall be considered recreational uses being more appropriate for residential districts and areas, such as parks, trails, hiking, biking, benches, statues, fountains, pavilions, ponds, and other natural and cultural features. Non-commercial activities and features that do not disturb the residents or the character of the residential neighborhood, but rather enhance the area, promoting and maintaining standards that provide quality of life for the residents. Recreational-Active uses shall be considered recreational uses being more suited for non-residential zoning districts due to their level of intensity, which could disturb residential neighborhoods. They are uses and areas that have a commercial component and increased traffic, such as golf courses, campgrounds, and RV Parks, see *Article 2: Definition of Terms*.

Examples:

- **Recreational-Passive (non-commercial)**

1. Public Parks
2. Fishing piers
3. Beaches
4. Courts
5. Fields
6. Trails (nature, hiking, bicycle, walking)
7. Bird and wildlife sanctuaries and other natural preservation areas

8. Historic and archaeological sites
- **Recreational-Active (Commercial)**
 1. Golf courses
 2. Country clubs
 3. Tennis centers
 4. Community swimming pools
 5. Aquaculture/Mariculture
 6. Bird and wildlife sanctuaries and other natural preservation areas
 7. Historic and archaeological sites
 8. RV Parks/outdoor camping/day and night camping to include tent and RV
 9. Recreation/entertainment uses - indoor and outdoor
 10. Public beaches with entrance fees and/or paid parking areas

§ 4.7.5 PUBLIC & SEMI-PUBLIC USES

Public and Semi-Public uses are any building operated using public revenues and used exclusively for public or semi-public purposes by any department or branch of government; a building of an institutional nature and serving a public need, such as places of worship, hospital, school, library, post offices, police and fire stations, museums, water treatment facilities, etc. These areas exist to provide necessary community services to residents and business alike. For the purposes of this Ordinance, these types of uses are separated into Small-Scale and Large-Scale categories and are permitted in specific zoning districts, depending on the intensity of the activity and the nature of the use.

Examples:

- **Small-Scale (under 1,500 sq ft) (Residentially Compatible)**
 1. Libraries
 2. Public parks
 3. Art centers
 4. Museums and/or galleries
 5. Churches (with or w/o attendant building and facilities)
 6. Schools and other educational & instructional institutions
- **Large-Scale (over 1,500 sq ft)**
 1. Medical facilities, urgent cares, hospitals, and ambulance services
 2. Buildings used exclusively by federal, state, county or city government for public purposes
 3. Public Utility and service structures including but not limited to water, sewer, fire and police uses
 4. Utility service yards or garages
 5. Gymnasiums and/or stadiums in conjunction with school facilities
 6. Auditoriums
 7. Post Office
 8. Animal shelter
 9. Health club/spa

§ 4.7.6 MARINE & WATER-DEPENDENT USES

Marine and Water-Dependent uses are activities that are intended to preserve and promote the unique waterfront setting of the island through the combination of commercial activities, and public open space that are essential to the island character and economy and provide numerous opportunities for pedestrian and tourist access to the surrounding waterfront. These uses provide public access to both active and inactive aspects of the waterfront (marinas, harbors, boat slips and launches, parks, pedestrian boardwalks, observation decks, fishing piers, etc.), support the commercial uses that depend on the waterfront location (commercial/recreational fishing and boating, seafood sales, waterfront dining, etc.), and offer retail and public service uses complimentary to the district to supplement the waterfront activities.

Examples:

1. Boat charters
2. Boat assembly and/or repair
3. Boat and watercraft sales and rental services
4. Bait and tackle shops
5. Large commercial uses not to exceed 2,500 square feet
6. Marinas/harbors
7. Boat docks/slips/piers/launches
8. Boat and general storage facilities
9. Seafood sales (from boat)
10. Seafood markets
11. Food processing facility, including cold storage (**Must be in an enclosed building that does not exceed 1,500 square feet in area).
12. Wholesale services
13. Workshops and/or repair shops
14. Water taxi/towing services
15. Airport
16. Seaplane landing/docking facility
17. Waterside loading/docking area

§ 4.7.7 LODGING USES

Lodging uses are activities that furnish temporary habitation accommodations to transient individuals for profit. For the purposes of this Ordinance, this use category is divided into “Residential Lodging” uses and “Commercial Lodging” uses in order to distinguish between private rental homes with limited capacity located in residential districts and areas of the island, and more commercialized lodging facilities that are not suited for residential areas due to the size and intensity of the use.

Examples:

- | | |
|--|--|
| <ul style="list-style-type: none">• <u>Residential Lodging</u><ol style="list-style-type: none">1. Short-term rental2. Long-term rental3. Bed & Breakfast | <ul style="list-style-type: none">• <u>Commercial Lodging</u><ol style="list-style-type: none">1. Condominium Rentals2. Hotel3. Motel |
|--|--|

§ 4.7.8 MIXED-USES

The Mixed-Use category is intended for development that is compact, diverse and walkable and that enhances the character and form through appropriate design. It allows for a mix of compatible uses that are either mixed and distributed horizontally within a site or vertically within individual buildings. This type of development allows for flexibility in zoning by making it possible to utilize the property with more than just one use, which provides for more opportunity for the development to maximize the use of the land to its fullest potential.

Examples:

- Small commercial uses on 1st floor/Dwelling unit on 2nd floor
- Dining uses on 1st floor/Multi-Family (apartments) on 2nd floor
- Large commercial use 1st floor/Small commercial use 2nd floor
- Retail in one side of building/Dining or dwelling use on other side of building

§ 4.7.9 ACCESSORY USES

Accessory uses are considered incidental to a primary use. They function as secondary or subordinate to a primary use of the property and are not considered the principal use of the property, but rather a use lower than the principal use but compatible, supportive, and appropriate to the primary use.

Examples:

1. Accessory buildings/structures
2. Piers, docks, and boat lifts as an accessory structure
3. Boat house
4. Home Occupation
5. Home Office
6. Public utility and service structures including but not limited to water, sewer, fire and police uses.

4.7.10 OTHER USES

“Other” uses are those activities that are needed by the community, but don’t typically fit in with the surrounding area in most zoning districts. Before these uses can be approved, they may require additional standards and review due to the unique nature of the use and the intensity by which it may impact neighboring areas. Uses in this category are permitted by either Special Exception or Require Planning Commission Review, and may require a public hearing to ensure the adjacent neighbors are aware of the proposed use.

Examples:

1. Accessory dwelling unit
2. Group home (****Public Hearing Required by Planning Commission***) See*on pg 4-15
3. Kennel
4. Assisted-Living facility
5. Telecommunication towers and facilities
6. Self-storage & mini warehouse

SECTION 4.8 USE CATEGORY TABLE OF PERMITTED USES

KEY								
R=Uses Permitted by RIGHT								
P=Uses Permitted by PLANNING COMMISSION REVIEW								
S=Uses Permitted by SPECIAL EXCEPTION <i>(reviewed by Planning Commission & Board of Adjustment)</i>								
USE CATEGORY	R-1	R-2	R-3	RC	CB	CP	V	WW
RESIDENTIAL USES								
Single Family Detached Dwelling	R	R	R(g)	R (h)	—	—	R	—
Two Family Dwelling	—	R	R(g)	R (h)	—	—	—	—
Multi-Family Dwelling	—	—	R (g)	R	—	—	—	P (d)
Condominium Structure	—	—	R (g)	R	—	—	—	P (d)
Manufactured Home	—	—	R	—	—	—	—	—
SMALL COMMERCIAL (1,500 SQ. FT. OR LESS)	—	—	—	R	R	—	P	R
LARGE COMMERCIAL USES	—	—	—	R	R	—	—	R
RECREATIONAL USES								
Recreational-Passive (non-commercial)	P	P	P	P	—	P	P	R
Recreational-Active (commercial)	—	—	—	S	P	S	—	P (e)
PUBLIC & SEMI-PUBLIC USES								
Small-Scale	S	S	S	P	—	S (a)	P	P
Large-Scale	—	—	—	S	P	S (b)	P(b)	P
LODGING USES								
Residential Lodging	R/P *	R/P*	R/P*	R	P	—	R(i)	P (d)
Commercial Lodging	—	—	—	R	P	—	—	P (d)
MARINE & WATER DEPENDENT USES								
MIXED-USE DEVELOPMENTS	—	—	—	P (f)	—	P (c)	—	R
ACCESSORY USES	—	—	—	P	S	—	P	R (d)
ACCESSORY USES								
Accessory Buildings	R	R	R	R	R	P	R	R
Piers, wharves, docks, boat houses, and boat lifts as an accessory structure	R	R	R	R	—	R	—	R
Home Occupation	P**	P**	P**	P	P	—	P**	P**
Home Office	R	R	R	R	R	—	R	R
Public Utility	P	P	P	P	P	P	P	P
OTHER USES								
Accessory Dwelling Unit (ADU)	—	—	P***	—	—	—	S***	—
Group Home	—	—	R**	—	—	—	—	—
Kennel	—	—	—	—	R	—	—	—
Assisted Living Facility	—	—	—	—	S	—	—	—
Telecommunication Tower	—	—	—	—	S	S	—	S
Self-Storage/Mini Warehouse	—	—	—	P	P	—	—	P

SYMBOL KEY:

- (a) Public parks and school uses only.
- (b) Buildings used by city, county, state, and/or federal government public purposes, and public utility uses only.
- (c) Bait and tackle store uses only (need not be enclosed within a structure).
- (d) The lowest floor of the building must contain either retail, dining, and/or permanent, dedicated public access **EASEMENT** to the waterfront.
- (e) RV Parks/Outdoor campgrounds including day and/or night camping and tent camping uses are prohibited in WW.
- (f) Uses limited to charter & rental vessels only in the Resort Commercial (RC) district.
- (g) Two or more principal buildings are permitted per lot of record, not to exceed a maximum of six (6) dwelling units per lot.
- (h) Single-family & Two-family dwelling units are permitted *by Right* in RC zoned properties located along Le Moyne Drive only.
- (i) Bed & Breakfast uses only are permitted with *Planning Commission Review (P)*.
 - * Public Hearing Required by the Planning Commission for Bed & Breakfasts uses only. All other Residential Lodging uses are permitted *by Right*.
 - ** Public Hearing Required by the Planning Commission
 - *** Minimum 600 sq. ft. not to exceed fifty percent (50%) of principal structure; one (1) ADU permitted per lot of record in zoning districts which permit Accessory Dwelling Units.

(Note: Public Utility and service structures including but not limited to water, sewer, fire, and police uses are permitted by Right in all zoning districts.)

SECTION 4.9 ZONING DISTRICT USES & REQUIREMENTS

The following section is a list of uses permitted in each zoning district either by Right, Requiring Planning Commission Review, Special Exception, and Uses Prohibited. Any additional requirement or condition noted in this list is notated above in the Use Category Table listed in Section 4.8. See *Figure 4.1: Proposed Zoning Districts Map* for the location of each zoning district.

§ 4.9.1 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

A total of one (1) principal building and its accessory building may hereafter be erected on any one (1) lot of record in the R-1 zoning district.

§ 4.9.1.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the R-1 zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by Right (R)

1. Single Family Detached Dwelling
2. Accessory buildings and structures
3. Residential Lodging uses, **see (*) on Use Category Table of Permitted Uses**
4. Wharfs, piers, boat house, boat lifts and boat docks as an accessory structure
5. Home Office

B. Uses Requiring Planning Commission Review (P)

1. Recreational-Passive uses
2. Residential Lodging uses (Bed & Breakfast uses only), **see (*) on Use Category Table of Permitted Uses**
3. Public Utility and service structures including but not limited to water, sewer, fire and police
4. Home occupation, **see (**) on Use Category Table of Permitted Uses**

C. Uses by Special Exception (S)

1. Small-scale public and semi-public uses

D. Prohibited Uses (—)

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

§ 4.9.1.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the R-1 District unless otherwise noted, also see Article 5 of this Ordinance.

- **Minimum Lot Area:** 5,000 square feet
- **Minimum Lot Width:** 50 feet
- **Maximum Lot Coverage:**
 - (residential use) 40%
 - (non-residential use) TBD
- **Maximum Impervious Surface:** 40%
- **Maximum Lot Density:** 4 dwelling units/gross acre (1 dwelling/lot)
- **Front Yard Setback:** 30 feet
- **Rear Yard Setback:** 10 feet
- **Interior Lot Side Yard Setback:**
 - (greater than 50' in width) 10 feet/both sides;
 - (50' or less in width) 5 feet on one side/8 feet on other side
- **Corner Lot Side Yard Setback:**
 - (greater than 50' in width) 20 feet street side/10 feet interior side;
 - (50' or less in width) 10 feet side street/ 5 feet interior side
- **Waterside Yard Setback:** 25 feet from the bulkhead;
(If no bulkhead exists, then use the imaginary line connecting the bulkheads on adjacent properties; If there are no bulkheads on the adjacent properties, the setback shall be 25 feet from the mean high tide line)
- **Maximum Building Height:** 55 feet
- **Minimum Floor Area:** 600 square feet per dwelling unit, per floor, exclusive of uncovered stairs, porches, decks, garages, and stoops.

§ 4.9.1.3 ACCESSORY BUILDINGS & STRUCTURES

See Article 5

§ 4.9.1.4 PARKING REQUIREMENTS

See Article 6

§ 4.9.1.5 SIGN REGULATIONS

See Article 9

§ 4.9.1.6 DEVELOPMENT PROCESS PROCEDURES

See Article 10

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§ 4.9.2 **R-2 TWO-FAMILY RESIDENTIAL DISTRICT**

A total of one (1) single-family dwelling or (1) two-family dwelling (duplex) containing two (2) dwelling units and its accessory building may hereafter be erected on any one (1) lot of record in the R-2 zoning district.

§ 4.9.2.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the R-2 zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by Right (R)

1. Single Family Dwelling
2. Two Family Dwelling (Duplex)
3. Accessory buildings and structures
4. Residential Lodging uses, **see (*) on Use Category Table of Permitted Uses**
5. Wharfs, piers, boat house, lifts, and boat docks as an accessory structure
6. Home office

B. Uses Requiring Planning Commission Review (P)

1. Recreational-Passive uses
2. Residential Lodging uses (Bed & Breakfast uses only), **see (*) on Use Category Table of Permitted Uses**
3. Public utility and service structures including but not limited to water, sewer, fire and police
4. Home occupation, **see (**)** on Use Category Table of Permitted Uses

C. Uses by Special Exception (S)

1. Small-scale public and semi-public uses

D. Prohibited Uses (—)

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

§ 4.9.2.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the R-2 District unless otherwise noted, also see Article 5 of this Ordinance.

- **Minimum Lot Area:** 8,000 square feet

- **Minimum Lot Width:** Greater than 50 feet
- **Maximum Lot Coverage:**
 - (residential use) 40%
 - (non-residential use) TBD
- **Maximum Impervious Surface:** 40%
- **Maximum Lot Density:** 7 dwelling units/gross acre
 - (1 principal building/lot)
- **Front Yard Setback:** 25 feet
- **Rear Yard Setback:** 10 feet
- **Interior Lot Side Yard Setback:** 5 feet
- **Corner Lot Side Yard Setback:**
 - (greater than 50' in width) 20 feet on street side/ 10 feet interior side
 - (50' or less in width) 10 feet on street side/ 5 feet interior side
- **Waterside Yard Setback:** 25 feet from the bulkhead;
(If no bulkhead exists, then use the imaginary line connecting the bulkheads on adjacent properties; If there are no bulkheads on the adjacent properties, the setback shall be 25 feet from the mean high tide line)
- **Maximum Building Height:** 55 feet
- **Minimum Floor Area:** 600 square feet per dwelling unit, per floor,
Exclusive of uncovered stairs, porches, decks, garages, and stoops.

§ 4.9.2.3 ACCESSORY BUILDINGS & STRUCTURES

See Article 5

§ 4.9.2.4 PARKING REQUIREMENTS

See Article 6

§ 4.9.2.5 SIGN REGULATIONS

See Article 9

§ 4.9.2.6 DEVELOPMENT PROCESS PROCEDURES

See Article 10

§ 4.9.3 **R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

More than one principal building and its accessory building may hereafter be erected on anyone (1) lot of record in the R-3 District with a maximum allowance of six (6) dwelling units per lot. Minimum building spacing between buildings on the same lot shall be in accordance with the Town's current adopted Building and Fire Codes.

§ 4.9.3.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the R-3 zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by Right (R)

1. Single Family Dwelling-Up to a 6-plex structure per lot; not to exceed a maximum of six (6) dwelling units per structure per lot, ***see footnote g on Use Category Table of Permitted Uses***
2. Two Family Dwelling (Duplex) -Up to a 6-plex structure per lot; not to exceed a maximum of six (6) dwelling units per structure per lot, ***see footnote g on Use Category Table of Permitted Uses***
3. Multi-Family Dwellings -Up to a 6-plex structure per lot; not to exceed a maximum of six (6) dwelling units per structure per lot, ***see footnote g on Use Category Table of Permitted Uses***
4. Condominium Structure- Up to a 6-plex structure per lot; not to exceed a maximum of six (6) dwelling units per structure per lot, ***see footnote g on Use Category Table of Permitted Uses***
5. Manufactured Homes
6. Accessory buildings and structures
7. Group Home, ***see (**) on Use Category Table of Permitted Uses***
8. Residential Lodging uses, ***see (*) on Use Category Table of Permitted Uses***
9. Wharfs, piers, boat houses, lifts, and boat docks as an accessory structure
10. Home Office

B. Uses Requiring Planning Commission Review (P)

1. Recreational-Passive uses
2. Public utility and service structures including but not limited to water, sewer, fire and police uses
3. Accessory Dwelling Unit, ***see (***) on Use Category Table of Permitted Uses***
4. Home occupation ***see (**) on Use Category Table of Permitted Uses***

C. Uses by Special Exception (S)

1. Small-scale public and semi-public uses

§ 4.9.3.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the R-3 District unless otherwise noted, also see Article 5 of this Ordinance.

- **Minimum Lot Area:**
 - (multi-family structures) 5,000 square feet (first unit) + 1,650 square feet (each additional unit)
 - (two-family structures) 8,000 square feet
 - (non-residential structures) 5,000 square feet
- **Minimum Lot Width:** 60 feet
- **Maximum Lot Coverage:**
 - (residential use) 40%
 - (commercial use) TBD
- **Maximum Impervious Surface:** 40%
- **Maximum Lot Density:** 25 dwelling units/gross acre (more than 1 principal building/lot)
- **Front Yard Setback:** 25 feet
- **Rear Yard Setback:** 10 feet
- **Interior Lot Side Yard Setback:** 10 feet
- **Corner Lot Side Yard Setback:** 20 feet street side/10 feet interior side
- **Waterside Yard Setback:** 25 feet from the bulkhead;
(If no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties; If there are no bulkheads on the adjacent properties, the setback shall be 25 feet from the mean high tide line)
- **Maximum Building Height:** 55 feet
- **Minimum Open Space:** **10% for all multi-family residential uses only**
- **Minimum Floor Area:** 600 square feet per dwelling unit, per floor, exclusive of uncovered stairs, porches, decks, garages, and stoops.

§ 4.9.3.3 ACCESSORY BUILDINGS & STRUCTURES

See Article 5

§ 4.9.3.4 PARKING REQUIREMENTS

See Article 6

§ 4.9.3.5 SIGN REGULATIONS

See Article 9

§ 4.9.3.6 DEVELOPMENT PROCESS PROCEDURES

See Article 10

§ 4.9.4 **RC RESORT COMMERCIAL DISTRICT**

Two (2) or more principal buildings per lot are allowed in the RC district provided the density and height requirements of this Ordinance are met. Minimum building spacing between buildings on the same lot shall be in accordance with the Town's current adopted Building and Fire Codes.

§ 4.9.4.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the RC zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by *Right* (R)

1. Single-Family Dwelling *see footnote h* on Use Category Table of Permitted Uses
2. Two-Family Dwelling (Duplex) *see footnote h* on Use Category Table of Permitted Uses
3. Multi-Family Dwelling structures
4. Accessory buildings and structures
5. Condominium Structures
6. Small Commercial uses
7. Large Commercial uses
8. Residential lodging uses
9. Commercial lodging uses
10. Wharfs, piers, boat houses, lifts, boat docks and boat launches
11. Home office

B. Uses Requiring *Planning Commission Review* (P)

1. Recreational-Passive uses
2. Small-scale public and semi-public uses
3. Marine and water-dependent uses, *see footnote f* on Use Category Table of Permitted Uses
4. Public utility and service structures including but not limited to water, sewer, fire and police uses
5. Self-storage and/or mini warehouses
6. Mixed-use developments
7. Home occupation

C. Uses by *Special Exception* (S)

1. Recreational-Active uses
2. Large-scale public and semi-public uses

§ 4.9.4.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the RC district unless otherwise noted, also see Article 5 of this Ordinance.

- **Minimum Lot Area:**

(multi-family residential uses)	5,000 square feet (first unit) + 1,650 square feet (each additional unit)
(commercial uses)	5,000 square feet
- **Minimum Lot Width:** 50 feet
- **Maximum Lot Coverage:**

(residential use of mixed-use)	40%
(commercial use)	TBD
- **Maximum Impervious Surface:**

(multi-family residential use)	40%
(non-residential use)	TBD
- **Maximum Lot Density:**

(multi-family residential use only)	47 dwelling units/gross acre
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- **Front Yard Setback:**

(multi-family residential use)	25 feet
(non-residential use)	TBD
- **Rear Yard Setback:**

(multi-family residential use)	10 feet
(non-residential use)	TBD
- **Interior Lot Side Yard Setback:**

(multi-family residential use)	10 feet
(non-residential use)	TBD
- **Corner Lot Side Yard Setback:**

(multi-family residential use)	10 feet
(non-residential use)	TBD
- **Waterside Yard Setback:** 25 feet from the bulkhead;
(If no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties; If there are no bulkheads on the adjacent properties, the setback shall be 25 feet from the mean high tide line)
- **Maximum Building Height:** 85 feet
- **Minimum Open Space:** 10% (multi-family residential uses only)
- **Minimum Floor Area:** 600 square feet per dwelling unit, per floor,
Only applies to the residential portion of a mixed-use development

§ 4.9.4.3 ACCESSORY BUILDINGS & STRUCTURES

See Article 5

§ 4.9.4.4 PARKING REQUIREMENTS

See Article 6

§ 4.9.4.5 SIGN REGULATIONS

See Article 9

§ 4.9.4.6 DEVELOPMENT PROCESS PROCEDURES

See Article 10

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§ 4.9.5 CB CENTRAL BUSINESS DISTRICT

Two (2) or more principal buildings per lot are allowed in the CB district provided all lots shall be of sufficient size to accommodate the intended use, including required parking and loading facilities in addition to space required for the conduct of other operations of the business, and to otherwise comply with the provisions of this Ordinance.

§ 4.9.5.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the CB zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by *Right* (R)

1. Small Commercial uses
2. Large Commercial uses
3. Accessory buildings and structures
4. Home Office
5. Other (Kennel only)

B. Uses Requiring *Planning Commission Review* (P)

1. Residential lodging uses
2. Commercial lodging uses
3. Recreational-Active uses
4. Large-scale public and semi-public uses
5. Home Occupation
6. Public Utility and service structures including but not limited to water, sewer, fire and police uses
7. Self-storage and/or mini warehouses

C. Uses by *Special Exception* (S)

1. Assisted Living facilities
2. Telecommunication towers and facilities
3. Mixed-use developments

§ 4.9.5.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the CB district unless otherwise noted, also see Article 5 of this Ordinance.

- **Minimum Lot Area:** 5,000 square feet
- **Minimum Lot Width:** 50 feet
- **Maximum Lot Coverage:**
(residential use of mixed-use) 40%

- (commercial use) TBD
- Maximum Impervious Surface: TBD
- Maximum Lot Density: TBD
- Front Yard Setback: TBD
- Rear Yard Setback: TBD
- Interior Side Yard Setback: TBD
- Corner Lot Side Yard Setback: 20 feet street side/TBD interior side
- Waterside Yard Setback: N/A
- Maximum Building Height: 55 feet
- Minimum Floor Area: 600 square feet per dwelling unit, per floor,
only applies to the residential portion of a mixed-use development

§ 4.9.5.3 ACCESSORY BUILDINGS & STRUCTURES

See Article 5

§ 4.9.5.4 PARKING REQUIREMENTS

See Article 6

§ 4.9.5.5 SIGN REGULATIONS

See Article 9

§ 4.9.5.6 DEVELOPMENT PROCESS PROCEDURES

See Article 10

§ 4.9.6 CP CONSERVATION PARK DISTRICT

Two (2) or more principal buildings per lot are allowed in the CP district provided all lots shall be of sufficient size to accommodate the intended use, including required parking and loading facilities in addition to space required for the conduct of other operations of the business, and to otherwise comply with the provisions of this Ordinance.

§ 4.9.6.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the CP zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by Right (R)

1. Accessory Buildings and/or Structures
2. Wharfs, piers, boat docks, and boat launches

B. Uses Requiring Planning Commission Review (P)

1. Recreational-Passive uses
2. Marine & Water Dependent uses, *see footnote c* on Use Category Table of Permitted Uses
3. Public Utility and service structures including but not limited to water, sewer, fire and police uses

C. Uses by Special Exception (S)

1. Small-scale public and semi-public uses, *see footnote a* on Use Category Table of Permitted Uses
2. Recreational-Active uses
3. Large-scale public and semi-public uses, *see footnote b* on Use Category Table of Permitted Uses
4. Telecommunication Tower and Facilities

D. Prohibited Uses (—)

1. Residential uses
2. Commercial uses except those listed as uses permitted with Planning Commission review and Special Exception
3. Industrial uses

§ 4.9.6.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the CP district unless otherwise noted, also see Article 5 of this Ordinance.

- Minimum Lot Area: TBD
- Minimum Lot Width: TBD
- Maximum Lot Coverage: TBD
- Maximum Impervious Surface: 20%
- Maximum Lot Density: N/A
- Front Yard Setback: TBD
- Rear Yard Setback: TBD
- Interior Side Yard Setback: TBD
- Corner Lot Side Yard Setback: TBD
- Waterside Yard Setback: 25 feet from the bulkhead;
(If no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties; If there are no bulkheads on the adjacent properties, the setback shall be 25 feet from the mean high tide line)
- Maximum Building Height: 55 feet
- Minimum Floor Area: N/A

§ 4.9.6.3 PARKING REQUIREMENTS

See Article 6

§ 4.9.6.4 SIGN REGULATIONS

See Article 9

§ 4.9.6.5 DEVELOPMENT PROCESS PROCEDURES

See Article 10

§ 4.9.7 **V VILLAGE DISTRICT**

A total of one (1) principal building and its accessory building may hereafter be erected on any one (1) lot of record in the Village (V) district.

§ 4.9.7.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the Village (V) zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by *Right* (R)

1. Single Family Dwellings
2. Accessory buildings and structures
3. Home Office
4. Residential Lodging uses, *see footnote i* on Use Category Table of Permitted Uses

B. Uses Requiring *Planning Commission Review* (P)

1. Small Commercial uses
2. Recreational-Passive uses
3. Small-scale public and semi-public uses
4. Large-scale public and semi-public uses, *see footnote b* on Use Category Table of Permitted Uses
5. Mixed-use developments
6. Public utility
7. Home Occupation *see (**)* on Use Category Table of Permitted Uses

C. Uses by *Special Exception* (S)

1. Accessory Dwelling Unit, *see (***)* on Use Category Table of Permitted Uses

D. Prohibited Uses (—)

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

§ 4.9.7.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the Village (V) district unless otherwise noted, also see Article 5 of this Ordinance.

- **Minimum Lot Area:** 5,000 square feet
- **Minimum Lot Width:** 50 feet (**Note: Maximum lot width 100'*)
- **Maximum Lot Width:** 100 feet
- **Maximum Lot Coverage:**
(residential use of mixed-use) 40%
(commercial use) TBD
- **Maximum Impervious Surface:** 40%
- **Maximum Lot Density:** 15 dwelling units/gross acre
- **Front Yard Setback:** 20 feet
- **Rear Yard Setback:** 5 feet
- **Interior Lot Side Yard Setback:**
(greater than 50 feet in width) 10 feet both side yards
(50 feet or less in width) 8 feet (one side)/5 feet (other side)
- **Corner Lot Side Yard Setback:** 20 feet on street side/5 feet interior side
- **Waterside Yard Setback:** N/A
- **Maximum Building Height:** 55 feet
- **Minimum Floor Area:** A minimum of 600 SF of floor area is required for any residential structure per floor or the residential portion of a mixed-use structure located on any lot in the Village (V) district. All buildings located on any lot within the Village district shall not exceed a maximum floor area of 1,500 square feet per floor. This requirement is exclusive of uncovered stairs, porches, decks, and stoops.

§ 4.9.7.3 ACCESSORY BUILDINGS & STRUCTURES

See Article 5

§ 4.9.7.4 PARKING REQUIREMENTS

See Article 6

§ 4.9.7.5 SIGN REGULATIONS

See Article 9

§ 4.9.7.6 DEVELOPMENT PROCESS PROCEDURES

See Article 10

§ 4.9.8 **WW WORKING WATERFRONT DISTRICT**

Two (2) or more principal buildings per lot are allowed in the WW district provided the density and height requirements of this Ordinance are met. Minimum building spacing between buildings on the same lot shall be in accordance with the Town's current adopted Building and Fire Codes.

§ 4.9.8.1 PERMITTED USES & ACTIVITIES

The following land uses and activities are allowed in the WW zoning district either by Right, with Planning Commission Review, or Special Exception. All permitted uses are subject to the conditions specified in this Ordinance.

A. Uses Permitted by Right (R)

1. Small Commercial uses
2. Large Commercial uses
3. Recreational-Passive uses
4. Marine and Water-Dependent uses
5. Accessory buildings and structures
6. Mixed-use developments, *see footnote (d)* on Use Category Table of Permitted Uses
8. Wharfs, piers, lifts, and boat docks as an accessory structure.
9. Home Office

B. Uses Requiring Planning Commission Review (P)

1. Multi-Family Dwelling Structures, *see footnote (d)* on Use Category Table of Permitted Uses
2. Condominium Structures, *see footnote (d)* on Use Category Table of Permitted Uses
3. Recreational-Active uses, *see footnote (e)* on Use Category Table of Permitted Uses
4. Small-scale public and semi-public uses
5. Large-scale public and semi-public uses
6. Residential Lodging uses, *see footnote (d)* on Use Category Table of Permitted Uses
7. Commercial lodging uses, *see footnote (d)* on Use Category Table of Permitted Uses
8. Public Utility and service structures including but not limited to water, sewer, fire and police
9. Self-storage and/or mini warehouses
10. Home Occupation *see (**) on Use Category Table of Permitted Uses*

C. Uses by Special Exception (S)

1. Accessory Dwelling Unit, *see (***) on Use Category Table of Permitted Uses*
2. Telecommunication Tower and Facilities

D. Prohibited Uses (—)

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

§ 4.9.8.2 DIMENSIONAL & INTENSITY STANDARDS FOR LOTS & YARDS

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in the Working Waterfront (WW) district unless otherwise noted, also see Article 5 of this Ordinance.

- **Minimum Lot Area:**
 - (multi-family structures) 5,000 square feet (first unit) + 1,650 square feet (each additional unit)
 - (commercial structures) 5,000 square feet
- **Minimum Lot Width:** 50 feet
- **Maximum Lot Coverage:** TBD
 - (residential use of mixed-use) 40%
 - (commercial use) TBD
- **Maximum Impervious Surface:** TBD
- **Maximum Lot Density:**
 - (multi-family residential uses) 15 dwelling units/gross acre
 - (commercial uses) N/A
- **Front Yard Setback:** TBD
- **Rear Yard Setback:** TBD
- **Interior Side Yard Setback:** TBD
- **Corner Lot Side Yard Setback:** TBD
- **Waterside Yard Setback:** TBD
- **Maximum Building Height:** 55 feet
- **Minimum Open Space:** 10% for all multi-family residential uses only
- **Minimum Floor Area:** 600 square feet per dwelling unit, per floor,
Note: Only applies to the residential portion of a mixed-use development
- **Minimum Wetland Buffer:** 30 feet

§ 4.9.8.3 ACCESSORY BUILDINGS & STRUCTURES

See Article 5

§ 4.9.8.4 PARKING REQUIREMENTS

See Article 6

§ 4.9.8.5 SIGN REGULATIONS

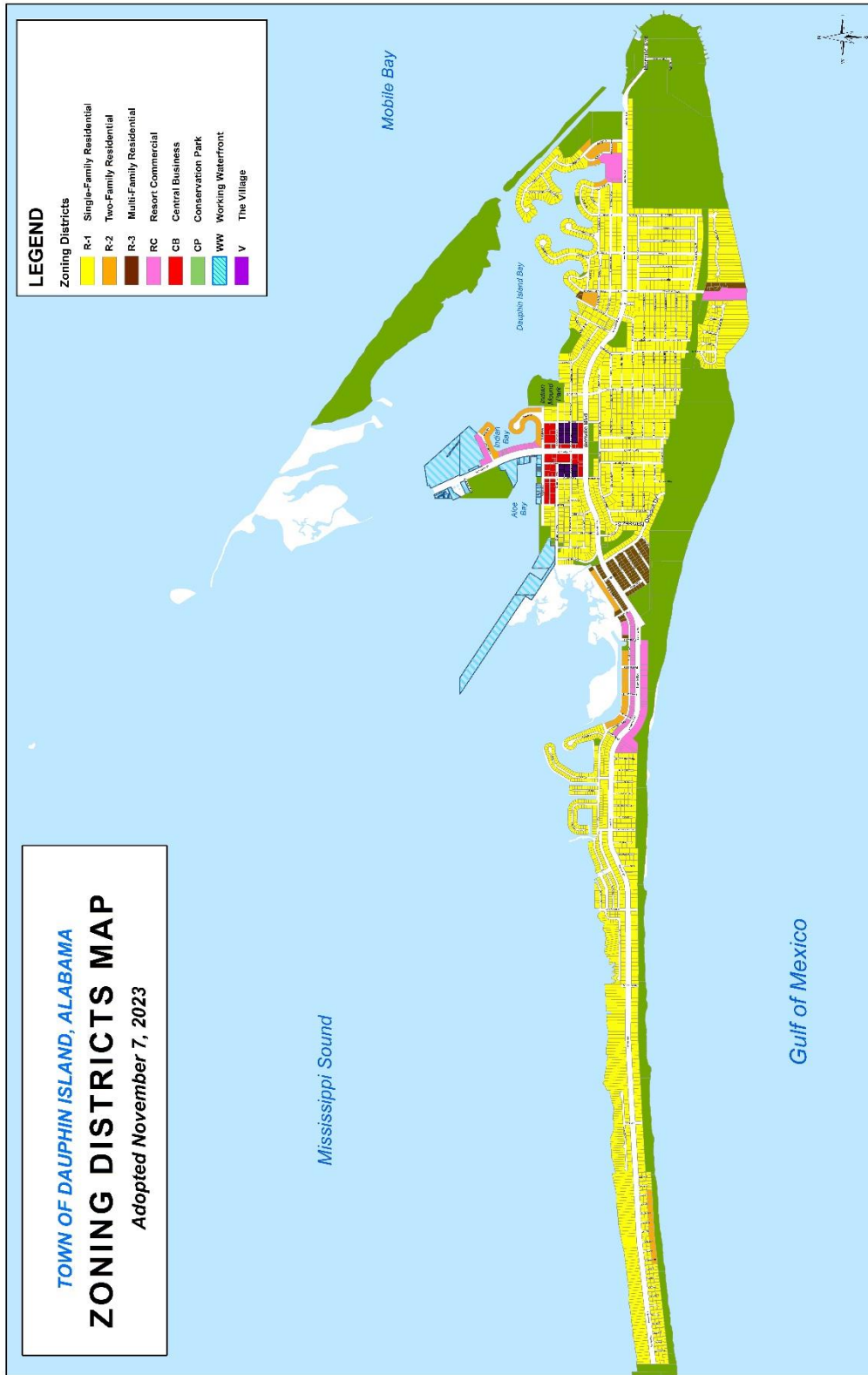
See Article 9

§ 4.9.8.6 DEVELOPMENT PROCESS PROCEDURES

See Article 10

SECTION 4.10 ZONING DISTRICTS MAP

FIGURE 4.1: ZONING DISTRICTS MAP



SECTION 4.11 OVERLAY DISTRICTS PERFORMANCE STANDARDS

Regulations governing development in an overlay zoning district shall apply in addition to regulations governing development in the underlying base zoning district. If the standards governing an overlay zoning district expressly conflict with those governing an underlying base zoning district, the standards governing the overlay zoning district shall control. The uses which are permitted in the overlay zone will be the same as the uses permitted in the underlying base zoning district.

§ 4.11.1 WEOD WEST END OVERLAY DISTRICT

This Overlay District is intended to provide flexibility for yard setbacks on THROUGH LOTS located on the West End of the Island only.

A. General

The West End Overlay District (WEOD) is established to serve as an overlay to the established base zoning district of the R-1 Single-Family Residential Zoning District on the west end of the island. The provisions of the base zoning districts shall apply to all the development within the overlay boundary.

B. Purpose

The purpose of this overlay zone is to provide relief from the required yard setback in the R-1 Zoning District on the west end of the island only, allowing the setback to be determined on a case-by-case basis, based on the orientation of the principal structure and other natural features of the land.

The WEOD is needed due to the dynamic conditions that exists on the barrier island and is focused on the adjustment of setback requirements because of fluctuating shoreline conditions. It sets the development standards for parcels on the north and south side of the west end of the island that are either eroding or accreting due to natural and manmade occurrences to ensure uniformity in house placement and that the viewshed enjoyed by residents is protected in this area; It is intended to provide relief and flexibility from base zoning setback requirements that may not be feasible to achieve for specific through lots that are impacted by the constant shifting terrain occurring on the west end of the island.

C. Boundary Area

The WEOD setback modification allowances are as follows and apply to through lots on the west end of Dauphin Island only in the following locations:

- > **South of Bienville Boulevard Through Lots:** Through lots located south of Bienville Boulevard and north of the Gulf of Mexico: the setback from the northernmost lot line may be modified if needed, but no less than ten (10) feet from the south right of way line of Bienville Boulevard;
- > **North of Bienville Boulevard Lots:** Through lots north of Bienville Boulevard, adjacent to the Mississippi Sound: the waterside yard boundary is located two

hundred (200) feet north of the north right-of-way line of Bienville Boulevard to the shoreline of the Mississippi Sound; No part of the primary structure shall be located in the waterside yard nor be located more than 200 feet north of the north Right-of-Way of Bienville Boulevard;

- > **Bridgeview Drive Lots:** Through lots located north of Bridgeview Drive adjacent to the shoreline of the Mississippi Sound: the waterside yard boundary is located one hundred fifty (150) feet north of the north right-of-way line of Bridgeview Drive to the shoreline of the Mississippi Sound; No part of the primary structure shall be located in the waterside yard nor be located more than 150 feet north of the north Right-of-Way of Bridgeview Drive;
- > **Island Shores Drive Lots:** Through lots north of Island Shores Drive and adjacent to the shoreline of the Mississippi Sound: the waterside yard boundary is located one hundred (100) feet north of the north right-of-way line of Island Shores Drive to the shoreline of the Mississippi Sound; No part of the primary structure shall be located in the waterside yard nor be located more than 100 feet north of the north Right-of-Way of Island Shores Drive.

D. Site Standards

The front, rear, and/or waterside yard setback requirement on impacted properties may be adjusted from the base zoning district and will be determined on a case-by-case basis, based on the orientation of the principal structure and other natural features of the land.

E. Application Review Procedure

All applications for new construction or changes to existing structures within the WEOD require Site Plan review by the Dauphin Island Building Official's Office before a building permit can be issued.

FIGURE 4.2: WEST END OVERLAY DISTRICT (WEOD) MAP



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§ 4.11.2 DPOD DUNE PROTECTION OVERLAY DISTRICT

The Dune Protection Overlay District (DPOD) is established to provide effective and reasonable regulations that will offer guidelines for proper development and management of the sand dunes on Dauphin Island. These regulations are intended to ensure the protection of the barrier island's dune systems and beaches, which in turn helps prevent loss of life and property during storms and safeguards the supply of sand that slows shoreline erosion. See **Article 7** of this Ordinance for requirements and permitting process for any construction within the Dune Protection Overlay District

A. General

The Dune Protection Overlay District (DPOD) serves as an overlay to the established base zoning districts which are classified as Single-Family Residential Zoning District (R-1), Two-Family Residential Zoning District (R-2), Multi-Family Residential zoning District (R-3), Resort Commercial District (RC), and the Conservation Park District (CP). The provisions of the base zoning districts shall apply to all developments within the overlay boundary in addition to the requirements of the DPOD specifically. See Figure 4.3 for the location of the dune protection boundary area. A map of the DPOD boundary is included on the Official Zoning Map of the Town of Dauphin Island, located at Town Hall and in the Town of Dauphin Island Zoning Ordinance.

B. Purpose

The purpose of the DPOD is to develop regulations and policies that address dune protection and management that are both beneficial and effective in protecting the Island's dune system while also allowing property owners the opportunity to use, develop, and maintain their land as they intend. It is the intent of these regulations to permit reasonable use and repair of the dune systems or resources, consistent with sound sand dune conservation practices.

The increasing growth of Dauphin Island and recreational uses of the barrier islands beaches and natural resources will impact the stability of the dune ecosystem. Construction and Large recreational use of the beaches can contribute to fragmentation of the beach and dune systems that lead to the deterioration of the sand dunes. The vegetation that secures sand is destroyed, sand is lost, and the dune line is breached by roads, trails, and stormwater runoff. Dune damage that results from human activities accelerates the damage caused by nature's wind and wave erosion, leaving the Island and the residents vulnerable.

C. Uses Allowed with Planning Commission Review

All uses allowed in the underlying zoning districts encompassed within the Dune Protection Overlay District (DPOD), which are classified as Uses Permitted by Right, Uses Requiring Planning Commission Review, or Special Exceptions, are allowable

uses in the DPOD. All applications for construction or alterations within the DPOD require Site Plan review by the DPOD Site Plan Review Committee (SPRC) and the Dauphin Island Planning Commission before a building permit can be issued. See Article 10 of this Ordinance.

D. Uses Prohibited

Any use or activity that impairs the natural function of the dune system or has the potential to cause significant adverse long-term impacts to the natural function of the dune system is prohibited, including the following. All prohibited activities are subject to the fines and penalties set forth in this Ordinance. See Article 10 of this Ordinance.

E. Site Plan Review and Development Process

In general, development within the Dune Protection Overlay District (DPOD) will use the same application and permits process that applies to all zoning districts of Dauphin Island. Additional requirements which are specific to the DPOD are primarily focused on ensuring no degradation to the dune system or contour occurs. Toward this end there are more specific documentation requirements that must be demonstrated on the Site Plan, and additional requirements such as an erosion control plan, when applicable. A detailed process description and all deliverables are included in Article 10 and Appendix B of this Ordinance.

F. Minimum Yard Setback Requirements

The minimum setback requirement for the underlying zoning district will apply provided they do not encroach into the required setback of the dune or compromise the integrity of the dune system in any way. The DPOD Site Plan Review Committee shall conduct a site visit to the property to establish the proper and appropriate setbacks in relation to the dune and other land features which are naturally occurring on the property. The DPOD SPRC and the Planning Commission shall approve the precise site and location of any structure. Such approval shall be based upon the location of the structure with regard to the topography of the area taking into consideration the height of dunes, location of large trees and similar considerations. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure. See Article 10 of this Ordinance.

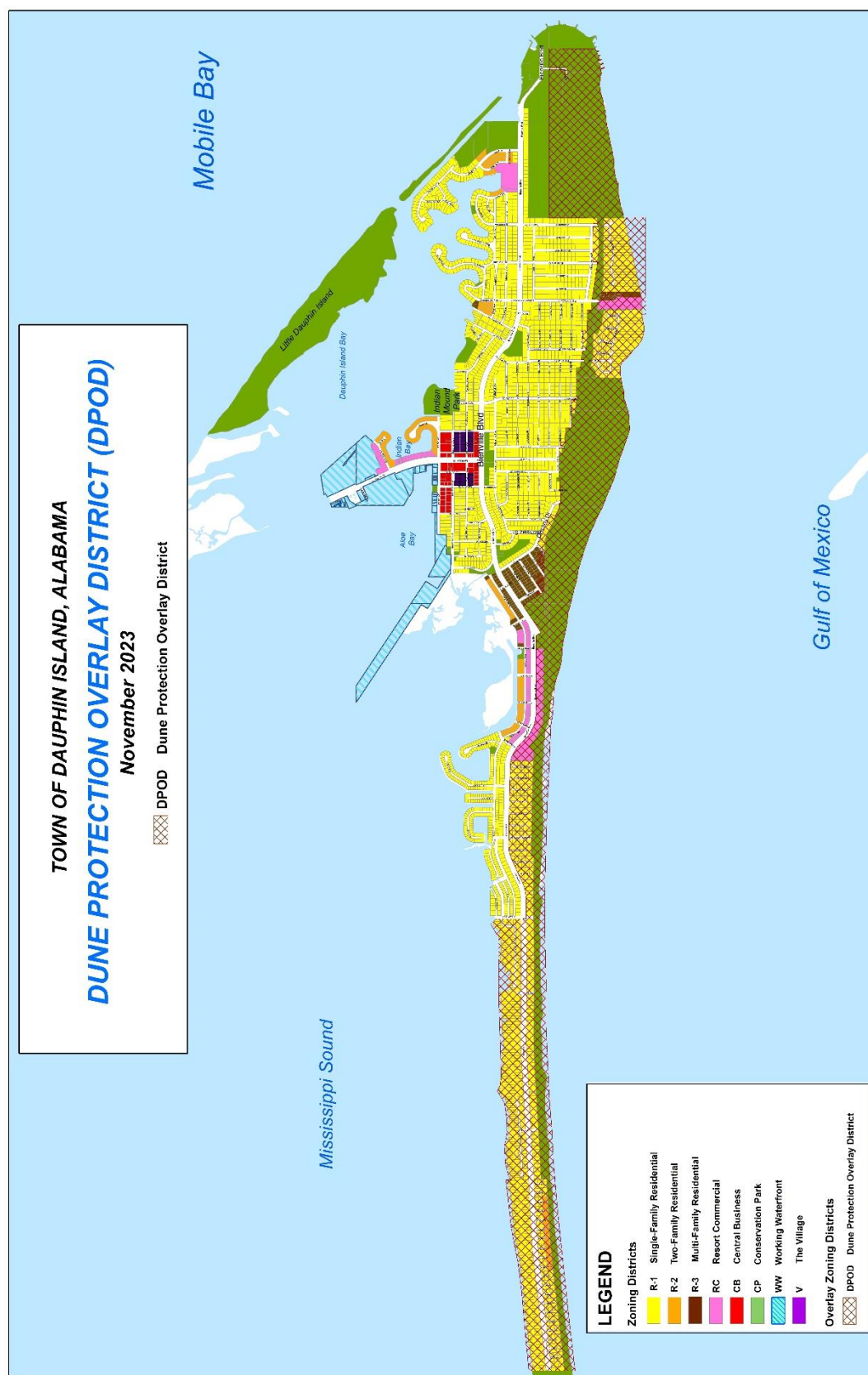
G. Permitting and Building Requirements

- A Town of Dauphin Island Coastal Use Permit has been established to protect the valuable beach and dune resources from adverse impacts associated with construction and other activities. After review and approval by the ARC and Planning Commission, a Town of Dauphin Island Coastal Use Permit shall be issued by the Building Official, and the permit fee required by this Ordinance shall be paid by the applicant before any new construction can begin or any

modifications, alterations, extensions, or expansions can begin on an existing structure.

- Development will generally be prohibited on dunes, except in cases for which there are no practicable or feasible alternatives.
- All construction must incorporate 'Best Management Practices' (BMPs), as required in **Article 7** of this Ordinance. The structure and access to the structure must be in accordance with site plans and certifications prepared and sealed by a registered, certified Professional Engineer licensed in the State of Alabama. *****A signed statement of Best Management Practices used in design and construction plans by a Professional Engineer and/or Architect licensed in the State of Alabama must accompany the Site Plan.*** Site plans and certifications for any proposed structures must meet all local, state and federal regulatory agency guidelines and procedures. See Article 10 of this Ordinance.

FIGURE 4.3: DUNE PROTECTION OVERLAY DISTRICT (DPOD) MAP



§ 4.11.3 ABOD ALOE BAY OVERLAY DISTRICT

A. General

The Aloe Bay Overlay District (ABOD) is established to serve as an overlay to the established base zoning district of the Working Waterfront (WW) Zoning District. The provisions of the base zoning district shall apply to all the development within the overlay boundary. This overlay is located on the parcels adjacent to Aloe Bay, see map in *Figure 4.4* for the location of the ABOD boundary. A map of the ABOD boundary is included on the Official Zoning Map of the Town of Dauphin Island, located in the Zoning Ordinance and at Town Hall.

B. Purpose

The purpose of the ABOD is to develop a “Town Center” that includes the planning and implementation of a mixed-use district with public facilities to enhance economic, tourism, and residential opportunities for the Town of Dauphin Island. The intent of the ABOD is to create a sense of place that reflects the unique character of Dauphin Island. To achieve this goal, specific uses and design elements are required in the overlay boundary, which are in addition to the base zoning requirements of the Working Waterfront to ensure that distinctive design features are installed to create a unique civic identity that is exclusive only to the Island community.

C. Site Standards

Additional development standards are required for all applications in the ABOD and include some of the following:

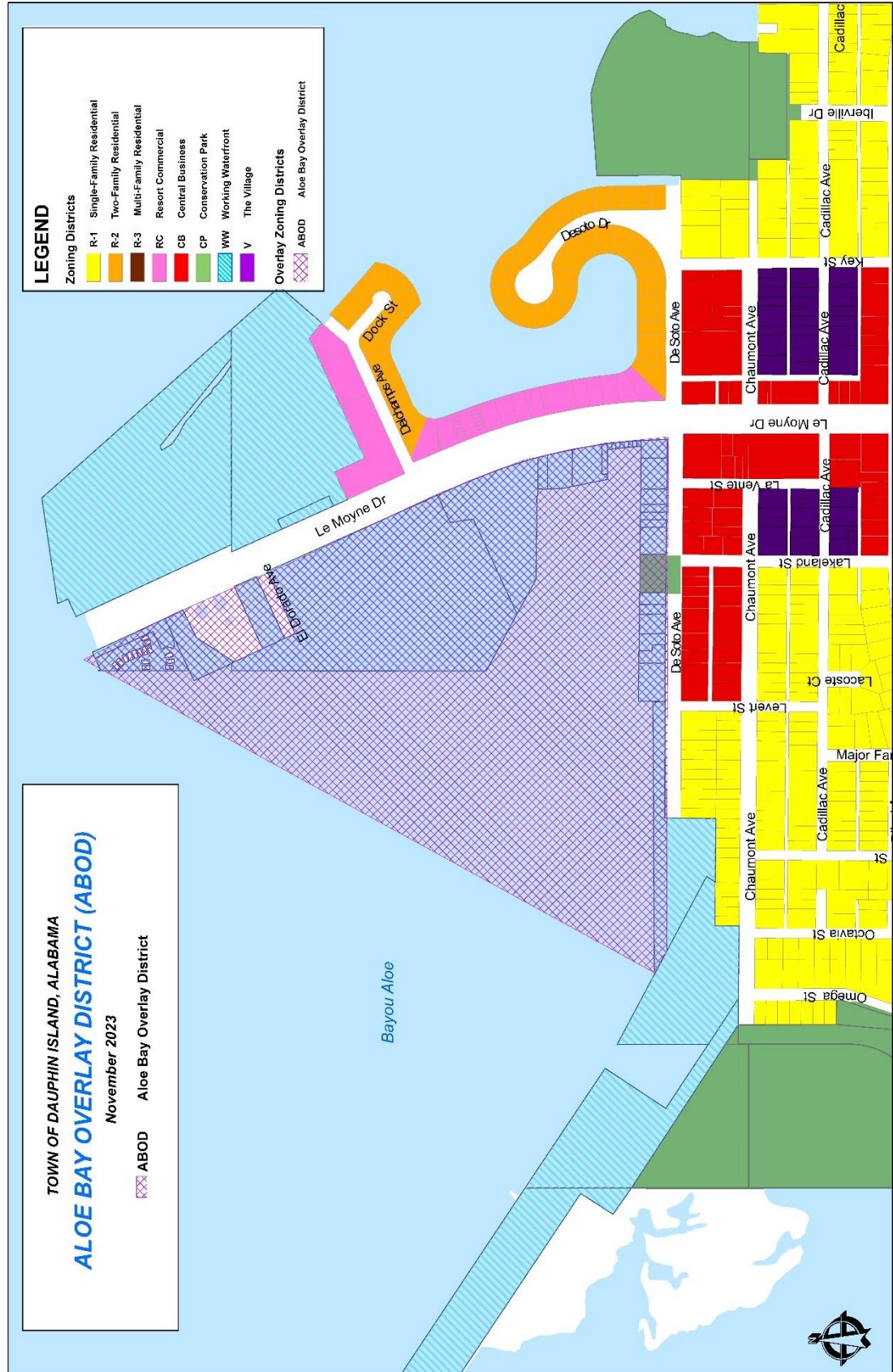
- waterfront view protection standards
- public assembly areas
- public accessibility to the waterfront
- pedestrian connectivity throughout this area of town

Furthermore, Low Impact Development (LID) standards are required for all construction in the ABOD to ensure sensitive habitats are protected due to the district’s close proximity to Aloe Bay. See **Article 7** of this Ordinance for additional design guidelines, construction requirements, and permits for all construction within the Aloe Bay Overlay District.

D. Application Review Procedure

All applications for new construction or changes to existing structures within the ABOD require Site Plan review by the Dauphin Island Planning Commission and Building Official’s Office before a building permit can be issued.

FIGURE 4.4: ALOE BAY OVERLAY DISTRICT (ABOD) MAP



§ 4.11.4 WPOD WETLAND PROTECTION OVERLAY DISTRICT

Wetlands with their natural functions serve multiple purposes and provide numerous benefits in protecting the environment and its inhabitants. They provide valuable habitat for plant and animal communities, and they serve as a natural filter for water flowing into water bodies and groundwater. They also act as a buffer during storm events, helping to soak up heavy precipitation or rising water levels to prevent flooding and erosion.

A wetland is an ecosystem within itself, which is characterized by the presence of water and which supports an array of unique plant and animal life. Some wetlands may be saturated during certain times of the year while others may be saturated permanently. Because wetlands are an ecosystem, they play an essential role in the health and protection of the environment.

A. General

Wetlands serve a critical purpose and they exist for a particular reason. When a wetland is harmed or destroyed due to man-made events or natural storm occurrences, it compromises the stability of the entire island. Storms and other natural weather events cannot be controlled, but man-made disturbances can in order to ensure the protection and resiliency of the island moving forward. If improper development practices are left unmanaged overtime, this will eventually have a detrimental impact on every piece of property on Dauphin Island. Due to the increasing development occurring on the Island, Town leaders recently adopted a map and associated study titled SENSITIVE HABITAT PROTECTION AND MANAGEMENT PLAN that identifies the lots on Dauphin Island that have known or suspected wetlands existing on them. These lots are identified on the Town of Dauphin Island zoning map in the Wetland Protection Overlay District (WPOD), see *Figure 4.5*. Town leaders and property owners alike recognize the need for wetland protection measures to ensure the value and sustainability of all properties on Dauphin Island remain and increase.

B. Purpose

The purpose and function of the Wetland Protection Overlay District (WPOD) is to identify the parcels on Dauphin Island that have wetlands existing currently, or may have wetlands occurring on the property. The provisions required in the WPOD ensure that the integrity and functional values of the Island's sensitive habitats are not compromised by anthropogenic alterations, and implement protective measures that are required when building near a wetland. This overlay identifies Island properties containing wetlands and potential wetlands, which may require additional construction standards on said properties to ensure compliance with Town of Dauphin Island Wetland Ordinance in addition to federal and state regulations. These measures include avoidance and minimization of wetland impacts from construction and development, and aids in the enforcement of the Town's ordinances.

