

ORDINANCE NO. 2023-xxxx

**AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 172,
CITY OF ORANGE BEACH ZONING ORDINANCE,
SECTIONS 4.02, 4.03, 5.0601, 8.0101, 10.0305, 10.0306, AND 12.06
(#1105-ZT-22)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Section 4.02, entitled “Requirements for Lot Area, Lot Width, and Other Factors,” of the Orange Beach Zoning Ordinance is hereby amended to read as follows:

TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS			
Zoning District & Land Use	SIZE & COVERAGE REGULATIONS		
	Minimum Lot Area (sf)	Minimum Lot Width at Building Front Setback	Maximum Building Coverage
<u>RS-1 Single-Family Residential</u> Single-Family Dwelling	9,000 sf	75'	42%
Two-Family Dwelling	10,500 sf	75'	47%
<u>RS-2 Single-Family Residential</u> Single-Family Dwelling	5,000 sf	50'	30%
<u>RS-3 Single-Family Residential</u> Single-Family Dwelling	5,000 sf	50'	30%
<u>RM-1 Multi-Family Residential</u> Single-Family Dwelling	20,000 sf	100'	56%
Two-Family Dwelling	20,000 sf	100'	56%
Multi-Family Dwelling	20,000 sf	100'	56%
<u>RM-2 Multi-Family Residential</u> Single-Family Dwelling	20,000 sf	100'	56%
Two-Family Dwelling	20,000 sf	100'	56%
Multi-Family Dwelling	20,000 sf	100'	56%
<u>MHP Mobile Home Park</u>	See Article 6		
<u>MHS Mobile Home Subdivision</u>	See Article 6		
<u>BR-1 & BR-2 Beach Resort</u> Single-Family Dwelling	20,000 sf	100'	56%
Two-Family Dwelling	20,000 sf	100'	56%
Multi-Family Dwelling	20,000 sf	100'	56%
Hotel	20,000 sf	100'	56%

TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS			
Zoning District & Land Use	SIZE & COVERAGE REGULATIONS		
	Minimum Lot Area (sf)	Minimum Lot Width at Building Front Setback	Maximum Building Coverage
<u>NB Neighborhood Business</u> Single-Family Dwelling	20,000 sf	100'	56%
Two-Family Dwelling	20,000 sf	100'	56%

Business	20,000 sf	100'	56%
<u>MR Marine Resort</u>			
Multi-Family Dwelling	20,000 sf	100'	56%
Business	20,000 sf	100'	56%
<u>GB General Business</u>			
Single-Family Dwelling	20,000 sf	100'	56%
Two-Family Dwelling	20,000 sf	100'	56%
Multi-Family Dwelling	20,000 sf	100'	56%
Business	20,000 sf	100'	56%
<u>RO Retail Office</u>			
Business	20,000 sf	100'	56%
(rev. 05/20/2008)			
<u>I-1 Industrial</u>			
Business	20,000 sf	100'	56%
<u>AG Agricultural</u>			
	10,000 SF	75'	42%
<u>GOV Governmental</u>			
Governmental	20,000 sf	100'	56%
<u>PUD Planned Unit Development</u>	See Article 7		

2. That Section 4.03, entitled “Minimum Setbacks,” of the Orange Beach Zoning Ordinance is hereby amended as follows:

TABLE 4.0301: MINIMUM SETBACKS						
Zoning District	SETBACK REGULATIONS			CORNER LOT SIDE SETBACKS		
	Front Yard	Rear Yard	Side Yard	Arterial	Collector	Local
RS-1	30'	20'	10'	30'	30'	10'
RS-2	30'	20'	10'	20'	20'	10' (2)
RS-3	30'	20'	10'	20'	20'	10'
RM-1	30'	30'	10'	30'	30'	10'
RM-2	30'	30' (1)	10'	30'	30'	10'
MHP	See Article 6					
MHS	See Article 6					
BR-1	30'	30'	10' (1)	30'	30'	10'
BR-2	30'	30'	10' (1)	30'	30'	10'
NB	30'	30'	10'	30'	30'	10'
MR	30'	30'	10'	30'	30'	10'
GB	30'	30'	10' (1)	30'	30'	10'
RO	30'	30'	10' (1)	30'	30'	10'
I-1	40'	40'	20'	30'	30'	20'
AG	30'	20'	10'	30'	30'	10'
GOV	30'	30'	10'	30'	30'	10'
PUD	See Article 7					