C. **Site Standards**

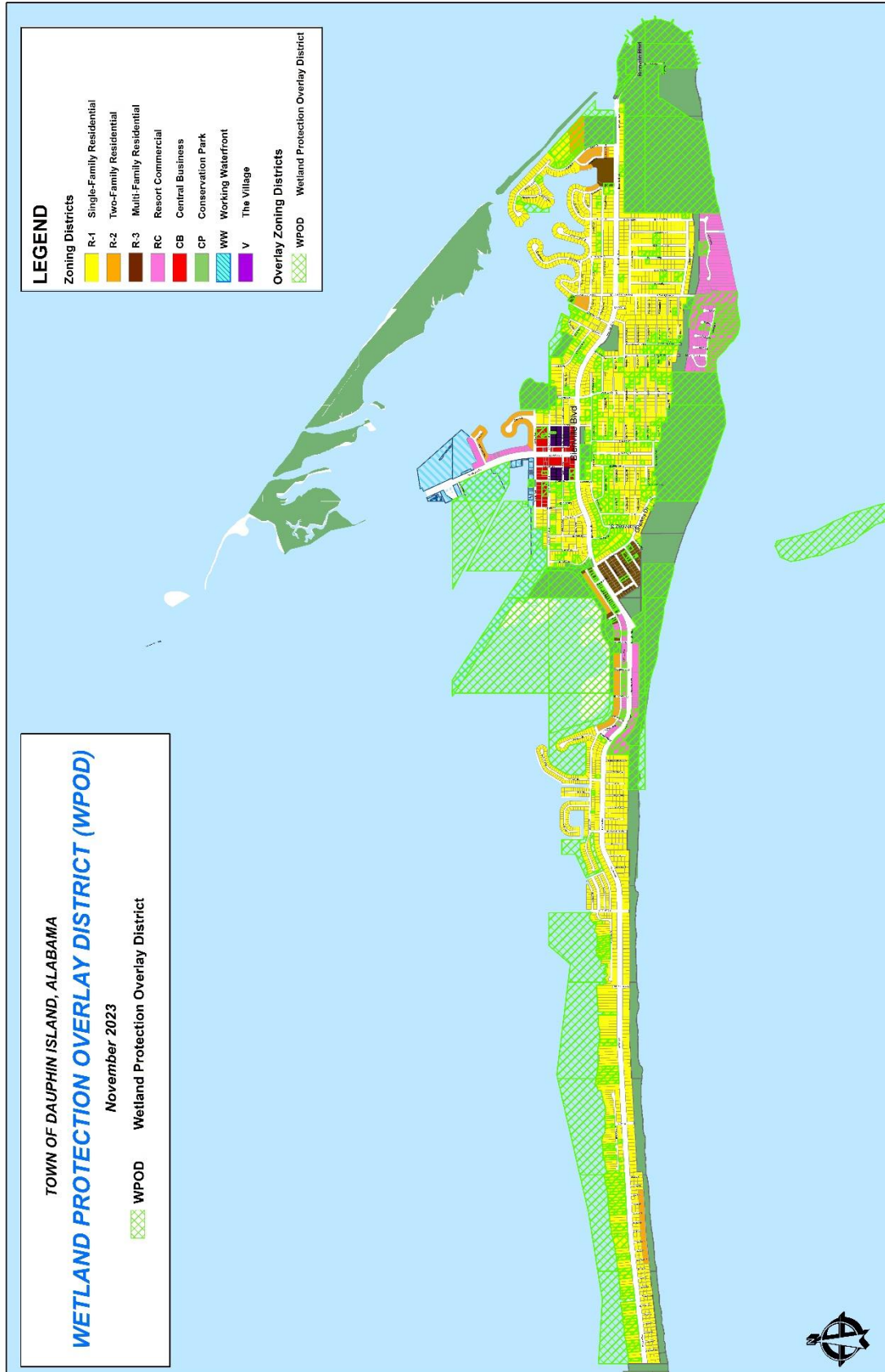
Properties within the WPOD can be developed but may require additional development standards that ensure the wetlands are either completely undisturbed or disturbed at the least amount possible. Wetlands are locally regulated by the Town of Dauphin Island Wetland Protection Ordinance (Ordinance No. 85A), which is an appendix to this Ordinance, and federally regulated under Section 404 of the Clean Water Act.

Whenever construction activities are proposed on or near a wetland, a Permit is required from the Town of Dauphin Island in compliance with the Wetlands Ordinance, and a permit from the U.S. Army Corps of Engineers may be required as well, depending on the proposed activities. See **Article 7** of this Ordinance for additional construction requirements and permitting process for any construction within the Wetland Protection Overlay District as well as the **Town of Dauphin Island Wetland Ordinance**.

D. **Application Review Procedure**

All applications for new construction or changes to existing structures within the WPOD require Site Plan review by the Dauphin Island Building Official's Office and may require additional review by the Planning Commission, as required by Ordinance and/or Zoning District, before a building permit can be issued.

FIGURE 4.5: WETLAND PROTECTION OVERLAY DISTRICT (WPOD) MAP



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§ 4.11.5 SFHOD SPECIAL FLOOD HAZARD OVERLAY DISTRICT

A. General

The Special Flood Hazard Area (SFHA) is defined by the Federal Emergency Management Agency (FEMA) as the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. The Special Flood Hazard Areas on Dauphin Island have been identified by FEMA through a Flood Insurance Study (FIS). The most recent Flood Insurance Rate Maps (FIRMs) identify three (3) specific flood zones currently classified on Dauphin Island which are classified as flood zones AE, VE, and X. Flood zones AE and VE are identified on the Town's zoning map as the Special Flood Hazard Overlay District (SFHOD), see map in *Figure 4.6* below.

These flood hazard areas are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by structures being located in flood hazard areas that are vulnerable to floods due to being inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

B. Purpose

The purpose of the Special Flood Hazard Overlay District (SFHOD) is to identify parcels that are in the SFHA per FEMA Flood Insurance Rate Maps (FIRMs). Properties located in flood zones VE or AE require additional higher construction standards per Town of Dauphin Island Flood Damage Prevention Ordinance No. 55A in addition to the zoning requirements set forth in the underlying base zoning district, to reduce and prevent flood damage to personal property. Properties located in flood zone X do not require the higher construction standards.

C. Site Standards

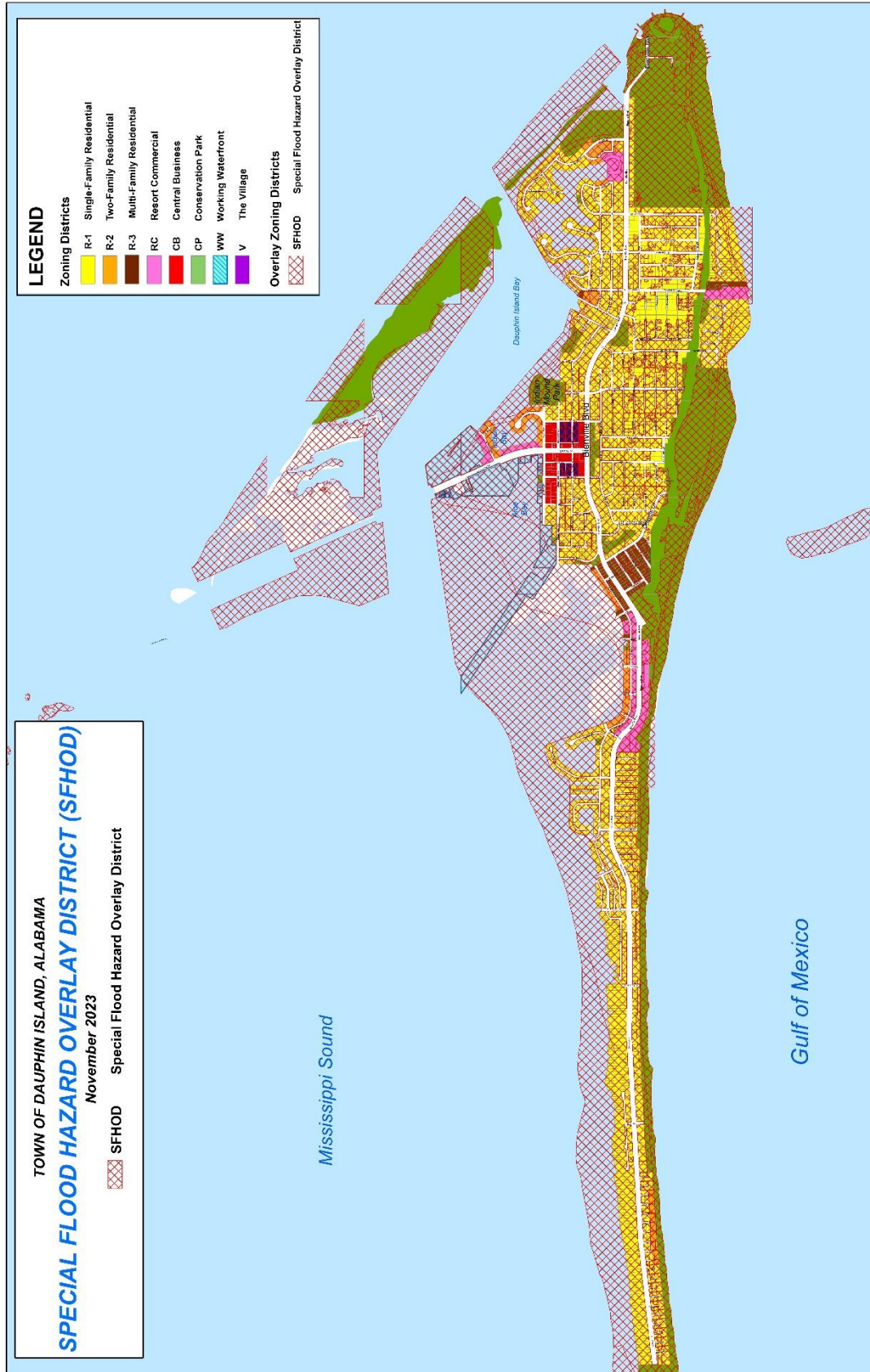
Most construction activities within a regulated floodway or floodplain require coordination with the Town's designated Floodplain Administrator and are required to adhere to the higher construction standards listed in the Town of Dauphin Island Flood Prevention Ordinance No. 55A. These activities include new building construction, existing building expansion, clearing land, placing fill, grading land, mining, dredging, drilling, placement of mobile homes, and more. Properties located in flood area AE or VE require additional construction standards per Town of Dauphin Island Flood Damage Prevention Ordinance No. 55A to reduce and prevent flood damage to personal property. Properties classified as Flood Zone X are considered areas of minimal flood hazard, which are the areas outside the SFHA

and are located in areas higher than the elevation of the 0.2 percent annual chance (or 500-year flood). See Article 7 of this Ordinance for more information on the permitting process for any construction or land disturbing activities within the SFHOD.

D. Application Review Procedure

All applications for new construction or changes to existing structures within the SFHOD require Site Plan review by the Dauphin Island Building Official's Office and may require the additional review of the Planning Commission before a building permit can be issued. Additionally, the SFHA is the area where the National Flood Insurance Program's (NFIPs) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance may apply. These management regulations are listed in the Town of Dauphin Island's Flood Damage Prevention Ordinance No. 55A. The Town of Dauphin Island is a member of the NFIP in order to be able to provide flood insurance to properties within the corporate limits. NFIP membership requires the Town to adopt a Flood Damage Prevention Ordinance and adhere to the additional construction standards required in the Ordinance when building in the SFHA. The Town is a member of the NFIP's Community Rating System (CRS) as well in efforts to reduce flood insurance premiums for the residents of Dauphin Island. Each year, the Town is evaluated to ensure the Town is adhering to the requirements mandated by the NFIP in order to remain in good standing with the program and possibly qualify for larger discounts on flood insurance premiums.

FIGURE 4.6: SPECIAL FLOOD HAZARD OVERLAY DISTRICT (SFHOD) MAP



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§ 4.11.6 TLOD TURTLE LIGHTING OVERLAY DISTRICT

The Turtle Lighting Overlay District (TLOD) is established to identify properties that are required to install “turtle-friendly” lighting whenever new construction occurs or when existing lighting is replaced. The provisions of the base zoning district shall apply to all the development within the overlay boundary, see map in *Figure 4.7* below.

A. General

Sea turtle nesting activities occur annually on Dauphin Island beaches and shorelines. All sea turtle species are federally protected under the Endangered Species Act of 1973. Disorienting turtles with artificial lighting is a violation of the Act and could result in fines of up to \$25,000 per hatchling.

The turtle lighting regulations apply to all new coastal construction projects and existing structures undergoing renovation/replacement (when 50% or more of windows or light fixtures are replaced) located on seaward side of coastal parcels as well as all parcels west of St. Denis Court located on the north and south side of Bienville Boulevard, see Article 6.

B. Purpose

The purpose of this overlay district is to reduce the impact of artificial coastal lighting on nesting sea turtles and hatchlings. Light sources that create a potential hazard for sea turtles are considered “light fixtures that are directly, indirectly or cumulatively visible from the beach”.

The turtle lighting regulations found in Article 6 of this Ordinance restrict artificial light sources that may detour mature sea turtles and disorient sea turtle hatchlings, causing them to travel toward land rather than the Gulf of Mexico. Hatchlings have an instinctive response to crawl toward a light source that helps lead them seaward on beaches. The apparent brightness and glare of artificial lighting often leaves mature sea turtles and hatchlings disoriented which in turn disrupts their natural nesting and post-hatching behaviors. These regulations are intended to provide conservation standards without jeopardizing sea turtle populations and the public safety or the security of persons or property.

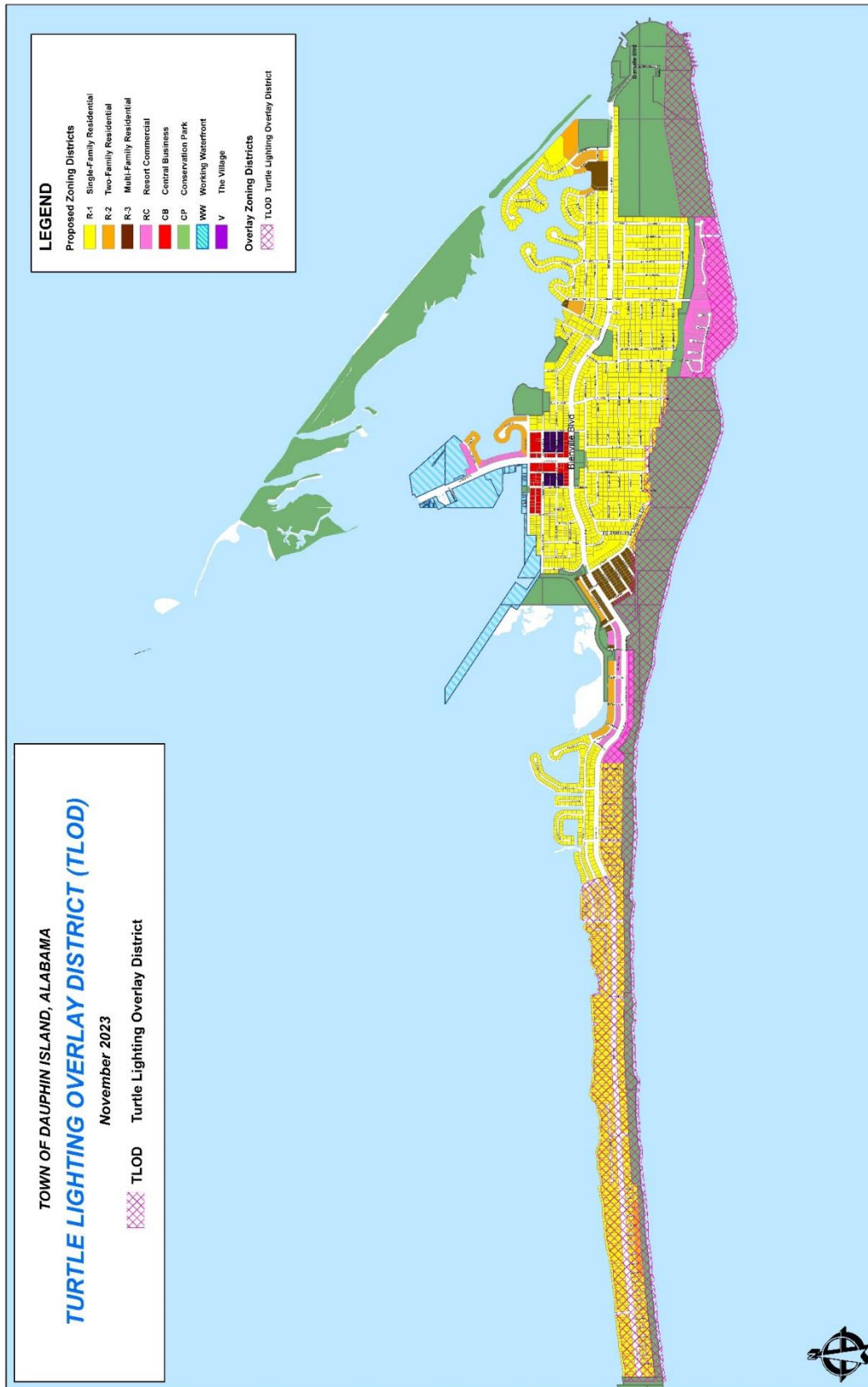
C. Site Standards

See Article 6, Section 6.10 for turtle lighting standards for all new and existing light sources per U.S. Fish & Wildlife recommendations.

D. Application Review

All applications for new residential construction or renovation/replacement of windows and/or lighting (fifty percent 50% or more) require review by the Dauphin Island Building Official's Office before a permit can be issued.

FIGURE 4.7: TURTLE LIGHTING OVERLAY DISTRICT (TLOD) MAP



§ 4.11.7 STROD SHORT-TERM RENTAL OVERLAY DISTRICTS

The Short-Term Rental Overlay Districts (STRODs) and associated maps are established in part to provide a limit (cap) on the number of available Short-Term Rental licenses and require a minimum nightly consecutive stay in historically full-time residential areas, and to manage parking and lodging standards in historically non-full-time residential areas. All properties zoned R-1 and V will be included in one of the three overlay districts identified. The STRODs are divided into three (3) separate overlay districts due in part to the differences in the number of Short-Term Rental licensees and other standards permitted in each district.

- Short-Term Rental Overlay District 1 (STROD1)
- Short-Term Rental Overlay District 2 (STROD2)
- Short-Term Rental Overlay District 3 (STROD3)

Areas Exempt / Not included Areas- Commercial, and multifamily, Condos and Subdivisions with active restrictions specific to that development shall not be included in any STR Overlay District.

A. General

The Short-Term Rental Overlay Districts are established to limit Short-Term Rental densities in highly residential use areas based on real world conditions. The cap number will be determined initially, by the Town Council based on licenses issued, and will be reviewed on an on-going basis to determine if adjustments are needed. The overlay districts will encompass three areas of the Island. All condos, gated communities, and multi-family areas are excluded from any overlay district. The three districts are mapped separately because they have different historic residential and rental densities, see maps below in *Figures 4.8-4.10*.

B. Purpose

The purpose of these overlay districts is to limit STR densities in highly residential use areas based on real world conditions and to manage minimum lodging stays and parking standards due to the environmental dynamics of the West End.

C. Site Standards

Site standards for each of the three STRODs shall be as follows:

Maximum license caps are set as follows for the respective STR Overlay Districts.

Initial license cap numbers:

- STROD1: maximum 90 licenses;
- STROD2: maximum 70 licenses;
- STROD3: No maximum number of licenses; special parking allowances.

Required minimum nightly stays are set as follows for the respective STR Overlay Districts.

- STROD1: required minimum three (3) night consecutive stay;
- STROD2: required minimum three (3) night consecutive stay;
- STROD3: required minimum two (2) night consecutive stay.

Specific parking allowance standards are set as follows for the respective STR Overlay Districts.

- STROD1: maximum of one (1) parking space for every two adult occupants 18 years and older;
- STROD2: maximum of one (1) parking space for every two adult occupants 18 years and older;
- STROD3:
 - > maximum of one (1) parking space for every two adult occupants 18 years and older; and
 - > parcels located south of Bienville Boulevard, with addresses on the “court streets”, all located west of Sehoey Street (Seneca Court thru Westward Ho Court), will be allowed to park along the adjacent court street (parking permit required) as space is available and not to exceed the maximum parking number of spaces allowed for Short-Term Rentals. Parking is prohibited along Bienville Boulevard.

D. Application Review

The Dauphin Island Building Official’s office will issue short-term rental licenses in accordance with the cap requirements established by this ordinance. The Dauphin Island Building Official’s office will also maintain the waiting list as established by this Ordinance.

All applications for new short-term rental licenses must be approved by the Dauphin Island Planning Commission. In addition, approval by the Dauphin Island Planning Commission is required for renewal of any short-term rental license where there have been documented infractions or if requested by the Dauphin Island Building Official.

E. Location

STROD1: The boundary of STROD1 specifically encompasses all R-1 and Village (V) zoned properties on the eastern portion of Dauphin Island. Located beginning specifically on the westernmost boundary of R-1 lots adjacent to the west side of Omega and Orleans Streets and extending east to the eastern end of the island, but excluding DeSoto Landing and Audubon Place subdivisions, see *Figure 4.8, STROD1 Map* below.

STROD2: The boundary of STROD2 specifically encompasses all properties zoned “R1” adjacent to Cadillac Avenue, beginning at the western end of Cadillac Avenue and extending east to the west side of Perdido Street. This area includes all R-1 lots on streets north of Cadillac Avenue and west of Perdido Street including Pineda, Port Royal, Polaris and Quivira Streets, see *Figure 4.9, STRO21 Map* below.

STROD3: The boundary of STROD3 specifically encompasses all R-1 zoned properties west of Pirates Cove Street that are not included in STROD2, extending west to the west end of Dauphin Island, see *Figure 4.10, STROD3 Map* below.

FIGURE 4.8: SHORT-TERM RENTAL OVERLAY DISTRICT 1 (STROD1) MAP

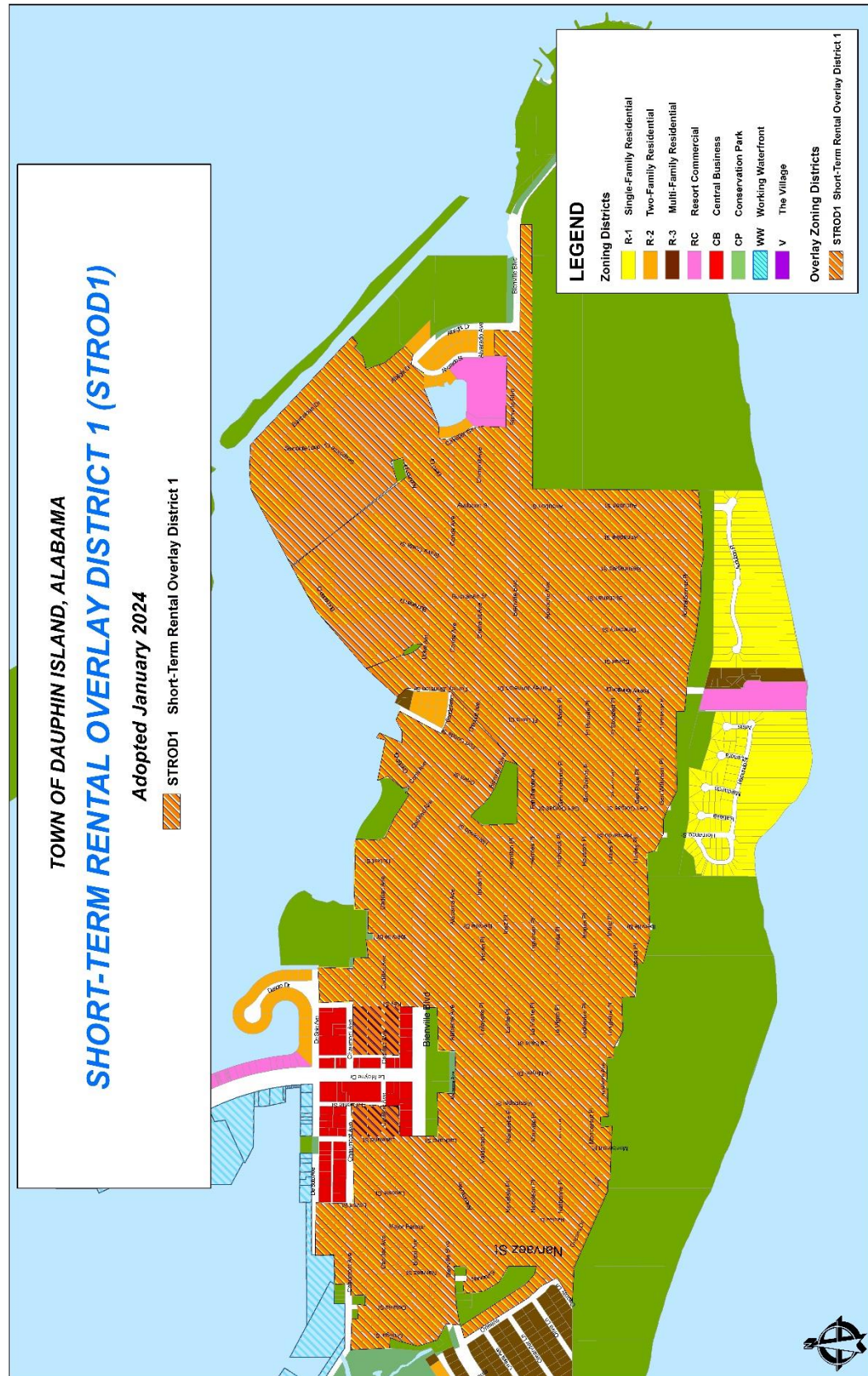


FIGURE 4.9: SHORT-TERM RENTAL OVERLAY DISTRICT 2 (STROD2) MAP



FIGURE 4.10: SHORT-TERM RENTAL OVERLAY DISTRICT 3 (STROD3) MAP



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ARTICLE 5

Lot & Yard Standards with Required Dimensions

§ 5.1	GENERAL REQUIREMENTS FOR RECORDED LOTS OF RECORD
§ 5.2	BUILDINGS PER LOT (ONE PRINCIPAL BUILDING PER LOT)
§ 5.3	ACCESS TO LOTS
§ 5.4	LOT COVERAGE & DIMENSIONAL REQUIREMENTS
§ 5.5	YARD REQUIREMENTS
§ 5.6	MINIMUM REQUIRED YARD SETBACKS
§ 5.7	ALLOWABLE YARD ENCROACHMENTS & PROJECTIONS
§ 5.8	PERFORMANCE STANDARDS FOR NONRESIDENTIAL DISTRICTS
§ 5.9	ACCESSORY BUILDINGS
§ 5.10	SWIMMING POOLS & SPAS
§ 5.11	FENCING REQUIREMENTS



SECTION 5.1 GENERAL REQUIREMENTS FOR RECORDED LOTS OF RECORD

§ 5.1.1 LOT SIZE

- All newly created lots must be a minimum of five thousand (5,000) square feet with a minimum lot width of fifty (50) feet.
- No lot of record shall be reduced in size so that the lot's dimensional requirements of this Ordinance are not maintained.
- No lot shall be re-subdivided into, nor shall any dwelling be erected or placed on any lot having an area and frontage of less than the smallest lot on the street on the block in which it is located as per recorded plat.

§ 5.1.2 USE OF NON-CONFORMING LOT OF RECORD

Where the owner of an existing Lot of Record or the successor to the title thereto, does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the Lot of Record may nonetheless be allowed to be used as a building site, without meeting the minimum lot area and lot width requirements, provided that:

- The use is permitted in the zoning district;
- The lot has been in separate ownership from abutting lands at all times since it became non-conforming;
- The lot was created compliant with official controls in effect at that time; and
- The setback requirements of this Ordinance are met.

§ 5.1.2.1 Substandard Lots of Record

When two (2) 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, the lots shall not be considered as separate parcels of land for the purposes of sale or development. Such lots shall be platted or re-parceled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.

§ 5.1.3 STORAGE ALLOWANCES ON UNDEVELOPED AND/OR DEVELOPED PROPERTY

- On undeveloped lots of record in all zoning districts where no principal structure exists on the property, but a boat dock(s) and/or pier(s) exists, the storage of a boat(s) and/or boat trailer(s), and vehicles shall not be allowed on the land portion of the lot.
- On undeveloped lots with a residential use that are located in the R-1, R-2, and R-3 zoning districts, upon which a building permit has been issued for a primary structure, one (1) pier, wharf, bulkhead, seawall, boat dock, boat lift, etc. and other similar structure may be constructed on an undeveloped lot before a primary residential dwelling structure is built, provided there will be no boat, vehicle, or trailer storage on the land portion of the lot prior to completion of the primary structure. A maximum of two (2) boats may be stored at the pier, wharf, bulkhead, seawall, boat dock, boat lift, etc. and other similar structure.
- On developed lots with a residential use that are located in the R-1, R-2, and R-3 zoning district, a cumulative maximum of three (3) boats may be stored at the pier, wharf, bulkhead, seawall, boat dock, boat lift, etc. or on land.

SECTION 5.2 BUILDINGS PER LOT (ONE PRINCIPAL BUILDING PER LOT)

In the specific zoning districts listed below which permit residential uses, the following regulations shall apply regarding the number of principal buildings permitted per one lot of record. In the R-1, R-2 and Village districts, there shall be a total of one (1) principal building on any one (1) lot of record. In all other zoning districts that allow residential uses and all other non-residential zoning districts, more than one principal building is permitted on any one (1) lot of record providing the district setback standards are met and spacing between buildings on the same lot are in compliance with the Town's current adopted Building and Fire Codes.

- **Single Family (R-1) and Two-Family (R-2) Zoning Districts:**
A total of one (1) principal building may hereafter be erected on any one (1) lot of record in an R-1 or R-2 District.
- **Village (V) Zoning District:**
A total of one (1) principal building may hereafter be erected on any one (1) lot of record in the Village (V) district.
- **Multi-Family (R-3) Zoning District:**
Two or more principal buildings may hereafter be erected on any one (1) lot of record in the R-3 District with a maximum allowance of six (6) dwelling units per lot. Minimum building spacing between buildings on the same lot shall be in accordance with the Town's current adopted Building and Fire Codes.

- **Resort Commercial (RC) and Working Waterfront (WW) Districts:**

Two or more principal buildings per lot are allowed in the RC and WW districts provided the density and height requirements of this Ordinance are met. Minimum building spacing between buildings on the same lot shall be in accordance with the Town's current adopted Building and Fire Codes.

SECTION 5.3 ACCESS TO LOTS

Access to public streets shall be maintained in accordance with the following requirements:

§ 5.3.1 LOT FRONTAGE

The length of all the property on the lot that fronts the street and is measured at the street right-of-way line. On corner lots, each side of the lot abutting the street is considered the frontage. Each lot shall provide a minimum lot frontage of 60 feet in width unless the zoning district in which the property is located dictates otherwise.

§ 5.3.2 LOT ACCESS

Each lot of record or newly created lot shall be accessible by a public or private street having a right-of-way of not less than fifty (50) feet, except where existing public rights-of-way are less than fifty (50) feet.

SECTION 5.4 LOT COVERAGE & DIMENSIONAL REQUIREMENTS

Total lot area is defined as the total area within the lot lines of a lot excluding any area within existing or proposed public street rights-of-way or private street easements. Total lot area determines the minimum amount of land required for various building types. It's calculated by multiplying the length of a lot by the width of a lot and is measured in square feet from the property lines. Submerged lands shall not be counted towards minimum lot area or density calculations. *Section 4.9 of Article 4* of this Ordinance provides a list of additional lot dimensional requirements for each zoning district.

§ 5.4.1 MINIMUM LOT WIDTH

The Town of Dauphin Island Subdivision Regulations require that any newly created lot must be a minimum of five thousand (5,000) square feet in total lot area with a minimum fifty (50) foot lot width. Each zoning district within the corporate limits of the Town has lot area and width requirements specific to the district. Developments and/or subdivisions must meet the minimum lot requirements that apply to the zoning district in which the property is located.

§ 5.4.2 BUILDABLE AREA OF A LOT

The buildable area of a lot is the portion of the lot located within the building setback lines, which is determined by the required setback dimension of the zoning district in which the lot is located. The size of the buildable area of a lot will differ from that of another lot because it is based on the total lot size of said lot and the amount of required yard space, or setback space the zoning district requires. Other factors that determine the size of the buildable space are land features naturally occurring on the lot such as a dune, waterways or wetlands. In

order to determine the amount of buildable area on any particular lot, the minimum required setbacks must first be subtracted from the total lot area in addition to any natural land features occupying the lot as well as any protective buffers that may be required to preserve natural resources according to Federal, State, and Local regulations.

§ 5.4.3 LOT COVERAGE AND/OR BUILDING COVERAGE ALLOWANCES OF A LOT

Lot coverage, also referred to as building coverage, is essentially the total square footage of all covered structures occupying a lot from a bird's eye view. The building footprint is essentially the perimeter of the lot coverage area.

Lot coverage is defined as the amount of land occupied by the footprint of the principal building on the lot and the footprint of all other structures on the lot that are covered by an impervious surface, which is any hard surface that is not permeable and does not absorb rain water. Lot coverage is expressed as a percent and is determined by dividing the total area of all the building footprints by the gross area of the lot. Examples of impervious surfaces are houses with roof tops, garages, sheds, accessory buildings, gazebos, paved driveways, paved parking spaces, covered porches, concrete patios and walkways, and asphalt. Any paved or concrete surface, or covered/roofed structure that rainwater runs off of is considered an impervious surface and counts as part of the lot coverage percentage.

§ 5.4.3.1 MAXIMUM LOT COVERAGE

Each residential lot has a maximum lot coverage allowance, expressed as a percentage, which represents the maximum percent of impervious surface allowed on a particular lot where a residential use is occurring. Maximum lot coverage is computed as the total amount of impervious surface on the lot divided by the total lot area. This percentage is important in the development process because it calculates the intensity of a use on a lot for development. The Town of Dauphin Island is committed to protecting the health and safety of all residents and ensuring property values are not compromised due to improper development. The maximum amount of lot coverage for all lots in all zoning districts is identified in the Lot Standards Table 5.1 in § 5.4.5 of this Ordinance.

In order to understand why this standard is necessary, it's important to know what an impervious surface is exactly. Essentially, an impervious surface is any hard surface area that doesn't allow water to seep into the ground or greatly reduces the amount of water that soaks into the ground, such as asphalt and concrete. Instead, the rain water runs off the impervious surface, picking up many types of pollutants in the process, and then flows into a storm drainage system or a nearby body of water. Impervious surfaces are the single most important factor affecting the amount of water flowing off a property, how quickly that water will flow, and the amount of pollution that will be picked up and carried with that water into the nearest water body. Large amounts of impervious surfaces can have a negative impact on water quality and change the water cycle. Research has shown that as the amount of impervious surface in an area increases, the amount of polluted runoff also increases. The most common examples of impervious surfaces on Dauphin Island are roof tops, covered decks, patios, and porches, roads, driveways, sidewalks, and paved parking

lots. These protective measures are necessary to ensure that over development of hard surfaces on a property does not occur, which if not required, could potentially compromise the stability of the barrier Island, putting all properties at risk. Additionally, these critical standards will ensure proper stormwater management methods are implemented island-wide, which will help reduce the threats of flooding from excessive stormwater runoff.

To calculate the percentage of lot coverage that is covered by hard surfaces, divide the total building footprint square footage of all hard surface-covered structures on a lot by the total lot area and multiply by 100.

e.g. The total building footprint area is 1,000 sq. ft. on a lot that has a total area of 6,000 square feet. $(1,000\text{sq.ft.}/6000\text{sq.ft.} * 100 = 17\%$. (The maximum amount of lot coverage for all residential lots is 40%, depending on zoning district).

§ 5.4.4 MAXIMUM LOT DENSITY

For the purposes of this Ordinance, density is defined as the number of dwelling units per gross acre of land. This determines the maximum number of residential dwelling units that can be developed per lot(s), which determines how densely populated the lot or lots will be. To determine the number of dwelling units allowed per lot, use the density equation by dividing the square footage of the lot by the square footage of an acre (43,560) and multiply by the maximum density factor (see definitions) for the zoning district in which the lot is located.

- **Density Equation:**
 $\text{sq.ft. of lot} \div \text{sq.ft. of acre} = \text{acreage of lot} \times \text{max. density factor (see table)} = \text{maximum \# of dwelling units/lot (do not round up if number exceeds a whole number)}$.
- **For example:**
A developer wants to build a 4-plex multi-family structure on a 10,000 square foot lot in the R-3 zoning district. Use the density equation and the maximum density factor on the Lot Standards Table below to determine the maximum number of dwelling units that are permitted on a 10,000 square foot lot.
 $10,000 \div 43,560 \times 25 = 5.74$ or 5 dwelling units per lot (do not round up if the number exceeds a whole number)

If the developer wants to build a single family home in an R-1 zoning district, and the lot is an acre, using the equation and the density factor of 4, the answer will calculate the number 0.459136682. In this instance, the number has not reached the whole number of 1, so you would round up. This means the developer can build one single family home on said lot. If he has a one acre property, he can subdivide the property into 8 separate lots that are 5,000 square feet each and build a single family home on each lot.

OR

to determine how much land is needed for the proposed development as in the example above and using the Lot Standards Table below, multiply the required minimum square footage of the lot area as required by the zoning district by the desired number of dwelling units requested to build. The Lot Standards Table below states that the minimum lot size for a multi-family structure in the R-3 zoning district must be a minimum of 5,000 square feet

for 1 dwelling unit, plus an additional 1,650 square feet for each additional dwelling unit. Use the equation in the example below to determine if this scenario will work.

4 dwelling units on a 10,000 square foot lot:

$$5,000 \text{ (1st dwelling unit)} + [3 \text{ (ea. add. dwelling unit)} \times 1,650] = 9,950 \text{ SF}$$

This means the lot must be a minimum size of 9,950 square feet. Since the size of the lot in this example is 10,000 square feet, and 9,950 does not exceed 10,000, the 4-plex multi-family structure meets the lot size requirement and can be allowed.

If the developer needs additional land for a larger proposed development, they must first acquire adjacent land and re-subdivide the lots to create a new lot large enough to accommodate the larger proposed development.

§ 5.4.5 LOT STANDARDS TABLE

Use the Table below to determine the minimum and/or maximum dimension requirements for each lot in every zoning district. Submerged lands shall not be counted towards minimum lot area or density calculations.

TABLE 5.1: LOT STANDARDS TABLE

ZONING DISTRICT	R-1	R-2	R-3	RC	V	WW	CB	CP
Minimum Lot Size (square feet)								
Type of Structure								
• Single-Family Structure	5,000 SF	8,000 SF	N/A	N/A	5,000 SF	N/A	N/A	N/A
• 2-Family (Duplex) Structure	N/A	8,000 SF	8,000 SF	N/A	N/A	N/A	N/A	N/A
• Multi-Family Structure	N/A	N/A	5,000 SF (first unit) + 1,650 SF each additional unit ¹	5,000 SF (first unit) + 1,650 SF (each additional unit)	N/A	5,000 SF (first unit) + 1,650 SF (each additional unit)	N/A	N/A
• Non-residential structure	N/A	N/A	5,000 SF	5,000 SF	5,000 SF	5,000 SF	5,000 SF	TBD
Minimum Floor Area/dwelling unit	600 SF	600 SF	600 SF ²	600 SF ²	600 SF ² /1,500 SF ³	600 SF ²	600 SF ²	N/A
Minimum Lot Width (ft.)	50 ft.	51 ft. and greater	60 ft.	50 ft.	50 ft. Max.100 ft. ⁴	50 ft.	50 ft.	TBD
Maximum Lot Coverage Percentage (%)⁵	40%/TBD	40%/TBD	40%/TBD	40%/TBD	40%/TBD	40%/TBD	40%/TBD	TBD
Maximum Density (dwelling units/gross acre- see definition)	4	7	23	47	13	15	N/A	N/A
Maximum Building Height (ft.)⁶	55ft.	55 ft.	55 ft.	85 ft.	55 ft.	55 ft.	55 ft.	55 Ft.

¹ A maximum of six (6) dwelling units per lot are permitted in the R-3 district

² A minimum of 600 SF of floor area per floor is required for any residential structure in all zoning districts or the residential portion of a mixed-use development located on any lot in zoning districts where mixed-use developments are permitted (RC, CB, V, WW)

³ All commercial uses located on any lot within the Village district only shall not exceed a maximum floor area of 1,500 SF per floor

⁴ The maximum lot width permitted for any lot located in the Village district shall not exceed one hundred (100) feet in width

⁵ Applies to residential uses only or the residential portion of a mixed-use development located on any lot in zoning districts where mixed-use developments are permitted (RC, CB, V, WW); in zoning districts where commercial uses are permitted, the maximum lot coverage will be determined (TBD) by the Planning Commission

⁶ In Special Flood Hazard Areas (SFHAs) which are established by FEMA's Flood Insurance Rate Maps (FIRMs), building height shall be measured from the minimum base flood elevation (BFE) for the purposes of this Ordinance.

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SECTION 5.5 YARD REQUIREMENTS

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.

§ 5.5.1 YARD REQUIREMENTS

- For the purposes of this Ordinance, “yard” and a “required yard” are considered two different terms, see *Article 2: Definition of Terms*. A “yard” is the general yard space of a lot and is defined as the open space that lies between the principal building and the nearest lot line. These “yards” or open spaces are essentially the front, rear, side, and on lots adjacent to a waterbody, waterside yards.
- The “required yard”, which is also referred to as the required minimum setback, is the amount of open space between the buildable area line or building setback line, see *Article 2: Definition of Terms*, and the lot line of the property. The amount of required yard for each lot depends on the setback standards listed in each of the zoning districts of this Ordinance.
- The following standards apply to the required yard space:
 - 1) Uses and structures that are permitted in the required yard area include accessory buildings, detached garages, swimming pools, open stairways and landings, driveways, and fences, see *Figure 5.1* below.
 - 2) Each required yard shall be open and unobstructed from the ground upward, in which no structure is permitted to be located except for the items listed above in #1) above, along with the customary allowable yard projections such as sills, cornices, buttresses, ornamental features, chimneys, flues, eaves, and other such projections, provided they do not exceed the allowances listed in the most recent Town of Dauphin Island adopted Building Code.
 - 3) Parking spaces and driveways are allowed in the required yard space. Pervious materials are highly encouraged to ensure proper stormwater provisions are met; however, any type of ground cover is allowed in the required yard space providing the amount of impervious surface does not exceed the requirement for the entire lot area for the applicable zoning district. This total allowance includes any structure or building on the lot that is paved, covered, and/or roofed.
 - 4) Trees four inches (4”) or greater in diameter at DBH, located within the property setbacks shall remain in place and may not be removed except for Exempt Trees as listed in Section F. Other than Heritage Trees, trees four inches (4”) or greater in diameter at DBH, located in any other area of the lot, will be mitigated at four hundred fifty dollars (\$450.00) per tree, see Town of Dauphin Island Tree Ordinance No. 87B.
 - 5) A through lot shall be deemed to have a front lot line along each street it abuts. For purposes of this subsection, regarding through lots, the required front yard size shall be provided on each street the “front” and “rear” lot line abut.

SECTION 5.6 MINIMUM REQUIRED YARD SETBACKS

A required yard is also considered the setback, which is the distance a structure is required to set back from the lot line. The required yard is the open area between a property line and the building setback line on a lot. Setbacks exist for many reasons: they create uniformity in neighborhood design; ensure homes are not placed too close together to create adequate airflow and natural lighting; prevent building structures from being built too close to the street to ensure the home is protected from vehicular traffic; prevent fire from spreading to adjacent homes or buildings that are too close together; they serve as utility easements for local power or water companies to allow access to underground utilities, which requires space in between houses. Each zoning district listed in this Ordinance has a minimum required distance a structure must be setback from the front, rear, side, and waterside lot lines. The minimum setback distances vary for each zoning district. In the event that a structure does not encompass the entire buildable lot area, the general “yard” space will be larger than the “required” yard space, see *Figure 5.1* below.

§ 5.6.1 MEASURING YARD SPACE DEPTH

- Yards: Front, rear, side, and waterside yard depths on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot’s front, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot.
- Required Yards and/or Minimum Setbacks: The required yard space and/or minimum setback shall be measured as the distance between the property line and the building footprint line and/or buildable area line perpendicular to the property line. The required yard space establishes the required minimum setback on a lot to ensure the provision of open areas around structures for the purposes of: visibility, fire and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

§ 5.6.2 SETBACK REQUIREMENTS

- All structures shall conform with the setback requirements established for each zoning district in this Ordinance. The zoning district in which the property is located dictates the minimum required setback distance. The minimum required setback must be met and if they cannot be met due to the size of the structure or the location of the building setback line, the size of the buildable area must be reduced to fulfil the setback requirement.
- In no case shall any portion of any structure extend into a street right-of-way, a vehicular access easement or beyond a property line.
- On substandard lots of record, the front, side and rear setbacks may be less than required in this Ordinance; provided that, no front setback shall be less than the average setback of the existing developed lots on the same block and on the same side of the street; no side setback shall be reduced to less than five (5) feet; and no rear setback shall be reduced to less than ten (10) feet. The amount of reduction up to these limits shall be determined by the Building Official in consideration of the lot size and the size of the proposed structure.

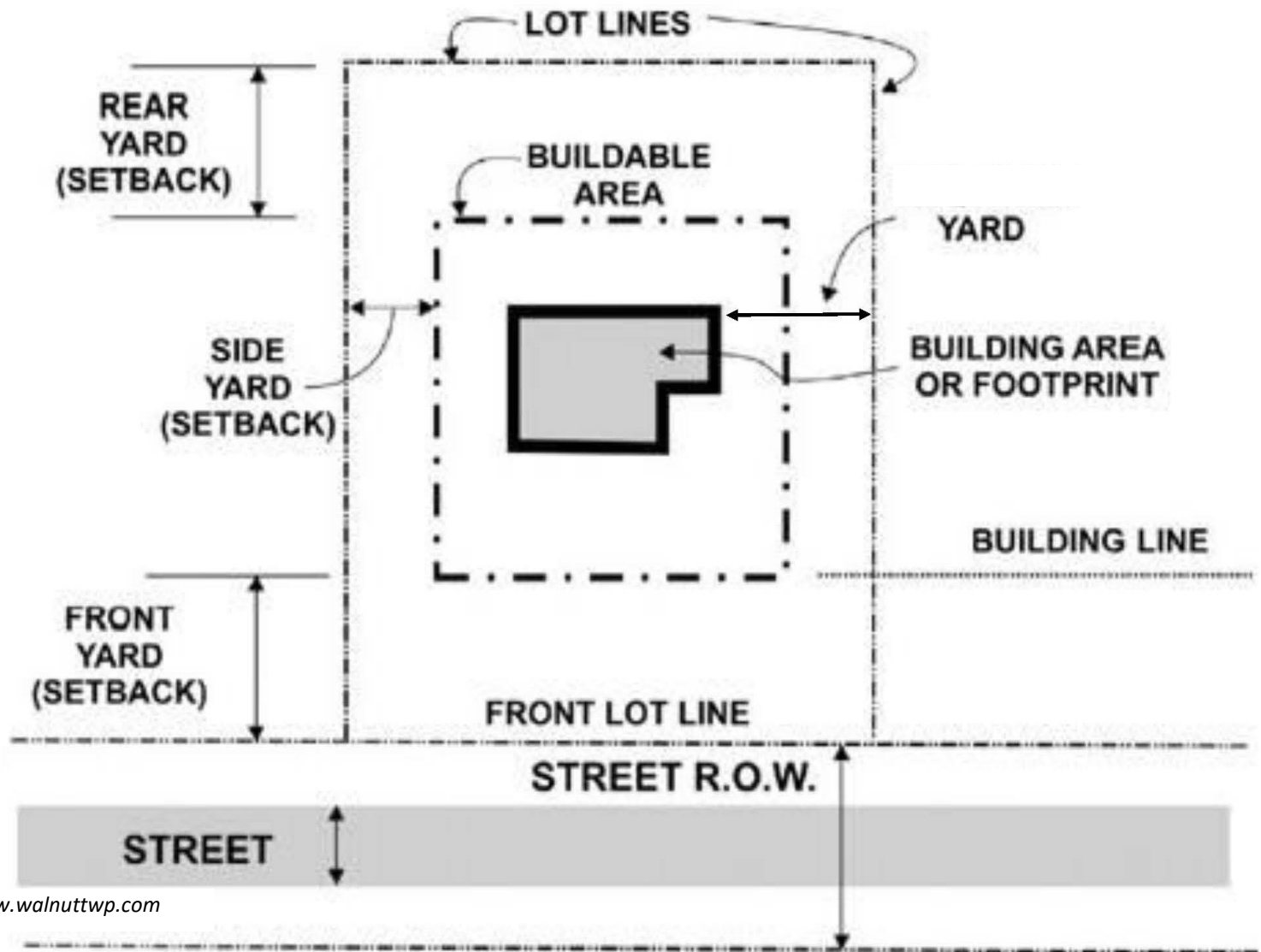
- Specific yard encroachments that project out from the structure are allowed in the required yard and/or setback per the most recently adopted Town of Dauphin Island building code.
- On any lot that abuts a body of water, the setback shall be measured from the mean high tide line or the bulkhead.
- Any lot that abuts a waterway such as a stream, river, bayou, or creek, and any lot that abuts a wetland or floodway bordering salt or brackish bodies of water, a protective buffer of no less than thirty feet (30') is required. For wetlands surrounded by land or bordering small creeks or lakes, the buffer shall be a minimum of ten feet (10'). Permanent protection of the wetlands on the finished sites will be required by the Town Building Official.

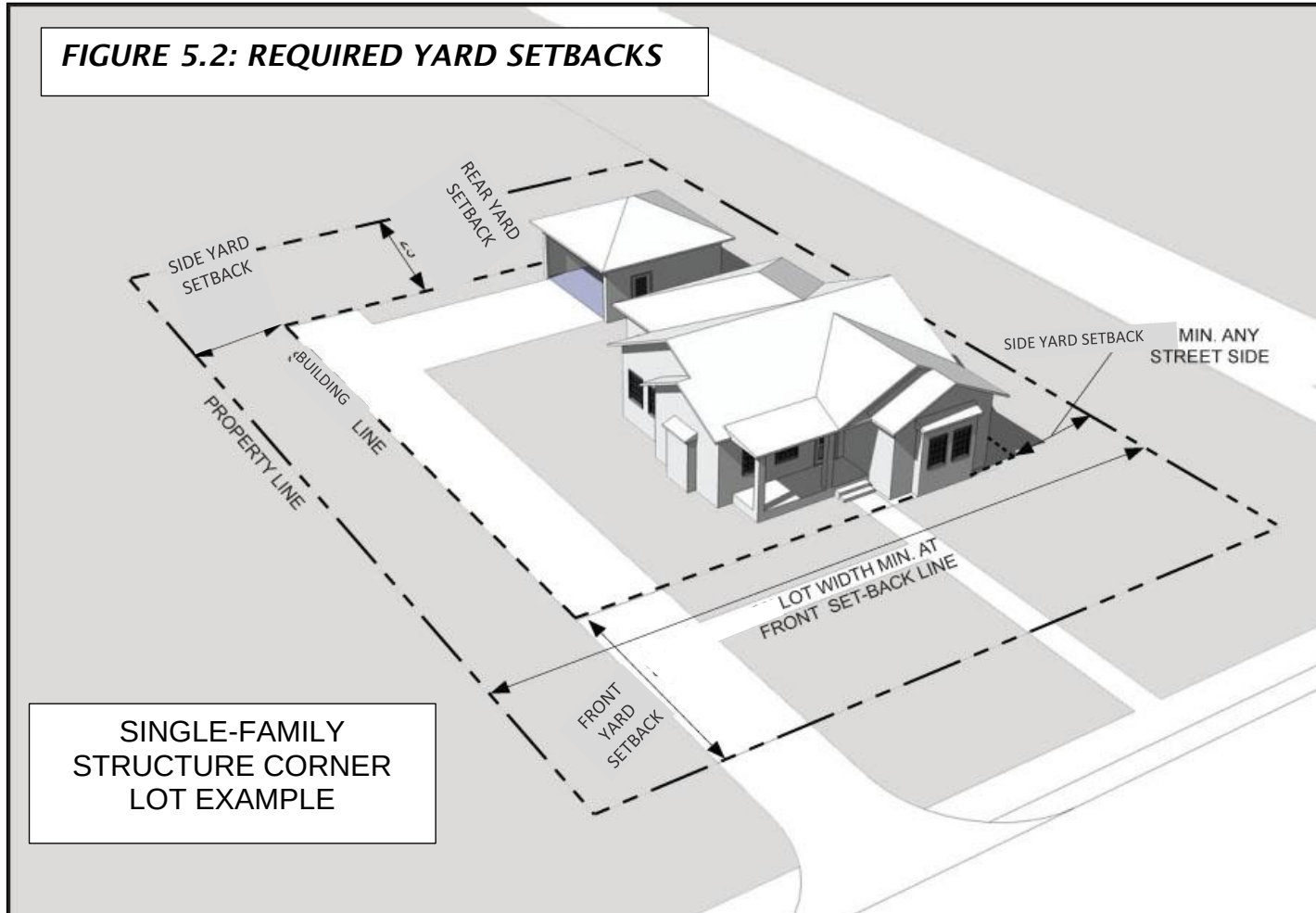
§ 5.6.2.1 Setback Requirements on Corner Lots

- The side of the lot adjacent to a public right of way on a corner lot must maintain a twenty (20) foot side yard setback for the purposes of providing adequate sight distances, safety, air and light to abutting residences and for aesthetic considerations.
- A corner lot shall have only one front lot line as determined in accordance with the definition of front lot line. To determine the front yard of a house located on a corner lot, the front of the house should face the front lot line, which by definition of this Ordinance, is the shorter of the two front lot lines, see definition. The street in which the house faces shall be used for accuracy in 911 addressing purposes.
- The front, rear, side, and waterside setback requirements for structures located on corner lots in the R-1, R-2, R-3, V, RC, and WW districts, shall not apply where the average setbacks on existing developed lots on the same block, and fronting the same street are less than the minimum required setback for that zoning district. In such cases, the setback on said lots may be less than the required setback, but no less than the average of the existing setbacks on the existing developed lots.
- Accessory structures within 10 feet of the rear lot line of a corner lot shall maintain a required side yard setback of a minimum of twenty (20) feet for lots greater than 50 feet wide and a minimum of 10 feet for lots 50 feet or less.

The following illustration in ***Figure 5.1: Required Yard Space & Yard Setbacks on a Lot***, shows the difference between a yard and a required yard along with the buildable area of a lot and the building setback line.

FIGURE 5.1: REQUIRED YARD SPACE & YARD SETBACKS ON A LOT





§ 5.6.3 SETBACK STANDARDS

The following yard size requirements are listed for each zoning district in this Ordinance. They are measured in U.S. Feet and are considered the MINIMUM required sizes to ensure the safety of the residents and fulfil effective stormwater management standards. However, no specific setbacks are established for all non-residential uses in the RC, CB, CP, and WW districts since the establishment of building setback lines or other restrictions tends to force the placement of buildings to possibly have detrimental effects on privacy, view, preservation of heritage trees, etc. The Planning Commission shall review the details of the site plan to determine the appropriate setbacks and precise location of any structure used for non-residential uses on a lot in said zoning districts after reasonable opportunity is afforded the property owner to provide input on these decisions. Such determinations shall be based upon the topography of the site, taking into consideration the total area of the lot, viewshed, height of dunes, location of wetlands, large trees, and similar environmental conditions, see *Table 5.2*.

§ 5.6.4 SETBACKS TABLE

Use the Table below to determine the minimum setback requirements for each lot in every zoning district.

TABLE 5.2: MINIMUM YARD SETBACKS FOR LOTS IN ALL ZONING DISTRICTS							
Zoning District	Front Yard	Rear Yard	Side Yard		Corner Lot Side Yard		Waterside Yard
			Lot Width 50' or Less	Lots Wider than 50'	Lot Width 50' or Less	Lots Wider than 50'	
R-1	30'	10'	5' (one side) 8' (other side)	10'	5' (i)/ 10'(s)	10'(i)/ 20'(s)	25'
R-2¹	25'	10'	5'	5'	5' (i)/ 10'(s)	10'(i)/ 20'(s)	25'
R-3²	25'	10'	10'	10'	N/A	10'(i)/ 20'(s)	25'
RC²	25'	10'	10'	10'	10'	10'	25'
CB²	*	*	*	*	TBD (i)/ 20'(s)	TBD (i)/ 20'(s)	N/A
CP	*	*	*	*	*	*	25'
V²	20'	5'	5' (one side) 8' (other side)	10'	5' (i)/ 10'(s)	5' (i)/ 20'(s)	N/A
WW²	*	*	*	*	*	*	*
Accessory Structures	Not permitted	5'	5'	5'	20'	20'	25'

*= **TO BE DETERMINED (TBD)** The required setback shall be determined on a case-by-case basis by the Planning Commission
(i)=interior side yard (s)= street side yard

¹ Single-family structures in an R-2 zoning district must adhere to the minimum setbacks required for the R-1 zoning district

² Multi-family residential uses only; non-residential uses will be determined and set by Planning Commission

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SECTION 5.7 ALLOWABLE YARD ENCROACHMENTS AND PROJECTIONS

Every part of every required minimum yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in this section. The yellow shaded areas of the following diagram indicate the required yard area and the dark gray shaded items are the building features which are permitted in the required yard setback areas, subject to the requirements of the Town's adopted Building Code. These provisions, in conjunction with other applicable provisions of this title, are intended to ensure open areas around primary structures, maintain clear visibility for traffic safety and pedestrian access, buffer between property and land uses, and establish natural and visual light and air space privacy, landscaping, and recreation.

Certain architectural features are allowed to encroach into the setback. They include, but are not limited to items such as uncovered stairs, AC unit platforms, elevators and/or lifts, and similar structures. This provision applies to new construction only of these features and they may extend or encroach into any required front, side, waterside, or rear yard setback, up to but not beyond a distance equal to or lesser than one half of the required minimum setback as determined by the zoning district in which said structure is located, see *Table 5.2: Minimum Setbacks for Lots in All Zoning Districts*. For example, in the R-1 zoning district, the required minimum front yard setback is thirty (30) feet. So, any allowed UNCOVERED feature may extend or encroach up to a maximum distance of fifteen feet (15') into the front yard. This same provision applies to all required yards. However, covered features (decks, porches, landing, entry stairs, and the like) which are attached to the primary structure may NOT encroach into any setback area and must be encompassed within the footprint of the buildable area of the lot, see *Figure 5.3*.

*Covered features (decks, porches, landings, entry stairs, and the like) which are attached to the primary structure, may **NOT** encroach into any setback and must be encompassed within the footprint of the buildable area of the lot.*

SECTION 5.8 PERFORMANCE STANDARDS FOR NON-RESIDENTIAL DISTRICTS

- Lots shall be of sufficient size to accommodate the intended use, including required parking and loading facilities in addition to space required for the conduct of other operations of the business, and to otherwise comply with the provisions of this ordinance.
- Where a commercial or non-residential district and/or use abuts any part of a residential district and/or residential use, a buffer zone or other protective barrier shall be required; Said buffer zones shall be in addition to the yard requirements and shall be fenced or screened subject to the following regulations:
 - > Wall or fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high in a residential district and eight (8) feet high in a non-residential district, and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.
 - > Screen planting strip. If a screen planting strip is provided as a protection buffer, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height (but in no case less than six (6) feet high at the time of planting) to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained, by

owner, in a clean and neat condition and in such manner as to accomplish its purpose continuously.

- No primary entrances or exits shall direct traffic from a commercial use or a commercial district into adjacent residential districts. Adequate parking as required in this Ordinance shall be provided.
- Adequate space for service and supply vehicles to get in and out or turn around shall also be provided.
- A landscaping plan shall be required for any multi-family dwelling structure, any Bed & Breakfast and/or commercial lodging development, and all non-residential developments. Such plan shall be submitted to the Planning Commission for review and approval before the issuance of a building permit and construction activities. The plan shall clearly show what existing trees will remain, as well as what shrubbery and other vegetation will be added to complete the final landscaping of the property. No trees greater than four (4) inches in diameter at breast height, or 12 ½ inches in circumference at 4 ½ feet from the ground, 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's landscape plan shall indicate replacement trees that comply with the tree protection requirements of this Ordinance.

SECTION 5.9 ACCESSORY BUILDINGS-ATTACHED & DETACHED

Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- **ACCESSORY BUILDINGS & STRUCTURES:**
 - > Are customarily incidental and subordinate to the principal use;
 - > Are maintained and operated as a part of the principal use;
 - > Shall not exceed fifty percent (50%) of the size of the principal structure on the lot.
 - > Shall not be located on a lot by itself; No accessory building shall be placed on an undeveloped lot until construction of the principal building has occurred;
 - > Shall not be used until a Certificate of Occupancy (CO) has been issued for the principal building by the Building Official;
 - > Detached accessory buildings in residential districts shall not be located or extended in the front yard; No detached accessory structure or detached carport may be located forward of the front building line of the residential building;
 - > Shall not include kitchen facilities, see definition of Kitchen in *Article 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;
 - > 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 of the zoning district;
 - > Must be compatible with the main structure and the general character of the surrounding neighborhood;

- > A detached garage or carport shall be considered an accessory building;
 - > 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 common wall of 50 percent of the wall length or a party wall, 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;
 - > An attached accessory building shall meet all currently adopted building and wind codes;
 - > May not encroach into any existing drainage or utility easements;
 - > Shall not be closer than five (5) feet to any interior side lot line or rear lot line;
 - > A detached accessory building shall not be closer than twenty (20) feet to a residential building;
 - > Any detached accessory building may not be closer than twenty (20) feet to any side street right-of-way; and
 - > A detached accessory building may not be closer than seventy (70) feet from the front street right-of-way or lot line provided that the detached structure is not closer to the street than the principal structure.
- **SHIPPING CONTAINERS:**
 - > Shipping containers may be used as an accessory use when located on a lot where a principal use exists in the Central Business and Working Waterfront zoning districts only;
 - > They must be located behind the principal structure on the lot;
 - > A maximum of one (1) shipping container shall be permitted on one lot of record in the CB and/or WW zoning districts;
 - > They are not allowed in the front yard areas;
 - > Shipping containers are prohibited on vacant and/or undeveloped lots;
 - > Must be secured to the ground and meet all currently adopted building and wind codes;
 - > The location of shipping containers shall be determined by site plan review by the Planning Commission; and,
 - > The lot must be large enough to accommodate the principal structure and the shipping container.
 - **CARPORTS:**
 - > Where a carport is attached to a residential building, it shall be attached to the residential building in a substantial manner by a roof the entire length of the shared sides, and therefore, such requirements applicable to the residential building code shall apply;
 - > Attached carports may not extend closer to the street than the roofed portion of the principal structure;
 - > A detached garage or carport shall not be closer than ten (10) feet to the principal structure;

- > Any detached carport may not be closer than twenty (20) feet to any side street right-of-way;
- > A detached garage or carport may not be closer than seventy (70) feet from the front street right-of-way or lot line provided that the detached structure is not closer to the street than the principal structure; and
- > A detached garage or carport must be set back a minimum of five (5) feet from an interior or rear lot line.

§ 5.9.1 ACCESSORY BUILDINGS SETBACK REQUIREMENTS

Detached accessory buildings/structures in Residential Districts shall adhere to the following yard and setback requirements:

1. **Front yard** – No accessory buildings are allowed in any part of the front yard;
2. **Side yard** -Detached accessory buildings shall maintain a side yard of not less than the side yard setback of the principal building required by the zoning district.
3. **Rear yard** -Detached accessory buildings shall maintain a rear yard of not less than the rear yard setback of the principal building required by the zoning district.
4. **Waterside yard** - Detached accessory buildings shall maintain a rear yard of not less than ten (10) feet away from the principal structure and a minimum of twenty-five (25) feet away from the waterside yard property line.
5. **Corner Lots** - Accessory structures within 10 feet of the rear lot line of a corner lot shall be set back a minimum of twenty (20) feet from the right of way.
6. **Through Lots**- Accessory structures located on a through lot must maintain a minimum rear yard setback equal to the front yard setback from the right-of-way required for the zoning district. This minimum setback will primarily be thirty (30) feet, depending on the zoning district.

§ 5.9.2 MAXIMUM ACCESSORY BUILDING/STRUCTURE HEIGHT

Detached accessory buildings shall not exceed one (1) story or twenty-one (21) feet in height except when located in a waterside yard, which shall not exceed a maximum of twelve (12) feet in height to protect the viewshed of the waterfront. A boat house shall not exceed a height of sixteen (16) feet above the top of the adjacent sea wall.

The height limits for the various districts shall apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, and television antennas and/or towers, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height defined in *Article 7* of this Ordinance.

SECTION 5.10 SWIMMING POOLS & SPAS

In-ground swimming pools, above ground swimming pools, spas and/or hot tubs are permitted in all zoning districts with the following conditions:

- All swimming pools and/or spas must be properly permitted by the Building Official and

meet all requirements of the Zoning Ordinance and the Standard Swimming Pool Code;

- They are permitted in the side, rear, and waterside yards only (not allowed in front yard);
- Must be setback a minimum distance of five (5) feet from side, rear, or waterside lot line;
- They must be a minimum of five (5) feet from the principal building on the lot;
- Pool pumps and related equipment visible from the street must be properly screened from view;
- Fencing must be installed around the swimming pool to prevent unauthorized access to the pool and pool area during all times; and,
- Screened enclosures, lanais, or other similar screening structures surrounding or enclosing pools and spas must meet the same setback requirements as detached accessory structures.

SECTION 5.11 FENCING REQUIREMENTS

Fences are permitted in every zoning district. A building permit shall be obtained prior to construction of any fence. Fences may be permitted on the property lines or anywhere else on the lot provided that:

- Fences shall not obstruct a drainage easement, floodway, or other watercourse;
- Fences or walls shall not adversely affect any local lot drainage; and
- Fences shall not be constructed in any required clear sight distance nor interfere with any viewshed.

All fences, hedges, screen plantings and walls within the required yard areas shall comply with the following requirements which regulate height, location and design, except where special requirements are set forth for specific screening purposes elsewhere in this Ordinance or where modifications are required to meet the requirements of this Ordinance.

1. The finished side of a fence shall always face the exterior side of the lot. Support members, when located on one side of the fence, shall be on the interior side of the fence.
2. No fence, hedge, screen plantings, wall, or other obstruction in any zoning district shall be located in a manner on a lot that creates a blind corner.

§ 5.11.1 FRONT YARD FENCES

1. All walls and fences within a required front yard and street side yard shall not exceed four (4) feet in height.
2. On corner lots, a front yard fence may not exceed a maximum height of more than two and one half (2 ½) feet measured from the right-of-way line, extending into the lot a minimum of twenty (20) feet, in efforts to provide corner visibility to ensure the safety of motorist.
3. In all zoning districts except for R-1 and R-2 districts, fences and walls are required as needed to enclose garbage and trash receptacles and above-ground components of a public utility system, provided that the Building Official determines the following:
 - The maximum height of any fence or wall used for the enclosure of such facilities and in no case shall exceed a height of eight (8) feet;
 - It is not practical to locate such facilities in locations other than in a Required front yard;

- The area enclosed and the height of fences and walls are the minimum necessary to screen such facilities from view;
- The encroachment of such walls and fences onto a required front yard is the minimum necessary;
- The materials used, and the method of constructions for such fences, plantings and walls, meet all standards prescribed by the Building Official.

§ 5.11.2 SIDE AND REAR YARD FENCES

In a residential zoning district, or on a lot with a residential use, all walls or fences within the required side or rear yards shall not exceed eight (8) feet in height except on a corner lot, see *Figure 5.4: Corner Visibility* in § 5.11.3.

§ 5.11.3 SIDE AND REAR YARD FENCES ON CORNER LOTS

- **Visibility at Intersections:** To ensure vision clearance at all intersections, no fence, wall, hedge, screen, structure, vegetation, or planting shall be higher than two and a half (2 ½) feet on any corner lot within the Clear Vision Zone, which is the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty (20) feet distant from the point of intersection, measured along the street right-of-way lines, see *Figure 5.3*. Any side, front, or rear yard fence outside the Clear Vision Zone shall not exceed the maximum height required in this section. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground.

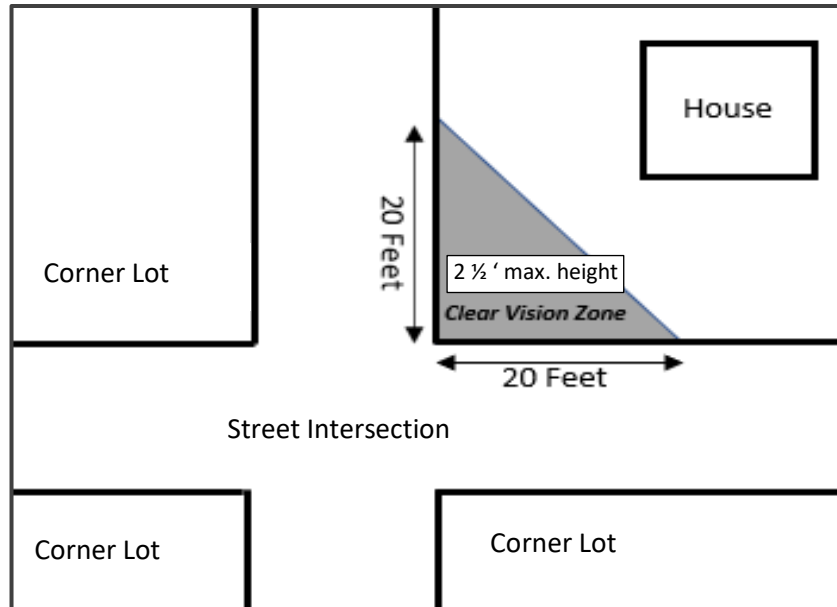
§ 5.11.4 WATERSIDE YARD FENCES

All fences and walls within the required waterside yard shall not exceed four (4) feet in height and shall be designed and constructed as an “open” fence that does not obstruct the view. “Open” means and includes all fence and wall sections which have an opacity of at least twenty-five percent (25%), excluding vertical support posts in order to protect the viewshed of the waterfront.

§ 5.11.5 VISION CLEARANCE

In all zoning districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) feet and ten (10) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets. To ensure vision clearance at all intersections, no fence, wall, hedge, screen, structure, vegetation, or planting shall be higher than two and one-half (2 ½) feet on any corner lot within the Clear Vision Zone, which is the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty (20) feet distant from the point of intersection, measured along the street right-of-way lines, see figure below. Any side, front, or rear yard fence outside the Clear Vision Zone shall not exceed the maximum height required in this section. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground, see *Figure 5.4: Corner Visibility & Vision Clearance* above.

FIGURE 5.4: CORNER VISIBILITY & VISION CLEARANCE



ARTICLE 6

Parking, Lighting & Landscaping Standards

§ 6.1	PURPOSE
§ 6.2	GENERAL PROVISIONS
§ 6.3	REQUIRED PARKING SPACES
§ 6.4	PARKING SCHEDULE TABLE
§ 6.5	LOCATION OF PARKING SPACES
§ 6.6	PARKING & STORAGE FOR RVs & COMMERCIAL VEHICLES
§ 6.7	SHARED PARKING REQUIREMENTS
§ 6.8	PARKING SPACE STANDARDS & DIMENSIONS
§ 6.9	PARKING LOT ACCESS, LIGHTING & LANDSCAPING
§ 6.10	TURTLE LIGHTING REQUIREMENTS
§ 6.11	OFF-STREET LOADING & UNLOADING
§ 6.12	CURB CUTS



SECTION 6.1 PURPOSE

The intent of this Article is to establish parking standards to enhance the economic vitality of the Island while ensuring the residential quality of life of the Town of Dauphin Island is preserved and protected. The purpose of these parking standards is to adequately and effectively supply and accommodate the temporary parking needs the Island's tourism activities demand while ensuring the quality of life is not compromised for permanent Island residents.

SECTION 6.2 GENERAL PROVISIONS

- Parking regulations shall apply to all zoning districts.
- The required number of permanent, off-street parking and loading spaces specified by this Article shall be provided for each use at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity, or before conversion from one type of use or occupancy to another.
- On-street storage of vehicles, vessels, trailers, and any other types of personal property is prohibited.
- On-street temporary parking is permitted within designated parking areas or in the right-of-way.
- Storage of any type of personal property, including vehicles or trailers and the like, is not allowed in the public right-of-way or on the public streets, which are all owned by the Town of Dauphin Island.
- Any off-street parking or storage space shall have unobstructed vehicular access to a street or alley.
- Handicapped parking spaces must be provided and designed in accordance with the applicable provisions of the Americans with Disabilities Act (ADA).

- Areas reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.
- Parking areas for all developments must be so designed that emergency and other public service and/or safety vehicles can adequately and safely access and serve such developments. All new parking areas are subject to approval by the Planning Commission. Fire lanes may be required by the Town's most recently adopted Fire Code.

SECTION 6.3 REQUIRED PARKING SPACES

For commercial and all other nonresidential uses, the parking requirement is expressed in terms of one space per unit of gross floor area, meaning the entire square footage of the structure is counted in determining the number of parking spaces required. For residential uses, the parking requirement is based on the number of bathrooms a structure contains. The *Parking Schedule Table* below lists the required number of parking spaces for each type of land use that shall apply to any vehicle or vessel/trailer, or a combination of both. * Note: Up to twenty-five percent (25%) of the minimum parking requirement for all uses may be used for golf cart parking. All required parking spaces for each use shall be located on the same lot as the principal use unless special permission is granted by the Planning Commission for off-site parking accommodations. If parking is provided off-site, then the spaces shall not be located more than five hundred (500) feet from the lot on which the principal use to be served is located and the zoning classification of the property on which the off-site parking facilities are located shall be the same or a less restrictive classification.

SECTION 6.4 PARKING SCHEDULE TABLE

USE/ACTIVITY	MINIMUM NUMBER OF REQUIRED PARKING SPACES
RESIDENTIAL USES • SINGLE FAMILY DWELLING UNIT STRUCTURES	Three (3) parking spaces for all one-family dwelling unit structures with 1 to 3 ½ bathrooms; Each additional bath or fraction of a bath shall require one (1) additional parking space, not to exceed a maximum of five (5) parking spaces.
• TWO-FAMILY DWELLING UNIT STRUCTURES	
• MULTI-FAMILY DWELLING UNIT STRUCTURES	
GENERAL BUSINESS, RETAIL, & COMMERCIAL USES • All	One (1) space for every three hundred (300) square feet of gross floor area plus one (1) space for every two (2) employees working on site.

LODGING USES HOTELS, CONDOMINIUMS, MOTELS AND OTHER TYPES OF LODGING	One and one-quarter (1 ¼) parking spaces for each bedroom plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc. plus one (1) space for every two (2) employees working on site, to be located within five hundred (500) feet of the lot.
BED & BREAKFASTS	Same requirements as single-family residential use plus one and one-quarter (1 ¼) parking spaces for each guest bedroom.
PUBLIC ASSEMBLIES & INSTITUTIONAL USES CHURCHES AND OTHER PLACES OF WORSHIP, THEATERS, COMMUNITY RECREATION CENTERS, AND OTHER ASSEMBLY	One (1) space for every 5 attached seats or one (1) space for every fifty (50) square feet of gross floor area where there are no attached seats, plus one (1) space for every two (2) employees working on site, to be located within 500 feet of lot.
RESTAURANTS & DINING USES All	One (1) space for each four (4) seating accommodations, plus one (1) space for each two (2) employees on site; take-out restaurant, one (1) space for each three hundred (300) square feet, plus one (1) space for each two (2) employees working on site.
MIXED-USE ESTABLISHMENTS USES All	Equal to the sum of the requirements of each use computed separately plus one (1) space for every two (2) employees working on site in the commercial portion of the mixed-use.
RECREATIONAL & ENTERTAINMENT USES All	Two (2) spaces for each three hundred (300) square feet of gross floor area plus one (1) space for every two (2) employees working on site.
MARINA USES All	One (1) space for each three hundred (300) square feet of enclosed floor space and/or; one (1) space for each two (2) wet slips; and one (1) space for every two (2) dry slips plus one (1) space for every two (2) employees working on site.
BOAT LAUNCH USES Single-Lane Ramp Launch	Fifteen (15) vehicle/trailer spaces for each single-lane launch ramp.
Double-Lane Ramp Launch	Twenty (20) vehicle/trailer spaces for each double-lane launch ramp.
Non-motorized boats/kayaks/canoes, etc.	Ten (10) parking spaces for each launch.

CHARTER USES • All	<u>NO CHARTER CUSTOMER PARKING IS PERMITTED IN ANY RESIDENTIAL ZONING DISTRICT.</u> Four (4) spaces are required for a marina-based or non marina-based (home-based) Charter business. Parking must be located at a marina or in a zoning district which permits parking lots and/or Charters. A Letter of Agreement for customer parking accommodations at a marina or in approved designated parking areas is required before the issuance of a business license.
RV PARK USES • All	One and one half (1 ½) spaces for each RV space plus one (1) space for every two (2) employees working on site.
HEALTH CARE FACILITIES USES • All	One (1) space for each 200 square feet of floor area used for offices and similar purposes plus one (1) space for every two (2) employees working on site.

SECTION 6.5 LOCATION OF PARKING SPACES

§ 6.5.1 ON-SITE PARKING REQUIRED

Parking spaces for all uses or structures shall be located on the same lot with the principal use. In residential zoning districts or for lots used for residential purposes, the driveway space may be counted toward the required number, provided it does not obstruct the sidewalk area. Garages may also be counted as part of the required parking, provided the garage supplies adequate parking space.

§ 6.5.2 OFF-SITE PARKING REQUIREMENTS

If the lot is not large enough to accommodate the required parking, parking may be permitted off-site, provided the spaces shall not be located more than five hundred (500) feet from the lot on which the principal use to be served is located and the zoning classification of the property on which the off-site parking facilities are located shall be the same or a less restrictive classification. If the selected off-site parking location crosses a public road or right-of-way, and if an existing public crosswalk is not accessible, a public cross-walk per ALDOT requirements and specifications, must be installed on said public road or right-of-way before the Planning Commission can approve the parking agreement. If the selected off-site parking location is going to be the principal use on the lot, then "Parking Lot" must be a permitted use in the zoning district in which the parking lot is located.

§ 6.5.2.1 LETTER OF AGREEMENT

Where required parking spaces are not located on the same lot as the principal use, a Lease or Letter of Agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses shall be properly drawn and

executed by the parties concerned, approved as to form by the Municipal Attorney and shall be filed with the application for a building permit. Annual Business license renewal applications must include a copy of the current written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses as originally approved. Failure to provide the required parking will terminate the business license.

SECTION 6.6 PARKING & STORAGE FOR RVs, BOATS, TRAILERS & COMMERCIAL VEHICLES

Boats, boat trailers, RVs, commercial vehicles, and other types of trailers including camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following requirements. Any junked vehicle, vessel, or any other type of motorized vehicle that cannot be moved under its own power, or not currently in use or licensed, shall not be permitted to be located on any lot within the corporate limits of the Town of Dauphin Island. Project vehicles are permitted but must not be visible from a public street.

§ 6.6.1 RECREATIONAL VEHICLE (RV) STORAGE / PARKING REQUIREMENTS

Unoccupied RV parking and commercial vehicle parking is permitted in all zoning districts, but must be located away from view from public rights-of-way and from neighboring properties to maximum extent practicable. RV's must be parked and/or stored behind the front building setback line, within the side or rear yard of a lot.

- An RV or any type of travel trailer shall not be occupied either temporarily, if longer than fourteen (14) days, or permanently while it is parked or stored in any area except in an RV Park;
- RVs may be temporarily occupied for a maximum of fourteen (14) days with approval of the Town Building Inspection Department, see *Article 8* of this Ordinance for additional requirements.
- Attached and/or detached covered RV carports shall be permitted in the side or rear yard only and must be a minimum of five (5) feet from the lot line.
- In no case shall a vacant lot be used for storage of an RV of any type;
- No more than one RV or travel trailer-of any type are permitted on a lot;

§ 6.6.2 BOAT & TRAILER PARKING/STORAGE REQUIREMENTS

- A maximum of three boats and/or boat trailers or hauling trailers, all of which are stored on land, are permitted on residential lots with a primary structure;
- In no case shall a vacant lot be used for storage of a boat and/or trailer of any type.

§ 6.6.3 COMMERCIAL PARKING & STORAGE REQUIREMENTS

This includes boats and trailers that advertise fishing charter and other charter and commercial services.

- No more than two (2) commercial vehicles, vessels, boat trailers, and the like per dwelling shall be permitted in a residential zoning district;

- All commercial vehicles, vessels, boat trailers, and the like must be parked or stored in the rear yard or side yard behind the front building set back line of the principal building;
- **NO CHARTER CUSTOMER PARKING IS PERMITTED IN ANY RESIDENTIAL ZONING DISTRICT.** Parking must be located at a marina or in a zoning district which permits parking lots and/or Charters. A Letter of Agreement for customer parking accommodations at a marina or in approved designated parking areas is required before the issuance of a business license.

SECTION 6.7 SHARED PARKING REQUIREMENTS

Where two or more businesses require the shared use of parking facilities, the total number of required off-street parking spaces for each use may be combined and shared. Two (2) or more owners or operators of any commercial or non-residential use may share the required off-street parking spaces provided that each use sharing the parking area shall be:

- Located in the same zoning district;
- The hours of operation do not coincide with each other;
- The total number of parking spaces for each use is met.

A Shared Parking Agreement shall be required to accompany the site plan to be reviewed by the Planning Commission before approval can be granted for shared parking requests.

In the event that the shared parking area is across the street from the business, said business must provide for the costs incurred by the Town to install and maintain safe and proper crosswalk identification markers and signage per ALDOT requirements and specifications, due to liability requirements.

SECTION 6.8 PARKING STANDARDS & DIMENSIONS

§ 6.8.1 PARKING SPACE DIMENSIONS

- **VEHICLES: 9' x 20'**
All individual off-street parking spaces for motorized vehicles only, shall have a minimum area of not less than one hundred eighty (180) square feet, or nine (9) feet in width by twenty (20) feet in length. The dimensions of all parallel and angled parking spaces are determined based on the angle of the space, see diagram below in Section 6.8.8. Each parking space shall be an all-weather surfaced area and located on-site, within the area of the lot. Parking spaces are prohibited on the public right-of-way, in alleyways, and in driveways, with the exception of single and two-family uses where the driveway is allowed to be used as the parking space requirement. Unobstructed access shall be provided to each parking space.
- **BOAT TRAILERS: 12' x 50'**
Each individual off-street parking space for a motorized vehicle and a boat/boat trailers, shall have a minimum area of not less than six hundred (600) square feet, or twelve (12) feet in width by fifty (50) feet in length.
- **GOLF CARTS (2-6 SEATER): 4' 6" x 12'**
Each individual off-street parking space for a motorized golf cart shall have a minimum area of not less than seventy-two (72) square feet, or six (6) feet in width

by twelve (12) feet in length.

§ 6.8.2 PAVING STANDARDS FOR PARKING AREAS

Pervious materials are preferred and strongly encouraged for parking areas *in lieu* of hard surface materials in efforts to support effective stormwater management practices. Parking spaces may be paved with impervious materials to standards established by the Town of Dauphin Island's Subdivision Regulations provided the required maximum impervious surface percentage threshold is not exceeded, see Table 5.1 of this Ordinance. Pervious materials provide an alternative to traditional paving methods by allowing water to flow through their surface. While other non-porous materials direct water to storm-drains, these surfaces help ground water recharge by allowing water to flow into open spaces between the materials. These porous materials also filter pollutants and solids from the water as it percolates through the surface.

§ 6.8.3 WHEEL STOPS

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

§ 6.8.4 DRAINAGE FOR PARKING AREAS

Internal parking lot drainage should be designed according to the stormwater standards, see *Section 7.6* of this Ordinance. Stormwater runoff from parking lots should not be discharged directly into the street; such runoff should be collected internally or discharged to an adjacent drainage way. Off-street parking facilities shall be sufficiently drained to prevent damage to adjacent property and streets and to prevent pollutants from draining onto the adjacent lots. Pervious surface materials are preferred and strongly encouraged. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas must leave openings for the flow of water onto unpaved areas.

§ 6.8.5 DRIVEWAY PARKING

In the R-1 and R-2 zoning districts or on lots used for single family and two-family residential uses only, the driveway space and garage area can be counted toward the number of parking spaces required. The driveway must have a minimum size of 10' X 20' or a total area of 200 square feet. Using the driveway to meet the off-street parking requirement is permitted only for single family and two-family uses only in any zoning district where said uses are permitted. All driveways for single family and two-family residential uses shall meet the following dimensions requirement:

- The driveway must have a minimum size of 10'W X 20'L or a total area of 200 square feet.
- Driveway hard surfaces are counted toward the maximum allowed impervious surface percentage. Alternative pervious materials are encouraged and may be needed so as not to exceed the threshold.
- A single car driveway width should be a minimum of 10' wide. Twelve feet (12') is often used for added space to be able to get out of the vehicle without stepping on

the lawn or landscape. If the driveway is surrounded by walls, then 14' wide is recommended to open the car doors and exit the vehicles without damaging the doors. These specifications will accommodate all cars large or small and full-size pick-up trucks & SUV's.

- Single car driveways should allow 20' of length per vehicle. Every 20 feet of driveway will accommodate all cars large or small and full-size pick-up trucks & SUV's. This will allow room to walk between vehicles and park far enough from the garage door to allow foot traffic.
- Double car driveways shall be a minimum of 20' wide and 20' in length.
- A 24' width is needed if the double car driveway is surrounded by walls on both sides to allow the car doors to open without banging the walls.
- Allow 10' for each additional desired car width.
- In single family and two-family zoning districts and / or uses, driveways shall be long enough to ensure the driveway can accommodate the number of vehicles at the residence within the property lot lines.
- Vehicles are strictly prohibited from encroaching into the sidewalk or the street. The driveway must be of adequate length to fully accommodate the storage of vehicles.

§ 6.8.6 INTERIOR TRAFFIC LANES AND PARKING AISLE DRIVEWAYS

Traffic lanes within a development are typically adjacent to the public right-of-way and receive traffic from the public road via ingress and egress to the site. They support the circulation of traffic throughout the interior of a development, enabling the traffic to flow throughout the site. Parking aisle driveways provide direct access to parking spaces on either side or both sides of the drive via an extended driveway.

- All traffic lanes within a development shall be a minimum width of twenty (20) feet for all one-way drives, and a minimum of twenty-four (24) feet for all two-way drives.
- The minimum width of all parking aisle access driveways shall be determined based on the angle of the parking space, see table and diagram below.

§ 6.8.7 PARKING AREA DIMENSIONS TABLE

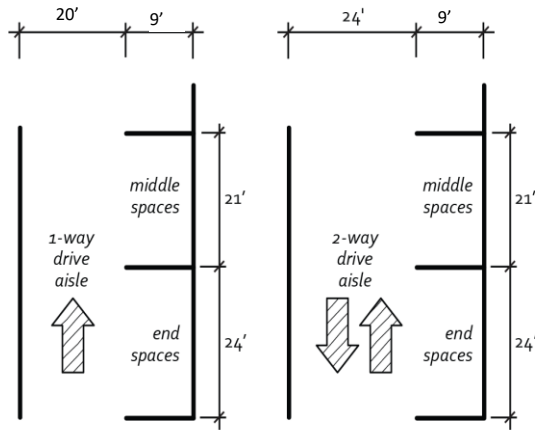
The design and dimensions of the parking area shall be in accordance with the following table and illustrations:

PARKING SPACE AND AISLE DIMENSIONS				
Angle of Parking (°)	Curb Length Per Car (feet)	Stall Depth (feet)	Stall Width (feet)	Access Driveway Width (feet)
0	23'	21' / 24'	9'	20' / 24'
30	10.5'	20' / 22'	9'	20'
45	12'	19.5'	9'	20'
60	15'	21'	9'	20'
90	9'	20'	9'	24'

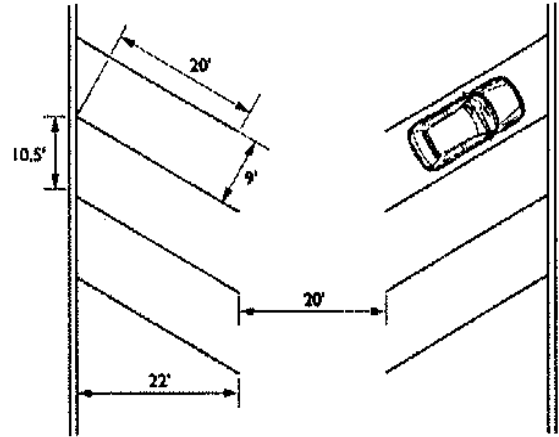
§ 6.8.8

PARKING AREA DIMENSIONS DIAGRAM

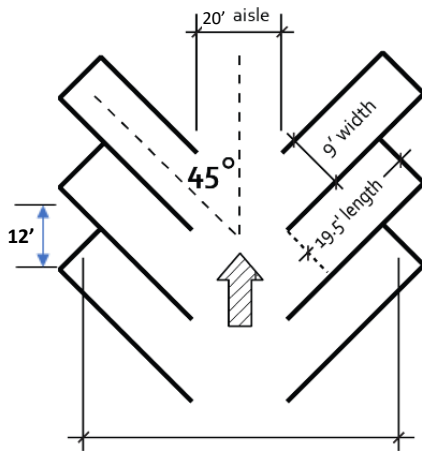
0° ANGLE PARALELL PARKING



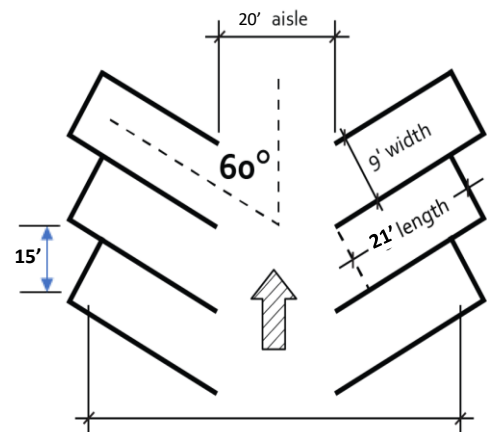
30° ANGLE PARKING



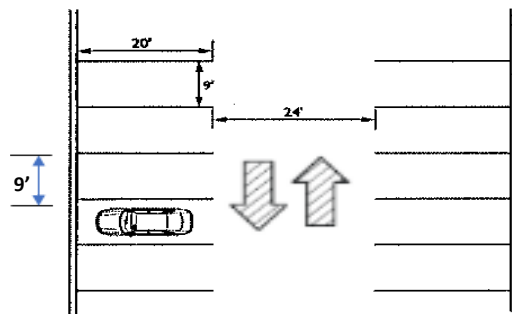
45° ANGLE PARKING



60° ANGLE PARKING



90° ANGLE PARKING



SECTION 6.9 PARKING LOT ACCESS, LIGHTING & LANDSCAPING

§ 6.9.1 PARKING PLAN REQUIRED

A parking plan shall be required for any parking area with a design capacity for six (6) or more vehicles and shall be submitted with the site plan for Planning Commission review. The following items are required to be shown on the parking plan:

- Number of spaces
- Dimensions
- Landscaping
- Lighting
- Drainage

§ 6.9.2 PARKING LOT ACCESS

Properly designed parking lot access provides for safe and efficient movement of vehicles into and out of the parking lot. Entrances should be located on major streets, align with interior traffic lanes and/or parking aisles, and should direct inbound traffic toward the destination. Exits should be located away from the destination point and discharge vehicles onto lower volume adjacent side streets if possible. Ingress and egress to a property must be a minimum of twenty (20) feet in width if one-way access is provided, or a minimum of forty (40) feet in width if two-way access is provided.

§ 6.9.3 PARKING LOT CIRCULATION

Off-street parking lots should be designed to accommodate traffic volumes and pedestrian circulation based on the land use served. The use of islands, medians, curbing, and landscaping is encouraged to separate parking spaces from traffic and pedestrian circulation areas. Interior traffic lanes within a development shall be a minimum width of twenty (20) feet for all one-way drives, and a minimum of twenty-four (24) feet for all two-way drives.

§ 6.9.4 LANDSCAPING & SCREENING REQUIREMENTS FOR PARKING LOTS

The following landscaping standards are required for all new multi-family developments and all other new non-residential developments. It is the intent of this Ordinance that all parking areas be aesthetically improved to reduce obtrusive characteristics that are inherent to their use. Therefore, wherever practical, such parking areas should be effectively screened from general public view by incorporating the natural landscape and topography. The design and appearance of parking areas is intended to be compatible with the character of the island community. Toward this objective the following standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces and around the building footprint area of all parking decks having two (2) or more parking levels:

- A minimum of ten percent (10%) of the total interior area intended for off-street parking shall be suitably landscaped with plants and vegetation native to the Island;
- Interior portions of the parking area that contain twelve (12) or more parking spaces shall be broken by provision of landscaped islands for every twelve (12) spaces in

- order to mitigate the negative visual impact of long uninterrupted rows of cars;
- Each separate landscaped area must be a minimum of sixteen (16) square feet;
 - All interior portions of the parking area shall contain one (1) separate landscaped area for each twelve (12) parking spaces with a minimum of one (1) tree per landscaped area which shall be a minimum of six (6) feet in height.
 - Shrubs shall be a minimum of eighteen (18) inches in height immediately upon planting. Trees must be a minimum of six (6) feet in overall height immediately upon planting and have a minimum caliper of one and one-half (1 ½) inches in diameter;
 - Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;
 - The owner, tenant and/or agent, if any, shall be jointly and separately responsible for maintaining all landscaping in satisfactory condition, replacing when necessary, and keeping all areas free of refuse and debris.
 - Screenings: Screening may consist of one or any combination of the following.
 - Wood or masonry walls or fences
 - Landscaped earthen berms
 - Native plant materials of such size, branching density, spacing, and quantity to provide a minimum of 60% opacity while dormant.

§ 6.9.5 LIGHTING REQUIREMENTS FOR PARKING LOTS

The purpose of parking lot lighting is to provide adequate visibility within the parking lot and to enhance the security and safety of the lot users. It should not cause interference to traffic on public thoroughfares or encroach on the visual privacy of adjacent residents. The intent of these standards is to provide guidelines to ensure that parking lot lighting in the Town of Dauphin Island is adequate and to minimize its adverse impact upon adjacent residential uses. It is also the intent of this standard to minimize light pollution which has a detrimental effect on sea turtle nesting activities.

Exterior lighting for parking lots shall include but shall not be limited to all lights mounted on the exterior of building as well as freestanding or ground lights. All exterior lighting for parking lots shall be designed and installed to adhere to the following guidelines and standards:

- shall be designed, located, installed, and directed so that the filaments, light sources or lenses are shielded with opaque material in such a way that they will not be visible beyond the property lines of the lot;
- all parking area lighting will be full cut-off type fixtures and shall not exceed fourteen (14) feet in height from the ground to the highest point on the fixture;
- Up-lighting and high-pressure sodium light sources are prohibited;
- In commercially zoned districts, externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area;
- All building lighting for security or aesthetics should be full cut-off style or a shielded type, not allowing any upward distribution of light to minimize glare and prevent light trespass onto adjacent properties;
- Floodlighting is discouraged, and if used, must be shielded to prevent: (a)

disability glare for drivers or pedestrians, (b) light trespass beyond the property line.

- Where a parking lot is adjacent to residential property, no direct light source shall be visible beyond the property line at ground level or above.

SECTION 6.10 TURTLE LIGHTING REQUIREMENTS

Sea turtle nesting activities occur annually on Dauphin Island beaches and shorelines. All sea turtle species are federally protected under the Endangered Species Act of 1973. Disorienting turtles with artificial lighting is a violation of the Act and could result in fines of up to \$25,000 per hatchling.

The purpose of this section of the ordinance is to reduce the impact of artificial coastal lighting on nesting sea turtles and hatchlings. These regulations are intended to provide conservation standards without jeopardizing public safety or the security of persons or property. Light sources that create a potential hazard for sea turtles are considered "light fixtures that are directly, indirectly or cumulatively visible from the beach".

The following regulations apply to all *new coastal construction projects* and *existing structures undergoing renovation/replacement (when 50% or more of windows or light fixtures are replaced)* located on seaward side of coastal parcels as well as all parcels west of St. Denis Court located on the north and south side of Bienville Boulevard. See *Article 4, Section 4.11, Figure 4.7: Turtle Lighting Overlay District Map*.

§6.10.1 SEATURTLE-FRIENDLY LIGHTING STANDARDS

Although a naturally dark environment is the only way of fully protecting sea turtles from light pollution, "turtle-friendly" lighting fixtures can effectively reduce light pollution in areas where sea turtle nesting activities occur. Unlike the light emitted from standard lighting fixtures, lighting that is considered "turtle friendly" emits a wavelength of 560 nanometers or greater (see *Article 2: Definition of Terms*), which ensures that the light is less visible to sea turtles.

The US Fish and Wildlife Service mandates that an effective and proper turtle light fixture must be "Low-Shielded-Long" to be considered "turtle-friendly". All three must be used in combination to be effective.

1. **KEEP IT LOW**

- Fixtures must be mounted as low as possible to achieve required light levels.
- Bulbs must produce the lowest wattage/lumens necessary for the needed purpose

2. **KEEP IT SHIELDED**

- Fixtures must be completely downward-directed.
- Fixtures must shield the bulb, lamp, or glowing lens from the beach and other areas where nesting sea turtle activities occur.

3. **KEEP IT LONG**

- Lamp/Bulb must produce only long wavelength light (560 nanometers or greater, which is amber, orange, or red)

§ 6.10.2 MODEL STANDARDS FOR NEW CONSTRUCTION

In order to protect nesting sea turtles and their hatchlings, the following standards for artificial light sources for ***all new coastal construction*** are as follows:

1. All external artificial light sources shall be designed for and positioned so that:
 - The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - Areas on the seaward side of beach front properties are not directly or indirectly illuminated;
 - Areas on the seaward side of beach front properties shall be properly shielded.
2. Each exterior light fixture on the beachfront where the point source of light is visible from the beach shall be either:
 - A turtle light fixture mounted as low as practicable for its intended application and containing only one or more turtle lamps, or
 - Disconnected at all times during marine turtle nesting season.
3. Each exterior light fixture on the beachfront and not in line-of-sight from the beach but which causes light to be reflected off a surface, which is visible from the beach, shall be either:
 - A turtle light fixture, or
 - Disconnected at all times during marine turtle nesting season (May 1-October 31).
4. All exterior artificial light fixtures within direct line-of-sight of the beach will be permitted only if they are recessed fixtures having forty (40) watts (480 lumens) or less, and red or amber LED bulbs. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used. The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are preferred.
5. Floodlights, up-lighting, or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach are prohibited.
6. Only eyelid or louvered step lights, or equivalent, shall be allowed on dune walkovers.
7. Exterior lights used expressly for safety or security purposes must comply with these and shall be limited to the minimum number of configurations required to achieve their functional roles.
8. Parking lot or other exterior lighting shall be shielded from the beach by buildings or other ground-level barriers to the maximum extent and shall be designed and located to prevent vehicular headlights from producing light that is directly, indirectly or cumulatively visible from the beach. This can include the use of vegetation, natural features, or artificial structures rising from the ground. Ground-level barriers must not interfere with sea turtle nesting or hatchling emergence, or cause short or long-term damage to the beach and/or dune system.
9. Notwithstanding the forgoing, parking lot or vehicle access area light fixtures on the beachfront and which are in line-of -sight from the beach may use turtle light

fixtures with red LED, orange LED, amber LED, or low-pressure sodium lamps, provided

that additional shielding is installed so that the point source is not visible from the beach.

10. Street lighting on public or private streets shall comply with the standards imposed in this section.
11. Lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law. Lighting shall consist of either:
 - a. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or
 - b. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or
 - c. Pole-mounted lights, if required, shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practically comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

If required, pole-mounted lights shall be:

 - i. Located on the landward side of buildings and shall not produce light that is directly, indirectly or cumulatively visible from any portion of the beach,
 - ii. Mounted at the minimum height required to meet the minimum light level requirement, and
 - iii. Downward-directed onto non-reflective surfaces.
12. All glass windows, walls, railings and doors on the seaward and shore perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45% or less, with 15% light transmittance being ideal.
13. Lighting of pool decks, pool facilities, swimming pools and spas shall be long wavelength and fully shielded, and shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in this document.
14. Lighting of beach access points shall be located and configured to only illuminate areas landward of the beach and frontal dune. All lighting of beach access points shall be long wavelength, downward-directed, full cutoff and fully shielded, and shall not be directly, indirectly or cumulatively visible from the beach.
15. All lighted signs on the beachfront and which are in line-of sight from the beach shall be externally illuminated from above (downward) with full cut-off fixtures.
16. Temporary lighting of construction sites during nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.
17. In addition to the forgoing mandatory requirements, in order to minimize light emanating from interior spaces, compliance with one or more of the following is

recommended:

- Install and use window treatments (shades, blinds, etc.) to shield interior lights from the beach at night during marine turtle nesting,
- Rearrange lamps and other moveable light fixtures away from windows, and
- Turn off unnecessary lights.

§6.10.3 MODEL STANDARDS FOR EXISTING STRUCTURES

In order to protect nesting sea turtles and their hatchlings, the standards for artificial light sources for existing structures ***when they are renovated (50% or more)*** shall adhere to all previously described standards for new construction projects.

§ 6.10.4 LIGHTING FROM NON-BEACHFRONT PROPERTIES VISIBLE FROM BEACH

Due to the orientation of the Island, many properties on Dauphin Island are within close proximity to the beach. Light sources from these non- beachfront properties may be visible from the beach and could potentially create a hazard for nesting and hatchling sea turtles. When this occurs, any outdoor lighting visible from the beach should be modified so that they meet proper turtle lighting standards. This can be accomplished by:

- switching the bulb to an amber, orange, or red LED;
- adding shielding; and/or,
- re-positioning the light to face downward and away from the beach.

If the fixture can't be sufficiently modified, it can be replaced with a Wildlife Lighting Certified fixture. For a complete list of fixtures and lighting that has been tested and approved by the Florida Fish and Wildlife Conservation Commission (FWC), visit: <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>

For a more in depth explanation of sea turtle lighting, fixture descriptions and lighting wavelength examples, visit:
<https://myfwc.com/media/18511/seaturtle-lightingguidelines.pdf>

For questions or approval of sea turtle lighting plans, please visit the U.S . Fish and Wildlife Service at Alabama Ecological Services Field Office | U.S. Fish & Wildlife Service ([fws.gov](https://www.fws.gov)) or call for assistance at (251) 441-5181.

***NOTE:** ALL PERMIT APPLICATIONS FOR NEW CONSTRUCTION AND RENOVATIONS WITHIN THE TURTLE LIGHTING OVERLAY DISTRICT (TLOD) MUST INCLUDE A SEA TURTLE LIGHTING PLAN REVIEWED AND APPROVED BY THE U.S. FISH & WILDLIFE SERVICE (FWS).

SECTION 6.11 OFF-STREET LOADING & UNLOADING

Off-Street Loading:

In any non-residential zoning district, in connection with all buildings, or building group or part thereof hereafter erected and having a gross floor area of twenty-five thousand (25,000) square feet or more, which is occupied by any commercial use requiring the receipt or distribution of

goods by trucks, there shall be provided off-street loading or unloading berths as follows:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
25,000 – 40,000 square feet	1 berths
40,001 – 60,000 square feet	2 berths

For each additional 50,000 square feet 1 berth shall be required. The loading berth(s) required in each instance shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard except for a required front yard or water front yard; provided, however, that the loading berth(s) shall be screened from the street or public way.

SECTION 6.12 **CURB CUTS**

- **Curb cuts.** No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than fifty (50) feet to other curb cuts or closer than fifty (50) feet to any intersection of two (2) streets measured along the curb line.

ARTICLE 7

Building Standards & Construction Guidelines

§ 7.1	BUILDING HEIGHT
§ 7.2	MINIMUM SQUARE FOOTAGE
§ 7.3	WATER & SEWER CONNECTIONS
§ 7.4	REQUIRED CONSTRUCTION & ENGINEERING PLANS
§ 7.5	EROSION & SEDIMENT CONTROL PLAN
§ 7.6	DRAINAGE & STORMWATER MANAGEMENT PLAN
§ 7.7	UTILITY PLAN
§ 7.8	LOW IMPACT DEVELOPMENT (LID)
§ 7.9	DEVELOPMENT IN ENVIRONMENTALLY SENSITIVE AREAS
§ 7.10	DUNE PROTECTION OVERLAY DISTRICT BUILDING REQUIREMENTS
§ 7.11	TREE PROTECTION REQUIREMENTS
§ 7.12	DESIGN GUIDELINES & BUILDING REQUIREMENTS IN ABOD
§ 7.13	CONSTRUCTION CONTROL LINE (CCL) STANDARDS
§ 7.14	SEAWALL REQUIREMENTS & REGULATIONS



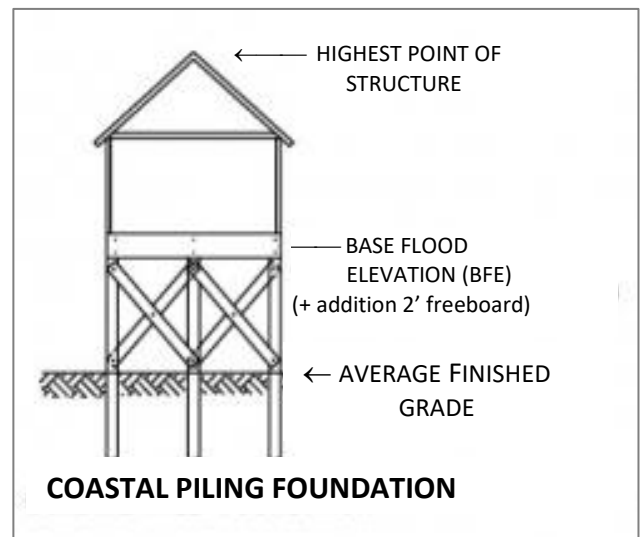
SECTION 7.1 BUILDING HEIGHT REQUIREMENTS

No building shall hereafter be erected, constructed, or altered so as to exceed the height requirement specified in the regulations for the zoning district in which the development is to occur, except as otherwise provided herein.

§ 7.1.1 HEIGHT MEASUREMENTS

Building heights shall be measured from the average finished grade to the highest point of the structure, see *Figure 7.1*. Building heights for structures built on pilings are measured in the same way. Structures located in a Special Flood Hazard Area (SFHA) must be elevated above the average finished grade to a height specific to the flood zone in which the property is located per FEMA requirements. Mechanical equipment, chimneys, air conditioners, church spires/steeple, and other similar structures that are appurtenant to a building are not exempt from height restrictions.

Figure 7.1: Measuring Building Height



§ 7.1.2 EXEMPT FROM HEIGHT REQUIREMENTS

The maximum height restrictions for each of the zoning districts shall not apply to stand-alone cellular towers and any community-owned water tower and/or other similar structure and

facility provided the exemption has first been approved by the Planning Commission.

§ 7.1.3 TOWN FREEBOARD REQUIREMENT

The Town's freeboard requirement is a factor of safety expressed in feet above the Base Flood Elevation (BFE) for purposes of floodplain management to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions. It is used to determine the level for a building's lowest floor elevation or level of floodproofing required to be in compliance with the community's floodplain management regulations. The current freeboard requirement for the Town of Dauphin Island is an additional two (2) feet above BFE.

§ 7.1.4 ELEVATION REQUIREMENTS IN THE SFHA

When a property is located in a Special Flood Hazard Area (SFHA), additional elevation and construction standards are required to ensure the structure is built to withstand and be protected from flood waters. For more instructions on building within a SFHA, see *Section 7.9* of this Article. Structures which are located in a (SFHA) must be elevated above the average finished grade to a height specific to the flood zone in which the property is located per FEMA requirements, see Flood Zone Map in *Article 4* of this Ordinance. All properties located in a SFHA shall adhere to the following provisions in addition to satisfying the mandatory requirements listed in Dauphin Island's Flood Damage Prevention Ordinance No. 55A.

SECTION 7.2 MINIMUM SQUARE FOOTAGE REQUIREMENT

The minimum amount of square footage required for any residential structure and/or residential dwelling unit is six hundred (600) square feet per dwelling unit per floor.

SECTION 7.3 WATER & SEWER CONNECTIONS

- Structures, buildings or uses requiring the disposal of sewage shall be connected to the municipal sewage treatment and collection system.
- Septic tanks and fields as a method of waste disposal are prohibited.
- New developments on individual lots in all zoning districts must connect to public water and sewer systems. In the event that a property owner has an existing or wishes to install an on-site well for irrigation purposes, this activity shall be allowed after obtaining approval from the Building Official.

SECTION 7.4 REQUIRED CONSTRUCTION & ENGINEERING PLANS

All applications for new construction projects involving the installation of new drainage infrastructure and/or utilities must be accompanied by construction and/or engineering plans. Such plans shall be prepared by a licensed engineer registered in the State of Alabama. No permit for such project may proceed until the construction/engineering plans have been approved by the Town Building Official and Town Engineer. The Town Engineer shall determine that reasonable

provisions for properly handling surface drainage have been made in the applicant's design.

Installation of public utilities, including but not limited to water, sewer, power, telephone, television cable, and gas, shall be in accordance with the respective utility's standard specifications. Coordination with each utility shall be the responsibility of the Developer.

The required construction/engineering plans include the following and shall provide the following:

1. **EROSION CONTROL PLAN** - Erosion Control Plans showing details and specifications that describe the measures and Best Management Practices which are proposed to control site erosion and soil stabilization methods implemented during and after construction as required by this Ordinance. This shall include a complete erosion control plan.
2. **DRAINAGE PLAN**- Drainage Plans showing details and specifications that describe the measures proposed to manage and control stormwater runoff. This shall include an overall drainage plan prepared by a registered professional engineer, including proposed method of storm water detention and means of controlling erosion, wetlands disturbance, or other inundation during and after construction. Any portion of the land in or near the proposed development subject to periodic inundation by storm drainage, overflow or ponding shall be clearly identified on the plan. Lands lying within the Special Flood Hazard Area (SFHA), shall be clearly identified on the plan. Storm-water detention facilities shall be shown in the plans and calculations provided.
3. **UTILITY PLAN** - Utility Plans showing detailed layouts, specifications, and feasible connections for the proposed water supply, sewage disposal and fire protection as applicable. This shall include an overall utility plan showing pipe sizes and the location of valves and fire hydrants, and powerlines above or below ground.

SECTION 7.5 EROSION & SEDIMENT CONTROL PLAN

During the construction process, disturbed soils are highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Accelerated erosion can occur during storm events with an inundation of rain and stormwater runoff with a proportionate increase in visible erosion, scour and siltation both within and outside of the construction site. Eroded soils also necessitate repair of sewers and ditches and the dredging of adjacent waterbodies. Additionally, clearing and grading activities during construction cause the loss of native vegetation necessary for soil stabilization as well as terrestrial and aquatic habitat. As a result, all new construction activities are required to submit an Erosion and Sediment Control Plan in efforts to safeguard adjacent properties, roadways, and waterbodies, and to prevent damage to the environment on and around Dauphin Island.

Erosion and Sediment Control involves the implementation of site-specific Best Management Practices (BMPs) to ensure that sediment and construction debris do not leave construction sites. The Town of Dauphin Island Building Official's Office is responsible for inspecting all permitted construction sites in the town to ensure compliance. If a site has re-occurring non-compliance

findings, the Town of Dauphin Island can declare the finding to be in violation of the Zoning Ordinance and enforce daily fines to the contractor and/or owner or issue a stop work order until site conditions reach compliance status.

The following provisions identify requirements of persons engaged in land disturbing activities which require planning and implementation of effective sedimentation controls for development sites. All new construction developments must adhere to the design, implementation, maintenance, and inspection of adequate, effective Best Management Practices (BMP's) for the control and management of erosion and sedimentation.

An Erosion and Sedimentation Control Plan is required for all land disturbing activities subject to the Town of Dauphin Island Land Disturbance Ordinance. An Erosion and Sedimentation Control Plan may also be required for new construction projects on a developed lot at the discretion of the Building Official. All of the erosion and sedimentation control measures as specified on the approved plans shall be in place prior to the town issuing a Land Disturbance Permit and the applicant commencing construction. Best Management Practices (BMPs) implemented pursuant to the requirements should be in accordance with the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas (www.swcc.state.al.us).

§7.5.1 DURING CONSTRUCTION REQUIREMENTS

An Erosion and Sedimentation Control Plan shall be a part of the construction plans for all new major construction projects and shall be subject to review and approval by the Town Engineer and filed with, and approved by the Town's Building Official prior to the commencement of any major construction activity.

§7.5.2 PROTECTION OF PROPERTY AND TREES

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property, including roadways and waterways, from damage by such activities. Additionally, tree protection measures during the construction phase must be implemented to ensure no tree is damaged or destroyed.

§7.5.3 MORE RESTRICTIVE RULES SHALL APPLY

Whenever there is a difference between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees the more restrictive provision shall apply.

§7.5.4 EROSION CONTROL OBJECTIVES

The basic control objectives which should be considered in developing and implementing an erosion and sedimentation control plan are to:

- ***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.

- **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. The removal of trees and clear cutting are restricted as a means of minimizing erosion and sedimentation.
- **Limit Time of Exposure.** All land-disturbing activities should be planned and conducted to limit exposure to the shortest feasible time. Per ADEM requirements, any land area not actively worked for thirteen (13) days or more, and any area where construction activities have permanently ceased, are to be immediately stabilized per ADEM requirements.
- **Control Surface Water.** Surface water runoff originating from newly exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- **Control Sedimentation.** All land-disturbing activities should be planned and conducted so as to minimize off-site sedimentation damage as per standards listed in the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas*.
- **Protect Adjacent Properties, Roadways, and Waterbodies.** Surface waters, storm waters, and sediments must not drain on to or encroach upon any properties, roadways, or waterbodies adjacent to the construction site. The Erosion and Sediment Control Plan must demonstrate details of surface water and storm water conveyance and discharge from the construction site as well as methods for capturing and retaining sediments on the construction site. It is a violation of this Ordinance to flood a neighboring property or release stormwater runoff directly into an adjacent waterbody. If found in violation of this action, the town will issue a cease-and-desist order and daily fines will be imposed on the applicant until the action is rectified.
- **Management of Stormwater Runoff Rates.** 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, channel, swale, or stream, plans shall include low impact development (LID) measures listed in ADEM's *Low Impact Development (LID) Handbook for the State of Alabama* to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the ditch or stream channel. A list of required LID standards is listed in Section 16 of this Article.

§7.5.5 EROSION CONTROL DESIGN MANDATORY STANDARDS

No land-disturbing activity subject to these provisions and requirements shall be undertaken except in accordance with the following mandatory requirements.

1. No land-disturbing activity or construction shall be permitted in proximity to a waterbody, natural watercourse, or wetland unless an undisturbed natural buffer zone is provided. A protective buffer for wetlands bordering salt or brackish bodies of water, the buffer shall be a minimum of thirty feet (30'). For wetlands surrounded by upland or bordering small creeks or lakes, the buffer shall be a minimum of ten feet (10').