TABLE 4.0302: MINIMUM SETBACKS IN THE BEACH OVERLAY DISTRICT						
Zoning District	SETBACK REGULATIONS			CORNER LOT SIDE SETBACKS		
	Front Yard	Rear Yard	Side Yard	Arterial	Collector	Local
RS-1-BOD	30'	20'	10'	30'	30'	10'
RS-2-BOD	30'	20'	10'	20'	20'	10'
RS-3-BOD	30'	20'	10'	20'	20'	10'
RM-1-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
RM-2-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
MHP-BOD	See Article 6					
MHS-BOD	See Article 6					
BR-1-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
BR-2-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
NB-BOD	25' (1)	30'	10'	30' (5)	30'	10'
GB-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
MR-BOD	25' (1)	30'	20' (2)(3)	30' (5)	30'	20' (2)(3)
RO-BOD	25'	30'	10'	30' (5)	30'	20'
I-1-BOD	40'	40'	20'	30'	30'	20'
AG-BOD	30'	20'	10'	30'	30'	10'
GOV-BOD	25'	30'	20' (3)	30' (4)(5)	30' (4)	20' (3)
PUD-BOD	See Article 7					

3. That Subsection 5.0601 of Section 5.06, entitled “Number of Principal Buildings on Lot,” of the Orange Beach Zoning Ordinance is hereby amended as follows:

5.0601 Number

Only one (1) principal residential building may be erected on any lot located within an RS zoning district. If a lot has a minimum of seventy-five (75) feet of road frontage and at least twenty-six thousand two hundred fifty (26,250) square feet, two (2) principal single-family structures or one (1) principal duplex with conditional use approval in accordance with this Ordinance may be constructed. No lot may have a density to exceed two (2) residential units, single family or duplex. One accessory structure will be allowed for each allowable principal residential structure present on the lot.

4. That Subsection 8.0101 of Section 8.01, entitled “Required Off-Street Parking” of the Orange Beach Zoning Ordinance is hereby amended as follows:

8.0101 Minimum Off-Street Parking Spaces Required

- a. Single-family dwelling, attached or detached: two (2) spaces for up to two (2) bedrooms; for dwelling units with three (3) or more bedrooms or sleeping rooms, one (1) parking space per bedroom or sleeping room.
- b. Two-family structure: two (2) spaces for up to two (2) bedrooms per unit; for units with three (3) or more bedrooms or sleeping rooms, one (1) parking space per bedroom or sleeping room.