- A. Allowable uses in the buffer include:
 - flood control structures;
 - utility easements as deemed necessary and approved by the Planning Commission;
 - natural footpaths;
 - greenways;
 - pedestrian and bikeway crossings perpendicular to the waterside, including approaches, dock and ramp access, and other uses as determined by the Planning Commission.
 - B. The vegetated target for the buffer shall be undisturbed natural vegetation. Any of the allowable uses shall be designed and constructed to minimize clearing, grading, erosion, and water quality degradation.
 - C. Land within the buffer can serve to meet the minimum lot requirements.
 - D. In order to maintain the functional value of the buffer: dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed at the discretion of the landowner; debris in the buffer that is a result of storm damage may be removed; and, invasive plant species may be removed if they are replaced by native species.
 - E. Stream and/or wetland boundaries including each buffer zone must be clearly delineated on the Erosion and Sediment Control Plan, Stormwater Management Plan, and Site Plan.
 - F. Buffers must be specified on all surveys and recorded plats and noted on individual deeds. Buffer requirements must be referenced in property owner's association documents and shall be labeled on the plat.
2. 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. In any event, slopes left exposed will, within the shortest feasible time of feasible grading, be planted or otherwise provided with ground cover, devices, or structures.

§7.5.6 DESIGN AND PERFORMANCE STANDARDS

Erosion and sedimentation control measures, structures, and devices shall be so planned to best management practices, 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 the area. 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 and approval by the Town Engineer.

§7.5.7 PERMANENT DOWNSTREAM PROTECTION OF STREAM BANKS AND CHANNELS

Provision may be required for the permanent protection of on-site or adjacent bodies of water, stream banks, and/or channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities. These can include, but are not limited to, slope paving, rip rap, energy dissipaters, solid sodding, and grassing.

§7.5.8 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.

§7.5.9 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. The developer shall create a construction entrance for all construction vehicles to access the subdivision during all phases of construction. The developer is responsible for any and all damage that occurs to existing streets or other existing public improvements and shall repair any such damages to the satisfaction of the Building Official.

§7.5.10 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.

1. In any event, slopes left exposed shall within thirty (30) working days of completion of final grading be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.
2. Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one (1) contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on the portion of the tract upon which further active construction is not being undertaken, provided this activity shall not apply to cleared land forming the basin of a reservoir later to be inundated.

§7.5.11 EROSION CONTROL PLAN REQUIREMENTS

The project Engineer shall submit an erosion and sediment control plan for review and

approval to the Building Official and Town Engineer. Said plan shall be prepared by a Qualified Credentialed Professional (QCP) such as a Professional Engineer (PE) or a Certified Professional in Erosion and Sediment Control (CPSSC), as required by ADEM, licensed in the State of Alabama. If the Town determines, upon review of such plan that a significant risk of off-site sedimentation or erosion exists, it will require a revised plan to be prepared. An Erosion Control Plan shall show the required items as follows:

1. Erosion and sediment control plans shall contain architectural and/or 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 best management practices (BMP's). Plan content may vary to meet the needs of specific site conditions. Major construction projects shall include the proposed stages of construction and the proposed erosion and sediment control measures proposed to be used in each different stage of construction.
2. Major construction projects shall include data on historical runoff, developed runoff, detention pond details, and method of discharge.
3. Major construction projects shall include an Operations and Maintenance (O&M) Plan and Agreement for maintenance of detention facilities and other storm water quantity and quality BMPs during development and documents providing for continued inspection and maintenance after completion of development and sale of all lots, such documents running as a covenant with the lands. An Operations and Maintenance Agreement shall include the following items:
 - An Operations and Maintenance (O&M) Agreement signed by the developer or owner for any required detention facilities or other storm water quantity and quality BMPs must be submitted with the proposed plans. The agreement must contain a long-term maintenance plan prepared by the design engineer for each BMP. The maintenance plan must include a description of the storm water conveyance system and its components, inspection priorities, schematics for each BMP, and inspection schedule for each water quantity and quality BMP. The O&M Agreement must be recorded prior to final plans approval. If the final configuration of the storm water system or BMPs differs from the original design on the approved plans, the O&M Agreement must be revised, finalized, and rerecorded. Failure to follow the O&M Agreement could result in enforcement action.
 - The long-term maintenance plan within the O&M Agreement contains the inspection priorities and schedule for the storm water BMPs. The owner is responsible for inspecting the storm water system and BMPs according to the schedule and submitting reports to the Building Official every three (3) years to document that inspections have been completed and necessary maintenance has been performed.
 - Prior to the full release of the performance bond for any new or substantially improved storm water facilities, an Alabama registered engineer shall submit to the Building Official certification that the proposed storm water management system and BMPs for the development are complete and functional in accordance with the

approved plans and shall also provide as-built drawings for the storm water management systems and BMPs.

SECTION 7.6 DRAINAGE PLANS & STORMWATER MANAGEMENT

Stormwater Runoff is defined as: the flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

Stormwater runoff is generated when water from rain or other precipitation flows over land or impervious surfaces (such as paved streets, parking lots, and building rooftops) and does not seep into the ground. As this runoff flows, it accumulates debris, chemicals, sediment, and other pollutants that could harm water quality if it is discharged untreated into our local water bodies. Non-point source (NPS) pollution is defined as pollutants in waters that are discharged into a waterbody through an unconfined or non-specific conveyance. Non-point sources of pollution are the primary contributing factor to the majority of the areas water quality issues, and stormwater runoff is the main delivery system of pollutants to our waterways. Since these pollutants have harmful effects on drinking water supplies, recreation, fisheries and wildlife, they must be regulated and the regulations must be strictly enforced.

A storm water management plan is required for all major construction and/or subdivision projects involving the installation of new drainage infrastructure. Such plan shall be prepared by a licensed engineer registered in the State of Alabama and shall be submitted in conjunction with an application. All construction methods for drainage facilities shall be in accordance with the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas (www.swcc.state.al.us). No land disturbance or construction for such project may proceed until the construction plans have been approved by the Town Building Official and Engineer. The Town Engineer shall determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design.

- **Stormwater Management Plan Submission Requirement**

A site plan shall be submitted with the drainage plan. Any site plan which does not make adequate provision for storm or flood water runoff channels or basins will not be approved. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans submitted shall bear the seal, original signature, name, address, telephone number, and certification of the project engineer, who shall be registered to practice as a Professional Engineer in the State of Alabama and who is qualified by reason of education and experience in the field of stormwater management.

- **Erosion Control Plan Required**

An erosion and sedimentation control plan shall be a part of the construction plans and shall be filed with the Town Building Official, or his/her designee prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal.

§7.6.1 STORMWATER DRAINAGE PLAN REQUIREMENTS

The Developer's Engineer shall submit detailed drainage plans to the Town for review and approval. A Drainage Plan shall show adequate provision for storm and flood water control by channel, conduit or basins, which takes into account the ultimate or saturated development of the tributary area in which the proposed development site or subdivision is to be located. Said plans shall be prepared by a Professional Engineer licensed in the State of Alabama and shall contain at a minimum, the information listed in this section.

General

- The development site or subdivision shall have an adequate storm water drainage system that shall accommodate flows from at least a 25-year frequency design storm.
- The developer shall install all drainage structures necessary to convey the water to the storm drainage system acceptable to the Town Engineer.
- No property development shall allow stormwaters to encroach onto any adjacent property or waterbody.
- It is a violation of this Ordinance to create any modification to stormwater flows such that it redirects water onto a neighboring property, which will be subject to daily fines.
- All open drainage ditches shall be designed and stabilized in a manner acceptable to the Town Engineer.
- List of items required on plan include, but not limited to:
 1. Topography map of proposed developed areas;
 2. Existing and proposed contours at 2 foot intervals;
 3. Existing drainage system, including, but not limited to, pipes, culverts, inlets, ditches, and ponds;
 4. Proposed drainage system, including pipes, culverts, junction boxes, inlets, ditches, detention and retention facilities, and an outline of the on-site drainage areas for each inlet and ditch cross-section;
 5. Structure location, type and size, and the Inlet and Outlet Flow Line Elevation;
 6. Cross-section of each ditch section;
 7. Other pertinent information necessary for review of the drainage plans as may be required by the Town Engineer;
 8. Copy of notice of coverage and storm water pollution plan for coverage under the Alabama Department of Environmental Management (ADEM) for issuance of NPDES Permit, and permits from any other federal or state agency, where required;
 9. A complete erosion and sedimentation control plan showing the requirements listed in these regulations;
 10. All off project drainage, draining onto the subdivision, shall be shown on contour maps and/or construction plans showing the areas in acres the subdivision will have to accommodate;

§7.6.2 STORMWATER DETENTION FACILITIES REQUIREMENT

Developments which produce an increase in the amount of storm water runoff will be required to construct stormwater management facilities. The applicant shall submit a design narrative and

complete drainage calculations, including but not limited to, assumptions, maps, and computations for each inlet, pipe, or ditch section. The design data and calculations shall be prepared, sealed and submitted by a licensed, professional engineer in the State of Alabama. The design narrative shall summarize the assumptions, calculations, and results of the design. Adequate provision shall be made for the disposal of storm waters into existing channels, pipes, or body of water. The developer shall also include the method of maintenance for the detention pond after the development is completed.

1. Detention facilities 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 prior to 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.
2. The Town of Dauphin Island will not approve development of one site that causes adverse effect on adjacent property. In some cases, storm water retention or improvement of existing downstream drainage facilities may be required. The applicant is urged to contact the Building Official and Town Engineer for a preliminary discussion on this matter prior to plan submittal.
3. The method of determining stormwater runoff rates shall be based on acceptable engineering practice and/or these standards.
4. All major construction site developments and/or subdivisions shall provide adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be accepted unless the developer makes necessary provisions to eliminate such flooding.
5. Low-lying lands along existing watercourses subject to flooding or overflowing during a storm event up to and including the 100-year storm shall be preserved and retained in their natural state within a common area, except where improvements are warranted as may be proposed by the applicant and approved by the Planning Commission.
6. Catch basins and drop inlets shall be constructed if deemed necessary by the Town Engineer.
7. Post-development release rates shall not exceed pre-development rates. When feasible, the differential runoff should be less. Provisions shall be made to address 100-year storm events to ensure that detention facilities survive such events.
8. Detention criteria shall consist of a maximum release rate equivalent to the pre-development flow from a 10-year storm event. The minimum detention capacity must be adequate to accommodate the volume of a 50-year post development storm event.
9. Drainage area and peak flow estimates must be provided for each drainage facility, as well as profiles for all new storm sewers and open ditches, with outlet velocities. Structural capabilities for all new culverts and storm sewer pipes shall be provided.
10. All outfall structures shall be sized so that the post development runoff from a 100-year storm may safely pass out of the detention facility.
11. All storm water detention areas must be shown on the plans and denoted on the approved site plan or record plat as a stormwater management areas that will be

maintained without cost or expense to the Town, and the details of the maintenance plan for such areas, including appropriate provision for assumption by the developer or his successors in interest of the financial responsibility for such maintenance, must be provided in form and substance satisfactory to the Town Building Official and/or Engineer.

12. Where a development site is traversed by a natural waterbody, water course, drainage way, channel or stream, there shall be provided a storm water or drainage right-of-way of adequate width to accommodate normal runoff. A buffer area of not less than twenty five (25) feet in uniform width must be established and maintained along such waterway. If a wetland is present on property being developed, a thirty (30) foot buffer area shall be required.

SECTION 7.7 UTILITY PLAN

The applicant is required to place all utilities underground as determined by the project engineer of the construction project. All existing and proposed utility facilities throughout the development shall be shown on the engineering and construction plans submitted with the site plan. The developer shall dedicate any and all easements for water and sanitary sewer lines which are installed on private property. Such easements shall be shown on the plan, shall be in the actual location of the installed line, and shall be dedicated for perpetual use by the Town.

§7.7.1 WATER SYSTEM

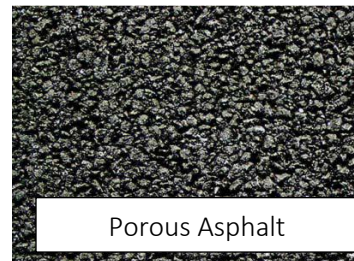
- Every new development shall connect to the existing public water supply system providing both domestic water use and fire protection to the development.
- The water distribution system shall be of suitable size and capacity to accommodate the required placement of fire hydrants per ISO Regulations.
- **Water Mains.** Water mains for both domestic use and fire protection shall be properly connected to the public water system. The lines shall be constructed in such a manner as to serve adequately all lots shown on the site plan.
- Water mains and fire hydrants shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk or other public improvement.
- All costs for installation of the water distribution system and appurtenances shall be borne by the Developer.
- **Fire Hydrants.** Fire hydrants shall be installed at a spacing not to exceed 1,000 feet along each street, and within 500 feet of all proposed lots. The water supply volumes and pressures shall be sufficient to adequately serve the entire development. The project engineer shall submit a written report and calculations that include recent flow rate tests of the existing water system that verify the adequacy of the fire protection being provided. A letter must be submitted from the local fire protection authority, indicating that the proposed volumes and pressures are sufficient.
- Upon completion of the project, the Developer shall furnish the Building Official with two (2) sets of as-built drawings showing lateral locations and water main offsets from a permanent reference datum, which is either the curb line or the front lot line.

§7.7.2 SANITARY SEWER SYSTEM REQUIREMENTS

The following standards are required for the installation of all new sanitary sewer systems.

1. Connection to the public sewer system is required.
2. The developer shall install a sanitary sewer collection system which meets the requirements of the town and shall connect such system at the developer's expense to the public sanitary sewer. Stub-outs shall be provided and shall extend the sewer line to the property line and points outside the pavement width.
3. The sanitary sewer system shall be separate and independent of any storm water drainage system.
4. Sanitary sewers shall be installed as necessary to prevent the future cutting of the pavement of any street, sidewalk, or other public improvement.
5. Sanitary sewers shall be laid in all streets, service connections installed to property lines, and connections made to trunk line sewers. The costs of the public sanitary sewer system shall be the responsibility of the developer.
6. A qualified general contractor shall be employed by the developer to install the water and sewer lines. The installation shall be done under the inspection of the town Building Official and Engineer and shall conform exactly to the approved plans and specifications with no exception unless approved by the same. At the Town's discretion, a professional representative may inspect the work.
7. The developer shall hold the contractor responsible until the completed project has been given final approval and acceptance by the Town Engineer.
8. Upon completion of the project, the developer shall supply the Building Official with two (2) copies of the plan and profile drawing showing the sewer as-built with the exact location of each service connection (stub-outs) indicated.

Figure 7.2: Permeable Pavement Examples



SECTION 7.8 LOW IMPACT DEVELOPMENT (LID) PRACTICES

The design and integration of the following low impact development (LID) techniques are intended to promote the health, safety, and general welfare of the community and are designed to work in a complimentary fashion with the required drainage plan

for the proposed development. The Town requires all new developments in the Aloe Bay and Dune Protection Overlay Districts to integrate LID practices, and encourages the inclusion of low-impact design for all new developments in all zoning districts as well. Also referred to as green infrastructure, examples of LID methods include alternative paving materials, ecologically sensitive stormwater management, and use of creative and water-saving landscape materials. The purpose is to replace traditional infrastructure with effective stormwater management facilities that contribute to increasing ecological diversity and creating resiliency, all while protecting neighboring waterways that receive the stormwater runoff. All site plans involving land disturbing activities require the following LID techniques to be shown on the plan and implemented into the project, when deemed applicable and feasible by the Building Official. Design guidelines and project implementation are referenced in *ADEM's Low Impact Development Handbook for the State of Alabama*. See Figures 7.2 thru 7.9 for a list of suggested LID methods and techniques.



1. **Permeable Pavement Systems.** The benefits of permeable pavement systems are, among other items, flow attenuation, infiltration, and filtration of stormwater. There are many products and strategies that can be utilized and the Building Official is open to the use of varied products in accordance with manufacture recommendations and suggestions listed in the Low Impact Development Handbook for the State of Alabama, see examples. Consultation and approval with the Building Official and Planning Commission prior to design of the product to be utilized is required.
2. **Vegetated Swales.** Vegetated swales are highly effective and an inexpensive method in straining stormwater, providing limited quality treatments, while providing some moderate flow attenuation, see diagram. Typically, swales work best in smaller drainage areas where volumes are reduced, special consideration should be given in pervious soils, not recommended with high swell soils, should have low slopes, adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.
3. **Open and/or Natural Space.** The installation of this LID technique provides numerous active and passive recreation opportunities and benefits for wildlife corridors. This technique allows for the creative integration into a development proposal that is frequently linked with other natural or recreation systems that extend past the property lines of the proposed development. They are frequently utilized as linear parks and often

include sensitive wetland areas, steep slopes, gullies or other natural land forms, creeks, and unique wildlife habitat for protected species.

4. **Curb Cuts.** Curb cuts convey stormwater into vegetated areas such as roadside swales, parking lot islands, grassy fields, and yards. They are an easy and inexpensive retrofit that can be used in residential and commercial areas. They are highly effective at moving stormwater to landscaped areas and are often used to convey stormwater into another LID facility. They minimize erosion by creating diffuse flow into other stormwater control measures, reducing stormwater quantity in the receiving water body. They typically intercept perpendicular stormwater flow and redirect stormwater to vegetated areas that can hold, filter, and slow the rate of runoff.
5. **Wet Basins.** The potential benefits of wet basins are, among other items, allowing sedimentation to fall out of stormwater, attenuating flows, assisting in evapotranspiration, and improving the stormwater quality. Special design considerations are. groundwater elevations, large surface areas are encouraged, special attention should be given in pervious soil, surface area of the basin should take into account nutrient loading from lawns for example in order to treat and improve stormwater quality to the maximum extent possible, ensuring that an adequate base flow is provided to maintain water levels. They are not recommended to be constructed in in-line facilities, utilizing low slopes; however, the use of forebays is recommended. Upstream and downstream areas shall be considered in the design in accordance with the Town's drainage standards.
6. **Site design for habitat, wetland, and water body conservation.** Proper site design that incorporates the natural features of the property can help to minimize erosion and reduce stress on natural water conveyance and attenuation systems by preserving a natural vegetated state of native plants, water courses, and flood prone areas. This design method uses only native plants in the development process and take special consideration to restore portions of the site to predevelopment native ecological communities, water bodies or wetlands with more than 10% of the development footprint. An example of such is a living shoreline that utilizes the placement of native plants and vegetation, stone, sand, and other organic materials which allow for proper, natural coastal process to occur, while creating a more stabilized and natural shoreline, see figure. This stormwater management practice is recommended in place of bulkhead or other hard surface construction adjacent to shorelines to minimize flooding and decrease erosion rates that occur on neighboring properties.
7. **Bioretention.** This technique removes pollutants in stormwater runoff through adsorption, filtration, sedimentation, volatilization, ion exchange, and biological decomposition. A Bioretention Cell (BRC) is a depression in the landscape that captures and stores runoff for a short time, while providing habitat for native vegetation that is both flood and drought tolerant. BRCs are stormwater control measures (SCMs) that are similar to the homeowner



Figure 7.4: Curb Cut

practice, of installing rain gardens, with the exception that BRCs have an underlying specialized soil media and are designed to meet a desired stormwater quantity treatment storage volume. Peak runoff rates and runoff volumes can be reduced and groundwater can be recharged when bioretention is located in an area with the appropriate soil conditions to provide infiltration. Bioretention is normally designed for the water quality or "first flush" event, which is typically the first 1" -1.5" of rainfall, to treat stormwater pollutants.

8. Suggested characteristics are to be used as both a stormwater and aesthetic feature frequently throughout developments. Special attention should be given to plant and ground cover considerations given the volume and duration of the designed stormwater. This technique typically works best in small drainage areas with frequent use and distribution. Special attention is required in pervious soils and should be used in areas with high permeable soils, but not recommended in high swell soils.
9. **Greenways.** Greenways provide for beneficial use of Low Impact Developments for potentially active and passive recreation opportunities and wildlife corridors. This technique allows for the creative integration into a development proposal that is frequently linked with other natural or recreation systems that



Figure 7.5: Wet Detention Basin Pond



Figure 7.6: Living Shoreline



Figure 7.7: Bioretention Median



Figure 7.8: Greenway

Streeteasy.com

extend past the property lines of the proposed development. Typically, greenways are easier to integrate into a development proposal on larger acreages. They are frequently utilized as linear parks and often include sensitive wetland areas, steep slopes, gullies or other natural land forms, creeks, and unique wildlife habitat for protected species.

10. Grass Buffers: The potential benefits of grass buffers are, among other items, their ability to filter stormwaters, providing limited quality treatments, while providing some moderate flow attenuation. They typically work best in smaller drainage areas where volumes are reduced. Special consideration should be given in pervious soils; however, this method is not recommended with high swell soils. Adjacent areas and layout should be considered in the design. Suggested characteristics where topography, soils, and slope permit vegetated open channels and spaces should be considered as a significant or a primary means of stormwater conveyance.



SECTION 7.9 DEVELOPMENT IN ENVIRONMENTALLY SENSITIVE AREAS

Natural resource protection standards are required on Dauphin Island because these naturally occurring mechanisms serve a critical function that provide countless benefits in protecting the stability and resiliency of the island. Construction activities in these environmentally sensitive areas are allowed, but require higher construction standards to ensure proper development occurs and to guarantee damage and/or destruction does not occur to these natural resources. In addition to the Zoning Ordinance, Dauphin Island town leaders have adopted other town ordinances that require additional construction standards and protective measures when developing in or around a natural resource. These include a Wetlands Protection Ordinance, a Flood Prevention Ordinance, and a Dune Protection Overlay District, all of which are supported by coastal studies conducted and published by professional environmental scientists and consultants.

Definition. Property is considered “environmentally sensitive” if it contains, or in some cases, is adjacent to one or more natural and/or ecological resources that are susceptible and vulnerable to damage and/or degradation resulting from man-made impacts on the land such, as land disturbance or construction activities, see *Article 2: Definition of Terms*. These natural and ecological resources include areas where plant and/or animal life and their respective habitats exist, which are ecologically valuable due to their function, purpose, and benefit they provide to the land. These resources are also considered rare, threatened, or endangered due to their sensitivity and vulnerability to anthropogenic impacts. The Natural Resources Inventory (NRI) existing on Dauphin Island includes, but is not limited to surface waters, sources of water supply, beaches, sand dunes, wetlands and wetland buffer areas, floodplains, wildlife habitats, migratory pathways, submerged vegetation grass beds, marshlands, estuaries and nurseries, forested areas, steep slopes, etc.

- **Purpose.** The purpose of identifying certain lands as “environmentally sensitive” is to draw attention and awareness to these lands and the critical function they provide and role they serve in protecting and sustaining the barrier island as a whole; and, to guarantee higher standards of construction are required and fulfilled within these general areas to ensure development will occur correctly and suitably. Numerous environmental studies have been conducted on the island to determine the location and condition of these resources and town leaders agree that more protective measures are needed during the construction process to ensure damage and destruction to these areas does not continue so that the safety and structural integrity of the island is not compromised by any developments occurring on the island.

§7.9.1 REQUIRED PERMITS

During the initial planning phase of any construction project, it is mandatory to verify if a project is located within, adjacent to, or contains any of the following circumstances:

- Is in an area identified as a regulated floodway or floodplain as defined by the Federal Emergency Management Agency (FEMA);
- Contains any wetlands as determined by the Army Corps of Engineers and the Town of Dauphin Island, see Town of Dauphin Island Wetland Ordinance 85 and The Sensitive Habitat Protection Plan;
- Contains a waterway on the property or is adjacent to any waterbody;
- Contains any natural features such as marshes, wooded, and/or forested areas;
- Contains any sand dunes occurring on the property, as listed in the provisions of this Ordinance; and/or
- Contains an endangered species.

If it is determined that one or more of these natural resources are present on or adjacent to the property, the applicant must acquire a Town of Dauphin Island Coastal Use Permit, which allows for construction activities within and around natural resources. Most of the environmentally sensitive areas of Dauphin Island are identified on the zoning map as an overlay district.

The applicant must successfully demonstrate they have complied with all applicable town, state, and federal laws and regulations, and will be required to submit copies of all permits required from the town and other state and federal agencies before a building permit can be acquired and construction activities can begin. Applicants must work with the town’s Building Official and Application Review Committee throughout the development process to ensure all requirements have been fulfilled. In addition to a Coastal Use Permit, additional state and federal permits may be required depending on the circumstances impacting the land and it is the responsibility of the applicant to ensure the items required by these agencies have been addressed and satisfied. These agencies typically include:

- Army Corps of Engineers Permit (USACE)

- Alabama Department of Environmental Management (ADEM)
- U.S. Fish and Wildlife Service (FWS)
- Alabama Department of Conservation and Natural Resources (ADCNR)
- Town of Dauphin Island Coastal Use Permit (Town of Dauphin Island FEMA Floodplain Administrator)

§7.9.2 DEVELOPING IN THE SPECIAL FLOOD HAZARD AREA (SFHA)

Most construction activities within a regulated floodway or floodplain require coordination with the Town’s designated Floodplain Administrator and are required to adhere to the higher construction standards listed in the Town of Dauphin Island Flood Prevention Ordinance No. 55A. These activities include new building construction, existing building expansion, clearing land, placing fill, grading land, mining, dredging, drilling, placement of mobile homes, and more.

§7.9.2.1 Determining if Floodplains Exist on Property

Prior to the issuance of a building permit in the SFHOD, the Floodplain Administrator will review the application for completion and request additional information as needed to ensure the new construction on the property is protected from flood waters and that storm waters leaving the site will not be directed to adjacent properties. Additionally, the Floodplain Administrator must certify that all FEMA requirements have been fulfilled and proper coordination with FEMA and other relevant regulatory agencies has taken place. This includes a review of possible impacts to threatened or endangered species or special habitats by the U.S. Fish and Wildlife Service and impacts to Waters of the U.S., including wetlands, by the U.S. Army Corps of Engineers. See *Special Flood Hazard Overlay District Map in Figure 4.6* of this Ordinance.

§7.9.3 DEVELOPMENT IN WETLANDS

Wetlands provide valuable habitat for plant and animal communities, and they serve as a natural filter for water flowing into water bodies and groundwater. They can also act as a buffer during storm events, helping to soak up heavy precipitation or rising water levels to prevent flooding and erosion.

A wetland is an ecosystem within itself, which is characterized by the presence of water and which supports an array of unique plant and animal life. Some wetlands may be saturated during certain times of the year while others may be saturated permanently. Because wetlands are an ecosystem, they play an essential role in the environment.

§7.9.3.1 Required Permits

Wetlands are locally regulated by the Town of Dauphin Island Wetland Protection Ordinance (Ordinance No. 85A), which is an appendix to this Ordinance, and federally regulated under Section 404 of the Clean Water Act.

Whenever construction activities are proposed on or near a wetland, the applicant must comply with the Town of Dauphin Island Wetland Ordinance and any and all other Local, State and Federal regulations.

§7.9.3.2 Determining if Wetlands Exist on Property

Before property can be developed, it must be properly demonstrated on a site plan that wetlands either do or do not exist on the property.

The Town of Dauphin Island's Wetland Ordinance (Ordinance No. 85A) applies to all lands within the corporate limits of the Town and provides a sound approach to protecting wetland resources while acknowledging private property rights of landowners.

§7.9.4 DEVELOPING PROPERTY WHEN AN ENDANGERED SPECIES IS PRESENT

§7.9.4.1 U.S. Fish & Wildlife Service (FWS):

The purpose of the Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) administer the ESA. The FWS primary responsibilities are for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife. The ESA prohibits the taking of a listed species without authorization from the FWS. To ensure that impacts to endangered species are avoided or minimized, all proposed projects with known endangered species present must meet the requirements of FWS and the ESA before a building permit can be issued.

§7.9.5 DEVELOPING IN THE DUNE PROTECTION OVERLAY DISTRICT

Dauphin Island is defined by its natural resources, one of which is the dune field. As a resilient natural barrier to the destructive forces of wind and waves, sand dunes are the most efficient defense against storm-surge flooding and beach erosion. Dunes absorb the impact of storm surge and high waves, preventing or delaying intrusion of waters into inland areas. Dunes hold sand that replaces eroded beaches after storms and buffer windblown sand and salt spray.

Beach and dune protection is important along the Alabama Gulf Coast, particularly in areas experiencing shoreline erosion and concentrated urban development. The growth of mainland coastal population centers and the increasing development and recreational use of the barrier islands can impact the stability of the dune environment. Construction and heavy recreational use of the beaches can contribute to fragmentation of the beach/dune system and deterioration of dunes. The vegetation that secures sand is destroyed, sand is lost, and the dune line is breached by roads, trails, and storm runoff. Dune damage that results from human activities accelerates the damage caused by wind and wave erosion. Inland areas become more vulnerable to hurricanes and

tropical storms when the dune line is weakened. Protecting dunes helps prevent loss of life and property during storms and safeguards the sand supply that slows shoreline erosion. Protecting dunes also preserves and enhances the beauty of the coast and coastal ecosystems.

To succeed, dune improvement and protection efforts must be undertaken by federal, state, and local governmental entities. But even more valuable are efforts by those who live on the coast. Dauphin Island will continue to attract Alabamians and other visitors in ever-greater numbers for years to come. With this in mind, the Town of Dauphin Island created and adopted a Sand Dune Protection & Management Plan as an addition to the Comprehensive Plan including a Dune Protection Overlay District and Guidelines. With the adoption of the Dune Protection Overlay District (DPOD) to the Town's Zoning Ordinance, the Town of Dauphin Island is working to ensure the long-term protection of the dunes.

§7.9.5.1 Purpose of the Dune Protection Overlay District (DPOD)

The purpose of this overlay district is to create and implement reasonable and responsible regulations that will protect the public investment in the beaches and dunes, and to protect public and private infrastructures. The regulations are intended to prevent harm or degradation to the valuable and protective sand dune resources from unauthorized foot or vehicular traffic, unauthorized digging, or other unnatural alteration of the dunes, unauthorized staging of construction materials or other unauthorized construction activity, installation of vegetation inconsistent with sand dune systems, pet activity, or other unauthorized or disturbing activities that may lead to the gradual, immediate, or cumulative degradation of the natural or restored dune resources.

The Town's objective in this effort is to identify policies important in ensuring the integrity and functional values of the Island's sand dune system are not compromised by anthropogenic alterations such as removal, leveling, excavation, vegetation degradation or removal, or placement of structures.

SECTION 7.10 DUNE PROTECTION OVERLAY DISTRICT (DPOD) REQUIREMENTS

§7.10.1 GENERAL PROVISIONS

The following regulations generally apply to all properties located within the Dune Protection Overlay District (DPOD). The DPOD consists of lands south of Bienville Boulevard from the east end of the Island to the point where Bienville Boulevard narrows to two lanes, see DPOD Boundary Map in *Figure 4.3* of this Ordinance for exact location.

§7.10.2 COMPLIANCE WITH OTHER LAWS

The Alabama Department of Environmental Management (ADEM) has statutory authority to regulate specific activities within their Coastal Area Jurisdiction of Dauphin Island. All properties located in the Dune Protection Overlay District are subject to the following regulations before the issuance of a Coastal Use Permit.

1. In general, development within the DPOD will use the same application and permits process used in all other areas of Dauphin Island. Additional requirements which are specific to the DPOD are primarily focused on ensuring no degradation to the dune system or contour occurs. Toward this end there are more specific documentation requirements in the land survey and the Site Plan.
2. All applications within the DPOD require review by the Application Review Committee (ARC) and the Dauphin Island Planning Commission.
3. **Permit Required:** A Coastal Use Permitting Program has been established to protect the valuable beach and dune resources from adverse impacts associated with construction and other activities. A Coastal Use Permit shall be issued by the Building Official, and the permit fee required by this Ordinance shall be paid by the applicant before any new construction can begin or any modifications, alterations, extensions, or expansions can begin on an existing structure. A courtesy notice will be sent to adjoining property owners when an application for a Coastal Use Permit will be presented at a Planning Commission meeting for consideration and possible decision.
4. **Additional Requirements:** Development activities in the DPOD are subject to the requirements of existing Town ordinances, which include:
 - Land Disturbance
 - Tree Removal
 - Flood Damage Prevention Ordinance
 - Building Code
 - Sand Removal
 - Base Zoning
5. **Compliance Review Required:** Any disturbance to the dune such as dune alteration, excavation, vegetation removal, and placement of structures, will be subject to inspection by the Building Official to ensure any adverse impacts associated with construction and other activities have been rectified to the disturbed area of the dune. Any pre-approved construction-stage, temporary alteration of the dune or dune vegetation must be repaired after completion. If re-vegetation is necessary, the dune must be re-stabilized with native dune plants. These requirements must be completed, inspected, and approved prior to the issuance of a Certificate of Occupancy (CO).
6. **Maintenance:** Encroaching sand from the dune system may be removed from lots but is required to be relocated within the dune system, provided that it is placed as near to the excavated site as practicable, as determined by the ARC and Building Official. Each application for the removal of encroaching sand will be determined on a case-by-case basis. A plan including methods for sand removal, transport, and placement will be required to adhere to existing land disturbance regulations and permitting.
7. **Prohibited Activities:** Any use or activity that impairs the natural function of the dune system or has the potential to cause significant adverse long-term

impacts to the natural function of the dune system is prohibited, including the following. All prohibited activities are subject to the fines and penalties set forth in this Ordinance.

- No person shall remove beach sands and/or vegetation or otherwise alter the contours of the dune system, between mean high tide and the area 25 feet seaward of the south toe of the dune system without prior approval from the Town Building Department.
 - Paving, grading, or altering a dune within the footprint of the lowest floor of a structure in any manner will be prohibited.
 - No person shall operate a motorized vehicle of any type on the dune system except for official and/or emergency vehicles.
 - Removal of vegetation from any dune, and the excavation, bulldozing, or alteration of dunes are prohibited, unless these activities are a component of a Town-approved beach and dune management plan.
8. **Best Management Practices (BMPs):** All construction within the DPOD must incorporate 'Best Management Practices' (BMPs) methods. In addition to industry-standard BMPs, all applications for development within the DPOD must follow the Best Management Practices listed in the *Town of Dauphin Island's Sensitive Habitat Protection and Management Plan* to maintain west end sand dunes and sand resources. The dune system must not be mined, excavated, or altered such that the erosion and storm surge protection and ecological and aesthetic values afforded by them are diminished. Additionally, the following activities must be considered when constructing a structure on the dune:
- Reducing sand height must be avoided
 - Excavation of dunes must be properly reviewed and permitted, and minimized to the greatest practicable extent.
 - Vegetation removal must be properly reviewed and permitted, and minimized to the greatest practicable extent.
9. Any structure built on or over a dune will require at least two (2) feet of clearance above the portion of the dune within the structure footprint. Elevated dune walkovers shall be designed and constructed using ADEM Section 8 standards.
10. All habitable structures may, with proper permitting, share a dune walkover with adjoining neighbors, pending review of a proposal for the shared walkover by the ARC and Town of Dauphin Island Planning Commission.
11. **Signs:** Due to the seasonal population of the Island, it is necessary to educate and inform visitors that the dunes are fragile and it is illegal to trespass on them. Signage must be installed and maintained on all dune walkovers to notify beach goers. Signs are provided by the Town of Dauphin Island and issued to property owner when an application for dune walkover construction is received. The ARC will recommend proper placement of sign on property. This shall be notated on the Site Plan.

12. Where the intent of the property owner is not to cross the dunes in any manner whatsoever, sand fencing is required at the property/dune interface and, a provision to prevent pedestrian traffic must be employed, e.g., signage stating that no crossing of the dunes is allowed.

§7.10.3 USES AND ACTIVITIES PERMITTED IN THE DPOD

All uses allowed in the underlying zoning districts encompassed within the DPOD, which are classified as *Uses Permitted*, *Uses Requiring Review*, or *Special Exceptions*, are allowable uses in the DPOD. Refer to Article 4: District Requirements & Permitted Uses article of this Ordinance for uses allowed in each zoning district. All applications within the DPOD require review and approval by the ARC and the Dauphin Island Planning Commission before the issuance of a building permit.

The following list of activities are allowed activities within the DPOD:

1. The construction and maintenance of walkways which do not alter the contour of the sand dunes;
2. The construction and maintenance of observation platforms and/or piers which are not an integral part of any dwelling and which do not alter the contour of the coastal sand dunes;
3. The planting of beach grasses or other appropriate dune vegetation for the purpose of stabilizing sand dunes;
4. The placement of sand fences on or adjacent to sand dunes for the purpose of stabilizing and enhancing the formation of such features;
5. The conservation and research activities of the Dauphin Island Sea Lab, Alabama Department of Conservation and Natural Resources, Audubon Society, Dauphin Island Park and Beach Board and other conservation, and research-related agencies and entities; provided that said activities have no construction or excavation components, or would otherwise alter the contour of the coastal dunes.

§7.10.4 COASTAL USE PERMIT REQUIREMENTS IN THE DPOD

The following is a list of the necessary steps to complete the Dune Protection Overlay District Application process to obtain a Coastal Use Permit. The site plan checklist following this section designates what deliverables are required.

1. Determine if the property lies within the DPOD.
2. Obtain a Coastal Use Permit Application Package from Town of Dauphin Island.
3. Schedule a pre-application meeting and site visit with the ARC. The property owner/authorized agent (authorization form required) is required to be present at the meeting and site visit. The ARC will require an accurate diagram of property. Following the meeting, the ARC will conduct a site visit and conference with the owner or authorized agent to instruct and assist the applicant on all required documents and

processes necessary to obtain a Coastal Use Permit.

4. Submit application packet and accompanying fees. A completed application package must contain all items on Dune Protection Overlay District checklist, see Appendix A of this Ordinance for checklist and all other required documentation.
5. Ensure site is staked with metal stakes to include property boundaries, proposed structure corners, driveway and other areas of proposed impact prior to the initial site visit. The ARC will schedule a second site visit within 10 business days of receiving completed application packet. By scheduling a site visit, the ARC and staff will be allowed full access to the property. During the site visit the property owner / authorized agent is required to be present to discuss options and assurance criteria.
6. Upon completion of the site visit review the ARC will provide the property owner / authorized agent with opinions and recommendations. All materials will be mailed to the property owner / authorized agent within seven (7) business days after completing the plan review.
7. ARC opinions and recommendations along with the Building Official opinions and recommendations are delivered to the Planning Commission for review.
8. Site Plan Review is added to the Planning Commission agenda and scheduled for next regularly scheduled Planning Commission Meeting, provided a completed application packet is returned by the Planning Commission meeting cut-off date.
9. Courtesy notice is given to adjoining property owners of Planning Commission meeting.
10. Review of and action upon application is taken by the Town of Dauphin Island Planning Commission unless additional changes are needed. If substantial additional changes are needed, the action may be tabled to the next Planning Commission meeting.

§7.10.5 RECOMMENDED DUNE VEGETATION & REPAIR/MAINTENANCE GUIDELINES

Dune vegetation is essential because it traps blowing sand particles which accumulate and create a mound or a dune that grows over time. Any pre-approved construction-stage, temporary alteration of the dune or dune vegetation must be repaired after completion. If re-vegetation is necessary, the dune must be re-stabilized with native dune plants. These requirements must be completed, inspected, and approved prior to the issuance of a Certificate of Occupancy.

1. Before a dune is disturbed, it must be photographed along with the vegetation present on the dune in the area to be disturbed. In repairing damage to the dune, the pictures and documentation of the varieties of vegetation originally present on the dune will be useful in restoring the dune to its original condition.
2. In the event damage has already occurred to the dune, use the same procedure as described above (photograph and documentation of vegetation) using the adjacent portion of the dune to determine how the damaged portion is to be repaired.
3. Dune vegetation will often vary with dune elevation. Vegetation on the crest of the

dune will almost certainly be different from the vegetation on the toe and the rise. It is important to record this distinction to restore the same vegetation that is/was naturally occurring on the dune.

4. See *Figure 7.10* for plants that are indigenous to dunes on Dauphin Island are as follows:

Dune Toes - Salt Water Tolerant

- Sea Oats (*Uniola paniculata*)
- Seaside Heliotrope (*Heliotropium cavanicum*)
- Pennywort (*Hydrocotyle bonariensis*)
- Seaside Panicgrass (*Panicum amarum*)
- Camphor Plant (*Heterotheca subaxillaris*)

Dune Toes Formed From Fresh Water Aquifers

- Seaside Heliotrope (*Heliotropium cavanicum*)
- Seaside Panicgrass (*Panicum marum*)
- Sandspur (*Cenchrus tribuloides*)
- Sea Purslane (*Sesuvium portulacastrum*)
- Camphor Plant (*Heterotheca subaxillaris*)
- Beach Morningglory (*Ipomoea stolonifera*)
- Dune Sunflower (*Helianthus debilis*)
- Blazing Star (*Liatris graminifolia*)
- Lantana (*Lantana camara*)
- Dune Greenbrier (*Smilax aviculiata*)
- Southern Bayberry (*Myrica cerifera*)
- Saw Palmetto (*Serenoa repens*)
- Cabbage Palm (*Sabal palmetto*)
- Dwarf Palmetto (*Sabal minor*)
- Odorless Bayberry (*Muyrica inodora*)

Figure 7.10: Indigenous Dune Vegetation

	Sea Oats
	Pennywort
	Sandspur
	Saw Palmetto

Tall -Typically Undisturbed Dunes of the Island's Wooded Areas

- Seaside Panicgrass (*Panicum amarum*)
 - Sandspur (*Cenchrus tribuloides*)
 - Blazing Star (*Laitris gramimifolia*)
 - Sandhill Rosemary (*Ceratiola ericoides*)
 - Lantana (*Lantana camara*)
 - Dune Greenbriar (*Smilax avricuiata*)
 - Sand Pine (*Pinus clausa*)
 - Cabbage Palm (*Sabal palmetto*)
 - Dwarf Palmetto (*Sabal minor*)
 - Cactus
 - Century Plant (*Agave aericana*)
5. **Sand Fences**- The sand fence, consisting of wooden horizontal 1"x4" members, ½"x3" wooden slats, sand webbing, and 4'X4' posts sunk 4' up and 4' high will typically slow wind speed by 70% allowing the sands/detritus to drop to the ground and build dune beginnings that will support the vegetation listed as "foredunes". As the foredunes increase in elevation, the back
6. of the dunes will be replenished and ultimately allow the reformation of the Great Dunes.
7. **Wattles**- Utilize wattles made of straw and wood as an erosion and sediment control device. Appropriately designed and properly installed erosion control techniques can eliminate soil and/or sand erosion, reduce sediment pollution, and minimize future impacts to slopes. When long-term stabilization methods are in the form of plantings, wattles and sand fencing are strongly encouraged and, in some cases, required.

	Beach Morning Glory
	Dune Cactus
	Sandhill Rosemary
	Sand Fence
	Fabric Fencing
	Wattle

Source: miseagrant.edu

§7.10.6 BEST MANAGEMENT PRACTICES (BMPs) IN DPOD

All construction must incorporate Best Management Practices (BMPs). A site can be planned and

a home can be designed so that the natural setting is superbly preserved only to have the site significantly and unnecessarily damaged by poor construction practices and methods.

The structure and access to the structure must be in accordance with site plans and certifications prepared and sealed by a registered, certified Professional Engineer licensed in the State of Alabama. ***A signed statement of Best Management Practices used in design and construction plans by a Professional Engineer and/or Architect licensed in the State of Alabama must accompany the Site Plan.*** Site plans and certifications for any proposed structures must meet all local, state and federal regulatory agency guidelines and procedures.

§7.10.6.1 SITE PLANNING REQUIREMENTS APPLICABLE TO ALL CONSTRUCTION

Excavation volumes causing impacts to steep slopes are a direct measure of the extent of disturbance and can change the essential character of the dunes. Sand that is not contained and is disturbed is subject to wind and rain erosion, which can lead to creation of a dune blowout and spreading damage.

Construction impacting slopes of 15 degrees (15°) or greater must incorporate the following management practices that minimize the amount and disturbance of soils as part of planning, construction, and long-term stabilization of the site.

The following are guidelines on minimizing impacts to the dune system.

1. Minimizing Disturbed Area

- In the Dune Protection Overlay District thirty percent (30%) of the total area of the lot shall remain undisturbed and its natural condition. This requirement supports soil stabilization on the lot while ensuring proper storm water provisions have been met.
- Construction and development must, wherever possible, avoid areas with slopes greater than 30 degrees (30°).
- Utilize areas that will not affect the dune slope. The Planning Commission may recommend setback adjustments in order to protect dune slopes.
- Utilize areas that may have been previously cleared or graded for construction.
- The ARC shall recommend a minimum construction setback for equipment movement or storage. In no case, should this include areas with greater than a 30 degree (30°) slope. A temporary fence or other type of demarcation method shall be installed to identify the construction boundary.
- Locate residential structures as close to the street as possible.
- Eliminate or minimize all impervious surfaces.
- The development of a plan for a driveway should include consideration of the use of retaining walls or similar measures, if feasible, to minimize the impact of the driveway, parking, turnaround areas, etc. on the lot. Driveways will be limited to fit within the linear width of the primary structure, and it is required that driveways utilize permeable materials that provide maximum porosity and

drainage to mitigate erosion caused by stormwater (surface water flow). If an existing driveway needs to be re-graded, it must be regraded within the existing driveway footprint/corridor (no expansion of width or length). If an existing driveway, non-permeable surfaced driveway, or any portion thereof is replaced, it must be brought into compliance with this Ordinance.

2. Minimizing Impacts to Ecological Communities

- Avoid impacts to areas of ecological significance (interdunal pond/wetland, sand barren, open dunes, vegetation).
- Maintain continuity of vegetation (minimizing edge effect).
- Utilize demarcation fencing to isolate critical areas (wetlands, watercourses, vegetation protection).
- Construction equipment traffic must be minimized.

3. Minimizing Soil Movement

- Limit the difference between cut and fill volumes balancing volumes of like material on site.
- Do not bring new fill on the site as it may bring invasive, exotic (non-native) seeds or damaging fungus. Removing soils removes seeds of native plants and any topsoil and organic material from the site.
- Limit impacts that facilitate slope failure and erosion, including control of stormwater and impacts to slopes offsite. Utilize erosion control measures at both the bottom of the slope (to protect uphill from construction) and at the top of the slope (to protect areas downhill from construction occurring along the crest of a slope).
- Demarcate limits of clearing, grading and vegetation removal to avoid accidental damage to slopes and vegetative roots that support slopes. Demarcation discourages materials and equipment from being stored, used or driven outside the impact area. Said demarcation will be accomplished prior to any land disturbance, tree removal or construction, and will be documented by the Town of Dauphin Island Building Official with photos prior to permit issuance.
- Utilize a park-and-walk scenario with a boardwalk, stairway, or lift for access if constructing a driveway would impact dune slope.

4. Minimizing Impacts from Utilities

- Utilize underground utility corridors in new construction projects (adjacent to access roadways) and impact slopes 15 degrees (15°) or less.
- Utilize hand trenching for utilities in projects covering relatively short distances and impact slopes 30 degrees (30°) or less. Ensure soils from trenching can be safely staged adjacent to trenching without impacting slopes or vegetation.

5. Minimizing Tree and Vegetation Removal

In addition to the existing tree removal permit process the following shall apply:

- Plot location of all trees over 4" DBH in the site plan.
- No clearing of trees or vegetation on slopes and outside construction buffer areas.
- Do not remove trees or vegetation which are located more than 10 feet from proposed buildings; and no more than 5 feet from decks and along driveways.
- Demarcate limits of clearing, grading, and vegetation removal to avoid accidental damage to slopes and vegetative roots that support slopes.
- Stockpile material from excavation areas and utilize for redistribution on the site. This provides a local seed source of native species.
- Avoid removal of trees and shrubs that may impact unique natural features in the area, including: ponds, seeps, springs, foredunes, or dune ridges.
- Maintain large diameter trees (greater than 12" DBH).
- Maintain mature trees (seed/mast producing) outside of structure and driveway footprint.
- Maintain trees and shrubs that would improve or maintain the natural diversity of the site.
- Minimize the amount of edge created.
- Maintain tree communities that provide necessary niches within bigger landscape.
- Avoid removal of trees / shrubs that may impact unique natural features in the area including: ponds, waterbodies, seeps, springs, dune ridges, or areas with high densities of wildflowers.
- Avoid removal of trees / shrubs in areas that contain endangered or threatened plants (i.e., sea oats).

§7.10.6.2 Suggested Best Management Practices (BMPs)

The following suggested techniques described in detail below were taken from the following sources: *Federal Emergency Management Agency's (FEMA) Local Officials Guide for Coastal Construction: Design Considerations, Regulatory Guidance, and Best Practices for Coastal Communities FEMA P-762 / February 2009 ; Alabama Department of Environmental Management's (ADEM) Section 8 Standards For Dune Walkover Construction; Town of Dauphin Island's Sensitive Habitat Protection and Management Plan; and The Dune Protection and Improvement Manual of the Texas General Land Office.*

- **General Provisions**

The dune system must not be mined, excavated, or altered such that the erosion and storm surge protection and ecological and aesthetic values afforded by them are diminished. Within the area of the dune system:

- > The dune crest shall not be reduced in elevation.

- > Excavation of dunes must be properly reviewed and permitted and minimized to the greatest practicable extent.
- > Vegetation removal must be properly reviewed and permitted and minimized to the greatest practicable extent.

Minimization will include alternative site plans designed to avoid direct or indirect destabilization of the dunes, including the location and configuration of habitable structures, stormwater conveyance, bulkheads, driveways, and appurtenances. Suspension of required Zoning Ordinance setbacks will be considered in some cases within the Dune Overlay District in an effort to reduce adverse impacts to the dune system.

Any pre-approved construction-stage, temporary alteration of the dune or dune vegetation must be repaired after completion. If re-vegetation is necessary, the dune must be re-stabilized with native dune plants. These requirements must be completed, inspected and approved prior to the issuance of a Certificate of Occupancy (CO).

- **Building Design**

1. The house and other structures should have as small a footprint as possible, thus leaving as much of the native environment undisturbed as possible. Use multiple floors. Smaller footprints also mean smaller impervious areas and thus pose less of a threat of erosion from rainwater runoff while preserving more of the
2. Acquire adequate land for the proposed structure. To avoid destroying the beauty that draws one to the dunes, be careful to not build “more house” than can be accommodated comfortably on the site.
3. “Think out of the box”. For example, a roof deck can provide greater views without additional disturbance to the site.

- **Stabilization of Slopes**

Development in critical dune areas often requires slope stabilization to minimize impacts and avoid creation of erodible soils. The use of retaining walls for slope stability allows for increased elevations within a short distance; however, the design and use must provide resistance to the lateral pressure of the soil. Additional wall support may be achieved through use of mechanical anchors. Protect and mitigate all impacts to slopes during construction, and stabilize slopes following completion of all activities. Soil stabilization and soil erosion techniques are utilized to minimize soil movement at the source and limit sedimentation issues. Appropriately designed and installed techniques can eliminate soil erosion, reduce sediment pollution, minimize future impacts to slopes. Long-term stabilization in the form of plantings, wattles and fencing are strongly encouraged and, in some cases, required.

- **Temporary Slope Stabilization During Construction**

1. Install geotextile fabric fence (silt fence) parallel to contours in areas with 15 degree (15°) slopes and ensure appropriate installation distance at a minimum

of two (2) feet from the toe of a 15 degree (15°) rise.

2. Install plywood sheeting parallel to contours in areas with 30 degree (30°) slopes and ensure a minimum installation distance of no less than three (3) feet from toe of a (30°) rise.
3. 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. In any event, slopes left exposed will, within the shortest feasible time of feasible grading, be planted or otherwise provided with ground cover, devices, or structures.

- **Permanent Slope Stabilization**

1. Minimize erosion from rainwater run-off. Avoid use of single point of discharge (e.g., a downspout or an area drain discharge pipe). A concentrated source can easily deliver water faster than the ground can absorb it and cause erosion. A sheet of water draining from a roof or large paved area is also likely to cause erosion. In both cases, it is necessary to disperse the flow over a wide, flat area so that the water is slowed and a portion absorbed. Or use rain barrels to safely collect runoff.
2. Utilize the construction of dune walkovers for stabilization of dune slopes where pedestrian traffic will take place. Where the intent of the property owner is not to cross the dunes in any manner whatsoever, sand fencing is required at the property/dune interface and, a provision to prevent pedestrian traffic must be employed. A sign stating that no crossing of the dunes is allowed will be given to each property owner and must be posted.
3. Utilize wattles made of straw and wood as an erosion and sediment control device.
4. Utilize appropriate retaining wall structure with tiebacks to inhibit wall failure, slumping, and soil seepage.
5. Install all slope stabilization structures (temporary and permanent) prior to beginning other construction activities onsite to protect slopes from incidental damage.

- **Dune Walkover Construction**

1. To prevent damage to dunes, all developments will be required to provide a beach access walkover that adopts ADEM Section 8 standards.
2. All habitable structures may, with proper permitting, share a dune walkover with adjoining neighbors, pending review of a proposal for the shared walkover by the Town of Dauphin Island Planning Commission. Where the intent of the property owner is not to cross the dunes in any manner whatsoever, sand fencing is required at the property/dune interface and, a provision to prevent pedestrian traffic must be employed, e.g., signage stating that no crossing of the dunes is allowed, etc.
3. A walkover should begin landward of the foredune and extend no farther

seaward than the most landward point of the public beach where it will not interfere with public use of the beach at normal high tide. The structure should be oriented at an angle to the prevailing wind direction. Otherwise, wind blowing directly up the path of the walkover **may impede** the growth of vegetation beneath it, erode sand from the seaward end, and increase the possibility of washout or blowout occurrences.

4. **Construction Material**

Wood is the preferred construction material for walkovers because it is less expensive than metal, does not collect and retain heat as metal does, and is readily adapted to a number of designs. Although there are a few walkovers made from polyvinyl plastic, treated lumber and galvanized nuts and bolts may be used.

5. **Size**

The width of a walkover should be based on the expected volume of pedestrian traffic. If a walkover will be infrequently used, a width of two feet should be sufficient. Walkovers intended for two-way passage should be wider, perhaps three or four feet. A width of six feet may be appropriate for a walkover subject to heavy use. The structure's height should be at least one to one and a half times its width (three feet minimum) to allow sunlight to reach vegetation underneath. In any case, the deck of the walkover must be of sufficient elevation to accommodate the expected increase in dune height. Basic structural guidelines for walkovers are detailed in *Figure 7.11*.

6. **Construction Guidelines**

Space the slats forming the deck of the walkover 1/2 inch apart so that sunlight and rainfall can penetrate to plants below and so that sand will not accumulate on the deck.

Place the supporting piers as far apart as possible along the length of the structure. A distance of at least six feet between pairs of piers is recommended. Implant the piers at least three feet in the ground to ensure stability. A depth of five feet or more is advisable to allow for erosion around the piers during storms. Install the piers with a

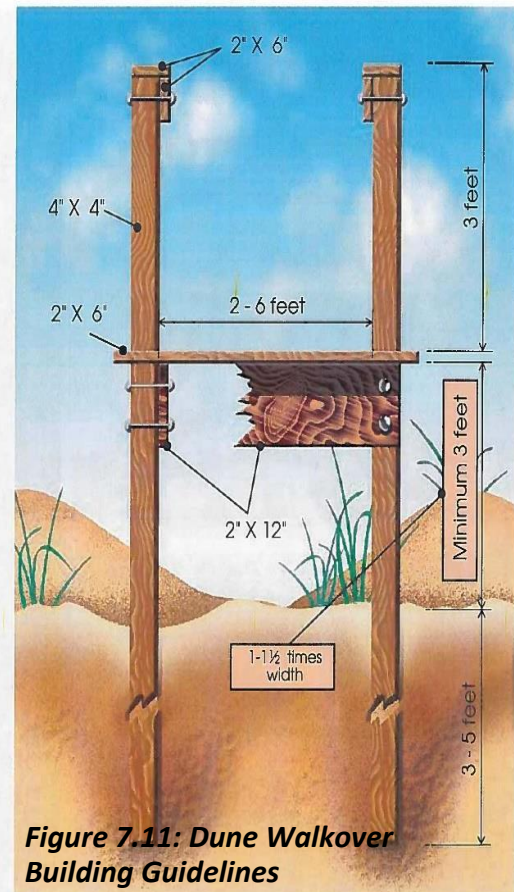
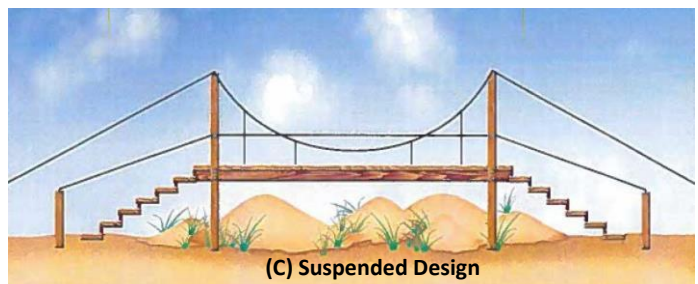
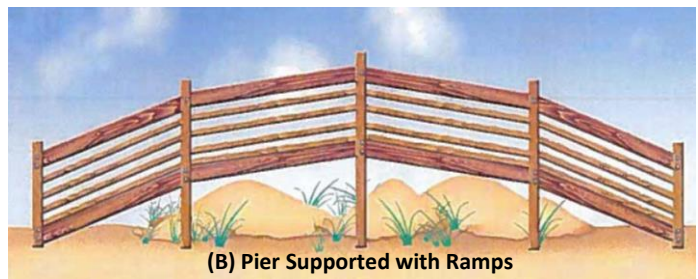


Figure 7.11: Dune Walkover Building Guidelines

hand auger or posthole digger rather than with a tractor. Walkover piers should not be set with cement. Repair damage to the dune area as soon as possible.

7. Providing handrails on both sides of the walkover is recommended as a safety measure and to discourage people from jumping off into the dunes. Railings are particularly advisable on public walkovers and those that are high above the ground. Railings should be at least three feet high.
8. To enable wheelchair use on a walkover, inclined ramps with a 20 percent slope (a one-foot rise for every five feet in length) may be built at each end of the structure. Ramps are recommended for any large public walkover.
9. **Design-** See Dune Walkover Designs in *Figure 7.12*.
 - Design A has a flat deck with steps at each end.
 - Design B has ramps instead of steps, and the deck is arched where dune formations are highest.
 - Design C may be adapted to suspend for access over areas that cannot be disturbed.

Figure 7.12: Dune Walkover Design



- **Fence / Pole Installation**

Utilize open fence surface designs (split rail fence or chain link fence) and follow existing grades.

1. Handheld tools are recommended for digging fence posts and all other single pole items (flag pole, mailbox, sign, utility pole, birdhouse, birdfeeder, basketball hoop and yard art, etc.).
2. If the contour of the dune is disturbed, it must be restored to the pre-construction profile.

- **Re-Vegetation and Stabilization of Disturbed Areas**

1. Utilize native tree, shrub, grass, and wildflower species that represent those species which were removed (or reflect the ecological community in the immediate area) within building and driveway buffers to facilitate maintain and preserve the ecological diversity of the area.

Source: Dune Protection and Improvement Manual Texas Land Office

2. Chosen species should be adapted for local soil and climate (temperature, rainfall, hardiness zone).
 3. Obtain plants from local nurseries to insure climatic acclimation.
 4. Existing trees and plants include (but are not limited to)
 - Myrtle Oak (*Quercus myrtifolia*)
 - Pinebarren Flatsedge (*Cyperus retrosus*)
 - Muscadine (*Muscadinia rotundifolia*)
 - Slash Pine (*Pinus elliottii*)
 - Southern Magnolia (*Magnolia grandiflora*)
 - Live Oak (*Quercus virginiana*)
 - Blue-Eyed Grass (*Sisyrinchium*)
 - Salt Bush (*Atriplex*)
 - Button Bush (*Cephalanthus*)
 - Oleander (*Nerium oleander*)
 5. Replace native trees that were removed with appropriate native trees species, with 50% of the trees having a minimum of a 1" caliper measured at 6" above planting line.
 6. Vegetation should be planted with the following spacing / density: Hardwoods: 10' X 10', Conifers: 8' X 8', Shrubs: 6' X 6', Grass plugs: 1' X 1'.
 7. Re-vegetate in stages as portions of the site are complete. Re-vegetate all areas as soon as possible following completion of construction, not to exceed **2 months** following Certificate of Occupancy.
 8. Maintain vegetation for a minimum of 5 years. Vegetation that dies for any reason should be replaced.
 9. Avoid all introductions of invasive and exotic species to the landscape.
 10. Minimize the width of maintained buffers around buildings (10 ft.) and associated driveways (5 ft.) so that a greater area is vegetated with native species.
- **Trimming Branches and Physical Wounds**
 1. Make clean cuts with a sharp saw just inside the swollen branch collar.
 2. Seal all cuts immediately to prevent disease on all oaks during the growing season. Do not seal cuts for other species when trimming in the dormant season.
 - **Removal of Blown Sand**
 1. Only remove sand deposited on decks, walkways, driveways, carports, manicured lawns, etc. and allow blown sand to remain in other vegetated areas.
 2. Utilize snow fencing / sand fencing to establish temporary windbreaks (especially when vegetation is dormant) to "capture" sand and avoid the need for continued removal of blown sand.
 3. Within the Dune Protection Overlay District, encroaching sand from the dune system may be removed from lots and is required to be relocated within the dune system, provided that it is placed as near to the excavated site as practicable, as determined by the Building Inspector. Each application for the removal of encroaching sand will

be determined on a case-by-case basis. A plan including methods for sand removal, transport and placement will be required to adhere to existing land disturbance regulations and permitting. Removal of additional sand on an annual basis requires a land disturbance permit.

- **Building Foundations**

Open foundations are recommended for the Dune Protection Overlay District. Open foundations are constructed in such a manner to allow water and sand to flow freely through them. Open foundations also minimize the total surface area that water and sand may act upon. When compared to closed foundations for the same size building, an open foundation will have lower-magnitude water and sand forces acting on the foundation.

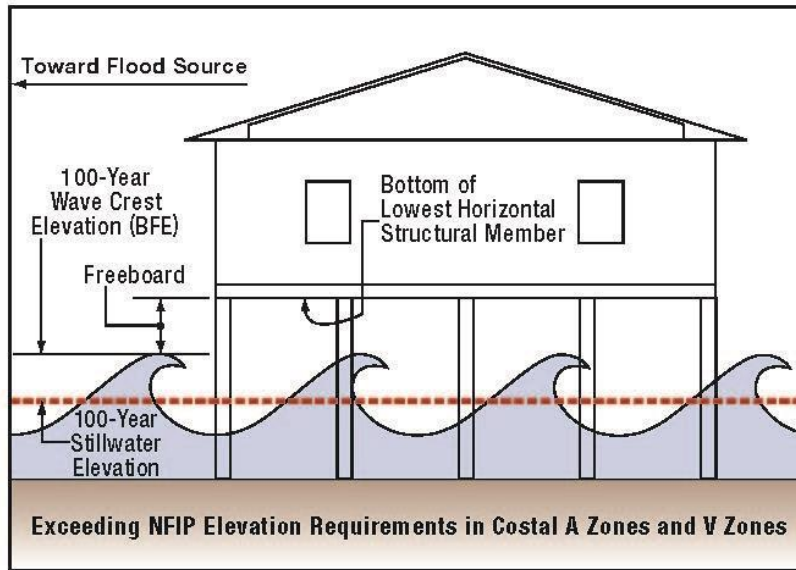
Simply stated, the portion of the foundation above exterior grade is minimal and allows nearly unrestricted movement of water and sand beneath the building. Below-grade foundation components can be described as a deep foundation with deeply driven or jetted piers or caissons or shallow foundations with footings or grade beams. Terms such as ‘deep’ and ‘shallow’ are relative and are best used to refer to the maximum scour and erosion anticipated during a design event or during the project life of the building.

***NOTE:** All figure numbers and suggested techniques are sourced from FEMA’s *Local Officials Guide for Coastal Construction*: handbook. They are as follows:

- **Deep, Open Foundations**

Buildings founded and supported by driven or jetted piles or caissons in deep soil strata generally offer the greatest resistance to coastal hazards. When supported by foundations deep enough to retain sufficient strength to resist flood and sand loads after scour and erosion have removed soils around the foundation, properly constructed buildings can fair well, even when exposed to wind loads, see *Figure 7.13*.

Post-event assessments have revealed success stories, even when building have been exposed to conditions greater than those anticipated during a design event. Unfortunately, post-event assessments of building on deep foundation in coastal areas often reveal failures due to poor construction. Many of these failures result from the use of inadequately designed foundations or inadequate connections between the elevated structure and its foundation.

Figure 7.13: Open Foundation Design

Recommended open-foundation practice for buildings located within the Coastal A Zone and V Zone. (Source: FEMA 55)

- **Pile Foundations**

Pile foundations consist of deep vertical piles installed to support an elevated structure, see *Figure 7.14*. Because pile foundations are typically set deep within the soil, they are inherently less susceptible to scour and erosion. Piles rely primarily on the friction forces that develop between the pile and the surrounding soils (to resist gravity and uplift forces) and on the compressive strength of the soils (to resist lateral movement and maintain the structure's lateral stability). The soils at the ends of the piles also help resist gravity loads. When the piles rest on their pile tips for load bearing, the designer must show that the soil surrounding the piles provides appropriate lateral stability. Serious consideration should be given by the designer to ensure that the structure is capable of maintaining its lateral stability during a storm event.

Figure 7.14: Pile Foundations

DAUPHIN ISLAND, ALABAMA:
Successful pile foundation following Hurricane Katrina. The foundation supported the elevated home even after scour and erosion removed several feet of soils.
(Source: FEMA 549)

Piles are typically treated wood timbers, steel pipes, or precast concrete members. Other materials, such as fiber-reinforced polyester (FRP), are available but are not commonly used in residential construction. For load pater continuity, consideration should be given to extending the timber piles to the roof level (in single-story buildings) or to the second level (in multi-level buildings). This provides additional stiffness to the structure that reduces undesirable deflection in the building, increases the ability of a building to resist lateral loads, and may reduce the need to cross- brace the piles.

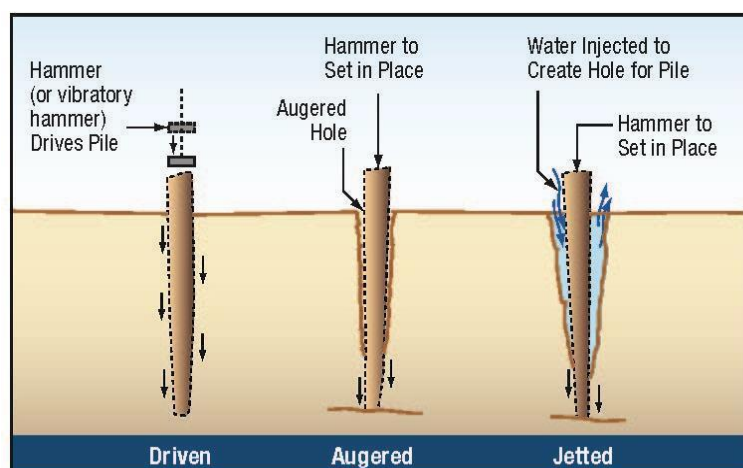
Crucial aspects of a pile foundation include pile size, installation method, embedment depth, bracing and connections to the elevated structure. Inadequate embedment and the use of improperly-sized piles greatly increase the probability of structural collapse. Piles are appropriate for use within all coastal zones when the bearing and lateral capacities are verified by a geotechnical engineer.

The method of installation is a major consideration in the structural integrity of pile foundations. The ideal option when not constructing of top of a dune or at the dune crest, is to use a driven-pile method, as it disturbs the supporting soil around the pile the least amount and results in the highest bearing capacity for each pile. Through this method, the pile is held in place with leads while a single-acting or double-acting diesel- or air-powered hammer drives the pile into the ground.

Driven piles may be set with vibratory hammers or with drop hammers, with drop hammers typically proving to be the less expensive choice. A drop hammer consists of a heavy weight raised by a cable (attached to a power-driven winch) which is then dropped onto the pile.

Jetting is the most frequently used method of inserting piles into sandy soil. Jetting involves forcing a high-pressure stream of water through a pipe that advances with the pile. The water creates a hole in the sand as the pile is driven until the required depth is reached. Unfortunately, jetting loosens the soil that will support the pile and the tip, resulting in a lower load capacity due to less frictional resistance, see *Figure 7.15*.

Figure 7.15: Pile Installation Methods



Pile installation methods.
(Source: FEMA 55)

If steel piles are employed, only the driven-pile method should be used. For any pile driving, the authority having jurisdiction, or the engineer-of-record may require that a driving log is maintained for each pile. The log will record the number of blows required per foot as driving progresses. This log is a key factor used to determine pile capacity.

Holes for piles may be excavated by an auger if cohesive soils with sufficient clay or silt content are present to prevent cave-in. Auguring can be used alone or in conjunction with pile driving. If the hole is 'full-sized', the pile is dropped in and the void backfilled. Alternatively, an undersized hole can be drilled, and a pile driven into it. When soil conditions are appropriate, the hole will stay open long enough to drop or drive in a pile. However, when constructing a building on top of a dune or at the dune crest, jetting is the pile is the recommended and preferred method to avoid the degradation of the dune due to the use of the heavy equipment required to drive a pile.

Wood Pile-to-Beam Connections- Wood piles are used in many coastal areas for open foundations. These piles are often notched to provide a bearing surface for a beam supporting the house above. When this method is used, the notch should not reduce the pile cross section more than 50 percent (such information is typically provided by a designer on the building plans). A larger pile notch than 50 percent will result in a reduced capacity to carry lateral loads at the connection. Also, for proper support of vertical loads, the beam should bear on the surface of the pile notch.

Post-disaster investigations have observed that the wood-pile-to-beam connection point has been a critical link. If there is a poor connection at the point where the top of the pile connects to the building itself, failure may occur. An engineer should design the connection between a wood pile and the elevated structure. This connection may require pile bracing on order to reduce a pile's unbraced length and maintain a strong connection. Engineers should consider the pile group, the connections, and the floor system (diaphragm) as an entire system. In order to eliminate pile and connection failures, it is important that the floor system and the pile group act as a complete system and not independently.

Pile Bracing-While foundation designs that are free of bracing are preferred, most foundation designs using timber piles rely upon bracing. When installed properly, bracing increases the stiffness of the pile group that (in some cases) may allow for wider spacing of piles beneath the building or smaller diameter piles to be used. The inclusion of bracing increases the axial capacity of a timber pile due to the reduction in unbraced length. Bracing also reduces lateral displacements of the building by stiffening the foundation.

In wood-framed construction, bracing typically involves diagonal cross-bracing. Diagonal cross-bracing consists of long, slender steel rods or dimensional lumber installed diagonally between adjacent piles. Knee braces are shorter members installed between piles and the beams they support. Knee braces extend from the upper portion of the pile to the beams and support the pile in such a manner that the unbraced length of the pile is effectively reduced while allowing the floor system to be elevated as high as possible. Due to the strength limitations inherent in wood framing, however, some of the proper connections required to transfer the loads are difficult to obtain with wood framing.

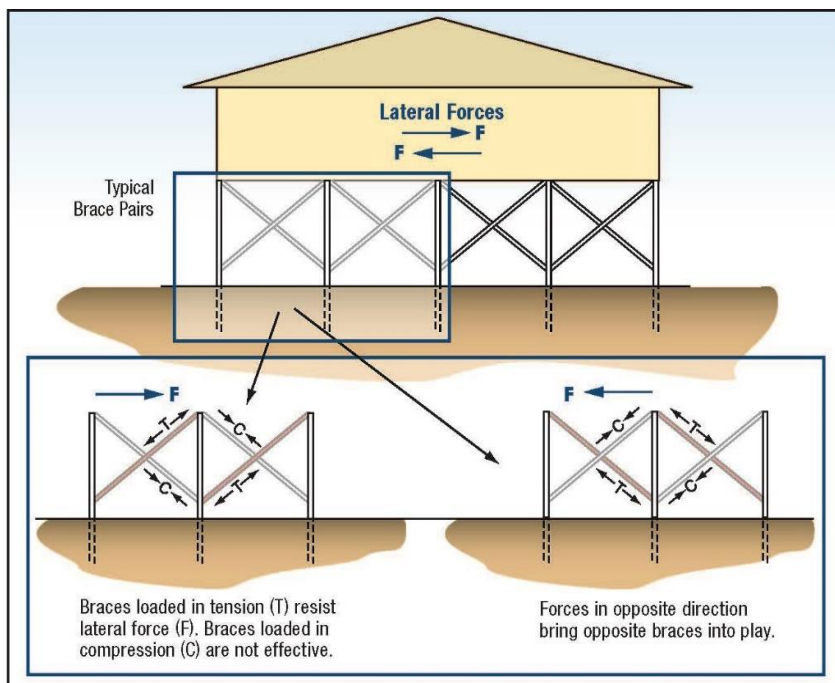
Diagonal cross-bracing is the most effective means of bracing a pile to reduce the unbraced pile length, but this method has vulnerabilities when used on coastal foundation applications, see *Figure 7.16*.

The braces themselves can obstruct moving floodwater and increase a foundation's exposure to impact from waves and debris. Knee-bracing is less vulnerable to flood loads and debris impact but may not provide as much stability and support as diagonal cross-bracing.

Because diagonal braces tend to be slender, these members are susceptible to compression failures; hence most bracing is considered tension-only bracing. Because wind loads and (to a lesser extent) flood loads can act in opposite directions, tension-only bracing must be installed in pairs. One set of braces resists load from one direction while the second set resists loads from the opposite direction. The figure below shows how tension-only bracing pairs resist lateral loads on a structure. The orientation of the bracing is an important design consideration and it is important that the bracing is constructed in a manner consistent with the plans. Bracing should be oriented parallel to the anticipated direction of the flow of water to reduce the potential for debris dams.

The placement of the bolted connection of the diagonal cross brace to the pile requires considerable judgment. If the connection is placed too high above grade, the pile length below the connection is not braced and the overall bracing will prove less strong and sturdy. If the connection is placed too close to grade, the bolt hole is more likely to be flooded or infested with termites. Because the

Figure 7.16: Pile Bracing Methods



Diagonal bracing schematic. (Source: FEMA 550)

bolt hole passes through the untreated part of the pile, flooding and subsequent decay or termite infestation may weaken the pile at a vulnerable location. The bolt hole should, therefore, be treated with a preservative after drilling and before bolt placement. Knots and other imperfections in the pile and bracing should also be considered when selecting the connection points.

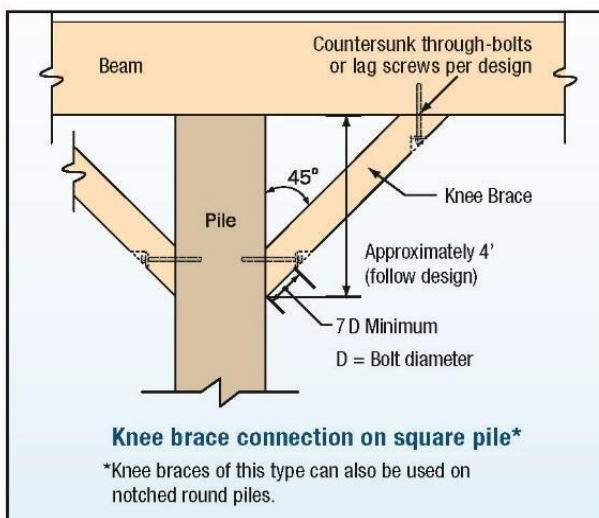
The use of knee braces involves installing short diagonal braces between the upper portions of the pilings and the floor system

of the elevated structure.

The braces increase the stiffness of an elevated pile foundation and can be effective at reducing the lateral forces on a home. While knee braces do not stiffen a foundation as much as diagonal bracing, they do offer some advantages over diagonal braces. For example, knee braces present less obstruction to waves and debris, are shorter than diagonal braces, and are usually designed for both tension and compression loads. Unlike diagonal braces, knee braces do not reduce bending stresses within the piles (in fact, knee braces can actually increase building stresses) and will not reduce the diameter of the piles required to resist lateral loads. The entire load path into and through the knee brace must be designed with sufficient capacity. The connections at each end of each knee brace must possess sufficient capacity to handle both tension and compression and

to resist vertical loads in the brace. The brace itself must have a sufficient cross-sectional area to resist compression and tensile loads, see Figure 7.17.

Figure 7.17: Knee Brace Connection



§7.10.6.3 SUGGESTED BEST MANAGEMENT DESIGN AND IMPLEMENTATION**SLOPE STABILIZATION**

Development in critical dune areas often requires slope stabilization to minimize impacts and avoid creation of erodible soils. The use of retaining walls for slope stability allows for increased elevations within a short distance; however the design and use must provide resistance to the lateral pressure of the soil. Additional wall support may be achieved through use of mechanical anchors.

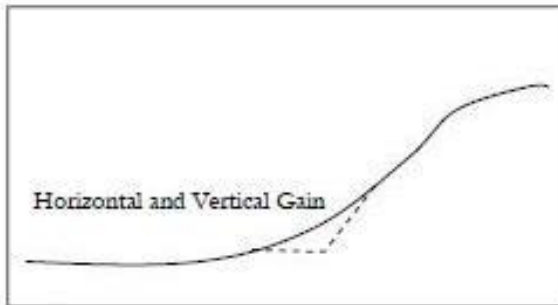


Figure 17A. Dry block. A mortarless stacking of blocks that utilize gravity to maintain vertical stacking and horizontal soil pressure. Stacking provides stabilization for low profiles and stable soils.

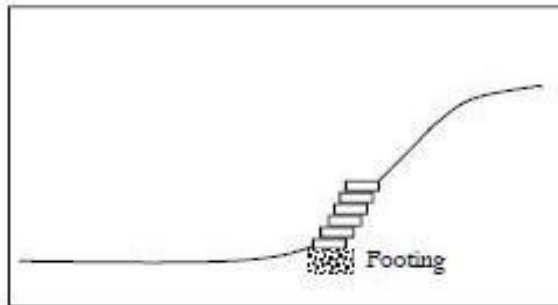


Figure 17B. Stacking of dry blocks requires successive stair stepping into the hillside to maintain integrity. Method allows for minimal slope cutting and is best utilized for stabilizing the "toe" of a slope.

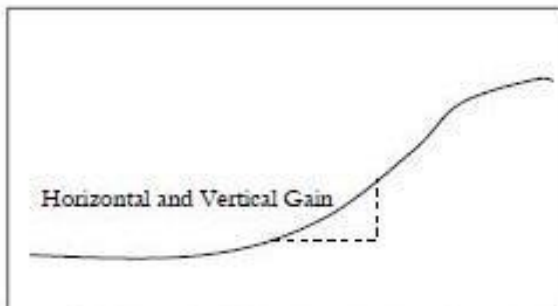


Figure 18A. Mortared Wall. A vertical construction of block, brick, or stone, utilizing mortar to bond materials together vertically and horizontally. Wall provides greater slope stability and increased height.

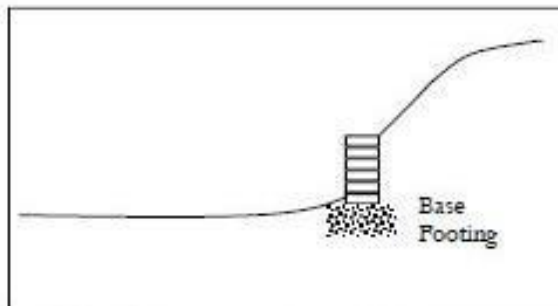


Figure 18B. Mortared walls require significant footings below grade to maintain vertical position. Additional support provided by anchoring into slope for increased height and use in unstable soils.

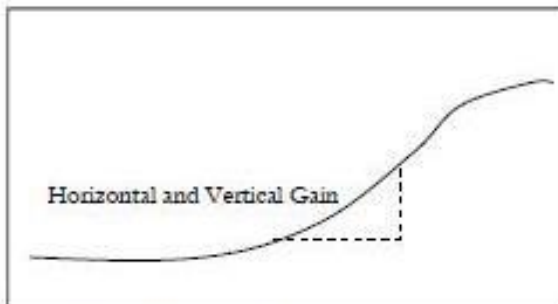


Figure 19A. Timber Wall. A vertical construction of wood lumber supported by vertical posting that acts as a cantilever to counteract horizontal soil pressure. Appropriate designs and soil stability may allow for increased height and slope removal.

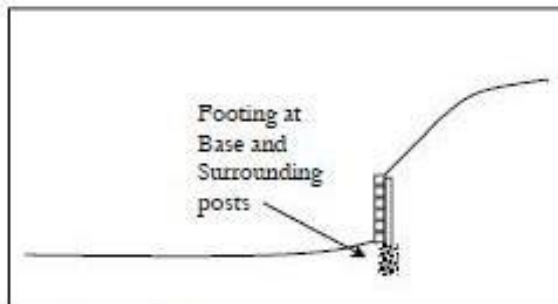


Figure 19B. Timber walls often constructed in board lumber can also utilize horizontal staking of posts (e.g., 6"X6" stock) and bound using timber spikes. Post staking utilizes slope anchors exclusively, whereas timber walls may include vertical posts and slope anchors for sufficient stability.

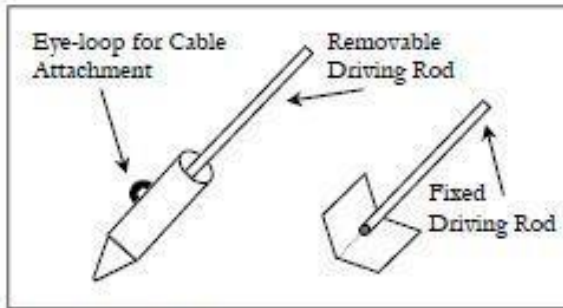


Figure 20A. Earth Anchor. A metal plate or cylindrical tube that pivots on an attached anchoring rod or cable. The loaded anchor planes sideways against undisturbed soil to provide holding strength.

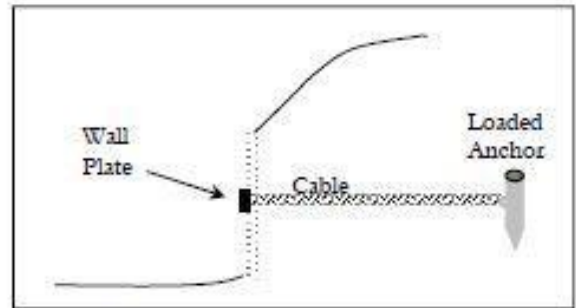


Figure 20B. An earth anchor is driven into the soil and once the driving rod is removed the anchoring rod/cable is pulled to pivot the anchor into a load-lock position.

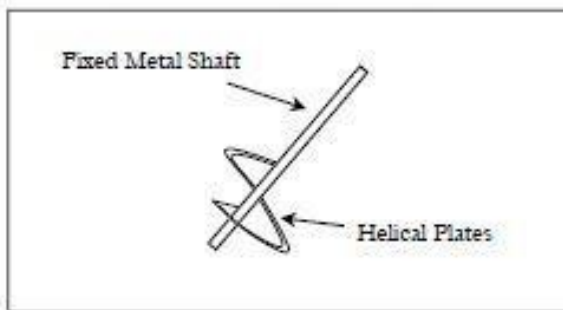


Figure 21A. Helical Anchor. A metal helical plate(s) attached to a metal shaft. Helical plates cut through soil sublayers with minimal surface disturbance.

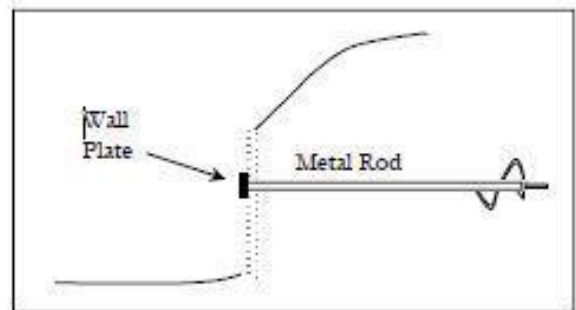


Figure 21B. A helical anchor is screwed into the soil to the appropriate depth and reverse tension is applied to set anchoring position.

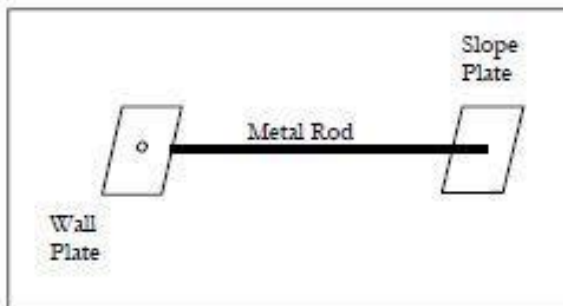


Figure 22A. Cross Plate Anchor. A double plate anchoring system connected by a metal rod. Rod is driven through undisturbed soils to connect plates.

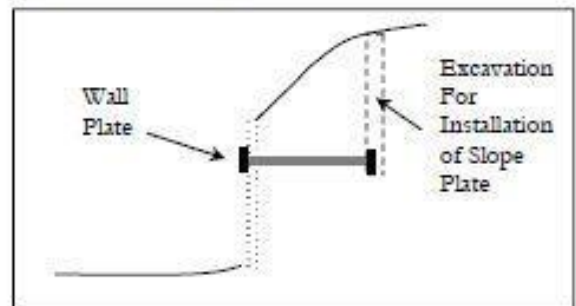


Figure 22B. Plate anchors require excavation of a vertical hole to connect soil plate to metal rod. Plate surface area proportional to holding strength.

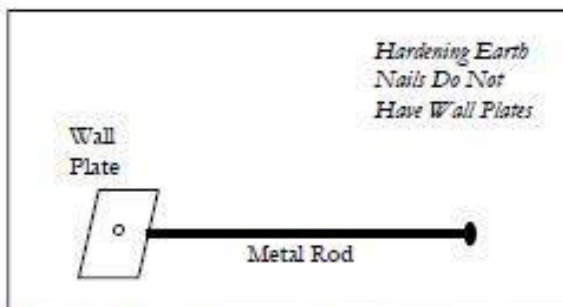


Figure 23A. Earth Nails. A series of metal pins or drilled holes filled with a hardening material to utilize soil resistance in stable undisturbed soils.

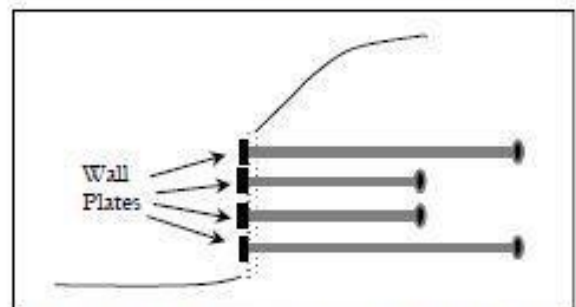


Figure 23B. Nails utilized in stable soils with sufficient soil resistance. Hardening materials may assist in bonding to soils.

SECTION 7.11 TREE PROTECTION REQUIREMENTS

Prior to any type of land development, a tree survey is required from the land owner that shall be reviewed and approved by the Town of Dauphin Island. The following requirements are enacted into law by the Town Council of the Town of Dauphin Island as Tree Ordinance No. 87B. The Tree Ordinance was created so tree removal activities can be properly managed due to the protection trees provide in stabilizing the structure and foundation of the barrier island. The Town must ensure proper development standards are followed and enforced in order to sustain the resiliency of the Island and protect property values. All applications for development must adhere to the requirements of the Town of Dauphin Island Tree Ordinance No. 87B. All site plans shall be reviewed and approved by the Town Building Official and Planning Commission before the issuance of a building permit to ensure the application complies with the requirements of the Town's Tree Ordinance.

SECTION 7.12 DESIGN GUIDELINES & BUILDING REQUIREMENTS IN ABOD

All new developments within the Aloe Bay Overlay District (ABOD) shall align with and include design elements suggested in the Town of Dauphin Island's *Aloe Bay Town Center Master Plan*. See map in Figure 4.4 of this Ordinance for the location of the ABOD where said requirements shall apply.

§ 7.12.1 PURPOSE & INTENT

The purpose and intent of the ABOD is to implement design guidelines and construction standards that will create a "town center" to bring the community together and illuminate the Town's unique civic identity that distinguishes the Island from any other. Dauphin Island is a quiet, laid-back, low-scale, funky town for fishing, vacations, and living. These elements define the sense of place that identifies Dauphin Island for what it is and this identity should be aesthetically evident when crossing the "bridge to paradise." Ensuring that proper and appropriate design and construction elements are achieved in the creation of Aloe Bay are essential to achieving the goals of the Aloe Bay project.

§ 7.12.2 USES & ACTIVITIES

Uses permitted in the ABOD include a diverse mix of land uses that support working waterfront activities, along with mixed-uses and public facilities to enhance economics, tourism, and resident opportunities for the Town of Dauphin Island. The overall goal of the ABOD is to provide public access to Dauphin Island's waterfront for all to enjoy and utilize for boating, fishing, shopping, dining, living, working, recreation, lodging, and the like.

§ 7.12.3 DESIGN GUIDELINES

All new developments along Le Moyne Drive and De Soto Avenue and within the ABOD where applicable, shall be required to provide active uses at street level to engage passersby. A second layer of activity is required on an elevated boardwalk at the finished floor height to

connect individual buildings together. This upper level of activity will provide access from one building to the next without having to walk up and down stairs each time to access adjacent buildings. This elevated level of activity shall require shade elements such as awnings, native trees and native landscape and shopfront windows.

All developments shall be reviewed and considered by the Planning Commission by applying the “Big Five Ideas” outlined in the *Aloe Bay Master Plan*. Any new development within the ABOD shall address and include urban design elements that are effective and appropriate for the ABOD. Such elements, at a minimum include, but are not limited to:

- Native and resilient vegetation and landscaping
- Lighting intensity and placement
- ABOD designed signage, lighting, and fencing
- Integration and connectivity into the Aloe Bay boardwalk system
- Public streetscapes to include sidewalks, natural edges, street furniture (benches, trash and recycling receptacles, bicycle racks, bollards, and native street trees
- Second level connectivity between adjacent developments on parcels

All new developments shall be required to create frontages both toward the water, and along De Soto Avenue and Lemoyne Drive. At the same time, buildings must be elevated from the street level to place them above the flood zone, per the Town Building Codes. Buildings shall utilize the ground level of elevated buildings by activating the space. This could include play areas for children, food trucks and /or carts, bars and music venues, kiosks for recreational equipment rental, or other similar uses consistent with suggestions from the *Aloe Bay Master Plan*. This ground level area can also be used to provide parking for the use. In order to make the ABOD a pedestrian-oriented district, it is important to ensure both frontages (the water and public streets) are designed using urban design elements specific and distinct to the island. Public space and water access is required for all developments to provide a place where people can enjoy views of the water and utilize waterfront activities and connectivity without interruption.

Other mandatory construction requirements include, but are not limited to:

- Sidewalks 10 feet wide or greater
- Native street trees and native landscaping
- Consistent street / site furnishings (benches, trash and recycling receptacles, bicycle racks, bollards, etc.)
- Functional and usable green/open space
- Parking provided on-street and under elevated buildings
- Pedestrian access for all low-scale modes of travel: walking, cycling, golf carts
- Public spaces mixed with privately owned or operated facilities
- Boardwalks, docking, and pavilions which all have public ownership and public-access.

Key, identifiable landmarks around the Town should also be implemented to create a sense of identity for locals. Streets must be designed for people, as a place to be. Access must be provided to the shops, waterfront businesses, and boat ramp. Parking must be provided for cars, bikes, and golf carts. To limit congestion and the need for excessive parking, safe and connected pathways must be provided for uninterrupted connectivity throughout the entire boundary of the ABOD.

Low Impact Development (LID), or green infrastructure, is a sustainable approach to stormwater management that utilizes landscape to retain stormwater on site and reduce runoff volumes through infiltration into underlying soils and evapotranspiration via plants to limit nuisance flooding and demand on drainage infrastructure. The goal of LID is to restore the stormwater flow pattern on a site to a state similar to the pre-development condition. Green infrastructure shall be an integral part of the overall stormwater management system in the ABOD due to its ability to filter, clean, and absorb stormwater runoff. The use of LID and green infrastructure methods is required for all new developments within the ABOD.

Green infrastructure can also be designed as an amenity with additional benefits for wildlife, recreation, and interaction with nature. The ecology and natural environment must be protected during and post construction process for new developments. Building techniques such as green infrastructure, obtaining local materials, and low environmental impact designs must be applied during construction to mitigate the negative influences on the natural environment.

§ 7.12.4 CONSTRUCTION STANDARDS

Buildings should be constructed with materials or have the appearance of materials that respects the community's character and remain true to its identity. At the same time, building codes and ordinances require finished floors to be elevated while the ground level must be able to withstand flooding. Care should be taken to create sturdy ground levels that provide an activate edge along the street, while upper habitable floors exhibit the charm of the fishing village for which Dauphin Island has been known.

§ 7.12.5 PROHIBITED USES

Prohibited uses includes any land use or activity that does not align with the goals and recommendations outlined in the Aloe Bay Master Plan. All developments are subject to the review and approval of the Town and Planning Commission.

SECTION 7.13 CONSTRUCTION CONTROL LINE (CCL) STANDARDS

The Construction Control Line (CCL) was surveyed and established by the Alabama Department of Environmental Management (ADEM). It is defined as the boundary line on the seaward side of Dauphin Island from the east end of the Island to the west end of the Island. No construction or excavation is allowed in the CCL boundary area as established by Administrative Rules of the

ADEM. The Municipality of Dauphin Island is a delegated entity with ADEM, and is therefore bound by ADEM's requirements and regulations for the Coastal Construction Line (CCL) Area. The Town of Dauphin Island has the responsibility in the municipality of Dauphin Island for ensuring the continuing quality of the CCL area.

§ 7.13.1 PURPOSE & INTENT OF THE CCL

The CCL was established to minimize danger to life, loss of public and private property, and beach erosion caused by flooding and wave action during storms. The primary dune System in its natural state, provides a buffer which protects upland areas from flooding and wave action, and serves as a sand reservoir that feeds and aids in the stabilization of the beach.

§ 7.13.2 LOCATION OF THE CCL BOUNDARY AREA

The CCL boundary area is located on the seaward side of Dauphin Island from the east end of the Island to the west end of the Island from the mean high tide line seaward. The Coastal Area is defined as the land area below the ten (10) foot contour interval, and extending three (3) miles from Mean High Tide into the Gulf of Mexico.

§ 7.13.3 REGULATIONS IN THE CCL

1. On the seaward side of Dauphin Island between the west end of the Island to the East Bastion of Fort Gaines, no structures shall be constructed between mean high tide and the construction control line.
2. No structures shall be constructed or erected between the West end of Dauphin Island and the East Bastion of Fort Gaines in the area between mean high tide and two hundred (200) feet south of mean high tide.
3. Any structure in existence in the area described in this sub-section on the effective date of the adoption of this Ordinance, shall constitute as a non-conforming structure and may remain without modification or extension.
 - If the structure is damaged or destroyed more than 50% of the physical structure, the remaining portion or parts of the structure shall be removed within a reasonable time as determined by the Town Building Inspector at the sole expense of the owner(s) of the structure. As used in this application, "damaged or destroyed more than 50% of the physical structure" shall mean 65% of the deck/walkway destroyed or damaged, or 35% of the deck/walkway and 35% of the piles destroyed or damaged.
 - Any repairs started prior to obtaining a building permit shall constitute a structure damaged or destroyed more than 50%.
 - This provision shall not apply to any structure owned and/or operated by a public or quasi-public body for use by the general public, and such structures

shall be deemed non-conforming structures and may be replaced or repaired after damage or destruction at the discretion of the public or quasi-public body which owns and/or operates the structure.

SECTION 7.14 SEAWALL REQUIREMENTS & REGULATIONS

No construction and/or placement of seawalls, retaining walls, and similar structures and/or devices including the placement of rip-rap and other armament is allowed on Gulf-fronting beaches and adjacent lands within the Town of Dauphin Island. Any new development must adhere to the requirements of Town of Dauphin Island Seawall Ordinance No. 106.

§ 7.14.1 PURPOSE & INTENT OF THE SEAWALL ORDINANCE

The purpose of the Seawall Ordinance is to protect the southern shore and adjacent lands of the Town of Dauphin Island.

§ 7.14.2 AREA AFFECTED BY SEAWALL ORDINANCE

Town of Dauphin Island Seawall Ordinance No. 106 applies to the land boundary located on the seaward/Gulf-fronting side of Dauphin Island between the East Bastion of Fort Gaines and the western tip of the island, see map in Ordinance 106.

ARTICLE 8

Supplemental Regulations & Special Provisions

§ 8.1	HOME OCCUPATIONS & HOME OFFICES
§ 8.2	NON-CONFORMING STANDARDS
§ 8.3	RV REGULATIONS & RV PARK STANDARDS
§ 8.4	AUTO REPAIR & GAS STATIONS
§ 8.5	TEMPORARY BUILDINGS, USES, AND PERMITS
§ 8.6	MANUFACTURED HOME STANDARDS
§ 8.7	TELE-COMMUNICATION TOWERS
§ 8.8	SHORT-TERM & LONG-TERM RENTALS
§ 8.9	SHIPPING CONTAINERS
§ 8.10	MULTI-FAMILY STYLE HOUSING REQUIREMENTS
§ 8.11	CHARTER REGULATIONS
§ 8.12	STATIONARY/FIXED FUEL STORAGE REQUIREMENTS



SECTION 8.1 HOME OCCUPATIONS & HOME OFFICES

- It is the purpose of this Section to provide residents of the Town of Dauphin Island a range of opportunities in the use of their private residences for profitable home occupation activities.
- Home Occupations and Home Offices are permitted in any zoning district where residential dwelling units are permitted; however, the character and integrity of the Island's residential areas must remain protected, and residents must not be disturbed or adversely impacted as a result of any activity related to the Home Occupation/Office. Therefore, these regulations are established to ensure that such Home Occupation/Office activities remain limited in scope and intensity so as not to interfere with the principal residential use of any residential area or neighborhood. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially-zoned property.
- A Home Occupation and/or Home Office License is required by the Town of Dauphin Island. A Home Office use is permitted as a "Use by Right" which means a Home Office license does not require the review and approval by the Dauphin Island Planning Commission. A Home Office License can be acquired administratively at Town Hall. A Home Occupation is permitted as a "Special Exception use". Due to the potentially intrusive nature a Home Occupation could create to the adjacent neighbors, a Home Occupation license cannot be issued until the application is reviewed by the Planning Commission. This review process applies to new applications only. Applications for renewals are processed administratively.

§ 8.1.1 DEFINITION

For the purposes of this Ordinance, the definition of a Home Occupation and Home Office shall be as follows:

Home Occupation. *A service, business, profession, occupation, or trade that is usually conducted full-time or part-time within a residential home by the resident(s) of the home for the economic gain or support of the resident(s) of the home. Where the Home Occupation License Holder receives clients and conducts business at the residence; where the Home Occupation use is incidental and secondary to the residential use of the lot, and where the use does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing) and does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation does not include any business that is clearly inappropriate or out of character for a residential area, or such that its location constitutes an adverse impact on neighboring residential properties. A Home Occupation License is required by the Town of Dauphin Island and issuance of the license requires Planning Commission review.*

Home Office. *A service, business, profession, occupation or trade where the business activity is not conducted in the residence, but rather off-site, and where the business owner does not receive clients at the residential home, and only maintains a home office in the residence for the purpose of general management activities of the business. A Home Office License is required by the Town of Dauphin Island.*

- **A Home Occupation: Receives clients** *and/or customers at the residence for the purposes of offering and supplying a service and/or involve the storage of materials related to the occupation such as recreational items to be rented. Any materials used for the operation of the home occupation must be completely screened from public view.*
- **A Home Office: Does not** *receive clients and/or customers at the residence or involve the storage of materials related to the occupation such as recreational items to be rented but maintains a home office within the residence for the purposes of all business-related activities necessary for the operation of the service and/or activity offered by the business. Any business-related services or activities involving the public and/or patrons of the business must be conducted off-site from the residence and are not, in any way, permitted on the premises.*

§ 8.1.2 GENERAL PROVISIONS

All Home Occupations and/or Home Offices shall meet the following criteria.

HOME OCCUPATIONS

- If at any time the approved and licensed Home Occupation changes, alters, exceeds, increases, or expands the approved and licensed Home Occupation

activity, or is causing a public nuisance or creating unsafe conditions of any kind, the Building Official will review the circumstances and may suspend or revoke the Home Occupation license.

- The Building Official or his/her designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved Home Occupation at any time to verify compliance with these regulations. Any found violations must be rectified within thirty (30) days, at which time a second inspection will be performed to ensure compliance with these regulations.
- No more than one (1) Home Occupation license be approved in any residential dwelling unit.
- Home Occupation Licenses are not transferrable from one property owner to another. Upon sale of property, the existing Home Occupation shall cease operation. New owners wishing to conduct the same or a different Home Occupation must apply for a new Home Occupation license. Likewise, if an existing license holder moves to a new location where the Home Occupation will be conducted, the license holder must notify the Town of Dauphin Island of the new address and appear before the Planning Commission for review and approval.
- Any Home-based businesses offering child or adult day- or nighttime-care services to more than six (6) persons shall not be considered a Home Occupation under this Section, but shall be regulated as a general business and shall not be permitted in any residential district.

HOME OCCUPATIONS & HOME OFFICES

- The issuance of a Town of Dauphin Island Business License does not preclude the requirement to comply with any State, Federal, or other regulations.
- A Home Occupation may have one (1) sign, not more than one and one-half (1.5) square feet in area fastened directly to the building.
- A Home Occupation shall not have any additional signs.
- A Home Office shall not have a sign.
- All applications for Home Office must include a signed disclaimer by the applicant stating their Home Office Business will NOT RECEIVE CLIENTS ON THE PREMISES.

§ 8.1.3 HOME OCCUPATION REGULATIONS

1. The area used for the Home Occupation activity shall not exceed twenty-five percent (25%) of the gross floor area in the principal residential dwelling unit, to a maximum of 500 square feet. For the purposes of this Section, “total floor area” shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.
2. There shall be no outside display materials, goods, supplies, or equipment used in the Home Occupation on the premises. Outside storage of materials, goods,

supplies or equipment must be completely screened from public view. Screening shall not extend beyond the front of the principal building.

3. No merchandise shall be sold or distributed to customers on the premises.
4. Not more than one (1) client/customer/patron is permitted on the premise at any time.
5. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its existing residential character or from the character of the neighborhood.
6. Employment shall be limited to not more than two (2) members of the family residing in the dwelling. In no case shall there be employment of help other than members of the resident family.
7. Signage is allowed to identify each Home Occupation and is limited to one (1) Home Occupation sign, which is defined by this Ordinance as a sign fastened directly to the building containing only profession/name of business, business hours and contact information. The size of the sign shall not exceed 12 by 18 inches.
8. No more than two (2) commercial vehicles shall be parked at the premises at any time. The required off-street parking shall be provided on the premises, as directed by the parking regulations of this Ordinance. No parking of commercial or residential vehicles, vessels, and/or trailers shall be permitted on the right-of-way or in the required front yard. All commercial vehicles must be located behind the front building setback line of the property. A parking plan must be included in the application.
9. The operation of a Home Occupation shall not create any visual, physical, or odorous nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
10. Deliveries and shipments of business related products or materials by means of tractor-trailers are prohibited.
11. The activity carried on as a Home Occupation shall be limited to the hours between 7:00 A.M. and 8:00 P.M.
12. On-site repair work, manufacturing and processing uses, including building, repairing or servicing vehicles, trailers, boats; or other repair or mechanical fabrication shall be prohibited as a Home Occupation.
13. The on-site rental, use, and pick-up of rental equipment and products of any type shall be prohibited as a Home Occupation. All rental equipment or products must be delivered to the renter to an off-site location that is located in a non-residential zoning district.

14. The following list of uses and/or activities are **NOT** considered suitable or permitted as a Home Occupation but require a business license from the Town and must be located in a non-residential zoning district where the business is permitted:

- Fishing Charter Services and other related Charter uses (*see Section 8.11*);
- Barber shop/Beauty Salon containing more than one (1) chair;
- Food handling, serving, processing, or packing;
- Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals;
- Dining uses;
- Retail uses;
- Repair services including but not limited to major auto and boat repair where repair services are performed on site;
- Lodging uses including boarding houses and Bed & Breakfasts; (these uses are not considered a Home Occupation but rather a commercial use and require business licenses)
- Uses and / or activities not specifically listed here shall be approved or prohibited by the Planning Commission upon review of a Home Occupation application.

§ 8.1.4 HOME OFFICE REGULATIONS

Examples of Home Office uses include, but not limited to:

- Reservation services
- internet businesses that do not impact the neighborhood
- bookkeeping, record keeping, telecommuting, and the like.

§ 8.1.4 5 APPLICATION PROCEDURES

1. Any person who seeks a Home Occupation/Office license must submit the required application and attachments to the Town of Dauphin Island. The application can be found on the Town's website at: www.townofdauphinisland.org.
2. A "*Home Office License*" can be acquired at Dauphin Island Town Hall. A "*Home Occupation License*" is first subject to the review and approval of the Dauphin Island Planning Commission before the issuance of a Home Occupation License. The Planning Commission shall review the application at their regularly scheduled monthly planning commission meeting. The application must be approved before payment will be accepted and a license can be issued by the Town.
3. A Home Office and/or Occupation is permitted in all zoning districts except for Conservation Park (CP). A Home Office is permitted *by Right*; however, a Home Occupation is permitted as a "*Use Requiring Planning Commission Review*". A Home Occupation license cannot be issued until the application is reviewed by the Planning Commission a public hearing in an effort to notify the adjacent neighbors

of the neighborhood business. **Note: the public hearing requirement does not apply to the Resort Commercial (RC) or Central Business (CB) zoning districts.*

4. Each applicant for Home Occupation/Office shall submit a deed or current tax record to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for Home Occupation/Office approval.
5. If an applicant fails to provide required documentation, or provides insufficient information to determine compliance with this Section, the application shall be denied.
6. A Home Occupation/Office license is valid for one (1) year. If the scope of work changes in any way during the duration of the approved license, the applicant must submit a new application for review and approval.

SECTION 8.2 NON-CONFORMITIES & GRANDFATHERING

It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures, lots of record, and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue, expand, or be modified; and the circumstances under which a legal nonconformity shall be terminated. It is necessary and consistent with the regulations prescribed by this Ordinance that nonconformities shall not be permitted to continue without restriction to ensure orderly development, property values, and property rights are protected and not subject to adverse effects.

It is the intent of this Ordinance that legal nonconformities be allowed to continue in accordance with the requirements of this Section, but not to be any of the following, which would result in an increase in the nonconformity:

1. INCREASED
2. EXPANDED
3. ENLARGED

It is also the intent of this Ordinance that any illegal nonconformity shall not be allowed to continue. Any building, structure, lot of record, or use that was not lawfully permitted shall be considered in violation of this Ordinance and will be subject to the fines and penalties set forth in this Ordinance.

§ 8.2.1 NON-CONFORMING DEFINED

Existing nonconformities are existing buildings, structures, lots, and land uses (activities that define how the land is being used), that were previously legally allowed and lawfully permitted prior to the adoption of this Ordinance, but are no longer in compliance with the provisions of the currently adopted zoning ordinance and subsequent amendments. Existing nonconformities do not conform to the current zoning regulations of the zoning district in which they are located.

A building structure, lot, or land use legally in existence at the time a new zoning ordinance is adopted, but does not comply with the new zoning ordinance is considered "legal nonconforming" and cannot be declared "illegal nonconforming" or in violation of the new ordinance. Legal nonconforming properties have rights and are allowed to continue on indefinitely with restrictions set forth in the ordinance. Nonconforming rights only apply to a building, structure, lot, or use as it lawfully existed at the time of the adoption of the new zoning ordinance or subsequent amendment(s.) The restrictions are as follows:

- The nonconformity may not be increased or expanded.
- The nonconforming portion of a structure may not be expanded,
- A nonconforming use may not be extended to other areas of the property.

§ 8.2.2 GENERAL PROVISIONS REGARDING NON-CONFORMITIES

Any building, structure, lot, or use of land existing at the time of the enactment of this Ordinance and amendments thereto and not in conformance with its use regulations and provisions may be continued subject to the following provisions:

- Disaster/Destruction- The rebuilding or renovating of any nonconforming structure or use that is destroyed in the event of a natural, man-made, or any other type of disaster shall be determined by the Town of Dauphin Island.
- Alterations- No nonconformity shall be enlarged upon, expanded, or extended unless such alteration is in full compliance with all requirements of this Ordinance, except as noted in this Article. Normal maintenance and incidental repair of nonconformity shall be permitted, provided that this does not violate any other section of the Article.
- Unsafe Structures- Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition if repairable, or demolition if determined to not be repairable.
- Maintenance- Nothing in this Article shall be interpreted to prohibit routine maintenance, restoration of a structure to a safe condition, and/or internal renovations, provided the total value of such activities does not exceed 50% of the appraised value of the structure as determined by the County Tax Assessor.
- Relocation- No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- Accessory Uses & Structures- Regardless of any other provision of this Article, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
- Change in use- A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.

- Discontinuance- A nonconforming use which became such upon the adoption of this Ordinance and which has been discontinued for a continuous period of one (1) year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.
- Adjacent land- The presence of a nonconforming use in a zoning district shall not be legal grounds for the granting of variances for other surrounding properties by the zoning board of adjustment.

§ 8.2.3 TERMS RELATED TO NON-CONFORMITIES

- **ILLEGAL NONCONFORMING**

Uses, buildings, structures, and lots that were illegally established and not lawfully permitted prior to the adoption of this Ordinance. Any illegal nonconformity shall remain illegal and be subject to penalties, remedies, and fines that are pursued and set forth in this Ordinance.

- **LEGAL CONFORMING**

A project meets all zoning district requirements including, but not limited to: use, area, setback, height, density, and parking according to the most recently adopted zoning ordinance, and has been legally established and/or permitted. A proposed use that is allowed and permitted in the zoning district in which the lot is located, the use, building, or structure may be expanded, increased in accordance with all other requirements, within the buildable area defined by this Ordinance, provided that a building permit has been issued and all local building codes have been met.

- **LEGAL NONCONFORMING**

Any land use activity or physical design of a building, structure, or lot of record that was legally established and/or permitted prior to the effective date of a new Ordinance, and was conforming to the zoning requirements of the previous Ordinance, but is currently not in full compliance with the regulations of the new Ordinance. Legal Nonconformities shall be permitted to continue indefinitely subject to the provisions of this Article.

The municipal code recognizes the following categories of legal nonconformities:

- ***Nonconforming buildings, structures, and/or development site.*** These are buildings and/or structures and/or development sites that were legal at the time they were established or constructed, but now do not fully comply with the standards of the new Ordinance because of their physical design concerning minimum yard setbacks, height or area limitations, and other requirements. A building or structure nonconforming only as to height, area, setbacks or coverage requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase the degree or nonconformity in any respect.

*****NOTE: Nonconforming Mobile Homes: If a nonconforming mobile home has to be removed in case of an emergency situation only (hurricane or flooding), said unit may be returned to its***

original location. Mobile homes removed for any other purpose shall not be re-established; and an existing mobile homes shall not be increased, enlarged, added on to, or replaced with a new unit.

- ***Nonconforming lots of record.*** Any legally recorded lot which at the time was recorded in full compliance of all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum lot area, width, depth, access, street frontage, or other requirements of the zoning ordinance.
- ***Nonconforming uses of land.*** These are activities and/or uses that are occurring on the land in which define how the land is currently being used, which were established and permitted prior to the adoption of this Ordinance.
- ***Nonconforming uses of buildings and structures.*** These are uses occurring inside a building and/or structure that were established prior to the adoption of this Ordinance.
- ***Nonconforming site features.*** This is a general category that covers all other nonconformities on the parcel to the parking, landscaping, signage or other requirements of the zoning ordinance.

§ 8.2.4 AUTHORITY TO CONTINUE AS A NON-CONFORMITY

Except as otherwise provided in this Article, any nonconforming lot, use, building or structure lawfully existing on the effective date of this Ordinance, or subsequent amendment thereto, may be continued so long as it remains otherwise lawful. A nonconforming building or structure and related use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

A. Nonconforming Developed Lot of Record

When the use occurring on the land complies with the requirements of the zoning district in which the use is located, but the lot has been developed in a manner that does not comply with the lot area, yard, and setback requirements at the time of adoption of this Ordinance, or any subsequent amendment, it shall be considered a nonconforming developed lot of record.

B. Nonconforming Vacant Lots of Record

When a vacant or undeveloped lot exists that does not consist of sufficient land to comply with the lot area, yard, and setback requirements at the time of adoption of this Ordinance or any subsequent amendment, it shall be considered a nonconforming vacant lot of record.

Subject to the provisions of this Article, a nonconforming vacant lot of record may be used for any principal use permitted in the zone in which the lot is located, provided other requirements of this Ordinance are met and the steps below are followed to obtain a variance from the Board of Adjustment.

- **Appeal to Build on Nonconforming Vacant Lot of Record**

A nonconforming vacant lot may be used as a building site for any use permitted in the zoning district in which the lot is located provided:

- a. Application is made to the Zoning Board of Adjustment for a variance from applicable requirements that cannot be met.

- b. An area variance for a nonconforming vacant lot of record shall conform to the yard and building setback and other requirements of the zoning district the lot is located in.
- c. No more than one principal use and building shall be allowed on a nonconforming vacant lot of record.

C. Nonconforming Lots, Buildings, and Structures

A lot, building, or structure nonconforming to the most recently adopted zoning ordinance as to height, area, setbacks, or lot coverage requirements of this Ordinance may be altered or extended, provided such alteration or extension does not increase, expand, or enlarge the degree of nonconformity in any respect. A nonconforming building or structure and related use shall not be enlarged, intensified, or altered in a manner that increases the nonconformity, but may be altered to decrease the nonconformity.

D. Nonconforming Uses of Buildings and Structures

When a building or structure and related uses exist at the time of adoption of this Ordinance, or any subsequent amendment, that does not comply with these regulations, that building or structure and related use shall be allowed to continue subject to the following conditions:

- The expansion shall be limited to within the existing building or structure.
- A nonconforming use shall not be expanded or relocated, in whole or part, to a non-contiguous part of a building or structure.
- All required on-site improvements, such as parking, loading and buffer areas shall be provided before the use is expanded within the building.

§ 8.2.5 TERMINATION/DISCONTINUANCE OF NON-CONFORMING STATUS

The following explains the circumstances under which a legal nonconformity shall be terminated, losing its legal nonconforming status and require coming in to compliance with the currently adopted zoning ordinance.