- room.
- c. Multi-family structures: two (2) parking spaces for each dwelling unit up to three (3) bedrooms, three (3) spaces for four (4) or five (5) bedrooms, and four (4) spaces for more than five (5) bedrooms; one (1) additional guest parking space per every five (5) units.
 - d. Hotels, condo-hotels, motels and motor inns: one and one-fourth (1.25) parking spaces per lodging room with a gross floor area of six hundred (600) square feet or less; two (2) spaces per lodging room with a gross floor area exceeding six hundred (600) square feet; and additional parking spaces for accessory uses such as restaurants, lounges, offices, shops, etc. as required in this Ordinance. Franchise required accessories (i.e., dining facilities) that are not opened to the general public and are for registered guest only are considered accessory uses in determining required parking. No additional parking for convention and meeting facilities with a gross floor area not exceeding twenty-five (25) square feet per the number of lodging rooms proposed (i.e., 200 rooms x 25 s.f. per room = 5,000 s.f.), but convention and meeting facilities with a gross floor area in excess of twenty-five (25) square feet per the number of lodging rooms proposed must adhere to the parking requirements for convention and meeting facilities, which will be accessed at the rate of one (1) space per one hundred (100) square feet. In those instances where convention and meeting space is contained within the building, sixty percent (60%) of the one per one hundred (1/100) rate will be required.
 - e. Barber shop/beauty shop, bed and breakfast: two (2) parking spaces for the owner/resident, plus one and three-fourth (1.75) parking spaces per guestroom unit.
 - f. Church, synagogue or other place of worship, assembly halls, theaters, community recreation centers: one (1) space for each four (4) fixed seats in the largest assembly room or area, or for each forty (40) square feet of floor area available for the accommodation of movable seats in the largest assembly room.
 - g. Libraries, art museums and similar cultural facilities: one (1) space for each four hundred (400) square feet of gross floor area.
 - h. Private clubs, country clubs, and lodges: one (1) space for each two hundred fifty (250) square feet of gross floor area.
 - i. Funeral home: one (1) space for each four (4) seats or bench seating spaces in chapel; if no chapel, one (1) space for each forty (40) square feet of floor area available to the public use.
 - j. Medical offices, dental offices and medical and veterinary clinics: four (4) parking spaces for each doctor plus one (1) parking space for each employee.
 - k. Retail stores selling clothing, variety merchandise, jewelry, sporting goods, musical records, tapes, video cassettes, drugs, liquor, small hardware, groceries, and similar items: one (1) space for each two hundred (200) square feet of gross floor area.
 - l. Retail stores selling merchandise generally characterized by high bulk and high cost including stores selling furniture, appliances, large hardware items, business machines, bicycles, guns, light fixtures, radio and television, auto accessories, building materials, home furnishings, and similar goods: one (1) space for each three hundred (300) square feet of gross floor area.
 - m. Service stations, car wash: five (5) parking spaces for each bay and two (2) for each wash rack.

In determining parking requirements for restaurants of all types, facilities for seating and drive-in and/or take out services will be taken into consideration. Required parking will be based on the facilities provided and parking requirements shall be cumulative. When facilities are provided for

ordering from picking up by and/or serving to a vehicle, stacking spaces (the area reserved for queuing vehicles) and/or parking (as applicable) shall be required. In certain situations, it may be appropriate to require less parking. In such situations, the City Council may, upon recommendation of the Planning Commission, reduce the parking requirements where, owing to an apparent abundance of parking spaces on the same lot as the restaurant, such reduction is desirable

- n. Restaurants, lounges, and other eating and drinking places (freestanding, not connected to a hotel or other primary use): one (1) space for each one hundred (100) square feet of gross floor area and outdoor seating areas; stacking space for five (5) vehicles measured from window at which food is served if drive-thru facilities are provided.
- o. Restaurants, lounges, and other eating and drinking places (as an accessory use, connected to a hotel or other primary use): sixty percent (60%) of the requirement of one (1) space for each one hundred (100) square feet of gross floor area and outdoor seating area.
- p. Drive-in or Take-Out Restaurants: one (1) space for each three (3) seating accommodations, three (3) spaces for each walk-up window, one (1) space for every three (3) feet, or fraction thereof, of service counter (whether located inside or outside), one (1) space for each vehicle if curbside service is offered, stacking space for five (5) vehicles measured from the window at which food is served if drive-thru facilities are provided.
- q. Bowling alley or poolroom: two (2) spaces for each alley or billiard or pool table.
- r. Bank, savings and loan or other financial institution: one (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) space for each two (2) employees.
- s. Professional and business offices: one (1) space for each two hundred eighty (280) square feet of gross floor area.
- t. Commercial recreational and amusement establishments enclosed: one (1) space for each two hundred (200) square feet of gross floor area; outside recreation one (1) space per four (4) patrons at design capacity.
- u. Personal service establishments: one (1) space for each two hundred (200) square feet of gross floor area.
- v. General service or repair establishment, printing, publishing, plumbing, heating, and broadcasting: one (1) space for each five hundred (500) square feet of gross floor area.
- w. Laundromat: one (1) space for each two (2) washing machines or one (1) space for each seventy (70) square feet of floor space, whichever is the greater.
- x. Manufacturing or industrial establishment, research or testing laboratory, bottling plant, wholesale, warehouse or similar establishment: one (1) space for each eight hundred (800) square feet of gross floor area. Mini warehouse, self-service storage facilities: one (1) space for each two hundred eighty (280) square feet of office space and additional parking spaces for manager's quarters, retail space, and truck and trailer rentals; alley separating rows of storage units shall be wide enough to allow two (2) vehicles to pass each other.
- y. Non-commercial Boat Docking as an Accessory to:

Single family dwelling and duplex dwellings: 0 additional spaces (no more required than those for the dwelling(s)).

Multi-family dwelling units: 0 additional spaces (no more required than those for the dwelling(s)).

Multi-family dwellings where the number of slips exceeds the number of multi-family units:

one and one-half (1.5) spaces for each slip that exceeds the number of multi-family dwelling units.

z. Marina:

In addition to all other parking requirements herein a business docking boats shall have one-half (.50) parking spaces per one hundred (100) square feet of gross floor area (not including dock stores over water) devoted to marina operations (not including dry boat storage), plus

One and one-half (1.50) parking spaces per non fare-carrying vessel, plus

Three (3) parking spaces per fare-carrying fishing vessel, (charter boat), plus

One (1) space per four (4) permitted passengers (for which the boat is licensed) for sightseeing/dinner cruise boats and head boats.

Depending on the marina facilities provided, only those applicable requirements shall apply. If the mix of slips/berths offered by a marina should change, the appropriate parking requirements shall be required.

These requirements apply to all new marinas and any new uses or clients of existing marinas.

Marine Dry Storage: one (1) space for every four (4) boat berths.

5. That Subsection 10.0305 of Section 10.03, entitled "Site Plan Requirements and Architectural Review" of the Orange Beach Zoning Ordinance is hereby amended as follows:

10.0305 Considerations in Reviewing Site Plan

a. Site Location and Character of Use

The zoning districts, including bulk regulations, general provisions and the list of permitted accessory uses, off-street parking, landscaping, required open spaces, yards and building setbacks shall collectively be the principal guide in determining the suitability of the location of the proposed use.

The development must conform to the Comprehensive Plan by promoting stability of existing uses, the character of the district, and protects the general health, safety and welfare of the City.

b. Appearance of Site and Structures

The choice of building materials, landscaping, colors, lighting and other building and site improvements shall be commensurate with or improve the surrounding area without generating adverse visual impact on surrounding properties or transportation corridors. Architectural style or design is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design characteristics and relationship to the district in which it is located considering the following factors:

1. The exterior and placement of buildings and structures, including appearance, scale, facade and its orientation, along with roof line and building materials shall be in harmony with the site and other construction in the district and/or surrounding area.

Awnings or other ornamental features designed in a manner harmonious with the building design shall be of appropriate scale, shape, color scheme and pattern in order to reinforce good design principles. Similarly, functional and/or ornamental features shall not use incompatible or extraordinary scale, shapes, color schemes, patterns or other extraordinary features for purposes of attracting attention.

For retail and general business uses, any side of a building or structure greater than

seventy-five (75) feet in length shall incorporate recesses and projections along at least twenty percent (20%) of the length. Recesses and projections shall be of sufficient measurements to affect the intent of this provision. Recesses and projections shall be allocated along the length of the facade. Facades not meeting this requirement shall not be approved under this article. Windows, awnings and arcades must total at least sixty percent (60%) of the facade length facing a public street. Smaller retail shops or stores that are part of a larger principal building shall have display windows and separate outside entrances. Smaller stores are encouraged by the City.

Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters. All sides of a principal building that directly face an abutting public street shall feature at least one (1) customer entrance. Where a principal building directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building.

All facades of a building that are visible from adjoining properties and/or public streets shall be similar in color and a design similar to a front façade.