A. Discontinuance of Use Due to Derelict, Abandoned, and/or Idle Buildings/Structures

In the event that a building, structure, or premise occupied by a nonconforming use becomes and remains derelict, abandoned, or idle for a period of twelve (12) months, or the use has been discontinued for a period of twelve (12) months, the use shall thereafter conform to the use regulations of the district in which such building, structure, or premise is located, regardless of the intent of the owner or occupant, and regardless of the status of the building or structure. The nonconformity shall not be re-established if such building or structure and related use has been legally abandoned, or has been changed to, or replaced by a conforming use.

B. Destruction of Nonconforming Buildings & Structures and Related Uses (50% Rule)

- A building, structure, or mobile home which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the current fair market value of the building as determined by the Town Building Official, shall be allowed to be repaired and restored, provided it is in conformity with the regulations contained in this Ordinance. In this event, the nonconforming status and rights of the affected building or structure and related use shall be terminated and said building and structure and related use must comply with the regulations set forth in this Ordinance.
- If a building, structure, or mobile home is damaged by less than fifty (50) percent of the current fair market value, it may be repaired and used as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve (12) months of the time of such damage.

C. Modification of Nonconforming Site Features

A development site that is nonconforming by physical design (i.e., insufficient parking, landscaping, setbacks, etc.), may be utilized for any land use which is permitted in the zoning district in which it is located. However, any permits for new construction, additional floor area, or the replacement of any structure on the development site, shall be contingent upon bringing the entire site into conformity with all requirements of this Ordinance.

D. Relocation & Rebuilding of Nonconforming Buildings and/or Structures

If a use, building, or structure is rebuilt on the existing site or relocated to another location, the lot, use, building, or structure shall comply with all zoning and applicable development regulations after it is rebuilt or relocated.

§ 8.2.6 PROTECTION OF PREVIOUSLY APPROVED PLANS

Nothing in this Ordinance shall be interpreted as requiring a change in existing approved plans, construction, use, or occupancy of land, buildings or structures on which construction was lawfully begun, and legally permitted, and has been diligently continued prior to the adoption this Ordinance or any subsequent amendment that would make said plans, use, building, structure, or occupancy nonconforming.

- Construction shall mean the erection and fastening of building materials in a permanent manner in accordance with approved plans.
- Where demolition and removal of an existing building has begun in preparation for rebuilding, or where excavation has begun for building, construction shall be deemed to have begun provided the work is diligently continued and completed within the time required by the building permit. Construction may not have a lapse of progress of more than 6 months.
- The storage of building materials or location of a temporary office on a lot shall not be deemed as having begun construction.

§ 8.2.7 ENFORCEMENT OF NON-CONFORMITIES

1. The Building Official / Zoning Enforcement Officer shall conduct a survey of all nonconforming uses of land or structures at least two (2) times a year to determine where they exist and whether or not they have been discontinued.
2. The Building Official shall maintain an accurate and up-to-date record of all nonconforming uses, buildings, structures, and land and dates of their discontinuance.
3. The question as to whether a nonconforming use, building, structure, or lot exists shall be a question of fact. In case of doubt or challenge raised, the determination shall be made by the Building Official.

SECTION 8.3 RV REGULATIONS & RV PARK STANDARDS

In the event of an Island-wide evacuation, all RVs and other transient vehicles must be removed from the Island. If said unit is not removed, the owner shall be held responsible and liable for all damages and/or debris incurred due to failure to remove the unit.

§ 8.3.1 RECREATIONAL VEHICLE (RV) REGULATIONS

The following regulations shall apply to all Recreation Vehicles (RVs), Motorhomes, and Travel Trailers of any type.

1. No recreational vehicle (RV) shall be used as a permanent residential dwelling unit.
2. No RV, occupied or unoccupied, shall be allowed either temporarily or permanently on a vacant and/or undeveloped lot.
3. Recreational vehicles visiting occupied residential structures are permitted in all zoning districts for a period of time not to exceed fourteen (14) days with approval of the Town Building Inspection Department.
4. Any RV that will be occupied longer than fourteen (14) days must be located in a recreational vehicle park.
5. In the event of a natural, man-made, or any type of disaster, an RV may be used for habitation purposes for a maximum time period of one hundred eighty (180) days with Council review and approval. An extension may be granted based on Council review and approval.
6. Unoccupied recreational vehicles may be stored at an owner's residence or business provided it is located behind the front building setback line.
7. Stored RV's shall be in storage mode only and shall not be occupied. If stored at a business, the owner of the business must have a current business license on file with the Town.

§ 8.3.2 RV PARK REGULATIONS

The following regulations shall apply to all developments that provide for the accommodation of temporary, transient recreational vehicles, travel trailers, campers, and similar transient residential vehicles used for temporary human habitation purposes.

1. No recreational vehicle park shall be located without direct access to a major street, with a minimum lot width of forty (40) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
2. The minimum lot area for a recreational vehicle park shall be one (1) acre.
3. The use of spaces in recreational vehicle parks shall be limited to recreational vehicles, travel trailers, campers, and similar transient residential vehicles or tents used for temporary human habitation purposes only. Mobile homes are prohibited.
4. Users of the spaces shall meet all other applicable laws. An occupant of such space shall not remain in the same park for a period exceeding one hundred eighty (180) days. The occupant may not re-enter the RV Park until fourteen (14) days after departing.
5. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operations of a recreational vehicle park are permitted as accessory uses in any district in which RV parks are allowed, provided:
 - Where tent camping is permitted, minimum sanitary facilities shall include one (1) toilet, one (1) shower, and one (1) lavatory basin per twenty-five (25) tent sites in the park.
 - In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the County Health Department before a building permit shall be issued by the Building Official.
 - Such establishments must comply with all local, county, state, and federal regulations.
6. RV Park Space Standards:
 - Each RV space shall have an area of not less than 1,000 square feet and a width of not less than twenty-five (25) feet, and must be able to accommodate both the RV unit and the tow vehicle if applicable.
 - There shall be a minimum distance of ten (10) feet between each RV space.
 - Parking must be provided at a ratio of one and one half (1 ½) parking spaces for every one (1) RV space.
 - Each RV space shall provide service facilities which include at a minimum: water, sewer (or site dump station), and electricity.

SECTION 8.4 AUTO REPAIR & GAS STATION STANDARDS

Within the zoning districts where automobile repair garages and gas stations are permitted, the following requirements shall apply:

1. Location- The property on which an automobile repair and/or gas station is located shall not be within one hundred (100) feet of any residential district, residential lot, or any property containing a school, public playground, church, hospital, public library, institution for children, elderly or dependents.

2. **Site Requirements for gas stations-** gas station shall have a minimum frontage on the primary street of one hundred (100) feet and a minimum lot area of fifteen thousand (15,000) square feet. All buildings shall be setback forty (40) feet from all street right-of-way lines, fifty (50) feet for major arterials, and all canopies shall be setback fifteen (15) feet from all street right-of-way lines. Automobile repair and autobody repair uses are not permissible at gas stations.
3. **Site Requirements for auto repair garages**
 - All repairs shall be carried on within an enclosed building.
 - All permitted mechanical repair and/or autobody work, oil drainage pits and hydraulic lifts shall be located within an enclosed structure.
 - Such pits and lifts must comply with the Town's "well-head" protection Ordinance.
 - All storage of vehicles shall be properly screened from public view by means of a solid fence or wall not less than six (6) feet nor more than eight (8) feet in height plus a hedge or shrubbery screen shall be erected along all adjacent property lines facing any adjacent lot.
 - The storage of vehicles shall not exceed a period in excess of thirty (30) days.
4. **Access to Site-**
 - Vehicular entrances and/or exits at a gas station shall contain an access width along the curb line of the street not to exceed 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.
 - A maximum of two (2) driveways are allowed and shall be a distance of at least twenty (20) feet from each other.
 - Entrances and exits for vehicles to and from the site shall not be closer than twenty (20) feet to an intersection of street right-of-way lines.
5. **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 twenty (20) feet from the front lot line and a minimum of thirty (30) feet from any other lot line.
6. **Off-Street Parking-** A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay.
7. **Other Site Improvements-** In addition to the above requirements, the following additional site improvements shall be adhered to:
 - A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height plus a hedge or shrubbery screen shall be erected along all adjacent property lines facing any adjacent lot.

- Exterior lighting shall be arranged so that it is deflected away from adjacent properties and pointed downward.
 - 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.
 - All driving, parking storage, and service areas shall be properly paved and landscaped.
8. **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 state regulations.

SECTION 8.5 TEMPORARY BUILDINGS, USES, AND PERMITS

1. All Temporary buildings and/or structures require a Temporary Use Permit obtained through the Town's Building Department accompanied by an application fee.
2. The Temporary Use Permit for the temporary building and/or structure is valid for 180 days. If the temporary building and/or structure will be used for longer than 180 days, the property owner must apply for another Temporary Use Permit. A maximum of 360 days total shall be allowed.
3. All applications for a Temporary Use Permit must provide the following:
 - Physical address for the location of the temporary building or structure
 - Site plan showing where temporary building or structure will be located on the lot, setback requirements of the zoning district for the site, and any easements on the property
 - Letter of Authorization from the property owner giving permission for the temporary building or structure
 - Temporary building or structure shall not be located in any right-of-way without permission from Town Council. In the event that there is a threat of storm damage and / or flooding, the temporary building or structure must be properly secured or moved off the Island.
4. The Temporary Building and/or structure shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as otherwise provided by these regulations.
5. Termination of Use- occupancy or use of the Temporary Building and/or structure shall terminate with the expiration of permit, completion of construction, abandonment or revocation of the related use permit and thereafter shall be removed from subject property.
6. The following temporary uses shall be permitted as specified by these regulations:
 - Construction Support. 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.
 - Business Support. Construction office on or adjacent to any site on which a

- building or construction project is being diligently pursued for which a major use permit has been granted.
- Residential Support. A dwelling for temporary health care on a lot where a principal single family dwelling unit exist and is permitted subject to the requirements set forth in this Ordinance. To be used exclusively for temporary occupancy by either:
 - (a) providers of health services which are required by an occupant of the main dwelling, or
 - (b) relatives of an occupant of the principal dwelling unit who require physical care and/or supervision.
- Disaster Support. In the event of a natural man-made, or any type of disaster, an RV may be used for habitation purposes for a maximum time period of one hundred eighty (180) days with Council review, approval, and/or extension.

SECTION 8.6 MANUFACTURED HOME STANDARDS

Manufactured and modular homes are factory-built housing units. These types of housing units are permitted in the Town of Dauphin Island and must meet all wind code and building code requirements listed in the currently adopted building code, as well as the following requirements.

§ 8.6.1 MANUFACTURED HOMES AND MODULAR HOMES DEFINED

- Manufactured Home: A factory-built, pre-fabricated, residential structure that was manufactured off site and transported to the building site and assembled on a permanent foundation. Must be built to the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD Code. A Manufactured Home bears a RED HUD Seal affixed to the rear of each section of the home. For the purposes of this Ordinance, the term “Manufactured Home ” shall not have the same definition as a Single-Family Dwelling Unit. Manufactured homes are only permitted in the R-3 zoning district.
- Modular Home: A factory-built, transportable building consisting of units designed to be fully constructed and used for residential habitable purposes at a building site on a permanent foundation into a permanent structure according to local and state codes. A modular home is built to the most recently adopted Building Code. A modular home bears a seal of compliance with the regulations of the Alabama Manufacturing Housing Commission (International Building Code) Alabama Code 24-4A. The Insignia is placed on the electrical panel door of a residential modular home. For the purposes of this Ordinance, the term “Modular Home” have the same meaning as a

Single-Family dwelling unit.

§ 8.6.2 MANUFACTURED & MODULAR HOME REQUIREMENTS

1. Factory-built homes must meet all currently adopted wind and building codes of the Town of Dauphin Island.
2. Factory-built homes must meet HUD standards (U.S.C. 5401) and must have the HUD Stamp Certification permanently attached to the unit. No factory-built housing unit shall be installed, erected or permitted without meeting these requirements.
3. Factory-built homes shall be installed according to the current regulations of the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama.
4. Modular homes may be located within any residential zoning district. Manufactured homes may be located in any R-3 zoning district.
5. Factory-built homes are subject to all the requirements of the zoning district in which it is located and all other regulations of this Ordinance.
6. Applications for a manufactured home shall be reviewed for compliance with this Ordinance by the Planning Commission before a building permit can be issued.

§ 8.6.3 FACTORY-BUILT HOME BUILDING REQUIREMENTS

It is intended that factory-built homes shall have the outward appearance comparable to stick-built homes in the surrounding residential area.

The Planning Commission shall review all applications for factory-built homes. Approval is contingent upon the finding that the factory-built home is substantially similar in size, shape, width, roof pitch, eave overhangs, siding material, roof material, foundation enclosure and general aesthetic appearance to traditional stick-built homes in the surrounding residential area. The type of material and method used for underpinning shall be consistent to the underpinning for stick-built homes in adjacent or nearby locations.

SECTION 8.7 TELE-COMMUNICATION TOWERS (CELL TOWERS)

The 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 Town of Dauphin Island, Alabama and its police jurisdiction.

§ 8.7.1 **SPECIFIC PURPOSE AND INTENT**

- To regulate the location of towers and telecommunications facilities, including repeaters in the Town of Dauphin Island and its police jurisdiction;
- To protect nearby properties and land uses from potential adverse impacts of towers and telecommunications facilities;
- To minimize adverse visual impacts of towers and telecommunications facilities through careful site selection, design, landscaping and innovative camouflaging techniques;
- To promote and encourage shared use of colocation towers and Antenna Support Structures as a primary option, rather than construction of additional single-use towers;
- To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound;
- To facilitate the provision of wireless telecommunications services to the residents and businesses of the Town of Dauphin Island and its police jurisdiction in an orderly fashion.

§ 8.7.2 **ZONING REQUIREMENTS**

No individual shall build, erect or construct a cell tower upon any plot of land within the town limits of the Town of Dauphin Island, Alabama and its police jurisdiction, without first having the application reviewed by the Planning Commission of the Town of Dauphin Island in the manner provided in this Ordinance. Because towers are only permitted as a special exception, the application shall additionally be reviewed by the Board of Adjustment at a public hearing where action will be taken on the application. Approval may be granted by the Board of Adjustments in the following zoning districts only: Telecommunication towers shall be a prohibited use in all other zoning districts.

- Central Business (CB)
- Working Waterfront (WW)
- Conservation Park (CP)

Repeaters may be allowed in other zoning districts, upon any plot of land within the town limits of the Town of Dauphin Island, Alabama and its police jurisdiction provided an application has first been reviewed by the Planning Commission of the Town of Dauphin Island in the manner provided in this Ordinance. Because towers, facilities, and repeaters are only permitted as a special exception, the application shall additionally be reviewed by the Board of Adjustment at a public hearing where action will be taken on the application.

§ 8.7.3 **GENERAL PROVISIONS**

1. As a condition precedent to the construction, erection, modification or operation

of a tower, the tower owner is required to indemnify, and hold the Town whole and harmless, from and against all costs, liabilities, and claims for damages of any kind arising out of the construction, erection, modification, repair, presence or location of its Tower and telecommunications facilities, or arising out of any acts or omissions of the owner or the owner's agents, employees, engineers, contractors, subcontractors or invitees.

2. All property, equipment and telecommunications facilities kept, installed, located, stored or maintained in or upon property owned by the Town of Dauphin Island shall be so kept, installed located, stored or maintained at the owner's risk. The Town and its officers, employees and agents shall not be responsible for any loss or damage to equipment or facilities which might result from hurricanes, tornadoes, lightning, windstorms, hail, flying debris or other Acts of God.
3. A tower may be located in an approved zoning district on a lot containing other principal uses. The size of the approved lot for tower locations may be smaller than the minimum lot size of the applicable zoning district provided the lot on which it is located complies with the applicable minimal lot size or is a legal nonconforming lot. The area within which the telecommunications facilities are located shall be subject to all other requirements of this ordinance unless otherwise provided herein.
4. To encourage colocation and to minimize the number of telecommunication tower locations, such towers shall be evaluated as an accessory use special exception on or attached to any structure, including existing telecommunications towers, with Planning Commission and Board of Adjustment approval.
5. A temporary tower may be located on Town of Dauphin Island property at facilities provided by the Town of Dauphin Island to accommodate the tower for a period not to exceed 180 days. The owner of the temporary tower shall be subject to fees and agreements set forth by the Town of Dauphin Island.
6. The Town of Dauphin Island may authorize the use of Town property in appropriately zoned districts in accordance with applicable law; however, the Town of Dauphin Island shall have no obligation whatsoever to use Town property for such purposes.
7. No new tower shall be built, constructed erected, or operated in the Town of Dauphin Island and its police jurisdiction unless such tower is capable of supporting another operating telecommunication facility comparable in weight, size, and surface area to the applicant's final design. For the purposes of this paragraph, "applicant's final design" shall mean the telecommunications facilities on the applicant's tower within six (6) months of the completion of tower construction.
8. Towers shall be permitted to a height required to provide adequate service, not to exceed two hundred (200) feet. All towers must comply with all federal, state and local requirements, and must be built following the specifications listed in this

section under Structural Requirements.

9. No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards of ordinances adopted by the Town of Dauphin Island and in affect at the time and as may be amended from time to time, except during emergencies, or periodic routine maintenance which requires the use of a backup generator, where the noise standards may be temporarily exceeded.
10. All parcels upon which towers are located must provide porous access ways and at least one (1) parking space constructed of porous material.
11. The use of any portion of a tower for signs or advertising purposes, including company name, banners or streamers shall be strictly prohibited with the exception of: Emergency Contact Sign- The owner, phone number, and unique site identifier of antenna position, and tower height shall be inscribed on one (1) weatherproof sign, not larger than 6" x 24", and posted on the gate to the facility by each telecommunications company operating at that location.

§ 8.7.4 PERMITTING PROCESS

1. Copy all of this to main Zoning Ordinance provisions Application to appear before the Planning Commission must be submitted to the Town Building Inspector or Town Clerk, in writing, no less than 14 days prior to the next regularly scheduled monthly meeting of the Planning Commission. A Special Meeting may be called at the discretion of the Chairman of the Planning Commission, for a fee of \$500, but no earlier than 14 days after the application is received. The application must be accompanied by:
 - two (2) sets of full-sized drawings;
 - 11 sets of 11" x 17" drawings consisting of Site Plans (add site plan requirements, and trees) and Construction Plans. All drawings shall be to scale and show property lines, stamped, dated and signed by a professional engineer licensed by the State of Alabama. - The application shall include all other requirements set forth in this section. The applicant shall be required to meet all other requirements set forth in this Ordinance and shall be required to submit an official site plan which identifies all the required elements for site plan review.
 - The applicant must be the owner of the tower to be built, or an authorized representative, and must be present at the Planning Commission and Board of Adjustment meetings.
2. The Town Building Inspector may issue a permit to build, erect or construct a cell tower upon a plot of land within the town limits of the Town of Dauphin Island and its police jurisdiction, only after the application is reviewed by the Planning Commission of the Town of Dauphin Island and acted upon by the Board of

Adjustment. The building permit shall not be transferable and shall be issued only to the applicant.

3. The permit shall expire if the foundation work for the entire scope of the permitted project has not been completed within six (6) months of the date of issuance. Request for a one (1) time, six (6) month extension submitted in writing to the Town Building Inspector, prior to the expiration of the permit, and no less than 14 days prior to the next scheduled meeting of the Planning Commission, will be considered by the Planning Commission.

§ 8.7.5 APPLICATION REQUIREMENTS

All applications for a telecommunications tower shall provide the following to be considered a complete application. The Planning Commission will not review any incomplete application.

1. The name, address and telephone number of the property owner and, if applicable, lessee of the parcel of land upon which the tower is to be situated,
2. The written consent of the tower owner, documentation showing that all possible avenues for sharing space have been exhausted and an affidavit stating that space on the proposed tower will be made available to future users on a fair market basis.
3. Any modifications to the facility to accommodate the co-located antenna shall be borne by the co-locating telecommunications carrier.
4. The legal description, parcel identification number, key number and address of the parcel upon which the tower is situated;
5. The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a three thousand (3,000) foot radius of the proposed new tower site, including the Town of Dauphin Island owned property.
6. The applicant must demonstrate by provisions of an affidavit that the telecommunications antenna to be attached to the proposed telecommunications tower cannot be accommodated on those existing structures or an approved telecommunications tower site located within a three thousand (3,000) foot radius of the proposed telecommunications tower due to one (1) or more of the following reasons:
 - The telecommunications antenna would exceed the structural capacity of the existing structure or approved telecommunications tower;
 - The telecommunications antenna could cause radio frequency (RF) or other types of interference with telecommunication system planning or the use and operation of existing telecommunication, antennas located on the current structure or approved telecommunication tower site or;
 - The existing structure or approved telecommunication tower site does not have the telecommunication network capacity at the required height, or

- adequate space or area upon which to locate or operate the necessary equipment, or by which additional telecommunication antenna and equipment can be placed and operated effectively and reasonably;
- Other reasons, as determined by the Planning Commission, that make it impracticable to place the equipment planned by the applicant on existing and approved towers and other appropriate structures or the leased property;
7. Written documentation that the applicant:
 - Made diligent, but unsuccessful efforts for a minimum of forty-five (45) days prior to the submission of the application to install or co-locate the applicant's telecommunications facilities on towers or usable antenna support structures located within a three thousand (3,000) foot radius of the proposed tower site;
 - Provided written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or co-located on another tower or usable antenna support structure located within a three thousand (3,000) foot radius of the proposed tower site, and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications;
 8. Provides written, technical evidence from a professional engineer licensed in the State of Alabama that the proposed structure meets the standards set forth in "Structural Requirements," of this Article;
 9. Provides written technical evidence from a professional engineer licensed in the State of Alabama that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals within the site;
 10. Provides a map of the Town of Dauphin Island including its police jurisdiction and the first three thousand (3,000) feet of all bordering communities showing the design and location of the applicant's entire existing wireless telecommunications network. Said map shall also show the location of the proposed tower and antenna sites which are the subject of the application, their dimensions and specifications of the site;
 11. Provides certification from a professional engineer licensed in the State of Alabama documenting colocation capability of the applicant's telecommunications tower.
 12. Furnish copies and proof of notification of proposed location at a specific site to other telecommunications carriers with potential interest in colocation by "Certificate of Mailing" through the United States Postal Service. The notice shall disclose the identity of the applicant, the type tower, the exact location of the tower and an invitation to co-locate and if colocation is desired, to furnish the

applicant in writing with details of their needs, i.e., height, type of antenna, wave guide size and patent number, foot print for equipment; within thirty (30) days of receipt of the notice.

13. Provides written technical evidence from professionals that the telecommunication facility complies with applicable regulations of the Federal Aviation Administration and Federal Communication Commission.
14. Demonstrates that the telecommunication facility is designed and will be constructed to ensure that the structural failure or collapse of the facility will not create a safety hazard to adjoining properties or structures.
15. Provides a landscaping and screening plan showing how the applicant will comply with requirements in this Ordinance.

§ 8.7.6 SETBACK & HEIGHT REQUIREMENTS

§ 8.7.6.1 Setbacks. The parcel or leased parcel on which any tower and its associated equipment structures are to be constructed shall be of sufficient size to meet the setback requirements outlined in this Article. Measurement of tower height for the purpose of determining compliance with all requirements of this Article shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade. Setback requirements for all telecommunications towers shall be measured from the base of the tower to the property line of the parcel or leased parcel on which it is located. For corner lots, the "Front Setbacks" for the appropriate type of tower shall be used to determine the setback from both streets.

In the event the lot is not of sufficient size to meet the setback requirements, the owner may combine lots in order to create a lot large enough to accommodate the setback requirements.

The setbacks for such towers or their associated equipment structures shall be:

<i>Monopole Tower:</i>	Front:	30 Ft.	Sides: 5 Ft.	Rear: 5 Ft.
<i>Self-Supporting Tower:</i>	Front:	30 Ft.	Sides: 5 Ft.	Rear: 5 Ft.
<i>Guyed Tower:</i>	Front: Tower	100% of Height	Sides: 100% of Tower Height	Rear: 100% of Tower Height

§ 8.7.6.2 Height. Towers shall be permitted to a height required to provide adequate service, not to exceed two hundred (200) feet.

§ 8.7.7 **STRUCTURAL REQUIREMENTS**

All telecommunications towers or structures supporting telecommunications equipment shall require a building permit and any other permits normally required by the Town of Dauphin Island and must be designed and certified by a professional engineer licensed in the State of Alabama to be structurally sound and, at minimum, in conformance with the current Building Code as adopted by the Town of Dauphin Island, as may be amended from time to time, and any other standards outlined in this Article. Any structure serving the tower shall be designed to be reasonably compatible with the architecture and physical character of the surrounding neighborhood and also comply with the current building code.

- Towers must be located and equipped with step bolts and ladders to provide ready access for inspection purposes;
- Guyed wires or other tower accessories must not cross or encroach upon any street or other public place or over any electric power lines or trespass upon any other privately owned property without written consent of the owner;
- All towers must be constructed of approved corrosion resistant noncombustible material. The minimum type of construction for isolated radio towers must be Structure Class III (ANSI/TIA- 222-G).
- Towers must be designed to resist a minimum 150 mph, 3-second peak gust wind speed ASD in accordance with ASCE-05 published by the American Society of Civil Engineers, which may be amended from time to time. The proposed tower shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties;
- A Certified Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the colocation requirements of this Ordinance, wind loading and other structural standards contained in the current Building Code as adopted by the Town of Dauphin Island and the applicable technical codes established by the ANSI/EIA/TIA-222-G, plus revisions, "Structural Standards for Antenna Supporting Structures and Antennas". This shall apply to new and modified structures and facilities.
- Upon approval, owner(s) shall install and maintain telecommunications towers and associated equipment in a manner that fully complies with any and all federal, state and local regulations and standards to ensure public safety.
- All towers must be permanently and effectively grounded.

§ 8.7.8 **SEPARATION REQUIREMENTS**

All telecommunications towers shall be separated from any lot with a residential use by a minimum of one hundred (100) feet or a distance equal to one hundred (100%) percent of the height of the proposed tower, whichever is greater. Measurement of tower height for

the purpose of determining compliance with all requirements of this Article shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade.

Tower separation distances for the purpose of compliance with this Article shall be measured from the base of a tower to the closest point of residentially zoned and/or residentially used land;

The distance between the base of the tower and any building or structure which is a federally designated historical building or structure shall be equal to one hundred fifty (150%) percent of the height of the tower.

Reductions to the setback, separation requirements for monopole or self-supporting towers may be considered by the Board of Adjustments under the following circumstances:

- Tower is capable of colocation by more than one provider;
- Two (2) or more providers agree to collocate on the same tower;
- Camouflaging, sheathing, screening or landscaping techniques approved by the Planning Commission are incorporated into the design of the telecommunications tower;
- Full compliance with all setbacks would result in the removal of mature trees that would otherwise be saved by reducing the setback;
- The line of sight is obscured from primary vehicular and pedestrian movements on the adjacent properties by intervening buildings, trees, landscaping or other such screen;
- Compliance with the additional setback would prevent colocation;
- Increased buffering and mitigation techniques are introduced;

§ 8.7.9 LIGHTING, LANDSCAPING, AND SCREENING REQUIREMENTS

- Lighting: Tower illumination shall meet the minimum required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred (300%) percent of the height of the tower from the tower, and when required by federal law, dual mode lighting shall be requested from the FAA. All towers 75 feet or higher must be lighted regardless of FAA requirements.
- Landscaping: The tower site shall be screened on all sides that may be visible from said rights of way or property with landscape buffering consisting of tight evergreen hedge not less than three (3) feet in height which will reach six (6) feet in height at maturity and shall be one hundred (100%) percent opaque within one year of planting and located outside of the security fence, unless otherwise approved by

the Town of Dauphin Island Planning Commission. All landscape buffering must be maintained by the tower owner during the term of the tower site lease or the operation of the tower, whichever is longer. Existing trees shall be preserved to the maximum extent possible, and may be used as a substitute for, or in supplement towards meeting the landscaping requirements provided such substitution or supplementation provides effective screening. A land disturbance and/or tree removal permit shall be obtained prior to the removal of any trees for the purpose of constructing a tower. **Note:* The Town of Dauphin Island Planning Commission may require landscaping in excess of the aforementioned requirements in this Article, in order to enhance the compatibility with surrounding areas.

- Fencing: A security fence consisting of nine (9) gauge galvanized chain link fabric, eight (8) feet in height, measured from the finished grade of the site, with an additional three (3) strands of barbed wire facing outward, shall be installed around tower footprint including the tower structure itself, the base pad and any other telecommunications facilities or associated structures. Unless more stringent fencing regulations are required by FCC Regulations, the Town of Dauphin Island Planning Commission may require a minimum six (6) foot masonry wall or other decorative type fence measured from the finished grade of the tower site and further require that said fence be compatible with the area around the tower site. For purposes of identification of this Article, a finished masonry wall includes, but is not limited to stucco, brick or any other decorative cover or finish.
- Camouflage: All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to blend into the surrounding environment. At a minimum, all towers not requiring FAA designated marking shall have an exterior finish which is galvanized. At a minimum, all towers shall have an exterior finish that will blend in with the environment as detailed in the application and approved by the Planning Commission.

§ 8.7.10 ELECTROMAGNETIC RADIO FREQUENCY EMISSIONS

The Federal Telecommunications Act of 1996 (FTA) gives the FCC sole jurisdiction to regulate radio frequency (RF) emissions, and telecommunications towers which meet the current FCC standards shall not be conditioned or denied on the basis of RF impacts. In order to provide information to the citizens of Dauphin Island, copies of ongoing FCC information concerning telecommunications towers and facilities and radio frequency emission standards shall be made available. Applicants for tower sites shall be required to

provide information on the projected power density of the facility and how this meets the FCC standards.

§ 8.7.11 **TOWER MAINTENANCE**

The owner and/or lessee of any telecommunication tower and/or cell tower equipment and facilities installed on an existing tower are responsible to comply with the following maintenance standards for the duration of the existence of the tower. Failure to comply with these standards will result in the revocation of the owner's and/or lessee's business license to operate the cell tower.

- Tower owners shall at all times exercise ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public;
- 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, and in such manner that will not interfere with the use of other property;
- All tower sites, towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good order, repair and clean condition so that same shall not menace or endanger the life or property of any individual. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunications tower unless said equipment is being used for maintenance or repairs to the tower within thirty (30) days;
- In the event the use of a tower is discontinued by the tower owner and/or lessee, or if the tower owner ceases to operate the tower, the tower owner shall provide written notice to the Town of Dauphin Island of its intent to discontinue use or cease operations, and the date when the use shall discontinue;
- All abandoned or unused telecommunications facilities shall be removed by the owner/operator within twenty (20) days of the cessation of use, unless ownership and use thereof has been transferred to a third party. A tower shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days;
- Telecommunications towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempted from this provision by the Town of Dauphin Island Planning Commission; which may extend this time period or waive this requirement, if it is shown that the facility has not been abandoned;
- The use of any portion of a tower for signs or advertising purposes, including company name, banners or streamers shall be strictly prohibited with the

exception of: Emergency Contact Sign- The owner, phone number, and unique site identifier of antenna position shall be inscribed on one (1) sign, not larger than 6" x 24", and posted on the gate to the facility by each telecommunications company operating at that location and on file with the Dauphin Island Police Department.

§ 8.7.12 TELECOMMUNICATION FACILITIES ON ANTENNA SUPPORT STRUCTURES

Any telecommunications facilities, which are not attached to a tower, may be permitted as an accessory use to any previously approved antenna support structure regardless of the zoning restrictions applicable to the zoning district where the structure is located. The owner of said structure shall, by written certification to the Building Inspector of the Town of Dauphin Island, establish the following at the time plans are submitted for a building permit that:

- The telecommunications facilities shall not extend more than twenty (20) feet above the maximum height of the antenna support structure;
- The antenna support structure and telecommunications facilities comply with the current Building Code as adopted by the Town of Dauphin Island, and may be amended from time to time;
- Any telecommunications facilities and their apparatuses, located above the roof of an antenna support structure, are set back at least one (1) foot from the edge of the roof of the antenna support structure. However, this setback requirement shall not apply to the following:
 - a) Telecommunications facilities and their apparatuses, located above the roof of an antenna support structure if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the Town of Dauphin Island;
 - b) Camouflage antennas which are mounted to the exterior of antenna support structures below the roof, but which do not protrude more than twenty-four (24) inches from the side of such an antenna support structure;
- Requirements of this section only, **§ 8.7.12**, may be modified by Town of Dauphin Island Board of Adjustment (BOA) approval, upon written application to the Town Planning Commission and BOA.

§ 8.7.13 EXISTING TOWER MODIFICATIONS & REPLACEMENT

Any existing or approved telecommunications tower may be modified, replaced, demolished and rebuilt to accommodate the colocation of additional telecommunication facilities providing the following standards are met:

1. The tower must be located in a zoning district where cellular towers are permitted, which are Central Business (CB), Working Waterfront (WW), or an appropriate area of the Conservation Park (CP) district upon which such towers are a Special Exception as permitted by the Town of Dauphin Island Planning Commission. The

tower shall be a prohibited use in all other zoning districts.

2. No individual shall build, erect or construct a tower upon any plot of land within any aforementioned zoning district without written approval of the Town of Dauphin Island Planning Commission and Board of Adjustment and obtaining the necessary permits from the Town Building Inspector.
3. The height of such towers shall be subject to the provisions of this Ordinance.
4. A tower which is being built to accommodate the colocation of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this Article. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this Article, such setback requirements may be waived by the Planning Commission of the Town of Dauphin Island, to allow the tower to be rebuilt in its exact previous location, or within a twenty five (25) foot radius of the previous location per legal non-conforming protection status.
5. The primary local carrier site (Block 139, Lot 3) for current cell phone service is located in an R-1 zoning district. This site will be an exception to the above zoning restrictions. The nonconforming use of this lot expires if site is vacated or no longer in use for a period of 180 days, at which time all equipment and structures shall be removed from the site within twenty (20) days.
6. 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 will not create any threat to the public health, safety or welfare.

§ 8.7.14 **LEGAL STATUS, VIOLATIONS & PENALTIES**

- **Interpretation:** In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or easements, covenants or agreements, the provisions of this Ordinance shall control.
- **Relationship to Other Laws:** Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority including the Town, through legislation, ordinance, rule or regulation, the ordinance, regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall

govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection laws or regulations.

- **Separability and Validity:** Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections or provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance, but shall remain in full force and effect.
- **Violations and Penalties:** Any individual violating any provision of this Ordinance or any part thereof, upon notice by the Town of Dauphin Island Building Inspector or Enforcement Officer shall be fined not less than twenty-five dollars (\$25.00) or more than one-thousand dollars (\$1000.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

SECTION 8.8 SHORT-TERM & LONG-TERM RENTALS

Short and Long Term rentals are permitted in all zoning districts on Dauphin Island, with the exception of the Conservation Park (CP) and Central Business (CB) zoning districts. Short Term Rental Overlay Districts (STROD) and associated maps are established to provide a limit (cap) on the number of available Short-Term Rental licenses in historically full-time residential areas. All properties zoned R-1 and V will be included in one of the three overlay districts identified. This will limit STR density in highly residential areas based on real world conditions. Properties included in these overlay districts are identified in *Article 4* of this Ordinance.

The STRODs are divided into three (3) separate overlay districts due in part to the difference in the number of Short-Term Rental licensees permitted in each district.

- Short-Term Rental Overlay District 1 (STROD1)
- Short-Term Rental Overlay District 2 (STROD2)
- Short-Term Rental Overlay District 3 (STROD3)

The cap number will be determined initially, by the Town Council based on licenses issued, and will be reviewed on an on-going basis to determine if adjustments are needed. The overlay districts will encompass three areas of the Island. All condos, gated communities, and multi-family areas are excluded from any overlay district. The three districts are mapped separately because they have different historic residential and rental densities. Properties included in these districts are identified in the maps in *Article 4* of this Ordinance.

It is the desire of Town officials to offer property owners on Dauphin Island the option of using their properties for temporary lodging purposes, if so desired, providing all applicable regulations are met. It is equally important to Town officials that the quality of life of residents, property owners, and guests of Dauphin Island is not disrupted due to the creation of temporary lodging accommodations in the residential neighborhoods of the Island.

§ 8.8.1 PURPOSE AND INTENT

It is the purpose and intent of this section of this Ordinance to protect the residents and their quality of life and property values and to implement rationally based, reasonably tailored regulations to ensure the integrity and residential atmosphere of the neighborhoods are protected; to allow homeowners the opportunity to use their property for temporary and seasonal accommodations to transient guests; and to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of rental units.

The purpose of the Short-Term Overlay Districts is to limit short-term rental densities in highly residential use areas based on real world conditions, and to manage minimum lodging stays and parking standards due to the environmental dynamics of the West End, see *Article 4, Section 4.11.7 of this Ordinance*.

§ 8.8.2 LICENSE REQUIRED

A Dauphin Island Rental Business License is required. Every dwelling unit used for any period of time as a lodging or residential rental shall be required to have a Rental Business License.

No person and /or property owner shall rent, lease, or otherwise exchange for compensation all or any portion of his/her dwelling unit as rental without first obtaining a business license from the Town of Dauphin Island and complying with the regulations contained in this section.

The new or renewed business license must be obtained on an annual basis prior to January 31 to remain current and compliant.

Note: Rental units of 180 continuous days or longer are not required to pay lodging tax, however a Rental Business License is required.

The following items are required at time of Rental Business License application:

- Rental Business License application <https://www4.citizenserve.com/dauphinisland>
- Application for review
- Proof of ownership (copy of deed or property tax statement)
- Agreement or contract to act as agent (If Applicable)
- Acknowledgement of Short-Term Rental Compliance Program

§ 8.8.3 Short-Term Rental Compliance Program

A Short-Term Rental (STR) Compliance Program is being implemented by the Town of Dauphin Island for the purpose of ensuring that the quality of life of residents of Dauphin Island is not disrupted due to the creation of temporary lodging accommodations in the residential neighborhoods of the Island.

There shall be no additional fees other than a Rental Business License, required for inclusion of any dwelling unit in the STR Compliance Program.

The STR Compliance Program will facilitate the timely and accurate collection of lodging tax revenue while providing additional flexibility and methods for lodging tax payment. This program will also provide for rental activity monitoring, a 24-hour hotline for complaints, and comprehensive management of STR activity on Dauphin Island.

§ 8.8.3.1 Requirements of the STR Compliance Program

The following items are required for each Short-Term Rental application:

1. The name and address of the owner(s) of record of the dwelling unit for which the license is sought. Proof of ownership required.
2. The address of the property or dwelling unit to be used as a rental;
3. The name, address, telephone number, and email address of the rental management / operating entity if different than the owner.
4. The name, phone number, and email for a local point of contact that is available at all times.
5. The owner's signed acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements.
6. A building floor plan showing all bedrooms with dimensions.

7. A parking plan showing the number of parking spaces on the property or, if located on the court streets of the west end, the maximum number of vehicles allowed to park on side streets. All STR's are permitted a maximum number of vehicles based on the maximum occupancy of adults divided by two. (see *Article 4, Section 4.11.7*, for additional rules regarding parking).
8. The owner's signed acknowledgement that he or she shall require a mandatory minimum stay applicable to the overlay district in which the STR is located each time the STR is rented and/or leased for compensation.
9. Signed acknowledgement that the property manager has received the safety checklist and agreement to complete the safety inspection.
10. An example rental agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
 - The occupant(s)' agreement to abide by the Dauphin Island "Good Neighbor Policy".
 - The occupant(s)' acknowledgement and agreement that violation of the agreement of this section may result in immediate termination of the agreement and eviction from the short or long-term rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the Town.

§ 8.8.4 Local Contact Responsibilities

The owner of a Short-Term rental shall designate a rental agent or local point of contact in the STR Compliance Program. The duties and responsibilities of the Local Point of Contact are to:

1. Appear on the premises of any short or long-term rental unit within two hours maximum following notification from the Town and / or it's representatives of issues related to the use or occupancy of the premises and resolve the issue. This includes, but is not limited to, notification that occupants of the short or long-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the Town of Dauphin Island Ordinances or other applicable laws pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two (2) or more complaints per property regarding violations may be grounds for penalties as set forth in this section;
2. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
3. Monitor the rental unit for compliance with this section.

§ 8.8.5 ITEMS REQUIRED FOR RENTALS

All Rental units must be properly maintained and regularly inspected by the owner and/or agent to ensure continued compliance with applicable zoning, building, health and life safety code provisions.

The following information must be posted inside every short-term rental:

1. IN CASE OF EMERGENCY DIAL 911

2. The name, telephone number and email address of the local contact;
3. The maximum occupancy of the unit. Note* Every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof (+2 children age 12 & under);
4. The maximum number of vehicles that may be parked at the unit or on side streets as permitted for properties on the court streets located south of Bienville and west of Sehay Street based on the formula of maximum adult occupancy divided by two.
5. Fire & Police phone numbers (non-emergency)
6. The Dauphin Island "Good Neighbor Policy"
7. Trash collection times and return of empty cans
8. Rip Current Information

§ 8.8.6 SAFETY INSPECTIONS REQUIRED FOR SHORT AND LONG-TERM RENTALS

Safety Inspection Policy located at <https://www.townofdauphinisland.org/rentallicenses>

§ 8.8.7 SUSPENSION AND / OR REVOCATION OF LICENSE

A dwelling unit licensed for short or long term rental and any multi-family structure that contains a short or long term rental shall at all times be maintained in a condition conforming to the requirements of the then-current International Property Maintenance Code, the then-current existing building code, and the then-current International Fire Code (herein after referred to as the Condition Codes).

(1) Immediate Hazard Conditions

If at any time the building official or his authorized agent identifies the existence of a condition in a dwelling unit licensed for short or long term rental or in a multi-family structure that contains a dwelling unit licensed for short or long term rental that violates a requirement of any of the Condition Codes and that is immediately dangerous to the health or safety of the occupants, passersby, occupants in other dwelling units or nearby properties, the building official or his agent shall issue an order suspending the license of each dwelling unit affected by the violation. The suspension shall be delivered to the local contact for the dwelling unit. Upon issuance of a suspension order, the licensee shall cause each such dwelling unit to be immediately vacated and shall discontinue the rental of each such dwelling unit until the condition of the violation has been remedied to the satisfaction of the building official and the building official has issued an order rescinding the order of suspension.

(2) Conditions not Posing an Immediate Hazard

If at any time the building official or his authorized agent identifies the existence of a condition in a dwelling unit licensed for short or long term rental or in a multi-family structure that contains a dwelling unit licensed for short or long term rental that violates a requirement of any of the Condition Codes but that is not considered immediately dangerous to the health or safety of the occupants, passersby, occupants in other dwelling units or nearby properties, the building official or his agent shall deliver a citation to the local contact for the dwelling unit requiring cure of the condition of the violation within twenty-one (21) days from the date of citation. The licensee shall cause the condition of

violation to be remedied within such period and shall schedule a reinspection of the dwelling unit by the building official to occur within thirty (30) days from the date of citation. Upon failure of the licensee to document to the building official or his authorized agent the remedy of the condition of violation within such thirty-day period, the building official or his authorized agent shall issue an order suspending the license issued with respect to each dwelling unit affected by the violation. The suspension order shall be delivered to the designated local contact for the dwelling unit. Upon issuance of the suspension order, the license shall cause each such dwelling unit to be immediately vacated and shall discontinue the rental of each such dwelling until the condition of violation has been remedied to the satisfaction of the building official and the building official has issued an order rescinding the order of suspension.

(3) Appeal of Citation, Suspension Order, or Refusal to Issue Order of Rescission

Any person aggrieved by the issuance of a suspension order, or refusal to issue an order of rescission by the building official may appeal such action or refusal to act by the building official in writing to the Town Council for review at its next scheduled date or at a special hearing if called for the purpose of such review.

§ 8.8.8 COMPLIANCE & PENALTIES FOR SHORT OR LONG-TERM RENTALS

1. To ensure the continued application of the intent and purpose of this Ordinance, the Town of Dauphin Island shall notify the owner of a short or long-term rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short or long-term rental unit agent results in a citation for a code violation or other legal infraction as identified in section 8.8.5, #2.
2. The Town of Dauphin Island Building Official shall maintain for each short-term or long-term rental a record of all warnings, citations, code violation charges, and/or convictions occurring at or relating to a short or long term rental unit.
3. If a short or long-term rental unit owner has been cited and found to be in violation of any zoning, building, health, or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short or long-term rental license.
4. Violations of this Ordinance are subject to the following fines, including zoning violations which may be combined with any other legal remedy available to the Town and may be in addition to any related municipal offense tickets and / or court fees
 - First Warning (in writing)
 - 2nd Violation Event / Date -- \$250.00 Fine and / or imprisonment
 - 3rd Violation Event / Date -- \$500.00 Fine and / or imprisonment
 - 4th Violation Event / Date within any 12-month period -- \$500.00 Fine and / or imprisonment, mandatory court appearance and loss of license for one calendar year
5. Any person aggrieved by a Town Official's decision to revoke, suspend, or deny a short or long-term rental license may appeal the decision to the Town Council. The appeal must be filed with the Town of Dauphin Island in writing, within thirty (30) calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal.

§ 8.8.9 SHORT-TERM RENTAL TAXES

Short-term rental unit owners are subject to State lodging tax, County lodging tax, and Town

lodging taxes including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state and county law and the Town Ordinance. The Town may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

§ 8.8.10 SHORT-TERM RENTAL OVERLAY DISTRICTS REGULATIONS

The following regulations and procedures apply to the Short-Term Rental Overlay District 1 (STROD1) and Short-Term Rental Overlay District 2 (STROD2).

§ 8.8.10.1 Licensing Procedure

The current number of Short-Term Rental (STR) licenses within STROD1 and STROD2 are calculated from license data and mapped by Town Staff. The number of allowed STR Licenses (cap) allowed per district will be determined by the council based on market conditions on the following criteria: To preserve the quality of life of full-time residents and promote a safe environment for residents and visitors, improve the market availability of sustainable long-term rentals, and support the viability of STR's by matching demand with the availability of STR units. Other factors will include the availability of lodging in commercial and multifamily areas as well as impacts to economic sustainability and budgetary considerations.

Maximum license caps are set as follows for the respective Short-Term Rental overlay districts.

Initial license cap numbers are as follows:

Short-Term Rental Overlay District 1 (STROD1): maximum 90 licenses

Short-Term Rental Overlay District 2 (STROD2): maximum 70 licenses

Short-Term Rental Overlay District 3 (STROD3): No maximum

Example 1 (Cap exceeded)

In STROD1, the current number of licensed STRs is:	94
The rental license cap in STROD1 is:	90
Available Licenses	(0)
Waiting list:	3

In this example, 5 licenses must stop being active* before the first license on the waiting list can be issued.

Example 2 (Cap not met)

In STROD1, the current number of licensed STRs is:	85
The rental license cap in STROD1 is:	90
Available Licenses	5
Waiting list:	3

In this example, there are 5 available licenses. The three applications on the waiting list will be filled and two more will be available.

If there are more legally licensed STRs than the declared cap, the excess licensed STRs will be allowed to operate. As STR units leave the program (by attrition, sale, or removal from the program for non-compliance), new rental licenses will not be issued in that district until the total number of licenses falls below the cap currently in effect.

A “waiting list” will be generated and maintained by the Building Department as license requests are received in excess of the allowed number of licenses per district. Available licenses will be issued to waiting list participants in the order that completed applications are received.

The initial cap numbers will be set as part of the Ordinance. If the number of allowed rentals is to be changed, it will require a public hearing. The Council will make a review of the program on an on-going basis and, if deemed appropriate, set the new number prior to the license renewal period. The council could also choose to reopen the issue at any time and modify the cap number per district.

§ 8.8.10.2 Parking

The maximum number of vehicles permitted at any Short-Term Rental shall be based on the formula of one (1) parking space for every two adult occupants 18 years and older. In STROD3, due in part to the sensitive nature of the environment in this area and changing conditions caused by wind and wave action, special parking allowances are provided. Specific parking allowance standards are set as follows for the respective STR Overlay Districts.

- STROD1: maximum of one (1) parking space for every two adult occupants 18 years and older;
- STROD2: maximum of one (1) parking space for every two adult occupants 18 years and older;
- STROD3: parcels located south of Bienville Boulevard, with addresses on the “court streets”, all located west of Sam Houston Street (St. Denis Court thru Ponce de Leon Court), will be allowed to park along the adjacent court street (parking permit required) as space is available and not to exceed the maximum parking number of spaces allowed for STRs (maximum of one (1) parking space for every two adult occupants 18 years and older). Parking is prohibited along Bienville Boulevard.

§ 8.8.10.3 Minimum Stays

A minimum consecutive stay shall apply to all Short-Term Rentals in the STRODs.

Required minimum nightly stays are set as follows for the respective STR Overlay Districts.

- STROD1: required minimum three (3) night consecutive stay;
- STROD2: required minimum three (3) night consecutive stay;
- STROD3: required minimum two (2) night consecutive stay.

Active STR License:

*NOTE: A license will be deemed “inactive” if it is surrendered or if no realistic rental activity is documented within a 6-month period as determined by the Building Official.

SECTION 8.9 SHIPPING/STORAGE CONTAINERS (CARGO CONTAINERS)

§ 8.9.1 DEFINITION

A metal shipping container, also referred to as a cargo container, is any metal box-like container transported by truck or trailer to a designated location for the purpose of loading, unloading, and storage contents. Such containers are intended for the temporary or long-term storage of goods on commercial properties. For the purposes of this Ordinance, such containers shall be referred to as shipping containers.

§ 8.9.2 PERMITTED USES

Shipping containers are permitted in the Town's corporate limits in the Central Business (CB) and Working Waterfront (WW) zoning districts, as an accessory use only and as a use requiring review, and are subject to the following regulations:

- Shipping Containers are not permitted in any zoning district other than WW & CB.
- Non-residential lots:

These regulations apply to all shipping containers located in any non-residential zoning district or placed on any lot with a non-residential use.

1. Shipping containers may be used for temporary or long-term uses when located on a lot where a principal use exists. They must be located behind the principal structure on the lot. They are not allowed in the front or side yard areas.
2. They are prohibited on vacant and/or undeveloped lots.
3. The number and location of shipping containers shall be allowed determined by the site plan review of the Building Inspection Department.
4. The lot must be large enough to accommodate the principal structure and the shipping container.
5. Any request to place a shipping container on any lot within the Town of Dauphin Island must present an application including a site plan to the Building Inspection Department for review and approval before a permit can be issued.
6. All shipping containers must be located and anchored in a manner approved by the Town of Dauphin Island Building Official.

**NOTE: In the event of a disaster, these types of containers may be allowed based on the review and approval of Town Council on an as needed basis.*

SECTION 8.10 MULTI-FAMILY STYLE HOUSING REQUIREMENTS

Multi-family housing, because of increased densities, often generates large, bulky buildings and large parking areas. This type of development can be incompatible with surrounding uses. If these developments are not properly designed the large buildings and parking areas can dominate the site and leave only small remnants of open space that does not adequately provide for proper storm water drainage as well as the recreational needs of the residents.

§ 8.10.1 MULTI-FAMILY HOUSING REQUIREMENTS

Within the zoning districts that permit apartments, townhouses and condominiums the following requirements shall apply:

- **Location:** Multi-family residential sites shall be consistent with the Town's Comprehensive Master Plan and shall only be permitted where multi-family residential land uses are indicated on the adopted land use map in the plan.
- **Density:** No more than thirty-five (35) percent of the lot area shall be occupied with buildings. No more than eight (8) continuous apartments, townhomes or condominiums per floor shall be built in a row with approximately the same front line.
- **Yards:** A minimum side yard between buildings to be determined by the Fire Chief to ensure the development meets the currently adopted Fire Code. Front, Rear, Waterside, and Side yard requirements corner lots shall be determined by the Planning Commission.
- **Parking:** Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts. Parking areas visible from the public street rights-of-way and adjacent properties shall be screened from view with landscape elements, low profile walls or berms, or other types of visual barriers and screens. To such extent as practicable, off-street parking facilities shall be located 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 one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
- **Ingress & Egress:** Traffic lanes within a development are typically adjacent to the public right-of-way and receive traffic from the public road via ingress and egress to the site. They support the circulation of traffic throughout the interior of a development, enabling the traffic to flow throughout the site. Parking aisle driveways provide direct access to parking spaces on either side or both sides of the drive via an extended driveway. All ingress and egress points that access the development from the public right-of-way shall be a minimum of twenty (20) feet if a one-way drive, or forty (40) feet if a two-way drive.
- **Interior Connectivity & Driving Aisles:** Properly designed parking lot access provides for safe and efficient movement of vehicles into and out of the parking lot. Entrances should be located on major streets, align with interior traffic lanes and/or parking aisles, and should direct inbound traffic toward the destination. Exits should be located away from the destination point and discharge vehicles onto lower volume adjacent side streets if possible. Ingress

and egress to a property must be a minimum of twenty (20) feet in width if one-way access is provided, or a minimum of twenty-four (24) feet in width if two-way access is provided.

- **Landscaping:** Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or structure. Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics. See *Article 6: Parking, Lighting, and Landscaping* for additional requirements. Other requirements are as follows:
 - i. Adequate landscape screens shall be provided along the perimeter of all multi-family developments. Where multi-family developments are located adjacent to single-family residential districts or uses (R-1), a dense landscape screen shall be provided as determined by the Planning Commission.
 - ii. On perimeter streets, sidewalk and streetscape plantings shall be provided. These screens shall include street trees and landscaping where necessary to screen parking and other areas.
 - iii. Dense landscaping and/or architectural elements shall be provided to screen unattractive views and features, such as outdoor storage areas, trash enclosures, mechanical equipment and other similar equipment.
 - iv. Exterior storage of boats and/or recreational vehicles and trailers shall be fully enclosed or sufficiently screened when visible from public street or adjacent properties.
- **Open Space:** The open space provided in multi-family residential developments shall address both active and passive outdoor open space uses. Open space shall be designed to enhance the overall appearance and compatibility of the development. Include sufficient open spaces in the form of squares, greens and parks. A minimum of 10% of open space shall be provided in all multi-family developments. Storm water retention areas are not included in this open space requirement, unless it is properly designed and considered “usable” open space, see *Article 2: Definition of Terms*.
- **Utilities:** All utility lines including electric, telephone, gas and cable television lines shall be placed underground in each development. Wall-mounted or ground-mounted utility equipment such as transformers, electric and gas meters, electrical panels, junction boxes and transformers shall be screened by walls, berms, fences and/or landscaping.
- **Accessory Structures and Elements:** Multi-family developments with 50 or more dwelling units shall provide a recreation facility and/or swimming pool. The design of accessory structures and elements shall be consistent with the predominate architectural theme of

the residential buildings with regard to roof pitch, exterior materials and colors. Accessory structures and amenities, such as community rooms, recreation facilities, swimming pools, mail rooms/kiosks, laundry rooms, garages and carports shall be centrally located and easily accessible by residents.

- **Trash Receptacles:** Trash and garbage storage areas shall be located convenient to all residents. These enclosures shall be sufficient to accommodate both waste disposal and recycling containers. Trash and garbage storage areas shall be enclosed by solid, durable and attractive walls with solid screen doors. The materials shall be similar in color to the residential buildings. These enclosures shall be screened with appropriate landscaping. They shall be situated to minimize views from public streets and to avoid impacting adjoining properties.
- **Lighting:** All exterior lighting shall be architecturally integrated with the building style, materials, and colors. Parking areas, entry drives, and pedestrian walks shall be illuminated to allow for proper vehicular movements and promote pedestrian safety and security. All lights shall be pedestrian in scale and spaced for proper energy efficiency. This lighting shall be inward directed and not impact adjacent properties. See *Article 6: Parking, Lighting, and Landscaping*. The use of building lights to illuminate parking areas is prohibited.
- All multi-family developments shall be in compliance with applicable Town ordinances and/or health department regulations for public or private water and sanitary sewer systems.

SECTION 8.11 CHARTER REGULATIONS

All applications for all charters (fishing, boating, sight-seeing, etc.) shall be reviewed and approved by the Planning Commission before a business license is issued. No “Charter” service activity is allowed in a residential zoning district. All conveyance and transportation logistics of all patrons participating in any charter service must be organized and arranged in a non-residential zoning district. Under no circumstances are charter patrons allowed to assemble, park, and board a vessel in a residential zoning district. Parking for Charter patrons must be fulfilled at a location which permits parking lots. Documentation of this parking agreement is required before a business licensee for a Charter service is issued.

§ 8.11.1 DEFINITION

A “CHARTER” is defined as: the reservation of a vessel, vehicle, aircraft, or other type of public transport for private use.

§ 8.11.2 CHARTER LICENSE REQUIREMENTS

A Business License is required for all Charters. All Charter license applications require the following additional documentation.

- A copy of the operator license issued by the State of Alabama or US Coast Guard.
- A copy of the current boater, vehicle, aircraft, etc. registration.
- A copy of parking agreement and/or plan with designated-entity/property owner.
- If fishing charter, a copy of the State or NMFS charter boat license.

SECTION 8.12 STATIONARY/FIXED ABOVE-GROUND FUEL STORAGE REQUIREMENTS

All stationary/fixed, above-ground fuel storage tanks shall conform to the following regulations in residential zoning districts or properties used for residential purposes:

- Fuel must be stored in certified, properly anchored and constructed containers.
- Certified and properly anchored propane tanks are excluded from these regulations.

ARTICLE 9

Sign Regulations

- § 9.1 INTENT & PURPOSE
 - § 9.2 GENERAL PROVISIONS
 - § 9.3 SIGN DEFINITIONS
 - § 9.4 GENERAL REQUIREMENTS
 - § 9.5 PROHIBITED & ILLEGAL SIGNS
 - § 9.6 EXEMPT SIGNS
 - § 9.7 TEMPORARY SIGNS
 - § 9.8 REGULATIONS FOR INCIDENTAL SIGNS
 - § 9.9 COMMERCIAL SIGNS
 - § 9.10 ADMINISTRATION
 - § 9.11 APPLICATION PROCEDURE
 - § 9.12 NONCONFORMING SIGNS
 - § 9.13 SIGN PERMIT FEES
-



SECTION 9.1 INTENT & PURPOSE

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

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

SECTION 9.2 GENERAL PROVISIONS

Excluding grandfathered signs, no new sign, other than an official sign, an officially approved directional sign, or signs approved by the Town Council are allowed in town right-of-way or shall project into a public right-of-way, or shall be attached to private property placed in a public right-of-way, except as expressly provided in this Ordinance.

- A. No sign of any kind shall be erected, displayed, maintained or altered in the town unless it is in compliance with this Ordinance.

- B. Signs are Accessory Uses Only: Signs shall be permitted only as accessory uses to buildings or structures being used as the principal use and located on the same property, with the exception of construction signs for property under development and real estate sign.
- C. Permit Required: It shall be unlawful for any person to erect, display, alter or relocate any sign unless such sign is in compliance with this Ordinance, and a permit for such sign has been issued by the Building Official, and the permit fee required by this Ordinance has been paid, except for any sign for which a permit is not required under this Ordinance. The signs that do not require a permit are listed in the EXEMPT SIGNS section of this Article.
- D. Compliance Review Required: The Building Official shall not issue a sign permit until satisfactory completion of the review process as required under this Ordinance.
- E. Maintenance: The owner of any sign shall maintain same, in good repair, in a safe manner and in a permitted location, together with all sign supports, braces, anchors and messages, all in accordance with this Ordinance. Vegetation around signs shall be trimmed appropriately and landscaping maintained for the duration of the sign's existence.
- F. Required Signs: The street address (building number) of each of the premises in the town shall be displayed, as per Town Ordinance, in a legible manner in a location visible from the public rights-of-way. Per 911 requirements, the street address or building number shall be displayed facing and/or along the front lot line, see definition of front lot line in *Article 2: Definition of Terms*. On corner lots that have a front and side lot line, the front lot line shall be determined as the longer of the two lines.

SECTION 9.3 **SIGN DEFINITIONS**

A list of all sign definitions and related terms is provided in this Ordinance in *Article 2: Definition of Terms*.

SECTION 9.4 **GENERAL REQUIREMENTS**

- A. Building Code: All signs must comply with the building code and all other applicable codes and Ordinances of the town;
- B. Electrical Code: Any sign that may require electrical wiring or connections shall comply with the electrical code and all other applicable codes and Ordinances of the town. All electrical devices used in signs must be "UL Listed".
- C. Sign Height: No freestanding/ground sign or feather flag shall exceed sixteen (16) feet in height at the top of the sign and the bottom of a sign may not exceed twelve (12) feet above ground, measured from the average elevation of the nearest road centerline. Air dancers may not exceed twenty (20) feet in height and must set back a distance of six (6) feet from right-of-way.
- D. Obstruction to Passage: No sign shall be erected, displayed or maintained so as to obstruct or interfere with any fire escape, any required exit way, window, door opening or any other means of egress, or of any opening required for ventilation required by the building code and all other provisions of the Town Code.
- E. Signs in Public Rights-of-Way: No sign, other than an official sign and officially approved directional signs, shall be placed in public rights-of-way or shall project into a public right-of-way, or shall be attached to private property placed in a public right-of-way, except as

expressly provided in this Ordinance. Any sign so placed or located, except in conformance with this Ordinance, shall be confiscated and destroyed. In addition to other remedies, the Town shall have the right to recover from the owner of such sign or the person placing such sign the full costs of removal and disposal of such sign.

- F. Illumination, Lighting and Glare: Signs may be illuminated through the use of direct or indirect illumination, backlighting, internal illumination, neon tube illumination or a combination of the aforementioned. Neon must comply with the Town's Building Code and the neon tube may not extend more than eight (8) inches from any side or face. Any device that illuminates a sign shall be placed and shielded so that the light shall not cause direct glare into the windows of any adjacent property or be cast into the eyes of passing motorist. A flashing sign contains a sequential flashing light source where the period of time of illumination is generally equal to the period of non-illumination, and is used solely to attract attention in a non-informative way. There must be a minimum five (5) second period for each change of color, message or lighting for all illuminated signs. No illuminated sign is permitted in a residential zoning district.

SECTION 9.5 PROHIBITED & ILLEGAL SIGNS

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

- A. Any sign visible from a public right-of-way that simulates or imitates in color, lettering, content or design any traffic sign or signal; or that makes use of words, symbols or characters in a manner which is likely to interfere with, mislead or confuse pedestrians or motorists; or otherwise presents or implies the need or requirement of stopping, caution, the existence of danger, or which for any reason could be confused with any sign displayed or authorized by public authority.
- B. Any sign, pennant or device raised into the sky and held in place with ropes or wire, except for flags as defined and listed in the Regulations for Incidental Signs section of this Ordinance.
- C. Any sign containing or consisting of any flashing, pulsating or otherwise animated light or component that does not meet the five (5) second minimum period as noted in Section 4 Requirements Applicable to All Signs; excluding signs owned and managed by any governmental entity and digital signs as defined in the Definitions and the Regulations for General Business Signs of this Ordinance.
- D. Any sign at any street intersection that would obstruct free and clear vision of motorists, or that would obstruct or interfere with a motorist's view of any traffic signal or sign.
- E. Any sign painted on, or attached to, a utility pole or fence or similar structure, or painted on or attached to a tree, rock or other natural feature.
- F. Any sign erected, painted, enlarged or structurally altered in violation of any provision of this Ordinance.
- G. Any sign determined by the Building Official to be dangerous because it is not securely affixed to the ground, or otherwise affixed in a safe, secure and permanent manner to a building or other approved supporting structure.
- H. Any sign that has deteriorated or been damaged to such extent that the cost of

- reconstruction or restoration is deemed by the Building Official to be in excess of fifty (50) percent of its present value, exclusive of foundations.
- I. Any sign identifying a business or other use no longer occupying the premises upon which it is displayed.
 - J. Off-premise sign advertising goods or services not provided by the sign owner.
 - K. Bench signs.
 - L. Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals as determined by the Town Building Official.
 - M. Portable signs on wheels or as part of a boat or vehicle.
 - N. Murals containing lettering, logos or advertising.
 - O. Snipe, bandit or lawn signs with the exception of political signs which must follow the guidelines listed in the Regulations for Temporary Signs section of this Ordinance.
 - P. Signs that emit or create noise of any kind.
 - Q. No sign, other than official or directional governmental signs, shall be placed in the Town rights-of-way from the intersection of the centerlines of Le Moyne Drive and Bienville Boulevard to: (1) East to Key Street, (2) North to Cadillac Avenue, (3) West to Lackland Street, and (4) South of Bienville Boulevard from Key to Lackland Streets. In this Ordinance, this area shall be known as The 'T'. No variance may be given for sign(s) in The 'T' except for Sandwich/Sidewalk signs of businesses located within The 'T' and as defined and regulated in this Ordinance. Sandwich/Sidewalk signs placed in the 'T' must be set back a minimum of fifty (50) feet from the tips of the median on which they are placed and may not be placed south of Bienville Boulevard from Key to Lackland Streets.

SECTION 9.6 SIGNS EXEMPT FROM SIGN PERMIT FEES

The following signs are exempt from paying a sign permit fee, but shall be required to obtain a sign permit from the Town of Dauphin Island. A sign application is required for any of the following signs, and the applicant shall be responsible for the requirements of this Article and shall be held responsible for all the sign regulations that apply as well as all other provisions of the Town Code. All sign applications shall be approved by the Planning Commission.

- Required (Street address or building number)
- Temporary
- Church
- Dauphin Island Sea Lab
- The Alabama Aquarium at Dauphin Island Sea Lab
- Dauphin Island Bird Sanctuaries
- Public schools
- Incidental (excluding Sandwich signs that require a one-time application fee)

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

SECTION 9.7 TEMPORARY SIGNS

A temporary sign is defined as: Sign not permanently and rigidly affixed to the ground or a building. See additional sign definitions in *Article 2: Definition of Terms* of this Ordinance.

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

- A. Banner: Each new business may have one temporary banner, placed as a facade sign or a window sign in accord with all other applicable requirements of this Ordinance, for a period of not more than 45 days or until a permanent sign is installed, whichever time period is shorter. Otherwise, only as authorized by the Town Council.
- B. Community Event Signs & Banners: Only as authorized by the Town Council or Building Official to advertise a non-commercial event and for a period of not more than fourteen (14) days. Only one (1) on-premise banner and one (1) banner placed on Town's 'banner board' are allowed per event, and must be removed within twenty-four (24) hours of the events conclusion.
- C. Community Event Signs & Banners: Only as authorized by the Town Council or Building Inspector/Zoning Official to advertise a non-commercial event. Sign size is limited to two (2) feet by two (2) feet and will be allowed for a period of not more than thirty (30) days prior to the event. These may be placed on town rights-of-way except in The 'T' but must be removed within twenty-four (24) hours of the event's conclusion.
- D. Construction Sign: Only on development sites for which a building permit has been issued. For individual residential lots, not to exceed one sign, display area not to exceed six (6) square feet and height not to exceed three (3) feet above the ground, measured from the average elevation of the nearest road centerline. For all commercial lots, not to exceed one sign, the aggregate display area not to exceed thirty-two (32) square feet and height not to exceed eight (8) feet above the ground, measured from the average elevation of the nearest road centerline. Removal of all construction signs shall be required prior to issuance of a Certificate of Occupancy. All building permits shall include these conditions.
- E. Hazard Sign: Shall be removed immediately when the hazard no longer exists.
- F. Political Sign: All political signs may be displayed (as described below) only after a candidate has fully registered and/or qualified to run for office, not to exceed forty-five (45) days prior to the election in which they are a candidate. Political signs shall not exceed two (2) sides with three (3) square feet per side. A maximum of one (1) sign per candidate per lot may be placed on private property in all zoning Districts and shall not be placed within public rights-of-way, publicly owned sites, public authority sites, and publicly-leased sites. Signs shall not be attached to utility poles, trees, benches, fences, awnings, nor attached to any town, county, state or federal marker, directional or informational sign unless specified otherwise in this Ordinance. Political signs shall be removed within

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

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

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

SECTION 9.8 INCIDENTAL SIGNS

An incidental sign is defined as: a sign, other than an official sign, containing no commercial message, providing only information or direction for the convenience and necessity of the public, see *Article 2: Definition of Terms*.

- A. It shall be unlawful to erect, display or permit the display of, or maintain any incidental sign unless such sign is expressly permitted by this Ordinance, subject to all of the limitations and provisions stated herein and a permit has been issued. Should an incidental sign exceed the permitted display area, it shall be considered a general business sign and shall be subject to every requirement of this Ordinance governing such signs. Permitted incidental signs are limited to the following types and conditions:
- B. Air Dancers: Each property on which a business or businesses are located within commercially zoned districts are allowed one (1) air dancer, not to exceed twenty (20) feet in height. Air dancers must be located on the business property, not on the Town right-of-way; and are only allowed to be used during normal business hours, and in no case from the hours of 10:00 p.m. to 6:00 a.m.
- C. Bulletin Board, commercial and noncommercial: Not to exceed one (1) single or double faced sign per premises, display area not to exceed thirty-two (32) square feet per side and height not to exceed eight (8) feet above the ground directly below the bulletin board.
- D. Gasoline Service / Station Price Sign: Height of sign shall not exceed sixteen (16) feet in height at the top of the sign and the bottom of a sign may not exceed twelve (12) feet above ground, measured from the average elevation of the nearest road centerline. Shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building. Not to exceed one per service station. The sign may be single faced or double faced and may not exceed more than thirty-two (32) square feet per face exclusive of frame. Sign frame may not exceed thirty (30) square feet.
- E. Official Flag or Official Sign: Any official governmental, traffic, directional, regulatory or informational sign or flag placed by a duly authorized public official, or notice issued by any

court officer or order, or officer in performance of a public duty; an official historical marker; any sign or flag erected by any governmental agency for identification purposes at any office, institutional, recreational, or other publicly owned or leased site. Governmental flags may be displayed on all properties.

- F. Non-Official Flag: Non-official flags, see sign definitions, may be flown on all residential and commercial properties, but does not include pennants. Each business is allowed one (1) flag to be used as an open sign with the message indicating “Open” on the flag, and two (2) additional non-official flags and/or feather flags, provided the business is located in a non-residential zoning district. The height of feather flags may not exceed sixteen (16) feet.
- G. Product Sign: Only those signs attached to pump or machine advertising only those products dispensed therefrom.
- H. Home Occupation Sign: One (1) sign not more than one and one-half (1.5) square feet in area fastened directly to the building. A Home Occupation may not have a sandwich sign either on-premise or off-premise.
- I. Residential and/ or Residential Rental Identification Signs: May only have the name of the residence and shall not include any type of contact information or commercial advertisement messages. Not to exceed one (1) sign per residence, display area not to exceed sixteen (16) square feet including graphics.
- J. Condominium Identification Sign: Not to exceed one (1) attached and one (1) on premise ground sign per condominium complex. Sign limited in content to name of condominium, graphics, name of rental agent (not to exceed 20% of sign face), address of premises, and not to exceed: for a condominium complex with less than ten (10) units, sixteen (16) square feet; for a condominium complex with ten (10) or more units, thirty-two (32) square feet. Signs of danger or of a cautionary nature are allowed and are limited to three (3) square feet in area. All condominium signs are limited to: 1) Wall or ground sign; 2) No more than one (1) sign per complex; 3) Illumination only from a concealed light source which does not blink, flash or pulsate.
- K. Directional/Way-finding Sign: One (1) single, on-premise ground sign, may be permitted at each entrance from a public street, only if authorized by the Town Council and only as indicated on the approved subdivision plat or site plan, provided the display area does not exceed the following:
 - (a) ten (10) lots or less: sixteen (16) square feet;
 - (b) more than ten (10) lots: thirty-two (32) square feetThese signs are subject to all other applicable requirements of this Ordinance regarding ground signs.
- L. Security Sign: Not to exceed one (1) sign on each side of house/building and the display area not to exceed one (1) square foot each.

M. Utility Sign: Signs identifying a utility may have an aggregate display area of one (1) square foot.

N. Sandwich (Sidewalk) Sign: (ONE-TIME application fee required): Each Dauphin Island licensed business, except Home Occupation, Home Office, and Peddlers, may place one (1) Sandwich (Sidewalk) sign either on their property or on the Town's right-of-way during the established business hours of operation. Sandwich signs require compliance review and approval by the Town's Building Inspector/Zoning Official before the issuance of a sign permit. The sign may be up to twenty-four (24) inches wide and thirty-six (36) inches high. PVC pipe may be placed into the ground at placement site to hold the legs of the sign. The PVC pipe must be flush with the ground to prevent damage to mowers and equipment. The signs must be anchored or weighted for safety. Enhancements extending beyond or in addition to the standard 24" x 36" size limit are strictly prohibited. Sandwich signs shall not be illuminated in any manner. The Sandwich Sign must be removed at the end of each day's hours of operation. Any sign that violates this provision of the Ordinance will be removed by Town employees and held at Town Hall for fourteen (14) days. For the first offense a fine of twenty-five (\$25.00) dollars will be charged to retrieve the sign. Any subsequent violations will result in the confiscation and destruction of the sign. The Town assumes no liability for signs placed on the right-of-way. See *Appendix B* for sign permit fees and fines.

NOTE: Food Trucks/Mobile Food Unit Signs: Each Food Truck/Mobile Food Unit may place one Sandwich (Sidewalk) sign either on the property that the Food Truck/Mobile Food Unit is operating on or on the Town's right-of-way that is closest in proximity to the physical location of the Food Truck/Mobile Food Unit.

SECTION 9.9 GENERAL BUSINESS/COMMERCIAL SIGNS

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

Permitted general business signs are limited to the types and conditions listed in Table 1 below. All permitted general business signs are included in the total allowable aggregate area for signage. Wherever more than one of the following may pertain to any particular situation, the more or most restrictive shall apply.

NOTE: Sign regulations for the Aloe Bay Overlay District (ABOD) and Village (V) Zoning District are found within the district requirements for that specific district, see Article 4.

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

	the nearest road centerline. Shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building. See Ground or Free Standing Sign Aggregate Display Area following this table.
Home Occupation Sign	One (1) sign not more than one and one-half (1.5) square feet in area fastened directly to the building. A Home Occupation may not have a sandwich sign either on-premise or off-premise.
Home Office Sign	Not permitted.
Off-premise Sign Annual Sign Permit Fee required (see Appendix B)	Each business issued a Dauphin Island business license (excluding Home Occupation, Home Office, Food Trucks, and Peddler's) is allowed one (1) off-premise sign. The off-premise sign may only advertise goods and services provided by that business to which the off-premise permit is issued. The sign may be single faced or double faced and may not exceed more than thirty-two (32) square feet per face. No sign may be erected on any public right-of-way, publicly owned property or conservation-park property. Off-premise sign(s) erected on residential property must obtain written permission of all adjoining residential improved property owners. If an adjoining residential unimproved lot is improved and the owner of the residential improved lot objects to the sign, the sign shall be removed by the owner. No off-premise sign may be erected on any public right-of-way, publicly owned property, or property zoned residential (R-1, R-2, or R-3), Village(V), or Conservation Park (CP). No more than two (2) off-premise signs are permitted on vacant property and the total aggregate area may not exceed the 32 square foot limit. <i>* Note that any portable or mobile sign such as a sign affixed to a vehicle or signage that is wrapped around a vessel, and the like, which are used for advertising purposes, are considered to be an off-premise sign and the size of such sign will be counted as part of the total aggregate allowance for the business in which the sign advertises.</i> Every business that has an off-premise sign is required to purchase a permit and pay the applicable fee for same per calendar year or any portion thereof. Signs shall be maintained by the individual business advertised thereon. Off-premise signs placed at the location of another business will be considered as part of the aggregate allowed for the business property on which it is placed. Written permission of the business owner where the off-premise sign is located is required prior to an off-premise permit being issued. Indemnify and Hold Harmless: The owner of any off-premise sign must execute an Indemnity and Hold Harmless Agreement with the Town of Dauphin Island.

Projecting Sign	May only be permitted one per establishment. Because a projecting sign is so nearly a part of the building to which it is attached, the Building Inspector/Zoning Official shall insure that: - projecting signs are appropriately fit to and are properly secured to the buildings to which they are to be attached; - a projecting sign shall be pinned away from its supporting facade and shall not extend beyond the surface of that portion of the facade to which it is attached more than three feet horizontally; - a projecting sign shall not extend vertically more than three feet above the facade of a building to which it is attached; - A projecting sign must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.
Roof Sign	May only be permitted one per establishment. The Building Inspector/Zoning Official shall insure that roof signs are appropriately fit to and are properly secured to the buildings to which they are to be attached. Roof signs painted directly on the roof of a business will be considered part of the Façade/Attached Sign Aggregate Display Area for the business if the sign is visible from ground level.
Suspended Sign	A suspended sign must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.
Window Sign	None

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

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

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

SECTION 9.10 ADMINISTRATION

Responsibility: The Building Inspector/Zoning Official shall be responsible for receiving applications and fees for sign permits, for conducting staff review of such applications and for issuing sign permits when all required procedures including Planning Commission review are satisfactorily completed and fees paid.

SECTION 9.11 APPLICATION PROCEDURE

Application for a sign permit shall be made upon the form provided by the Town and shall contain, or have attached thereto, the following information:

1. Name, address and telephone number of applicant.
 2. Name, address and telephone number of person or company who shall erect the sign. If the sign will be erected by a company, the company must have a Dauphin Island business license.
 3. Address of building or property upon which sign is proposed to be erected.
 4. Written consent, of the owner of the property on which the sign is to be located for erection or placement of sign.
 5. Letter from property owner as required for off-premises sign.
 6. Copy of the approved Master Sign Plan, if applicable.
 7. Scaled drawing or photograph of building elevation, showing the actual size and location of the proposed sign in proportion to and in relation to the existing building or the building to be constructed.
 8. Information regarding method of construction and placement of sign. Description or samples of sign materials and colors.
 9. Other information the Building Inspector/Zoning Official may reasonably require to demonstrate full compliance with all applicable provisions of the Town Code.
- C. Fees, non-refundable: Each sign permit application that requires a permit fee shall be accompanied by a check made payable to the Town of Dauphin Island, Alabama, or acceptable credit card, or cash in an appropriate amount, as established by resolution of the Town Council. This fee shall be paid at the time of application to defray the cost of processing sign permit applications and shall be charged in addition to any building permit fee, electrical permit fee or any other fee associated with the approval of a proposed or

existing development. All signs with the exception for those listed in Section 9.5 of this Article require a permit fee. See *Appendix B: Schedule of Fees*.

- D. Compliance Review: The Planning Commission shall, in public meeting, review all sign permit applications as to compliance with the provisions of this Ordinance. Because signs are so nearly a part of the buildings to which they are attached or pertain, the Planning Commission shall assure, through the review process that signs are appropriately fit to, and are properly secured to the buildings or other structure to which they are to be attached. The Planning Commission shall report its approval or denial of the application to the Building Inspector/Zoning Official (or authorized designee), who shall not issue a sign permit without approval of the application by the Planning Commission.
- E. Compliance Review-Time Limitation: If within forty-five (45) days (or such longer period of time as may be agreed upon by the applicant and the Planning Commission) of the applicant's submittal to the Building Inspector/Zoning Official of a completed application for a sign permit, including all required information and materials, the report of the Planning Commission is not submitted to the Building Inspector/Zoning Official, the application shall be considered approved by the Planning Commission as submitted, and the Building Inspector/Zoning Official shall issue a sign permit if all other requirements of this Ordinance have been satisfied and the appropriate fee paid.
- F. Master Sign Plan Required: A development site containing an existing or proposed office park, shopping center, building or group of buildings that contains multiple businesses, institutions or other arrangement of multiple nonresidential users shall have a master sign plan, subject to approval by the Planning Commission, prior to application for any sign within its boundaries. All sign permit applications pertaining to such development sites shall be reviewed in light of such approved plans. Sign permit applications reviewed under authority of a master sign plan shall be subject to the following:
- All general business signs existing prior to submission of the master sign plan, whether or not such signs conform to the provisions of this Ordinance, shall be counted toward the permitted aggregate display area of general business signs.
- G. Variance: The Board of Adjustment may authorize, on application in specific cases, a variance from the provisions of this Ordinance such as will not be contrary to the public interest, where owing to special conditions applying to the premises in question and not applicable generally to other buildings or structures, a literal enforcement of such provisions will result in unnecessary hardship, but where the spirit of the Ordinance shall be observed and substantial justice done. Such special conditions shall be limited to those which the Board of Adjustments finds that the granting of the application for a variance is necessary, that it does not merely serve as a convenience to the applicant, and that the condition from which relief is sought would result in peculiar, extraordinary and practical difficulties to the property upon which the sign would be erected or displayed.

- H. Appeals: Any decision of the Building Inspector/Zoning Official or Board of Adjustments authorized by this Ordinance may be appealed to the Town Council. Appeals shall be filed in writing with the Town Clerk within fifteen (15) business days of the decision. Appeals shall be considered at the next Town Council meeting, provided the applicant has furnished the Town Council with all information and materials needed by the Town Council to consider the appeal at least seven days in advance of such meeting.
- I. Inspection: The Building Inspector/Zoning Official shall be responsible for inspection of all signs to determine compliance with the provisions of this Ordinance.
- J. Time Limitation, Sign Permit: If the work authorized under a sign permit has not been completed within ninety (90) days following the date of issuance, such permit shall become null and void and any partial construction removed by the permittee.
- K. Transfer of Ownership: Sign permits may be transferred for on premise signs with change of ownership of business provided there are no changes to the sign. Any dismantling, removing, or alteration of the sign will require a new application and permit.
- L. Revocation: The Building Inspector/Zoning Official is authorized and empowered to revoke any sign permit upon failure of the permit holder to comply with any provision of this Ordinance.
- M. Removal of Unsafe Signs: The Building Inspector/Zoning Official shall require any sign that is an immediate danger to persons or property to be removed by the owner of the property upon which the sign is located within ten (10) days of written notice to such owner. The Building Inspector/Zoning Official shall require any sign that is not an immediate danger to persons or property, but otherwise impinges upon the public health, safety, or general welfare, or is, in the opinion of the Building Inspector/Zoning Official, structurally unsound or unsafe in any way, to be removed, repaired, replaced, or secured, in compliance with the provisions of this Ordinance, by the owner of the property upon which the sign is located, within thirty (30) days of written notice to such owner.
- N. Removal of Prohibited and Non-permitted Signs: The Building Inspector/Zoning Official shall immediately remove and dispose of any prohibited or un-permitted sign on town rights-of-way.
- O. Sign Inspection: The Building Inspector/Zoning Official shall conduct a final inspection upon completion of approved work for the purpose of verifying that the sign is in compliance with the requirements of the permit and all other provisions of this Ordinance. Failure to make any and all necessary corrections within ten (10) days of inspection by the Building Inspector/Zoning Official and obtain a satisfactory inspection result shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign or sign structure within ten (10) days.

- P. Enforcement: If a violation of any provision of this Ordinance, specified in a written notice from the Building Inspector/Zoning Official to the owner of the business to which the sign is permitted and/or to the owner of the property upon which the sign is located, is not remedied by the time specified in the notice, the Building Inspector/Zoning Official shall use all available means to remedy the situation. The owner of the business to which such sign is permitted and/or the owner of the property upon which the sign is located shall pay any reasonable expenses incident to such removal.
- Q. Penalties: Each and every violation of the provisions of this Ordinance shall be punishable by a fine not exceeding \$500.00. Each and every day the violation continues shall be construed as a separate offense.

SECTION 9.12 NON-CONFORMING SIGNS

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

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

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

1. Within thirty (30) days of written notice to the owner of the business to which the sign is permitted and/or to the owner of the property upon which the sign is located, should any of the following events or conditions occur.
 - The use or ownership of the premises on which the nonconforming sign is located changes.
 - The exterior of the building or other site conditions on the property upon which the nonconforming on premise sign is located is to be altered to the extent that a building permit is required.
 - A nonconforming sign is damaged by any cause, resulting in replacement or repair cost equal to at least one-half of its value, exclusive of foundations, at the time of damage.

2. This Ordinance supersedes all other duly approved and enacted previous sign Ordinances and no sign will be deemed compliant by virtue of a claim of similarity to a “grandfathered” sign with the exception of the signs that are presently allowed in town right-of-way per town study.

SECTION 9.13 SIGN PERMIT FEES

Each sign permit application requiring a permit fee shall be accompanied by a check made payable to the Town of Dauphin Island, Alabama, or acceptable credit card, or cash in an appropriate amount, as established by resolution of the Town Council. This fee shall defray the cost of processing sign permit applications and shall be charged in addition to any building permit fee, electrical permit fee or any other fee associated with the approval of a proposed or existing development.

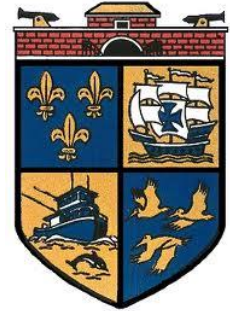
Incidental and temporary signs require a sign permit but no permit fee. **NOTE: This requirement does not apply to Sandwich (Sidewalk) Signs, which require a ONE-TIME application fee, see Appendix B: Schedule of Fees for a full list of planning and zoning fees for each application for development.*

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ARTICLE 10

Development Process Procedures & Review Boards

§ 10.1	APPLICATIONS FOR DEVELOPMENT
§ 10.2	APPLICATION SUBMISSION DEADLINES
§ 10.3	BUILDING PERMIT REQUIRED BEFORE CONSTRUCTION
§ 10.4	APPLICATION & DEVELOPMENT REVIEW PROCESS
§ 10.5	PRE-APPLICATION MEETING REQUIREMENTS
§ 10.6	COMPLETE APPLICATION PACKET CONTENTS
§ 10.7	APPLICATIONS REVIEW BOARDS
§ 10.8	APPLICATIONS REQUIRING SITE PLAN REVIEW
§ 10.9	REQUIRED SITE PLAN CONTENT & PURPOSE
§ 10.10	ACQUIRING A BUILDING PERMIT
§ 10.11	THE BUILDING OFFICIAL DUTIES & RESPONSIBILITIES
§ 10.12	THE PLANNING COMMISSION DUTIES & RESPONSIBILITIES
§ 10.13	THE BOARD OF ADJUSTMENT DUTIES & RESPONSIBILITIES
§ 10.14	ZONING AMENDMENTS, HEARINGS, AND APPEAL PROCEDURES
§ 10.15	ANNEXATION PROCESS & ZONING CLASSIFICATION
§ 10.16	REVERSIONARY CLAUSE



SECTION 10.1 APPLICATIONS FOR DEVELOPMENT

All applications for development, permits, licenses, signs, zoning amendments, hearings, and/or appeals are available at Town Hall and the Town's website at: www.townofdauphinisland.org

§ 10.1.1 IMPLEMENTING AUTHORITY

The Town of Dauphin Island Planning Commission shall be the implementing authority for this Ordinance, except that where required by law, action of the Dauphin Island Town Council or Board of Adjustment is necessary.

§ 10.1.2 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 Town Council must hold a public hearing on any application requiring a recommendation by the Planning Commission (such as a re-zoning), the Planning Commission may dispense with a separate public hearing and submit its recommendation to the Town Council. The public notice of such hearing by the Town Council may be published or posted by the Town Clerk immediately upon receipt of the recommendation from the Planning Commission and consultation with the mayor regarding the date and time of said hearing.

§ 10.1.3 SITE PLAN REVIEW PROCESS

The site plan review procedure is required to ensure the proposed development conforms to the requirements of the current adopted zoning ordinance. A Site Plan is a development

plan drawn to scale by a Professional Certified Surveyor, Engineer, or Architect licensed in the State of Alabama, showing existing and proposed structures, dimensions, and other physical features of a lot, as required by the Zoning Ordinance. A Site Plan must be reviewed and approved by the Planning Commission to ensure all of the zoning requirements are fulfilled before the issuance of a building permit or before the application can move forward in the development process. A master plan shall be required for all projects with multiple phases and/or multiple principal structures. It is the responsibility of the Building Official and Planning Commission to review the site plan and/or master plan.

§ 10.1.4 MASTER PLAN REVIEW PROCESS

A Master Plan shall be required for all projects with multiple phases and/or multiple principal structures. The Master Plan must show all phases of the development and presented and approved by the Planning Commission at a public hearing. After the Master Plan is approved, the applicant can proceed with Site Plan review for each phase of the development.

§ 10.1.5 PLANNING APPLICATIONS

The following is a list of all planning applications for development. A complete list of all applications, check-off lists, and associated fees is in *Appendices A & B* of this Ordinance. Included with each application is a packet with all other relevant and required items needed to make a complete application. All application packets must be considered complete and submitted to the Town within the required timeline in order to be placed on the Planning Commission agenda for that month. The following applications are heard and reviewed by the Planning Commission and additionally, when required, by the Board of Adjustment and/or Town Council. All other applications not listed are processed administratively through the Town's Building Official's Office.

I. PLANNING COMMISSION APPLICATIONS FOR ZONING & SUBDIVISIONS:

A. ZONING-RELATED APPLICATIONS:

- 1) SITE PLAN REVIEW
- 2) RE-ZONING (ZONING AMENDMENT)
- 3) HOME OCCUPATION

B. SUBDIVISION OF LAND-RELATED APPLICATIONS (See Subdivision Regulations):

- 1) MINOR SUBDIVISION AND/OR RE-SUBDIVISION (the creation of a new lot(s) OR the combining of lots).
- 2) MAJOR SUBDIVISION (the creation of new lots AND new streets, drainage, and other infrastructure).

II. BOARD OF ADJUSTMENT APPLICATIONS- In addition to review and recommendation by the Planning Commission, the Board of Adjustment (BOA), also referred to as the Zoning Board of Adjustment shall hear and act upon the following ZONING-RELATED applications when required by the Zoning Ordinance:

- 1) AREA VARIANCE

- 2) ADMINISTRATIVE APPEAL
 - 3) SPECIAL EXCEPTION USE
- III. **TOWN COUNCIL APPLICATIONS-** The Town Council will hear and act upon the following applications after the Planning Commission has reviewed the application and made a recommendation to Council on said application:
- 1) RE-ZONING APPLICATION
 - 2) ZONING AMENDMENT
 - 3) PETITION FOR ANNEXATION
- IV. **OTHER APPLICATIONS, LICENSE & PERMITS-**The Planning Commission shall review all applications for the following permits and/or licenses before a permit or license can be issued by the Town of Dauphin Island.
- 1) HOME OCCUPATION LICENSE
 - 2) COASTAL USE PERMIT (Dune Protection Overlay District only)
 - 3) RESIDENTIAL RENTAL PERMIT:SHORT-TERM & LONG-TERM (New applications only)

SECTION 10.2 APPLICATION SUBMISSION DEADLINES

All applications requiring Planning Commission review must be submitted to the Town of Dauphin Island's Building Official's Office no later than fourteen (14) days prior to the next regularly scheduled Planning Commission meeting. All applications and plats for Major Subdivisions must be submitted no later than thirty (30) days prior to the next regularly scheduled Planning Commission meeting.

Planning Commission meetings are held on the second Tuesday of each month at Dauphin Island Town Hall. See *Appendix C* for Planning Commission Application Submission Deadline Schedule.

SECTION 10.3 BUILDING PERMIT REQUIRED BEFORE CONSTRUCTION

When any type of new development is proposed by an individual, a building permit is required before the placement, development or the erection of any type of temporary or permanent structure can occur. It is unlawful to commence with the excavation, piling installation or the construction of any building or other structure, including accessory structures, until the Building Official has issued a building permit for such work. The signature of the Building Official certifies the plans, specifications and intended use of such structure in all respects, conforms with the provisions of this Ordinance. If any structure is erected without first acquiring a building permit, the individual responsible for said un-permitted construction, will be required to remove said structure and may be penalized and fined daily per the statutes of this Ordinance established by the Town Council. See *Appendix B*.

The Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration, or tree removal, be accompanied by a site plan

drawn to scale and showing sufficient detail to enable the Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance. A list of required items to be shown on the site plan is listed in *Section 10.9.2* of this Article and *Appendix A* of this Ordinance.

When applicable, as listed in *Section 10.1.A.* of this Ordinance, the Planning Commission must approve a site plan before the Building Official can issue a building permit for the proposed development or before the application can move forward in the development process. The applicant is required to attend a Pre-Application meeting with the Building Official and the Application Review Committee (ARC) before an application is submitted. The Building Official and ARC review the site plan for accuracy and compliance before the site plan is formally presented to the Planning Commission at the regularly scheduled monthly meeting. The applicant must be present at the Planning Commission meeting in order for the application to be reviewed and acted on.

If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this Ordinance and the Planning Commission approves the application, the Building Official shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval.

Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance. Application for the building permit shall be made to the Building Official on forms provided for that purpose.

SECTION 10.4 APPLICATION & DEVELOPMENT REVIEW PROCESS

The applicant must apply for and obtain approval of such proposed development in accordance with the following procedures:

1. Obtain Application Packet from Town Hall or Town website.
2. Pay application fees
3. Schedule and attend a required Pre-Application meeting with the Building Official and Application Review Committee (ARC). *Note: A site visit may be required.*
4. Complete application packet and submit to Town Hall by cut-off date listed on the Planning Commission Application Submission Schedule.
5. Appear at scheduled Planning Commission meeting to discuss application.
6. At meeting, PLANNING COMMISSION will act upon the application by either voting to approve, approve with conditions, or deny the application; or,
7. If application requires a Special Exception or Variance, the Planning Commission will make a recommendation to the Board of Adjustment (BOA) where a public hearing will be held and the BOA will make a final decision on the application.
8. If the application requires a zoning amendment or an Ordinance change, the Planning Commission will make a recommendation to Town Council for a final decision.
9. If application is approved or approved with documented conditions, a building permit may be issued and applicant is authorized to begin construction process.

§ 10.4.1 TEN-STEP REVIEW PROCESS & GUIDE

STEP 1: Applicant requests a building permit or other application.

STEP 2: Applicant is given an Application Packet and determination is made if review by ARC is required. See Use Categories listed in *Section 4.7 of Article 4* of this Ordinance.

- **APPLICATIONS REQUIRING MEETING WITH APPLICATION REVIEW COMMITTEE (ARC):**
 - 1) All applications for new construction or changes to existing structures for all Non-Residential uses
 - 2) All applications for new construction or changes to existing structures for all Residential uses in the following zoning districts and overlay districts:
 - Multi-Family Residential (R-3)
 - Village (V)
 - Dune Protection Overlay District (DPOD)
 - West End Overlay District (WEOD)-(through lots south of Bienville Boulevard only)
 - Aloe Bay Overlay District (ABOD)
 - 3) Subdivision-minor (moving lot lines-creating or combing lots)
 - 4) Subdivision-major (creating new lots and new streets, drainage, etc.)
- **APPLICATIONS THAT DO NOT REQUIRE MEETING WITH APPLICATION REVIEW COMMITTEE (ARC):**
 - 1) Home Office (Clients do NOT come to home)
 - 2) Accessory Buildings
 - 3) Board of Adjustment Applications
 - 4) Re-zone property or zoning amendment
 - 5) Temporary Use permit
 - 6) Sign Permit

IF MEETING IS REQUIRED:

- Schedule Pre-Application meeting with ARC
- Applicant or Authorized Representative for property owner must attend meeting
- ARC will explain development process to applicant

IF MEETING IS NOT REQUIRED:

- Applicant completes application
- Applicant pays fees
- Application is reviewed by Building Official or Planning Commission as appropriate
- Application is approved or denied by Building Official or Planning Commission as appropriate
- If approved, Permit and/or license is issued by Building Official

STEP 3: Application Review Committee (ARC) meets with applicant at the Pre-Application meeting to explain requirements of all documents in the application packet in order to have a completed application that can be reviewed at the Planning Commission meeting.

STEP4: Applicant prepares plans and submits a COMPLETE APPLICATION PACKET to the town and pays application fees

STEP 5: ARC is notified that the packet has been submitted

STEP 6: Building Official and ARC meet to review application packet.

IF ERRORS ARE FOUND OR INFORMATION IS MISSING:

- Building Official notifies applicant of any errors or missing information in application packet in timely manner so applicant has sufficient time to make corrections due by the next PLANNING COMMISSION meeting
- Applicant makes corrections and re-submits application and plans in enough time for the Building Official and ARC to meet again and re-check everything

STEP 7: If application is found to be complete, Town adds application to Planning Commission agenda for the next Planning Commission meeting, provided the complete application is submitted prior to the Planning Commission meeting cut-off date.

STEP 8: Building Official and Review Committee write a Staff/Committee report for the Planning Commission meeting

STEP 9: At the Planning Commission meeting, the Staff/Committee report is read to ensure Planning Commission the applicant has met all the requirements of the Zoning Ordinance and any other Town ordinance and/or plan.

STEP 10: Planning Commission votes on application at meeting.

IF APPROVED:

- Application can move forward in development process
- Building permit is issued
- Construction can begin
- [Site plan is valid for twelve (12) months from date of approval]

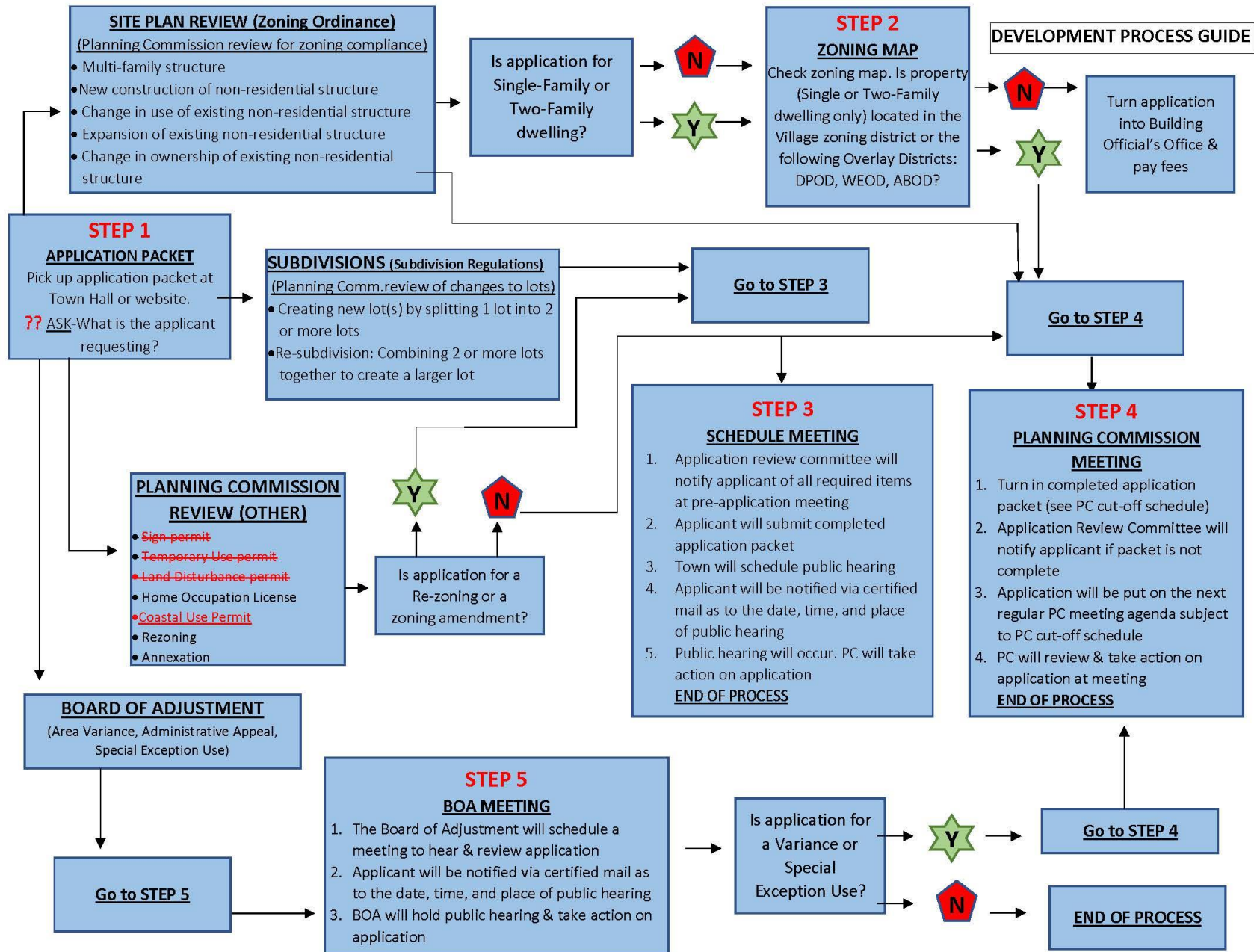
IF APPROVED WITH CONDITIONS:

- Application and plans are returned to applicant and corrections must be made within six (6) months, otherwise the applicant must re-apply with a different site plan
- Applicant re-submits application and plans to Town
- Town notifies Planning Commission Chair that corrected application and plans have been submitted
- Planning Commission Chair comes to Town Hall and verifies all conditions have been met and satisfied, and Planning Commission Chair signs plans
- Building Official issues building permit to applicant
- Construction can begin

IF DENIED:

- Application will not move forward in the development process
- A building permit will not be issued
- Applicant is notified in writing as to why the application and plans were denied
- Applicant will not be permitted to re-submit application and plans for a minimum of 12 months UNLESS changes are made to the plans that bring the application into full compliance with all zoning and other Town ordinances.

****NOTE:** At any time during the Planning Commission meeting before the Planning Commission votes on the application, the applicant has the option of requesting the application and plans be withdrawn from the Planning Commission agenda to give the applicant a chance to make corrections and re-submit at a later meeting.



SECTION 10.5 **PRE-APPLICATION MEETING**

When any type of new development is proposed within the corporate limits of the Town, the applicant or authorized agent is encouraged and in some cases, required to consult early and informally with the Building Official, the Application Review Committee (ARC), and any other Town, County, or utility representative if necessary, in a pre-application meeting.

§ 10.5.1 **PURPOSE OF PRE-APPLICATION MEETING**

The purpose of the pre-application meeting is to enable the applicant to become familiar with the zoning ordinance, be made aware additional POA regulations also exists, and any other requirements which might affect the proposed development, and to also be advised of the review procedures and timelines of the development process. The pre-application meeting is an informative and educative meeting only and will not have deciding power or precedence on any proposed development. In this way, the applicant can discuss the details of the development and any discrepancies with the Ordinance before the applicant invests costly resources in the project.

§ 10.5.2 **REQUIRED ITEMS FOR PRE-APPLICATION MEETING**

The applicant shall present a lot layout sketch plan, drawn approximately to scale. The information submitted shall include:

- The location of the proposed development in relation to the surrounding area;
- The location of the proposed development on the lot and other features of the lot such as general square footage and dimensions;
- The zoning district and the proposed use of the new development;
- Existing features such as adjacent streets and lots, drainage facilities, waterways, wetlands and other natural and built features;
- A general estimate of the number of trees and amount of vegetation on the lot;
- The general topography of the site.

Upon completing the pre-application meeting, the applicant will be better prepared to proceed with the site plan for the formal submission and review process with the Planning Commission. The application packet must be completed in its entirety and submitted within the established timeline in order to be placed on the agenda of the Planning Commission.

SECTION 10.6 **COMPLETE APPLICATION PACKET CONTENTS**

Before the Planning Commission shall review a site plan, the applicant or authorized agent shall provide a completed application packet which contains the following:

1. A completed application;
2. Completed Checklist from *Appendix A* of this Ordinance;
3. Receipt of the required application fee according to the current schedule of fees established by the Town Council for the particular category of application;
4. Copy of deed to the subject property;

5. Completed Authorized Agent form, if applicant is not acting in own behalf;
6. Signed documentation verifying a Pre-Application and Sketch Plan meeting has occurred;
7. Completed signed form, allowing permission to enter on to private property, if needed;
8. Five (5) paper copies of the Plans sized 24" x 24";
9. One (1) digital copy in PDF format of the Plan, and accompanying documents;
10. Verification that application was submitted to the Building Official at least fourteen (14) days prior to the regularly scheduled meeting of the Planning Commission;
11. A copy of Land disturbance permit, Coastal Use permit, Tree Removal permit, if applicable;
12. A copy of Sign permit, if applicable;
13. Erosion & Sediment Control Plan, if applicable;
14. Stormwater Management Plan, if applicable;
12. A copy of all other required federal and state permits, if applicable.

SECTION 10.7 APPLICATION REVIEW BOARDS

REVIEW BODY					
	BUILDING OFFICIAL	PLANNING COMMISSION	APPLICATION REVIEW COMMITTEE	BOARD OF ADJUSTMENT	TOWN COUNCIL
APPLICATION					
SINGLE-FAMILY OR TWO-FAMILY HOME	✓	✓ (Overlay Districts only)	✓		
MULTI-FAMILY STRUCTURE	✓	✓	✓		
NON-RESIDENTIAL STRUCTURES	✓	✓	✓		
BOAT DOCKS, PIERS, BOATHOUSE	✓				
SUBDIVISIONS	✓	✓	✓		
SUBDIVISION WAIVERS		✓			
ZONING AREA VARIANCE		✓		✓	
ZONING SPECIAL EXCEPTION USE		✓		✓	
ZONING APPEAL				✓	
SIGN PERMIT	✓				
COASTAL USE PERMIT	✓	✓	✓		
<u>LAND DISTURBANCE PERMIT (Overlay Districts only)</u>	✓				
<u>HOME OCCUPATION LICENSE</u>		✓			
<u>SHORT/LONG-TERM RENTAL PERMIT (new applications only)</u>	✓	✓			
ZONING TEXT AMENDMENT		✓			✓
REZONING (ZONING MAP AMENDMENT)	✓	✓			✓

SECTION 10.8 APPLICATIONS REQUIRING SITE PLAN REVIEW

Except as otherwise required in this Ordinance, a site plan shall be required for the following and shall be reviewed by the Building Official and the Planning Commission to ensure full compliance of the zoning ordinance:

1. Any construction project in any Overlay District including all new construction or changes to existing residential structures in the Village (V) zoning district and the following overlay districts:
 - Dune Protection Overlay District (DPOD)
 - West End Overlay District (WEOD)-through lots south of Bienville Blvd. only
 - Aloe Bay Overlay District (ABOD)
2. New construction of all new non-residential structures in all zoning districts;
3. Change in building footprint of all existing non-residential structures in all zoning districts;
4. Change in use of existing non-residential structures;
5. Change in ownership of existing non-residential structures;
6. Any construction project that creates a PUBLIC street, park, square, open space, way, building, structure, or utility (per Code of Alabama 11-52-11).

SECTION 10.9 REQUIRED SITE PLAN CONTENT & PURPOSE

§ 10.9.1 PURPOSE OF SITE PLAN REVIEW BY PLANNING COMMISSION

The purpose of the site plan review process is to provide the Planning Commission with the proposed construction plans to ensure the plans are in compliance with the requirements of the Zoning Ordinance. This will enable the Planning Commission to hear and consider input from the applicant as well as other town officials and departments concerned so they can acquire all relevant information needed in order to properly act on the proposed site plan. The applicant or authorized agent must be present at the Planning Commission meeting that the site plan is being presented at to address questions and concerns from the Planning Commission. The Planning Commission will act on the application and site plan at the Planning Commission meeting.

- If the Planning Commission approves the site plan, the Building Official can proceed with the issuance of the building permit and construction can begin, or the application can move forward in the development process.
- If a site plan is denied for any reason, the applicant shall not submit another site plan for a period of twelve (12) months unless the applicant can demonstrate significant changes have been made to the plan and it is compliant with the Zoning Ordinance.
- The approved Site Plan shall expire, and be of no effect, three hundred sixty-five (365) days or twelve (12) months after the date of issuance thereof, unless within such time the Building Official has issued a Building Permit or Certificate of Occupancy for any proposed work authorized under an approved Site Plan.

§ 10.9.2 SITE PLAN CONTENTS

The following is a list of required items that must be clearly and accurately demonstrated on the Site Plan. This list is also located in *Appendix B* of this Ordinance.

A Site Plan shall be prepared, signed and sealed by a certified professional architect, landscape architect, surveyor or an engineer, currently licensed in the State of Alabama, and shall be drawn to a scale of not smaller than 1 inch = 100 feet.

APPLICANT & GENERAL INFORMATION:

1. Name and address of land owner of record, applicant, or authorized representative (form required for authorized agent);
2. Current Title Policy, Title Opinion, Title Report, (within 60 days) or deed to verify ownership of land;
3. Name, address, phone number, seal, and registration number of the Licensed Professional Surveyor or Engineer who prepared the plat, registered in the State of Alabama;
4. Name of proposed development, if applicable;

SURVEY DATA:

5. Certified boundary survey of entire property and indicating adjacent properties, showing exact boundaries with total square footage of property, all existing parcels, indicating preliminary distances and bearings, including all trees over 4" DBH;
6. Date of survey- must be within 5 years;
7. Existing and proposed lot lines showing total length in feet;
8. Parcel number(s) & Lot number (s);
9. Legal Description;
10. North Arrow (pointing north);
11. Graphic Scale (not less than 1"= 50');
12. Legend;
13. Names and locations of all existing streets, rights-of-way, alleys, and easements within and adjacent to proposed development, including dimension of each and the purpose of the easements;
14. Vicinity map showing the relative location of the proposed development in relation to the adjacent street(s) and area;

SITE DATA:

15. Required front, rear, side, and waterside (if applicable) yard setbacks, and building setback lines per zoning district requirements;
16. Location of all existing and proposed buildings and/or structures, indicating building height & orientation on site and proposed use of new building (number of dwelling units, if applicable);
17. Location of trash receptacles and required screening, if applicable;
18. Details and location of any proposed fencing and/or retaining walls to be constructed;

19. Location and type of protection buffers between site and adjacent properties, if applicable;
20. Indication of the proposed use of property and zoning classification;
21. Number of required parking spaces & location of parking lots (if applicable) and parking spaces, including dimensions;
22. Location and dimensions of all ingress and egress access points to the site;
23. Location, dimensions, and type of all proposed signs on property, if applicable, including total number of signs requested & location of any existing signs on property;
24. Indication of all lighting facilities on property and lighting details;
25. Minimum finished floor elevations of lot;
26. Location of off-street loading and unloading areas, if applicable;

INFRASTRUCTURE & UTILITY DATA:

27. Location of proposed public utility layouts (sanitary sewers, water, drainage structures, gas, and electricity), including pipe sizes, and location of valves, indicating feasible tie-in connection locations; showing facilities within and adjacent to the proposed development; confirmation that all new utilities will be installed underground;
28. Storm water drainage and detention details;
29. Erosion and sedimentation measures implemented during and after construction, to include protection measures to be installed around natural and/or man-made drainage ways and adjacent properties;

ENVIRONMENTAL DATA:

30. Location and type of required landscaping, if applicable;
31. Topography using contours at vertical intervals of not more than two (2) feet based on USGS-MSL datum;
32. Location and dimension of all water courses and/or water bodies on or within 100 feet of property, showing the required twenty-five foot (25'), if applicable;
33. Location of wooded areas, marshes, cultural and/or any known or recorded historical artifacts, and any other conditions affecting the site;
34. Location of all federally classified wetlands, as determined by U.S. Army Corps of Engineers, indicating required twenty-five (25') foot buffer;
35. Location of all wetlands, as determined and illustrated on the wetlands map by the Sensitive Habitat Protection and Management Plan, indicating the required twenty-five (25) foot buffer;
36. Indication of flood zone(s) property is located within, including location and extent of all land subject to flooding by the overflow or ponding of storm water within the one hundred (100) year floodplain. Special flood hazard areas and/or coastal high hazard areas must be drawn on site plan as indicated on the latest Flood Insurance Rate Map (FIRM) for the area, including a statement to that effect;
37. Tree inventory indicating all trees to be removed;
38. Tree protection methods used during construction;

SIGNATURE BLOCKS & GENERAL NOTES:

39. List of all utility providers to the site;
40. Signature block of all required signatures of approval from the following as to verify availability and capacity of services to site:
- Property Owner (certification of ownership)
 - Notary Public (certification of ownership and dedication)
 - Town Building Official (to ensure building code and fire code has been met)
 - Town Floodplain Administrator (to validate Flood Certificate and ensure all requirements from Flood Prevention Ordinance No.55 have been met)
 - Town Engineer (to ensure adequate drainage and erosion control engineering standards and environmental requirements have been met, i.e. buffers, waterways, wetlands)
 - Applicant Engineer (certification of compliance with Town codes)
 - Applicant Surveyor (certification of property description and dimensions)
 - Representative for Town Public Utilities (to ensure Town has capacity to supply new development with essential utilities: water, sewer, electric, telecommunications, internet, etc.)
 - Planning Commission Chair (to ensure all zoning and/or subdivision requirements have been met, along with all other Town ordinances and/or plans, i.e. Tree Ordinance)
 - Fire Chief
41. Any other special survey notes about the property;
42. Copy of elevation certificate;
43. Attached copy of all required state and federal permits, if applicable.

SECTION 10.10 ACQUIRING A BUILDING PERMIT & OTHER PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Official of the Town of Dauphin Island has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this Ordinance. Application for the building permit shall be made to the Building Official's office on forms provided for that purpose. Some applications may require the review and approval from the Town of Dauphin Island Planning Commission and/or the Board of Adjustment before a building permit can be issued.

§ 10.10.1 REVIEW OF BUILDING PERMIT REQUESTS AND APPLICATIONS

It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until he/she has inspected such plans in detail and found

them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a site plan or subdivision plat drawn to scale and showing sufficient detail to enable the Building Official and other review boards, if applicable, to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

- The actual shape, proportion and dimensions of the lot to be built upon;
- 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;
- The existing and intended use of all such buildings or other structures;
- The provisions for proper storm water drainage and retention;
- The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance.

§ 10.10.2 **APPROVAL OF BUILDING PERMIT APPLICATIONS**

After proper review procedures have been satisfied, if the proposed excavation, construction, moving, or alteration as set forth in the application is determined to be in conformity with the provisions of this Ordinance and other applicable codes and Ordinances, the Building Official of the Town shall issue a building permit accordingly.

§ 10.10.3 **DENIAL OF BUILDING PERMIT APPLICATIONS**

If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance. If the applicant disagrees with the denial of a building permit, they may, upon notification in writing by the Building Official of a building permit denial, contact the Town Clerk and request a hearing for an Administrative Appeal to be heard before the Board of Adjustment.