2. Architectural interest in the main structure shall be accomplished by the use of a repeating pattern of change in color, texture, and material modules. At least one (1) of these items shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically. Colors shall be harmonious with development in the surrounding area, and bright or brilliant colors used only for accent. Predominant exterior building materials shall be of high quality. These include, but are not limited to, brick, wood, sandstone or stucco, other native stone and tinted/textured concrete masonry units. Unpainted, smooth faced concrete block, non-architectural grade, tilt-up concrete panels or prefabricated steel panels are prohibited as the predominant exterior building materials on front facade.

Facade colors shall be of low reflectance, subtle, or colors consistent with the surrounding impacted area or natural environment. Building trim may feature brighter colors but neon tubing is not allowed as an accent material. Neon lighting shall not be used to accent eaves, edges, roof tops, or add unnecessary elaborateness to a structure.

3. Variations in rooflines are required to reduce the massive scale of structures and add visual interest. Roofs must have at least two (2) of the following features: parapets concealing flat roofs and roof top equipment, overhanging eaves, sloped roofs and three or more roof slope planes. Mechanical equipment or other utility hardware other than antennas and stacks on roofs and any other exterior service areas shall be harmonious with the building or they shall be located and/or screened so as not to be visible from any public ways within the impacted area.
4. Refuse and waste removal areas shall be screened from adjacent properties and public ways by appropriate fences, walls or hedges. Service areas shall be located to the rear of a building or structure and shall not be located in the front setback. In cases where dumpsters are proposed to be located in areas visible from any public right-of-way, the Planning Commission shall be authorized to require appropriate vegetative or structural screening to shield an unsightly condition..
5. All manufacturing and/or processing shall be conducted within completely enclosed buildings in the GB and I-1 districts and more restrictive districts.
6. Automobile and dry boat storage businesses and contractor storage yards for vehicles, equipment, materials and supplies not enclosed within a solid structure shall be enclosed

by a privacy or solid fence on all sides and shall have a height of eight (8) feet. The exterior side shall be smoothed and non-framed.

7. Exterior lighting shall be so arranged as to shield or deflect light away from adjoining properties and public streets. Lighting shall be of a pedestrian scale, limited to a maximum height of twenty-six (26) feet. The intensity of the light shall be provided in lumens, foot-candles, and wattage so a determination can be made that it is appropriate for the premises' proposed use. Sign regulations of the Zoning Ordinance shall be complied with. Lighting shall be shielded adjacent to Highway 182 to eliminate reflection towards the beach.

c. Access, Internal Circulation and Off street Parking

1. If the total number of required parking spaces equals twenty-one (21) spaces or more, no more than fifty percent (50%) of the off-street parking area for the entire property may be located between the front facade of the principal building and the primary abutting street, except this requirement shall not apply to properties having frontage on a navigable waterway or developments located within the Beach Overlay District. See Section 10.0306 for Beach Overlay District requirements. Driveways and areas for parking and internal circulation of vehicles shall be located, designed and controlled so as to provide for safe and convenient circulation within the site and safe and convenient access from adjoining streets. Requirements of Article 8 of the Zoning Ordinance shall be applied for off-street parking. Among factors to be considered shall be the number and location of access drives from adjacent streets, the location and width of driveways and access aisles to parking spaces, the arrangement of parking areas and means of access to buildings for fire-fighting apparatus, other emergency vehicles and landscaping.
2. Parking areas and driveways shall be clearly identified and separated from principal pedestrian routes by curbs, pavement markings, planting areas, fences or similar features designed to promote pedestrian safety. The site shall be designed in such a way that its pedestrian path(s) or trail(s) can be connected to any existing or proposed offsite pedestrian path(s) or trail(s).
3. Vehicular access to adjoining minor residential streets shall not be permitted when the Planning Commission determines adequate access is available to collector streets or major thoroughfares and when adequate access for emergency vehicles can otherwise be provided.
4. Loading docks, trash collection, and similar uses and functions shall be incorporated into the overall design of the building and landscaping so that the visual and acoustic impact of these functions are contained and out of view or hearing from adjacent properties and public streets to the most practicable extent possible.
5. Any property owner (or their representative) who intends to construct a vehicular turnout or driveway onto any federal, state, county or, city highway or street, shall be required to make application for and obtain the following permit and/or inspection, as appropriate:
 - a) If a state highway, an Alabama Department of Transportation Driveway or Turnout Permit;
 - b) If a county highway or road, a Baldwin County Highway Department Driveway or Turnout Permit;
 - c) If a city street, an Orange Beach Streets Department Inspection and Driveway Permit.

A building permit shall not be issued unless and until the appropriate driveway or turnout

permit(s) has been issued by the Authority Having Jurisdiction (AHJ) and a copy of the permit filed with the Department of Community Planning (Planning Division).

Exceptions: An applicant for a duplex or a single family residence on a single lot fronting a city street shall only be required to submit a driveway application and plan (Exhibit B) with the application for a building permit, which shall be forwarded to the Streets Superintendent for his review and approval.

Application and Standards: The form of application shall be as prescribed by the AHJ (county or state). The application, standards, specifications and drawings for a driveway or turnout connection to a city street or highway shall be in substantial conformity with Exhibit A.

General Procedure and Departmental Review

Filing: No driveway or turnout, temporary or permanent, shall be installed or used unless and until a permit for such driveway has been issued by the AHJ.

Procedure: The applicant shall submit a copy of the appropriate application meeting all the AHJ's standards, simultaneously with the application for site plan review. The Streets Department comments shall be forwarded to the Department of Community Planning (Planning Division) for inclusion in the Planning Division's report to the Planning Commission.

Review: Applications for construction of a driveway or turnout connection are reviewed for consistency to applicable requirements. Applications to connect to city streets or highways are reviewed and either approved, approved with modifications or denied in conjunction with the site plan review. Any application for a driveway or turnout proposed within one hundred fifty (150) feet of a major intersection (defined as an intersection of two (2) or more streets with a traffic light signal) shall first be approved by the Planning Commission, regardless of whether the street or highway is a federal, state, county or city facility.

Fees: Fees shall be required for filing a driveway or turnout permit application for connection to a city street or highway according to the fee schedule adopted by the City Council.

Inspections: Prior to commencement of construction of any driveway or turnout, the applicant shall stake the proposed driveway(s) or turnout(s) in the field for inspection and confirmation of location and compliance to city requirements by the Streets Superintendent. Upon completion of all work within a right-of-way, the applicant shall call the Streets Superintendent for another, final inspection. The cost of any remedial work to comply with any AHJ's requirements shall be borne by the owner or applicant.

6. That Subsection 10.0306 of Section 10.03, entitled "Site Plan Requirements and Architectural Review" of the Orange Beach Zoning Ordinance is hereby amended as follows:

10.0306 Beach Overlay District

The provisions of the Beach Overlay District apply to new construction, additions or structural alterations on all land within the designated district. These provisions shall serve to supplement underlying zoning regulations in order to support the stated purpose of the district, and shall control in the event of conflict.

Single-family dwellings and two-family duplexes are exempted from the provisions of the Beach Overlay District. However, construction of an eight (8) foot sidewalk along the State Highway 182 right-of-way, in alignment with and connecting to that of adjacent properties, is required.

- a. General Building Design Standards

1. Pedestrian-oriented areas shall be constructed within the front twenty (20) feet of the property abutting State Highway 182, or ten percent (10%) of the average lot depth*, whichever is less, subject to the following:
 - a) A hardscaped area shall be provided, equal to fifty percent (50%) of the pedestrian-oriented area, comprised of an eight (8) foot (minimum) sidewalk and pedestrian amenities such as plazas, fountains and benches. Sidewalk shall be aligned with and connected to that of adjacent and contiguous properties. In order to assure pedestrian connectivity, additional sidewalk connections to the street pedestrian/bicycle path shall be provided in cases where no sidewalk exists on adjacent properties. The remainder shall be pedestrian-friendly landscaping and vehicular use area buffers, where applicable, subject to Section 10.0306 C. below.
 - b) Grade changes within the pedestrian-oriented areas shall be minimized in order to support pedestrian uses. The Planning Commission may approve grade changes within the pedestrian-oriented area where compliance with the Federal Emergency Management Agency (FEMA), handicap accessibility and /or stormwater rules and regulations necessitates the grade changes.