§ 10.10.4 **EXPIRATION OF BUILDING PERMIT**

A building permit shall expire within six (6) months from the date of issuance if no construction work has been done above the foundation wall or other foundation support structure(s). Permits shall be renewable for 90-day periods subject to the provisions of all ordinances in force at the time of said renewal.

§ 10.10.5 **STOP WORK ORDER**

In the event that an individual is commencing work without a building permit or if the applicant who has acquired a building permit is conducting work outside the parameters in which the building permit was approved, the Building Official may issue a Stop Work Order until the issue is addressed and rectified.

§ 10.10.6 **EXPIRATION OF SITE PLAN**

Due to regular updates and necessary amendments to the adopted Building Code and Zoning Code, an approved Site Plan will expire and be of no effect, three hundred

sixty-five (365) days after the date of issuance thereof, unless within such time the Building Official has issued a Building Permit or Certificate of Occupancy for any proposed work authorized under an approved Site Plan. If the Site Plan expires, the applicant must submit a new application to begin the review process.

§ 10.10.7 **CERTIFICATE OF OCCUPANCY**

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Official of the Town has issued a Certificate of Occupancy (CO), stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

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

If such certificate is refused, the Building Official shall notify the applicant in writing of the refusal and the cause or causes therefore. The applicant, upon notification in writing by the Building Official of a certificate of occupancy denial, may contact the Town Clerk and request a hearing for an Administrative Appeal to be heard before the Board of Adjustment.

SECTION 10.11 **POWERS & DUTIES OF THE BUILDING OFFICIAL**

The Building Official of the Town of Dauphin Island shall be designated by the Town Council and shall be responsible for the responsibilities and duties as follows:

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

SECTION 10.12 POWERS & DUTIES OF THE PLANNING COMMISSION

The Planning Commission bears the major responsibility of the preparation, adoption, and maintenance of the Town's Comprehensive Plan. They are the essential advisory body to the Town Council in relation to development issues, and to the implementation of the Comprehensive Plan through the administration of the zoning ordinance and subdivision regulations. The Commission holds sole decision-making responsibilities for the subdivision of lands within the corporate limits of the Town.

§ 10.12.1 PROCEDURES FOR THE TRANSACTION OF PLANNING COMMISSION BUSINESS

§ 10.12.1.1 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.

§ 10.12.1.2 MEETINGS

1. Regularly Scheduled Monthly Meetings: The Planning Commission shall hold at least one (1) regular scheduled meeting per month. The date, time, and place of such meeting shall be determined by the Planning Commission. The Chair of the Planning Commission may cancel or modify the meeting date at their discretion.
2. Special Meetings: A Special meeting of the Planning Commission may be called by the Chair of the Planning Commission upon the giving of a forty-eight (48) hour notice to the membership.

§ 10.12.1.3 AGENDA

An agenda for each meeting shall be created by the Planning Commission Chair and prepared by the Planning Commission Chair or Secretary for each meeting of the Planning Commission.

§ 10.12.1.4 QUORUM

Unless otherwise provided by statute, an attendance of five (5) Planning Commission members shall constitute a quorum for the conduct of business unless the business requires an amendment to the Comprehensive Plan or Subdivision Regulations or the business requires a vote for a subdivision. In this instance, an attendance of six (6) affirmative votes of the Planning Commission is required.

§ 10.12.1.5 APPLICATIONS

Applications for development, amendments, and recommendations shall be filed and handled in accordance with the provisions hereinafter detailed in this Ordinance.

§ 10.12.1.6 STUDY (TABLING APPLICATIONS)

The Planning Commission may "table" or defer action on any application submitted at a regularly scheduled meeting until the next regularly scheduled meeting so that proper study of the application may be made by the membership; provided, however, that the Planning Commission shall take action on the application submitted within the time limitation as required by law and due process.

§ 10.12.1.7 SIGNATURES

The Chair, or in the event of his/her absence, the Vice-Chair and/or the Secretary

of the Planning Commission shall be the person(s) authorized to sign documents testifying to action taken by the Planning Commission.

§ 10.12.2 MEMBERSHIP

The Planning Commission of the Town of Dauphin Island, Alabama is established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended.

§ 10.12.2.1 MEMBERS

The Planning Commission shall consist of nine (9) members;

- The mayor, or a person representing and appointed by the mayor,
- One (1) Administrative Official (middle or upper-level manager) of the municipality, appointed by the mayor,
- One (1) member of Town Council, appointed by the Town Council, and
- Six (6) citizens, appointed by the mayor.

§ 10.12.2.2 TERMS

The Mayor and Council member serve terms that correspond to the terms of the elected office. The Administrative Official serves a term that coincides with that of the mayor. The citizen appointees serve a term of six (6) years with no limitation upon reappointment.

§ 10.12.2.3 PLANNING COMMISSION OFFICERS

The Planning Commission shall elect on an annual basis, a Chair, a Vice-Chair, and a Secretary to officiate and manage all planning commission meetings. The Planning Commission shall nominate a member or members of the Commission to serve in the following roles and the nominee shall be elected by majority vote of the full Commission. The Officers will serve in their elected roles for a period of one (1) year. Officer elections shall be held at the same time each year to appoint said officers.

§ 10.12.2.4 RULES OF PROCEDURE

The Planning Commission shall observe the following procedures:

1. The Commission is charged with the responsibility to review, apply and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion therefore which are adopted.
2. The Planning Commission shall hear and act on zoning applications and site plans for certain uses listed as uses “by Right”, all uses listed as “uses requiring Planning Commission Review” and/or “Special Exception” as herein specified.
3. The Commission shall hear and make recommendations to the Town Council on all matters relating to zoning amendments and rezoning.
4. The Commission shall require and review site plans for all applications listed under *Section 10.8* of this Article.
5. The Commission shall hear and recommend to the Town Council on all matters of annexation.

6. Create, administer, and enforce the Subdivision Regulations.
7. Create and routinely update the Comprehensive Plan and ensure development is occurring based on the adopted Future Land Use map, as well as make recommendations to Council based on the Goals and Recommendations of the adopted Comprehensive Plan.
8. Read, review, and carefully consider development applications and all reports prepared by staff, applicants, and others relating to issues coming before the Commission to ensure compliance with the zoning ordinance.

SECTION 10.13 POWERS & DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment (BOA), which is also referred to as the Board of Zoning Adjustment (BZA), is generally described as the “relief valve” for the strict requirements of the zoning ordinance. This appellate board holds the power to waive and/or modify the zoning regulations in situations where the literal enforcement of the regulations would virtually render the property useless. The Board is the mechanism that provides relief to the zoning regulations when, for no reasons of his/her doing, and because of the unique conditions existing on the land, the property owner is not able to meet the requirements of the zoning regulations.

§ 10.13.1 MEMBERSHIP

The Board of Adjustment consists of five (5) members and two (2) supernumerary members appointed by the Town Council of Dauphin Island. Such members are appointed for three (3) years and may be eligible for re-appointment. While the supernumeraries hold the “extra” or “fill-in” positions of the Board, they are encouraged to attend all BOA meetings in order to familiarize themselves with the process and procedures of the BOA.

No members may hold any other public office or position, except that one member may be a member of the Planning Commission. This is highly encouraged due to the Planning Commissioner’s knowledge and experience in working with the zoning ordinance.

§ 10.13.2 RULES OF PROCEDURE

The Board of Adjustment shall observe the following procedures:

1. The Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
2. The Board shall elect one (1) of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected.
3. The Board shall appoint a Secretary.
4. The Board meets on an as needed basis. The meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena.
5. All meetings of the Board shall be open to the public.

6. All meetings of the Board require a public hearing.
7. The Board shall keep minutes of its proceedings, showing the vote of such member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

§ 10.13.3 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT (BOA)

The Board's powers are related solely to the Town 's Zoning Ordinance and are narrowly defined. Decisions by the BOA are final and require four (4) affirmative votes to pass, which are recorded by role-call vote. Applicants can appeal the decision of the BOA to Circuit Court within fifteen (15) days of the BOA action.

The Board of Adjustment shall hear and act upon the following three (3) instances which pertain to **ZONING-RELATED** issues only.

The Board shall have the following duties and powers:

1. **Administrative Appeal:** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by Building Official, Planning Commission, or any administrative official, in the enforcement of this Zoning Ordinance. This application is only heard and acted upon by the Board of Adjustment.
2. **Special Exception Uses:** To hear and decide uses listed in each zoning district as a “Special Exception”. These types of uses need the additional review by the Board due to the specific nature of the use and the problems or issues it could potentially create. The Board may require additional or modified standards if approved in efforts to not disrupt the surrounding area.
3. **Variances:** A variance is a means for property owners to use their property in a manner that would not normally be allowed under the terms of the zoning ordinance. Its purpose is to give relief to those owners who, due to unique conditions occurring on the property that are not created by the property owner, would face an unnecessary hardship in using the property in full compliance with the Ordinance. The land owner must prove that using the property in full compliance with the Zoning Ordinance would create an unnecessary hardship beyond their control. If granted, the variance is tied to the land in perpetuity.

There are two types of variances.

- An area variance provides relief from the strict application of the dimensional requirements of the zoning ordinance. These requirements relate to setbacks from property lines, site coverage and floor area ratios, minimum lot sizes, height of buildings, location of accessory structures, and parking standards. Thus, an area variance modifies the site development standards in the Ordinance.

- A use variance allows property to be used for a use or activity that otherwise would not be permitted in a specific zoning district. It is, therefore, much broader in scope and impact than a dimensional (area) variance. It is also potentially more damaging to the integrity of the Ordinance because this action has the same effect as the re-zoning of property. For the purpose of this Ordinance, **a use variance is not allowed and shall not be granted by the Board of Adjustment.** Rather, the proper action to take in this instance is for the land owner to file an application for the rezoning of their property.

**** Proving a Hardship:** By its nature, a zoning ordinance places a hardship on many property owners because it places restrictions on the use of property. To qualify for a variance, any such hardship must be proved to be unnecessary, virtually unique. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- The application of the Ordinance to this particular piece of property would create an unnecessary hardship;
- Such conditions are peculiar to the particular piece of property involved;
- 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; and,
- The hardship cannot be granted based upon monetary reasons the property owner would incur if not permitted to use the property in the way so desired.

§ 10.13.3.1 Procedure for Requesting an Administrative Appeal Hearing to BOA

An Administrative Appeal is filed when an applicant alleges that the Building Official, Planning Commission, or any administrative official, has made an error in any determination or decision made with respect to the Zoning Ordinance. An Administrative Appeal does not require the review of the Planning Commission. These applications are only heard and acted upon by the Board of Adjustment through the following process.

1. An application specifying the reason(s) for an appeal from a decision rendered in writing by the Building Official must be filed within thirty (30) days after such written decision has been served upon the applicant.
2. Service by first class mail to the address given on the application shall be deemed sufficient. Applicants shall be advised of this appeal deadline in the written decisions upon their applications.
3. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Enforcement Officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; locations and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public) water course, and if existing and proposed, fence,

- street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
4. The Board of Adjustment shall schedule a meeting to hear an appeal within forty-five (45) days after the date of receipt of an application. Public notice of the hearing shall be given by all of the following methods:
 - a. A printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; if no such publication exists within the corporate limits, the notice must be posted in three (3) public places.
 - b. Notice by registered mail to the applicant filing the appeal of notification of time, date, and place of public hearing.
 5. The Board of Adjustment shall render a decision on any appeal or other matters before it within forty-five (45) days from the date of the public hearing on it. Decisions of the Board of Adjustment are final and shall become effective immediately if rendered in the presence of one (1) or more of the applicants or their representatives. If a decision is rendered in the absence of any of the applicants or their representatives, the decision shall become effective upon service of written notice of the decision upon the applicants by first class mail to the applicants addresses as indicated upon their application. The applicants shall be deemed to have been served three (3) days after mailing of the notice to them. When an applicant receives an adverse decision from the Board of Adjustment, he or she shall be advised of the fifteen (15) day time limit for taking an appeal to Circuit Court.
 6. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
 7. In exercising the powers granted to the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Enforcement Officer and may issue or direct the issuance of a zoning compliance permit. A concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the appellant in respect to any matter upon which the Board can legally act.

§ 10.13.3.2 Procedure for Requesting a Special Exception Use from the BOA

Any “use” listed in the Ordinance as a “Special Exception” is subject to review and approval by the Board of Adjustment. This application requires a two-part process; first the application is

reviewed by the BOA at a public hearing to determine if the “use” is appropriate for the location and area. If the “use” is approved by the Board, the application moves on to the Planning Commission (if the application requires Planning Commission review, see Section 10.8) who is responsible for the review of the site plan to ensure it is compliant with the zoning ordinance requirements. Applications requesting a Special Exception shall be treated in accordance with the following procedure:

1. An application must be submitted on appropriate forms and in writing at least fourteen (14) days prior to the regular monthly meeting of the Board of Adjustment and must be accompanied by a sketch plan (see definition) drawn to scale of the proposed development.
2. The BOA gives notice and sets a public hearing on the application at their regularly scheduled monthly meeting.
3. Following the public hearing, the BOA takes action on the application by either approving, approving with conditions, or denying the applications.
4. All decisions made by the BOA require four (4) affirmative votes made by roll-call vote to pass.
5. All decisions made by the BOA are final and can only be appealed to circuit court.
6. If the Special Exception use is approved by the BOA, the application must be submitted on appropriate forms and in writing at least fourteen (14) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan (see definition) drawn to scale of the proposed development.
7. The application shall be sent to the Planning Commission for review and approval of the site plan at a regularly scheduled Commission meeting to ensure compliance with the Zoning Ordinance requirements.
8. If the site plan is approved by the Planning Commission, the applicant can move forward in the building development process.

§ 10.13.3.3 Procedure for Requesting an Area Variance from the BOA

Any request for an area variance is subject to review and approval by the Board of Adjustment. This application requires a two-part process; first the application is reviewed by the BOA at a public hearing to determine if the area variance requested meets the required standards for approval. If the application is approved by the Board, it moves on to the Planning Commission (if the application requires Planning Commission review, see *Section 10.8* of this Article) who will be responsible for the review of the site plan to ensure it is compliant with the zoning ordinance requirements. Applications requesting an Area Variance shall be treated in accordance with the following procedure:

1. An application must be submitted on appropriate forms and in writing at least fourteen (14) days prior to the regular monthly meeting of the Board of Adjustment and must be accompanied by a sketch plan (see definition) drawn to scale indicating the area variance needed.
2. The BOA gives notice and sets a public hearing on the application at their regularly scheduled monthly meeting.
3. Following the public hearing, the BOA takes action on the application by either approving, approving with conditions, or denying the applications.

4. All decisions made by the BOA require four (4) affirmative votes made by roll-call vote to pass.
5. All decisions made by the BOA are final but can be appealed to circuit court of Mobile County within fifteen (15) days of the BOA's final ruling.
6. If the variance is approved, the application can move forward in the process to be reviewed at the next regularly scheduled planning commission meeting where the Planning Commission will review the site plan (see definition) drawn to scale to ensure compliance with said variance as well as the requirements of the Zoning Ordinance.
7. The Planning Commission will take action on the application by either approving, approving with conditions, or denying the application.
8. Once approved, the application can move forward in the development process.

§ 10.13.4 LIMITATION, WITHDRAWAL, CITIZEN APPEALS

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

SECTION 10.14 ZONING AMENDMENTS, HEARINGS, & APPEALS

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

§ 10.14.1 RE-ZONINGS (MAP AMENDMENTS) & ZONING AMENDMENTS (TEXT AMENDMENTS)

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

1. If the Planning Commission does not choose to dispense with a separate public hearing, the applicant shall first appear before the Planning Commission at a public hearing.
2. An application must be submitted on appropriate forms and in writing at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission and, if applicable, must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.
3. The application shall be sent to the Commission for review and recommendation.
4. The proposed ordinance and/or amendment shall be posted in at least three (3) conspicuous places within the municipality, as required per Code of Alabama 11-52-77, at least fifteen (15) days prior to the said public hearing.
5. Notice by Certified mail shall be sent to the owner within three hundred (300) feet of the

affected property.

6. The Town shall post notice of the property proposed to be rezoned with a notice at least fifteen (15) days before the public hearing. The posted notice shall set forth the property's present zoning, proposed zoning, the date, time and place of the public hearing. Such notice is to remain in place until final determination by the Town Council.
7. Following the public hearing, the Commission adopts by resolution, their recommendation regarding the rezoning to Town Council. The Commission shall have forty-five (45) days within which to submit a recommendation to the Town Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.
8. Town Council shall hold a public hearing at the earliest possible time to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within forty-five (45) days from the date of the Town's public hearing.
9. Any petition for a zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the Town Clerk.
10. A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.

SECTION 10.15 **ANNEXATION PROCESS & ZONING CLASSIFICATION**

Applications for annexation shall be heard and reviewed by the Planning Commission. The Planning Commission will review the Future Land Use map of the Comprehensive Plan and make a recommendation to Council of their findings. The Planning Commission will also recommend to Council what they determine the most appropriate zoning classification should be unless the property owner requests the property to be zoned a specific classification at time of annexation. Otherwise, any land annexed to the Town of Dauphin Island, hereafter by default, shall be zoned R-1 (Single-family Residential), unless otherwise classified by the Planning Commission and the Town Council at the time of annexation, or if the applicant requests a different zoning classification at time of annexation.

SECTION 10.16 **REVERSIONARY CLAUSE**

Any parcel or parcels of land rezoned to another zoning classification under the amendment authority of this Ordinance, shall revert back to the prior zoning classification after one (1) year from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned, provided that an extension of such time not to exceed six (6) months, may be granted by the Building Official under special circumstances upon written request by the applicant.

ARTICLE 11

Violations, Penalties, & Remedies



§ 11.1	VIOLATIONS
§ 11.2	DAILY FINES & PENALTIES
§ 11.3	REMEDIES
§ 11.4	ENFORCEMENT PROCESS

SECTION 11.1 VIOLATIONS

Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, raised or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance *per se*. Whenever the Building Official has declared a structure, use, activity, or sign to be in violation of the provisions of this Ordinance, the Building Official may issue a stop work order, if applicable, and the owner or occupant shall, within seventy-two (72) hours from the issuance of a notice from the Building Official, vacate said premise or issue creating the nuisance, and shall not again continue or occupy the premise until the issue has been rectified and adapted to conform to the provisions of this Ordinance.

SECTION 11.2 DAILY FINES & PENALTIES

Any person(s) violating any of the provision of this Ordinance shall, upon conviction, be punished within the limits of, as provided by the General Code of the Town of Dauphin Island. Penalties shall be in accordance with Ordinance 64C (Municipal Offense Ticket; Schedule of Fines), or the current version of its successor. Any person, firm, corporation, or other organization which violates any provision of this Ordinance shall be fined DAILY, upon conviction, a fine of not less than Fifty Dollars (\$50.00) nor to exceed more than One Hundred Dollars (\$100.00) and cost of court for each offense each day. Each day such violation continues shall constitute a separate offense.

SECTION 11.3 REMEDIES

In any case where a building, sign or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Official, or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building structure or land.

SECTION 11.4 **ENFORCEMENT PROCESS**

The Town of Dauphin Island Building Official's Office is responsible for the enforcement of this Zoning Ordinance. If anyone is found to be in violation of this Zoning Ordinance, the Building Official's Office will notify the person who is found to be in violation of the offense by means of written notice. This notice provides an ample time frame in which the person has the opportunity to rectify the offense before any fines or fees are enforced.

The Building Official's Office will continue on with the enforcement process if the zoning violation is not rectified within the allotted time period, at which time, a daily may be enforced and will be the responsibility of the individual found in violation of the Zoning Ordinance.

ARTICLE 12

Ordinance Adoption & Effective Date



This Ordinance, titled *Zoning Ordinance of the Town of Dauphin Island, Alabama*, upon its adoption by the Dauphin Island Town Council, shall repeal and replace any and all other previously adopted zoning ordinances and zoning maps, with all subsequent versions and amendments thereto on the effective date of this Ordinance.

Therefore, be it, that this *Zoning Ordinance of the Town of Dauphin Island, Alabama*, is approved and adopted by the Dauphin Island Town Council. It shall take effect and be in force from and after the date of adoption and publication as required by law.

This Ordinance shall be adopted and effective on this 7th day of November, 2023.

Signed: Jeff Collier, Mayor

Attested: Wanda Sandagger, Town Clerk

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APPENDIX A

APPLICATIONS & CHECK LISTS



APPLICATION FOR APPEAL

BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA
(PAGE 1)

Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number _____

Email Address _____

The undersigned requests review of the decision by the Building Official or other Town Administration, application number _____, dated _____, _____.
It is the applicant's contention that the following error was made:
Attach additional pages if needed.

Appellant

Date Filed _____

Date of Notice to Parties in Interest _____

Date of Posting Notice _____

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

Date of Public Hearing _____

Fee Paid _____

Decision of Board of Adjustments: Approved _____ Denied _____

If approved, the following conditions and safeguards were prescribed:

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

If denied, reason for denial:

APPLICATION FOR APPEAL
BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA
(PAGE 3)

Date

Board of Zoning Adjustment Chairman

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



APPLICATION FOR SPECIAL EXCEPTION

BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number _____

Email Address _____

Locational Description:

Subdivision Name _____

Property Address _____

Tax Parcel ID Number _____

Zoning District _____

Reason(s) for Request: _____

Nature of Special Exception: Describe generally why the use is considered a Special Exception:

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

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

Date

Applicant



APPLICATION FOR VARIANCE

BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number _____

Email Address _____

Property Address _____

Tax Parcel ID Number _____

Zoning District _____

Type of Variance Requested:

Area (issue affects property) _____

Use (issue affects use) _____

Other (issue concerns item not addressed in zoning ordinance) _____

Reason for Request: Describe generally why a variance is needed: _____

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

**Note: Per adopted Town of Dauphin Island Zoning Ordinance #96, a variance may only be considered and granted by the Board of Adjustment for height, area, size of structure, size of yards and open spaces, off-street parking and loading requirements, or height of fencing or buffering. Establishment or expansion of a use otherwise prohibited in the zoning district in which the property is located shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district or for a monetary hardship. If a variance is requested to permit a use that is otherwise not permitted in said zoning district, an application requesting re-zoning shall be submitted to Town of Dauphin Island Town Council for review and action at a public hearing held by Council.*

Justification of Variance: In order for a variance to be granted, the applicant must prove to the

Board of Adjustment that the following items are true: (Please attach these comments on a separate sheet).

a. Special conditions exist peculiar to the land or building in question

- b. That a literal interpretation of the Ordinance would deprive the applicant the right to use the property.
 - c. That the special conditions do not result from previous actions of the applicant.
 - d. That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.
 - e. The reason for the request is not monetary or for financial gain.
-

Standards for variances. No variance in the strict application of the provisions Ordinance 96 shall be granted by the Zoning Board of Adjustment unless it finds that the following requirements and standards are all satisfied. In general, the power to authorize a variance from the terms of Ordinance 96 Article 10 Section 2 (d) shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the zoning district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to public welfare. Please use the space provided below to address each of the standards outlined.

- A. The granting of the variance **shall be in harmony** with the general purpose and intent of the Ordinance and shall not be injurious to the neighborhood or otherwise detrimental to the well-being of the general public, and specifically to those members of the public that could be directly affected by the proposed variance. Can you establish that the variance, if granted, will be in harmony with the intent and purpose of the Ordinance? *Please provide full explanations for each of the sections below.*

- B. The granting of the variance will **not permit** the establishment of **any use which is not permitted** in the district.

-
-
-
- C. There must be proof of **unique circumstances**: Special circumstances or conditions must exist, fully described below, applicable to the land or buildings for which the variance is sought. These conditions must be unique to the subject property and do not apply generally to land or buildings in the district; further, conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building. The variance request is necessitated as a result of exceptional physical characteristics that are unique to the subject property and distinct from those of nearby properties and the district in general. The unique condition from which the hardship arises must not be the result of the actions of the property owner themselves and must not be merely financial in nature. Please explain fully.
-
-
-
-

- D. There must be proof of **unnecessary hardship**. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question. Other variances granted under similar circumstances shall not be considered. *Each application is acted upon independently from any other application.* The hardship must not be due to the owner's or applicant's actions. The hardship must be caused by the property itself, for reasons such as exceptional size or shape, topography or other physical conditions of a parcel of land. It cannot be financial only; and must relate to the very property for which the variance is sought. Please explain fully.

E. That the granting of the variance is **necessary for the reasonable use** of the land or building and is the minimum variance that will accomplish this purpose. The variance, if granted, is for the purpose of modifying the application of the zoning ordinance as it applies to a specific property, and in doing so permit it to be reasonably used on the same basis as other property in the same zoning district. Please explain fully.

F. That the proposed variance will **not impair an adequate supply of light and air to adjacent property**, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood. This standard also examines the potential of the variance to influence or change the image or perception of the locality, as defined by its built environment, landscaping, natural features and open space, types and style of housing, and other elements that contribute to its distinct identity. Can you establish that the variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property? Will the granting of the variance influence the ability of an adjacent property to be used in a manner appropriate to the zoning district to which it conforms? Please explain fully.

G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this the Zoning Ordinance to other lands, structures, or buildings in the same district.

The Board may prescribe any safeguard that it deems necessary to substantially secure the objectives of the regulations or provisions to which the variance applies. Agreements, Drawings, Dates, or Specific Details upon which the variance is contingent , if granted, are to be noted below or attached.

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

Date

Applicant



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

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

The application, applied for by: _____

Requests that: _____

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

Legal Description: _____

_____ Board of Adjustment

_____ Chairman

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



NOTICE OF PUBLIC HEARING TO PROPERTY OWNER

BOARD OF ADJUSTMENT
DAUPHIN ISLAND, ALABAMA

To: _____

Date: _____

Dear: _____

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

The application, applied for by: _____

Requests that: _____

be granted for the property located at _____

Board of Adjustment

Chairman



Application Review Committee (ARC)

APPLICATION PACKET FOR:

- HOME OCCUPATION
 - HOME OFFICE
 - FISHING CHARTER
-

A Home Office is defined as: A service, business, profession, occupation or trade where the business activity is not conducted in the residence, but rather off-site, and where the business owner does not receive clients at the residential home, and only maintains a home office in the residence for the purpose of general management activities of the business.

A Home Occupation is defined as: A service, business, profession, occupation, or trade that is usually conducted full-time or part-time within a residential home by the resident(s) of the home for the economic gain or support of the resident(s) of the home. Where the business owner receives clients and conducts business at the residence, where the Home Occupation use is incidental and secondary to the residential use of the lot, and where the use does not include any retail or wholesale sales on the premises.

A Fishing Charter Service is defined as: A personal service for hire carrying a passenger or passengers that provides recreational and sport fishing from a vessel for private use.

- *Applicants who wish to acquire a Town of Dauphin Island Business License for a Home Occupation or Fishing Charter Business are required to attend a Pre-Application Meeting with the Application Review Committee (ARC) prior to submitting an application to the Town.*
- *Applicants who wish to acquire a Town of Dauphin Island Business License for a Home Office are not required to attend a Pre-Application meeting, but are required to attend the Dauphin Island Planning Commission meeting where the application will be reviewed and acted upon by the Planning Commission prior to the issuance of a Home Office Business License.*
- *Application must be completed in full before submitting to the Town of Dauphin Island.*

TOWN OF DAUPHIN ISLAND, AL

SIGN PERMIT APPLICATION

Phone: 251-861-5525

Fax: 251-861-2154

Date of Application: _____

BUSINESS

OWNER

Name: _____

Name _____

Address: _____

Address: _____

Address: _____

Address: _____

City: _____

City: _____

State: _____ Zip Code _____

State : _____ Zip Code _____

Telephone: _____

Telephone: _____

Owner Signature: _____ Date: _____

Fax: _____

E-Mail: _____

Contractor: _____

Address: _____

City, State, Zip Code: _____ Fax: _____

Telephone: _____

E-Mail: _____

Type of Sign: _____

☐ Attached ☐ Freestanding ☐ Off Premise Fee \$ _____

☐ Single Face ☐ Double Face ☐ Electrical Required

☐ Yes ☐ No Letter of consent of adjacent property owner

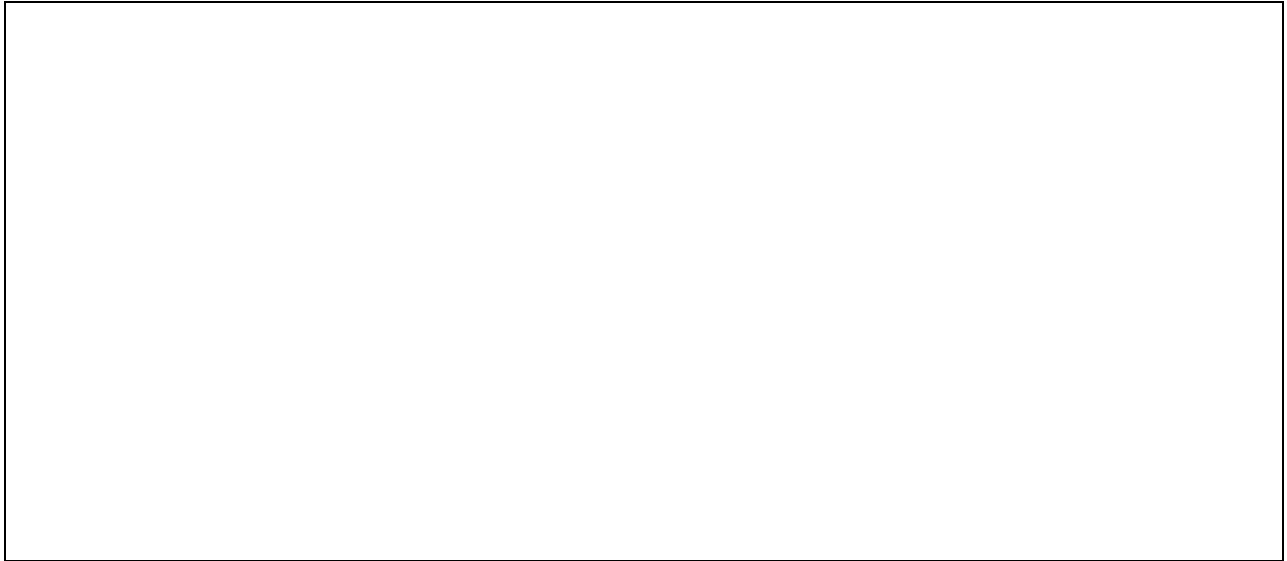
☐ Yes ☐ No Letter of consent of adjacent property owner

Value of sign (include cost of installation) \$ _____ Sign Size _____

Nonrefundable application fee: \$25.00 _____

Exact location proposed of sign (provide sketch): _____

SKETCH OF SIGN



Information to be included:

1. Wording
2. Colors
3. Graphics
4. Mounting
5. Supports
6. Lighting (if applicable)

_____ Date approved: _____ Denied: _____
Building Inspector

Special Conditions: _____

Comments: _____

To Board of Adjustments: Date: _____

Variance:

SITE PLAN CHECK LIST

This list of required items must be clearly and accurately demonstrated on the Site Plan. The Site Plan shall be prepared, signed and sealed by a certified professional architect, landscape architect, surveyor or an engineer, currently licensed in the State of Alabama, and shall be drawn to a scale of not smaller than 1 inch = 50 feet (1"=50').

Do not leave any line item blank. All line items must be addressed with either a check mark (✓), indicating the item is included on the Site Plan or N/A, indicating the item is not applicable to the Site Plan.

***** ALL DIMENSIONS MUST BE SHOWN ON SITE PLAN*******

SURVEY DATA:

1. ___ Name, address, and contact information of property owner or authorized agent;
2. ___ Name and contact information of surveyor or engineer, (including current license numbers);
3. ___ Property Address;
4. ___ Date of survey;
5. ___ Scale- minimum size of 1"= 50';
6. ___ Legend;
7. ___ North arrow (pointing north);
8. ___ Legal Description;
9. ___ Boundary survey of entire lot(s) to be developed showing all lot lines with dimensions of each line in linear feet;
10. ___ Vicinity map showing the location of lot to surrounding area;
11. ___ Parcel number and lot number of lot(s);
12. ___ Size in square feet of lot(s);
13. ___ Total gross acreage of lot;
14. ___ Number of dwelling units, commercial units and density of units per lot;

SITE PLAN DATA:

15. ___ Proposed new lot lines showing dimensions in linear feet;
16. ___ Required Setbacks- Distance, in linear feet from proposed structure(s) to property lines (front, rear, sides, and waterside yard setbacks);
17. ___ Required yard dimensions-showing distance in linear feet from lot line to required yard line (front, side, and rear, yards and waterside yard, if applicable);
18. ___ Location and square footage of required thirty-percent (30%) undisturbed yard area;
19. ___ Existing & proposed buildings, location, position on lot, size and dimensions of each;
20. ___ Proposed use of buildings & zoning classification;
21. ___ Existing & proposed streets, rights-of-way, driving aisles, easements, and alleys-within and adjacent to

development-with dimensions of all;

22. ___ Adjacent lots with name of property owner as they are recorded in Mobile County Probate;
23. ___ Lot frontage on public streets (showing width in linear feet) and proposed access thereto-means of ingress and egress to and from the property with dimensions of each, to include traffic flow diagrams;
24. ___ Number of required off-street parking spaces (including handicapped) showing location and size of each space;
25. ___ Off-street loading and unloading areas (non-residential uses only);
26. ___ Location and specifications of all utilities including size and location of utility easements;
27. ___ Landscaping plan, if required;
28. ___ Location, dimension, and number of all on-premise signs;
29. ___ Location of lighting on property not attached to a structure;
30. ___ Location of trash dumpsters and screening (does not apply to single and two-family residential);
31. ___ Location of required screening buffers or fences (if applicable); height & other details on any proposed fencing and/or retaining walls to be constructed, both temporary and permanent;
32. ___ Location and square footage of any required open space area, if applicable;
33. ___ Location and construction details of property enhancements such as dune walkovers, sidewalks, boardwalks, driveways, trails, public access, etc.;
34. ___ Signed statement of Best Management Practices used in design & construction;
35. ___ Construction and design details of all proposed and/or altered buildings and structures including:
 - Building orientation;
 - Floor plan;
 - Roof plan and overhangs;
 - Yard encroachments and/or projections;
 - Height of building;
 - Foundations - Type, size, and location of pilings, as well as the installation method must be specified in the construction plans by a Licensed Professional Engineer. (i.e., piling installation details);
 - Elevation view of the property being developed, to include the first-floor elevations of the proposed structure(s)- copy of elevation certificate required;
 - Exterior design details, including specific materials existing/planned for use on buildings and structures, with their locations indicated on the elevations.

ENVIRONMENTAL DATA:

36. ___ Topography-Elevation contours at 2 ft. intervals using USGS – MSL datum;
37. ___ All waterways, waterbodies, wetlands, dunes, wooded areas, and/or other natural features existing on the lot and/or adjacent to lot showing required protection buffer with dimensions;
38. ___ Flood zone designation;
39. ___ Tree survey and removal plan showing all trees 4" DBH or larger identified by size species and location;

40. ___ If located in the Special Flood Hazard Overlay District (SFHOD), location and square footage of area on lot subject to flooding and/or ponding within the one-hundred (100) year floodplain, as indicated by the FEMA FIRM, including a statement to that effect;
41. ___ Stormwater Management Plan, indicating management and long-term maintenance of stormwater runoff during & after construction. Plan must demonstrate and ensure that stormwater runoff will not flood adjacent properties, streets, and/or waterways;
42. ___ Erosion and sedimentation plan (during and after construction), to include protection measures to be installed and used to protect man-made and natural drainage ways and adjacent properties from stormwater runoff flooding and sedimentation;

REQUIRED SIGNATURE BLOCKS ON SITE PLAN:

43. ___ Signature block for all required signatures. Check all that apply and enter N/A on items that don't apply to application.
- ___ Property Owner (certification of ownership)
- ___ Notary Public (certification of ownership and dedication)
- ___ Town Building Official (structure meets building code)
- ___ Town Floodplain Administrator (to validate Flood Certificate and ensure all requirements from Flood Prevention Ordinance No.55 have been met)
- ___ Town Engineer (to ensure all engineering standards and environmental requirements have been met, i.e. drainage, erosion control, dune protection, wetlands, wetland and waterbody buffers)
- ___ Applicant Engineer (certification of compliance with Town codes)
- ___ Applicant Surveyor (certification of property description and dimensions)
- ___ Representative for Town Public Utilities (to ensure Town has capacity to supply new development with essential utilities: water, sewer, electric, telecommunications, internet, etc.)
- ___ Fire Chief (structure meets Fire Code)
- ___ Planning Commission Chair (to ensure all zoning requirements have been met, along with all other Town ordinances and/or plans, i.e. Tree & Wetlands, Ordinances)



APPLICATION FOR SITE PLAN REVIEW
TOWN OF DAUPHIN ISLAND PLANNING COMMISSION & BUILDING DEPARTMENT
1011 Bienville Boulevard
Dauphin Island, Alabama 36528
www.townofdauphinisland.org
Phone: (251) 861-5525
Fax: (251) 861-2154

**** A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION.**

If the applicant is not the owner, an “AUTHORIZATION TO ACT AS APPLICANT” form must be signed, notarized, and be on file. All associated fees will be charged to the applicant unless otherwise arranged.

Application Submittal Date: _____ Planning Commission Meeting Date: _____

OWNER/APPLICANT INFORMATION:

APPLICANT NAME _____

PROPERTY OWNER NAME: (if different than applicant name): _____

PROPERTY ADDRESS _____

OWNER'S MAILING ADDRESS: _____

PHONE NO. _____ EMAIL: _____

PROPERTY INFORMATION:

How is property currently being used: _____ Proposed Use: _____

Current zoning: _____ Proposed zoning: _____

Gross Acreage of Subject Property: _____ Number of Individual Units: _____

General Location: _____

Tax Parcel ID Number: _____ Lot & Block Number: _____

REQUESTED TYPE OF REVIEW:

☐ CHANGE OF OWNERSHIP	☐ NEW COMMERCIAL & NON-RESIDENTIAL STRUCTURES
☐ CHANGE OF USE	☐ NEW RESIDENTIAL STRUCTURE IN OVERLAY DISTRICT (DPOD, WPOD, BSO, SFHOD)
☐ CHANGE TO EXISTING STRUCTURE FOR ALL COMMERCIAL & NON-RESIDENTIAL USES	☐ NEW RESIDENTIAL IN VILLAGE DISTRICT (V)
☐ CHANGE TO EXISTING STRUCTURE FOR ALL USES IN OVERLAY DISTRICTS (DPOD, ABOD, BSO, WPOD, SFHOD)	☐ NEW STRUCTURE IN ALOE BAY OVERLAY DISTRICT (ABOD)
☐ CHANGE TO EXISTING TWO-FAMILY OR MULTI-FAMILY RESIDENTIAL STRUCTURE	☐ NEW TWO-FAMILY OR MULTI-FAMILY RESIDENTIAL STRUCTURE

DOCUMENTATION:

- _____ Five (5) paper copies of plans (24 X 24)
- _____ One (1) digital copy in pdf format of plan and all documentation attached to application
- _____ Authorization to Act as Applicant form, if applicable
- _____ Copy of property deed

APPLICATION SUBMITTAL DEADLINE:

The Planning Commission meets the 2nd Tuesday of each month at 5:00 P.M. at Town Hall. Completed application packet and all other required documentation must be submitted 14 days prior to the regularly scheduled Planning Commission meeting of the month in order to be placed on the agenda. Applications submitted less than 14 days before a Planning Commission meeting will be placed on the following agenda.

TERMS & CONDITIONS:

My signature indicates that I, the applicant or authorized agent, agree with the terms and conditions of this application and certify that all of the above facts are true and correct to the best of my knowledge. I understand that I must be present at the Planning Commission meeting in order for my application to be acted upon and any approval(s) granted pursuant to this application shall be subject to all applicable regulations of the Town of Dauphin Island, and that such approval(s) shall expire unless construction has commenced within one (1) year following date of approval.

APPLICANT/AGENT NAME (please print): _____

APPLICANT'S/AGENT'S SIGNATURE: _____

DATE: _____

PAYMENT DETAILS:

Site Plan Review Fee: \$ _____

Paid By: Cash, Card, or Check # _____ Approval code _____

Received by: _____

Date: _____

APPLICATION FOR SUBDIVISION PLAT REVIEW

BY

DAUPHIN ISLAND PLANNING COMMISSION



TOWN OF DAUPHIN ISLAND, ALABAMA

TOWN OF DAUPHIN ISLAND PLANNING COMMISSION

1011 Bienville Boulevard

Dauphin Island, Alabama 36528

www.townofdauphinisland.org

Phone: (251) 861-5525

Fax: (251) 861-2154

If the applicant is not the current property owner, then a signed and notarized "Authorization to Act as Applicant" form must be on file. All associated fees will be charged to the applicant unless otherwise arranged.

**** A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION****

Application submittal date: _____ Planning Commission Meeting date: _____

OWNER/APPLICANT INFORMATION:

APPLICANT NAME _____

PROPERTY OWNER NAME: (if different than applicant name): _____

PROPERTY ADDRESS _____

OWNER'S MAILING ADDRESS: _____

PHONE NO. _____ EMAIL: _____

PROPERTY INFORMATION:

Physical Address: _____

Lot Number(s): _____ Block Number: _____ Total Acreage of Property: _____

Total Number of new lots created _____ Total number of lots combined _____

Square footage of smallest lot _____ Square footage of largest lot _____

Tax Parcel Number(s): _____

Present and Proposed Zoning Classification: _____

Present and Proposed Use of Property: _____

Does subject property currently front on a public road? ☐ Yes ☐ No

Does any part of the subject property lie within the 100-year flood plain? ☐ Yes ☐ No

Are there Wetlands on property? ☐ Yes ☐ No

*Is water service currently available to the property? ☐ Yes ☐ No

*Is sewer service currently available to the property? ☐ Yes ☐ No

***If no, a letter of availability from DI Water Service must be submitted**

REQUESTED TYPE OF REVIEW:

- ☐ Sketch Plan Review (Concept Plan)
- ☐ Preliminary and/or Final Plat Review - Minor Subdivision
- ☐ Preliminary Plat Review - Major Subdivision
- ☐ Final Plat Review- Major Subdivision

Name of Engineer or Land Surveyor _____

Alabama Registration Number _____

Address _____

Phone (cell) _____ Phone (business) _____

Email Address _____

APPLICATION SUBMITAL:

The Planning Commission meets the 2nd Tuesday of each month at 5:00 P.M. at Town Hall. Completed application packet and all other required documentation must be submitted 14 days prior to the regularly scheduled Planning Commission meeting of the month in order to be placed on the agenda. Applications submitted less than 14 days before a Planning Commission meeting will be placed on the following agenda. All applications and plats for Major Subdivisions must be submitted no later than thirty (30) days prior to the regularly scheduled Planning Commission meeting in order to be placed on the agenda and review at said meeting. See Application Submission Deadline Dates form included in this application packet.

REQUIRED DOCUMENTATION:

The following list of items must be completed in full and submitted with this application. No late and/or incomplete applications will be reviewed by the Dauphin Planning Planning Commission.

- ☐ **A COPY OF THE DEED TO THE SUBJECT PROPERTY MUST BE SUBMITTED WITH THIS APPLICATION.**
- ☐ **Authorization to Act as Applicant form (if applicable)**
- ☐ **Preliminary Plat Application**
- ☐ **Preliminary Plat Checklist**
- ☐ **Five (5) copies of Preliminary Plat**
- ☐ **One (1) digital copy of Preliminary Plat**
- ☐ **Adjoining Property Owners List Completed**
- ☐ **Land Disturbance Permit (if applicable)**
- ☐ **Receipt of Fees paid**
- ☐ **All construction/engineering plans (if applicable)**
- ☐ **All other federal and/or state permits (if applicable)**

Conditions, Restrictions or Other Requirements Placed on Preliminary Plat (Use back of page if more space is required) _____

TERMS & CONDITIONS:

My signature indicates that I, the applicant or authorized agent, agree with the terms and conditions of this application and certify that all of the above facts are true and correct to the best of my knowledge. I understand that I must be present at the Planning Commission meeting in order for my application to be acted upon and any approval(s) granted pursuant to this application shall be subject to all applicable regulations of the Town of Dauphin Island, and that such approval(s) shall expire unless construction has commenced within one (1) year following date of approval.

APPLICANT/AGENT NAME (please print):_____

APPLICANT’S/AGENT’S SIGNATURE:_____

DATE:_____

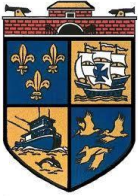
PAYMENT DETAILS:

Site Plan Review Fee: \$_____

Paid By: Cash, Card, or Check #_____ Approval code_____

Received by:_____

Date:_____



MAJOR & MINOR SUBDIVISION REVIEW REQUIREMENTS

Town of Dauphin Island Planning Commission

Dauphin Island, Alabama

PRELIMINARY PLAT CHECKLIST

This checklist must be complete and accompany any Preliminary Plat submitted to the Dauphin Island Planning Commission for review along with the application for subdivision and receipt of all applicable fees paid. This document serves as the Preliminary Plat checklist for both minor and major subdivisions. The Planning Commission will not review incomplete applications.

*These requirements are considered **minimum standards** and additional information may be required for approval if requested by the Dauphin Island Planning Commission.*

The Preliminary Plat shall be prepared, signed, and sealed by a licensed and certified Land Surveyor or Professional Engineer registered in the State of Alabama. It shall be drawn to a scale of no less than one inch (1") equals fifty feet (50').

The following list of items are required and shall be included ON THE PLAT and shall meet the minimum standards set forth in these Subdivision Regulations.

SUBMITTED			ITEM	COMPLIANT		
YES	NO	N/A		YES	NO	N/A
APPLICANT & GENERAL INFORMATION:						
			1. Name and address of land owner of record, applicant, or authorized representative (form required for authorized agent);			
			2. Current Title Policy, Title Opinion, Title Report, (within 60 days) or deed to verify ownership of land;			
			3. Name, address, phone number, seal, and registration number of the Licensed Professional Surveyor or Engineer who prepared the plat, registered in the State of Alabama;			
			4. Name of proposed subdivision and phase number, if applicable;			
			5. Names and addresses of all land owners immediately adjacent to property being subdivided, including those across any impediments (street, water course, railroad, Town boundary line, etc.) to be notified via certified registered mail. Property owner information shall be listed as it appears on the tax records of the Mobile County Tax Assessor Office;			
SURVEY DATA:						
			6. Boundary survey of entire property showing exact boundaries with all existing parcel lines indicating preliminary distances and bearings;			
			7. Date of survey;			
			8. North Arrow (pointing north);			
			9. Graphic Scale (not less than 1"= 100');			
			10. Legend;			
			11. Parcel number(s);			
			12. Legal Description;			

SUBMITTED			ITEM	COMPLIANT		
YES	NO	N/A		YES	NO	N/A
			13. Vicinity map showing the relative location of the proposed subdivision, indicating not drawn to scale, in relation to the adjacent street(s) and area;			
SITE DATA:						
			14. Total acreage of land to be subdivided;			
			15. Total number of newly created lots;			
			16. Proposed lot lines showing total length in feet;			
			17. Total square footage and acreage of each newly created lot indicating lot number(s);			
			18. Total number of newly created blocks with block number(s);			
			19. Minimum lot size;			
			20. Maximum lot size;			
			21. Net density per acre;			
			22. Minimum finished floor elevations for every lot;			
			23. Proposed minimum building setback lines according to the zoning district showing distances in linear feet from proposed structure(s) to property lines for front, rear, sides, and waterside yard setbacks);			
			24. Indication of the proposed use of property and zoning classification;			
			25. Location of all existing and proposed buildings and/or structures, indicating proposed use;			
			26. Proposed location of all land dedicated for open space and usable common area(s), including assigned lot number and Note indicating that common areas are not intended to be buildable lots for conversion to residential use;			
			27. Proposed location of all land dedicated for the purpose of detention and/or retention facilities, clearly identifying and labeling all maintenance and access easements for the facilities, and with a Note indicating ownership and responsible entity of maintenance of the common areas and detention/retention facilities;			
			28. Location and dimension of all water courses and/or water bodies on or within 100 feet of property, showing the required twenty-five foot (25') buffer;			
			29. Location of all jurisdictional boundaries, railroads, and transmission lines;			
			30. Location of all proposed street lights and street signs;			
			31. Location of concrete and/or official monuments;			
INFRASTRUCTURE & UTILITY DATA:						
			32. Names and locations of all existing streets, rights-of-way, alleys, and easements within and adjacent to proposed subdivision, including dimension of each and the purpose of the easements;			
			33. Location of all proposed streets, rights-of-way, alleys, and easements including dimension of each (distance in linear feet) and the purpose of the easements;			
			34. Lot frontage on public streets (showing width in linear feet) and proposed access thereto-means of ingress and egress to and from the property with dimensions of each, to include traffic flow diagrams;			
			35. Location and dimensions of all proposed sidewalks and ramp downs;			
			36. Location of existing public utilities, sanitary sewers, drainage structures, including facilities within and adjacent to the proposed subdivision;			

SUBMITTED			ITEM	COMPLIANT		
YES	NO	N/A		YES	NO	N/A
			37. Location of proposed public utility layouts (sanitary sewers, water, drainage structures, gas, and electricity), including pipe sizes, and location of valves, indicating feasible tie-in connection locations; showing facilities within and adjacent to the proposed subdivision; confirmation that all new utilities will be installed underground;			
			38. Location of all proposed fire hydrants;			
			39. Any and all off-site improvements i.e. turn lanes, traffic signals, etc.;			
ENVIRONMENTAL DATA:						
			40. Topography using contours at vertical intervals of not more than two (2) feet based on USGS-MSL datum.			
			41. Location of wooded areas, marshes, cultural and/or any known or recorded historical artifacts, and any other conditions affecting the site;			
			42. Location of all federally classified wetlands, as determined by U.S. Army Corps of Engineers, indicating required thirty foot (30') buffer;			
			43. Flood Zone Designation-Location and extent of all land subject to flooding by the overflow or ponding of storm water within the one hundred (100) year floodplain. Special flood hazard areas and/or coastal high hazard areas must be drawn on Plat as indicated on the latest Flood Insurance Rate Map (FIRM) for the area including a statement to that effect;			
			44. Erosion control measures to be used during construction of the subdivision;			
			45. Tree inventory indicating all trees to be removed and replaced;			
			46. Tree protection methods used during construction;			
SIGNATURE BLOCKS & GENERAL NOTES:						
			47. List of all utility providers to the site;			
			48. Signature block of all required signatures of approval from the following as to verify availability and capacity of Town of services to site: — Town Building Official — Chairman of the Dauphin Island Planning Commission — Town Engineer, if applicable — Mobile County Engineer, if applicable; — Water Utility Superintendent — Sewer Utility — Fire Chief — State and/or County Health Department, if applicable			
			49. Inscription stating "Final Plat" if a minor subdivision and space provided on the plat for approval by the Planning Commission Chair if all requirements are met, and authorization for the recording of said plat by the Judge of Probate in Mobile County, Alabama, or "Not for Final Recording" if a major subdivision;			

SUBMITTED			ITEM	COMPLIANT		
YES	NO	N/A		YES	NO	N/A
			50. Any other special survey notes about the property;			
			51. Attached copy of all required state and federal permits, if applicable.			

General Notes, at a minimum, should include the following:

- All utilities will be constructed underground;
- For corner lots the building orientation will dictate the location of front, rear, interior side and corner yard setbacks;
- Statement that common, open space areas are not intended to be buildable lots for conversion to residential use;
- If subdivision is part of a multi-phase development, a master plan illustrating the overall development shall be submitted to the Town of Dauphin Island. Where a phased development is proposed, the preliminary plat shall include all phase lines and a master plan showing the continuity of development proposed for the entire project. Each phase shall satisfy the requirements of these regulations individually.
- Traffic Data and Traffic Study – Applications for high density, major subdivisions creating (50) lots or more, or any phased project, shall require a traffic impact analysis which shall include trip generation data showing the projected average daily traffic (ADT) in a 24-hour period and projected peak-hour traffic generated by the development in the subdivision application. Peak hour traffic shall generally be the hours between 7 A.M. and 9 A.M. for morning and 4 P.M. and 6 P.M. for the evening and include the consecutive 60 minute segment in which traffic counts are projected to occur. A traffic study shall be required for all applications that will generate an average daily traffic (ADT) count of 1,000 trips or more, or which will generate 50 trips or more during any peak hour period. An agent selected by the Town and paid for by the applicant shall perform the traffic study. The traffic study shall be used to determine what on-site and off-site street or traffic improvements may be necessary due to the development. The results and any corrective measures necessary shall be included as part of, and in addition to, the requirements for preliminary subdivision plat.
- REQUIRED CONSTRUCTION PLANS. The following plans must be included with any application for a major subdivision and shall be signed and stamped by the registered professional engineer of record. See Article 6 of these Regulations for list of required items for each plan.
 1. Street Plan
 2. Drainage Plan
 3. Erosion Control Plan
 4. Utility Plan
- Copy of all required federal and state permits;
- The Town of Dauphin Island shall not be responsible for maintenance of common, open space areas;
- The Town of Dauphin Island reserves the right to require the maintenance of all private drainage facilities, including detention/retention facilities, to prevent potential flooding and/or eliminate public health and safety threats or nuisance caused by said drainage facilities.

TOWN OF DAUPHIN ISLAND, AL

SIGN PERMIT APPLICATION

Phone: 251-861-5525

Fax: 251-861-2154

Date of Application: _____

BUSINESS

OWNER

Name: _____

Name _____

Address: _____

Address: _____

Address: _____

Address: _____

City: _____

City: _____

State: _____ Zip Code _____

State : _____ Zip Code _____

Telephone: _____

Telephone: _____

Owner Signature: _____ Date: _____

Fax: _____

E-Mail: _____

Contractor: _____

Address: _____

City, State, Zip Code: _____ Fax: _____

Telephone: _____

E-Mail: _____

Type of Sign: _____

☐ Attached ☐ Freestanding ☐ Off Premise Fee \$ _____

☐ Single Face ☐ Double Face ☐ Electrical Required

☐ Yes ☐ No Letter of consent of adjacent property owner

☐ Yes ☐ No Letter of consent of adjacent property owner

Value of sign (include cost of installation) \$ _____ Sign Size _____

Nonrefundable application fee: \$25.00 _____

Exact location proposed of sign (provide sketch): _____

APPENDIX B

SCHEDULE OF FEES

APPENDIX B:

Schedule of Fees

The following fees are established by the Dauphin Island Town Council and shall be paid to the Town upon submission of any of the following planning applications.

The applicant shall be responsible for any applicable fees associated with the application that may require certified postage, advertisements, and public hearings.

Additional fees may be required depending on the level of review required in order to process the application. The applicant shall be responsible for all costs incurred for any professional review and/or engineering services that may be required, including plans, tests, inspections, and specifications in conformity with these regulations, in addition to post-construction inspections as necessary to ensure the development was built as proposed on the approved plans and in conformity with these regulations. *Full payment of all fees is required for any re-submission of plans that have been denied by the Planning Commission.

PLANNING COMMISSION FEES:

Zoning Applications

1. Sketch Plan / Preliminary Site Plan Review
(Required Pre-Application meeting).....No Cost
2. Site plan review by Planning Commission.....\$100
3. Site plan review requiring professional review for engineering, environmental, and drainage requirements
(Professional services fees are the responsibility of the applicant) per project
4. Amendments to Site Plan per review\$50
5. Rezoning.....\$250
6. Advertising and/or Postage Fees.....Current Rate
7. Home Occupation site plan review by Planning Commission\$50

Subdivision Applications

1. **Sketch Plan** (Required Pre-Application meeting) **No Cost**
2. **Minor Subdivisions and/or Re-Subdivisions** (lots created and/or combined):
 - Preliminary and Final Plat combined review by Planning Commission..... **\$100.00**
 - File per Lot to be recorded **\$25.00/lot**
 - Amendments..... **\$50**
3. **Major Subdivisions** (new lots created and new streets, drainage, infrastructure):
 - Preliminary Plat review requiring professional engineering and/or environmental review..... **\$250 plus engineering fees**
 - File per Lot to be recorded **\$25.00/lot**
 - Amendments..... **\$50**

 - Final Plat review requiring professional engineering and/or environmental review..... **\$150**
 - File per Lot to be recorded **\$25.00/lot**
 - Amendments..... **\$50**
4. **Advertising & Postage Fees**..... **Current Rate**

BOARD OF ADJUSTMENT FEES:

Fees for appeals, special exceptions, and variance to the Board of Adjustment are established as follows:

1. **Variance**..... **\$150**
2. **Administrative Appeal**..... **\$100**
3. **Special Exception**..... **\$150**
4. **Advertising & Postage Fees**..... **Current Rate**

PERMIT & LICENSING FEES:

1. **Sign Permits**.....
 - a. **Sign Application**..... **\$1.00 per Sq. Ft. Min: \$25.00, Max \$256.00**
 - b. **Sandwich Sign** **\$25.00**
 - c. **Off Premise Sign** **\$100.00 / year**

2. Land Disturbance Permit.....\$35.00
3. Tree Removal Per.....based on number and type of tree per ordinance# 87B
4. Coastal Use Permit.....\$100.00
5. Home Office License.....\$125.00
6. Home Occupation License.....\$125.00
7. Residential Rental License.....\$125.00
8. License Issuance fee\$10.00

APPENDIX C

OFFICIAL FORMS

APPENDIX D

PLANNING COMMISSION BYLAWS