The width of the pedestrian-oriented area may vary and equivalent areas grouped along the right-of-way to encourage creative design and facilitate site layout.

*The average lot depth of properties located on the south side of State Highway 182 shall be determined by utilizing the average property depth between the right-of-way and the Coastal Construction line (CCL).

2. All sides of a principal building that directly face an abutting street shall have a clearly defined, highly visible customer entrance and must be accessible from the sidewalk. Where allowed by zoning district, every effort shall be made to place general business use establishments along the street frontage to promote and enhance the pedestrian environment. Canopies and awnings, with or without structural supports, are required along the fronts of buildings, creating an arcade, and are allowed within the front yard setback, but shall be setback a minimum of fifteen (15) feet from the right-of-way. Arcaded areas may not be enclosed or screened. Courtyard areas located adjacent to the pedestrian-oriented area may be devoted to the pedestrian-oriented space requirement as provided in subsection A.1. above.
3. Where allowed by zoning district, outdoor cafes are permitted within the front setback, arcaded areas, and open courtyards, and may be enclosed with a hedge or removable decorative fence or wall, with a maximum height of thirty (30) inches. A minimum fifteen (15) foot setback must be maintained along the State Highway right-of-way.
4. The maximum average width of residential and general business structures greater than five (5) stories in height shall be three hundred (300) feet, excluding the parking structure underneath. The width restriction shall not apply to the parking structure underneath the building, if exempted from the height limitation per Table 4.0403.
5. Building façades that are visible from the street and surrounding property must incorporate architectural features to break up large wall planes into smaller components and add visual interest. No more than thirty percent (30%) of consecutive façade may remain without architectural detail, including but not limited to balconies, recessed walls, changes in color and/or texture, varying rooflines, curved or angled walls, fenestration and cantilevers. Neon tubing is prohibited.
6. For structures greater than fifty (50) feet in height, the building width and/or depth shall

be reduced at varying heights to create a tiered effect of the building profile. The sum of the dimensional changes in setback, applied to the front and side façades of the building, shall be equal to or greater than twenty percent (20%) of the building height. This requirement may be combined and applied to one or more of the building front and side façades.

7. Rooftop features are required to reduce the massive scale of the structures and add visual interest. These features may be comprised of pitched roofs, parapets, spires, elevator bulkheads, recreational facilities, pool houses and cabanas, viewing areas and other permitted accessory uses (excluding residential and hotel units). The maximum height of these features shall not exceed forty-five (45) feet or twenty-five percent (25%) of the building height (excluding the rooftop features), whichever is less. Enclosed rooftop accessory uses shall be limited to single-story and not be included in and applied to the maximum allowable number of stories set forth in Table 4.0403. Rooftop features shall contribute to the overall quality of the building design characteristics and surrounding structures.
8. Building mounted lighting or lighting on above grade decks or balconies shall be fully shielded where visible from the street, beachfront or adjacent properties. An outdoor lighting plan shall be submitted in conjunction with the Planning Commission application and subject to establishment and approval through the applicable review process. Said lighting plan shall provide the location, type and details of light fixtures, ensuring compliance with this provision and Section 10.0305B.6.

b. Vehicular Use Areas

Surface parking shall be located or buffered in a manner that shields the vehicular use areas from view of pedestrian-oriented areas.

All on-site vehicular use areas within the district must comply with the provisions of Article 8.

1. All parking for general business uses shall be located on the side or rear of the building or within a parking structure, unless located in a manner that prevents visibility from the street. Shared driveway access between properties is encouraged to minimize the number of ingress/egress points along State Highway 182. The Planning Commission may allow vehicular use areas to be located within the required side yard in consideration of shared ingress/egress between properties. An agreement for the shared access, in the form of a private easement, or other method acceptable to the Director of Community Development, shall be filed with the project application and recorded in the public records of Baldwin County.
2. Seventy-five percent (75%) or more of the required parking for multi-family, townhouse, condominium and hotel developments located on the south side of Perdido Beach Boulevard shall be provided within a parking structure, partially or entirely located under/within the principal building structure. The balance of the required parking shall be located on the side or rear of the building unless located in a manner that prevents visibility from the street. The Planning Commission may approve a maximum of five (5) parking spaces to be located in the front of the building for temporary use such as pick-up/drop-off and delivery. These spaces shall not be included in or counted towards the required number of parking spaces for the proposed use(s).
3. Parking structures must be designed to be architecturally compatible with the principal building structure and provide screening of parked vehicles from the street and adjacent property.

4. Drive-thru window services and queuing lanes for such services shall not be located between the front façade of the building and State Highway 182, and must be designed so as to have minimal impact on pedestrian traffic.
 5. Vehicular use areas of mixed use developments shall be designed in a manner consistent with the requirements of this section.
7. That Section 12.06, entitled “Enforcement” of the Orange Beach Zoning Ordinance is hereby amended as follows:

12.0601 Right of Entry

The Zoning Official and/or his authorized representative may enter any building, structure, or premises at all reasonable times to make an inspection or enforce any provisions of this Ordinance. When entering a building, structure, or premise that is occupied, the Zoning Official and/or his authorized representative shall first identify himself, present proper credentials and request entry. If the building, structure, or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the Zoning Official and/or his authorized representative shall have recourse to every remedy provided by law to secure entry. No person, owner or occupant of any building, structure, or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property after the Zoning Official and/or his authorized agent for the purpose of inspections pursuant to this Ordinance. Any person violating this section shall be prosecuted within the limits of the law as established by the Municipality of Orange Beach.

12.0602 Violations

- a. When a violation of this Ordinance is found, the Zoning Official, or his authorized representative, or the Municipality, or the Municipality on his behalf is authorized and directed to institute the following outlined procedure to end such violation.
 1. The Zoning Official declares that a violation of the Zoning Ordinance has occurred.
 2. The Zoning Official takes photographs of the zoning violation, makes a written record of the observed zoning violations, and places these in a public record file in the Orange Beach Department of Public Works.
 3. The Zoning Official issues an Ordinance Violation Notice to the owners of record of the building/property stating that the building/property is in violation of the Zoning Ordinance and listing the observed violation(s), and allowing them a thirty (30) day period from the date of the citation to correct the violation.
 4. If such violation has not been corrected within the thirty (30) day period, the Zoning Official or his designee may appear before a magistrate and file a complaint for violation of this Ordinance.
- b. For any and every violation of the provisions of this Ordinance, and for each and every day that such violation continues, said violation(s) shall be punishable as a misdemeanor by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment. Persons charged with such violation(s) may include:
 1. The owner, agent, lessee, tenant, contractor, or any other person using the land, building or premises where such violation has been committed or shall exist.
 2. Any person who knowingly commits or takes part or assists in such violation.
 3. Any person who maintains any land, building or premises in which such violation shall

exist.

c. In addition to the criminal penalties and enforcement procedures above stated, the Building Official, or the Municipality, or the Municipality on his behalf, may institute any lawful civil action or proceeding to prevent, restrain or abate:

1. The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or
2. The occupancy of such building, structure, land or water; or
3. The illegal act, conduct, business, or use, in or about any building, structure, or premises.

8. All ordinances or parts of ordinances in conflict are to the extent of such conflict repealed.
9. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 3rd DAY OF JANUARY, 2023.

Renee Eberly
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2023-xxxx was posted on _____ in the following three (3) public places:
 Orange Beach City Hall _____
 Orange Beach Post Office _____
 Orange Beach Public Library _____

Renee Eberly, City Clerk