



**PLANNING & ZONING**  
COMMUNITY DEVELOPMENT DEPARTMENT  
P.O. BOX 2432  
ORANGE BEACH, ALABAMA 36561



**ORANGE BEACH  
PLANNING COMMISSION  
WORK SESSION**

**Monday, November 14, 2022, 3:00 PM  
City Council Chamber  
4099 Orange Beach Boulevard**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. DISCUSSION ITEMS**

**1. Case No. 1101-SD-22, Phoenix Key, Phase One Subdivision**

Phoenix Key LLC requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 4, 5, 6 and 7 of East Perdido Key, Phase One Subdivision into one lot. The property is located at 29040, 29050, 29060 and 29070 Perdido Beach Boulevard in the Multi-Family Residential High Density (RM-2) and Single-Family Residential (RS-1) zoning districts.

**2. Case No. 1105-ZT-22, Zoning Text Amendments, Articles 4, 5, 8, 10, 12 and 15**

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendments** to modify Sections 4.02 (Requirements for Lot Area, Lot Width, and Other Factors), 4.03 (Minimum Setbacks), 5.06 (Number of Principal Buildings on Lot), 8.01 (Required Off-Street Parking), 10.0305 (Considerations in Reviewing Site Plans), 10.0306 (Beach Overlay District), 12.06 (Enforcement), and 15.0902 (Temporary Signs and Standards) of the Zoning Ordinance.

**3. Case No. 1104-SP-22, Orange Beach Water Authority Conference Room Expansion**

Mark D. Pavey, on behalf of the Orange Beach Water Authority, requests approval of **Site Plan Review** to add 700+ square feet to the existing building to expand the existing conference room. The property is located at 25097 Canal Road in the General Business (GB) zoning district.

**D. ADJOURN**



**PLANNING & ZONING**  
COMMUNITY DEVELOPMENT DEPARTMENT  
P.O. BOX 2432  
ORANGE BEACH, ALABAMA 36561



**ORANGE BEACH  
PLANNING COMMISSION  
REGULAR MEETING**

**Monday, November 14, 2022, 4:00 PM  
City Council Chamber  
4099 Orange Beach Boulevard**

**A. CALL TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

**E. APPROVAL OF AGENDA**

**F. CONFLICTS OF INTEREST**

**G. APPROVAL OF MINUTES AND CERTIFIED RECORDS**

1. Approval of minutes from the Work Session on October 10, 2022.
2. Approval of minutes from the Regular Meeting on October 10, 2022.

**H. PUBLIC HEARINGS**

**1. Case No. 1101-SD-22, Phoenix Key, Phase One Subdivision**

Phoenix Key LLC requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 4, 5, 6 and 7 of East Perdido Key, Phase One Subdivision into one lot. The property is located at 29040, 29050, 29060 and 29070 Perdido Beach Boulevard in the Multi-Family Residential High Density (RM-2) and Single-Family Residential (RS-1) zoning districts.

**2. Case No. 1105-ZT-22, Zoning Text Amendments, Articles 4, 5, 8, 10, 12 and 15**

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**I. SITE PLAN REVIEWS**

**1. Case No. 1104-SP-22, Orange Beach Water Authority Conference Room Expansion**

Mark D. Pavey, on behalf of the Orange Beach Water Authority, requests approval of **Site Plan Review** to add 700+ square feet to the existing building to expand the existing conference room. The property is located at 25097 Canal Road in the General Business (GB) zoning district.

**J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE**

**1. Case No. 1102-SD-22, Bickers Acres, Resubdivision of Lot 4 of the Resubdivision of Bickers Acres**

KO Investments' LLC requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lot 4, Resubdivision of Bickers Acres, into two lots. The property is located at 5211 Carleton Lane North in the Single-Family Residential (RS-1) zoning district.

**2. Case No. 1103-CU-22, Coastal Storage Suites**

Engineering Design Group, on behalf of Coastal Storage Solutions, requests recommendation to City Council for approval of **Conditional Use** for a self-service storage facility consisting of two buildings covering 12,500 square feet and 10 units. The property is located at the southwest corner of Money Bayou Drive and Sweetwater Drive in the General Business (GB) zoning district.

**K. OTHER BUSINESS**

1. Election of Officers

**L. PUBLIC COMMENTS**

**M. ADJOURN**

Minutes

Orange Beach Planning Commission Work Session

October 10, 2022 3:00 PM

Council Chambers - Orange Beach Municipal Complex

4099 Orange Beach Boulevard

**A. CALL TO ORDER**

Chairman Stuart called the meeting to order at 3:01 PM.

**B. ROLL CALL**

Board Members Present:

Commissioner Bill Jeffries

Commissioner Annette Mitchell

Commissioner Jack Robertson

Commissioner Glenn Smith

Commissioner Matt Wilson

Commissioner Nelson Bauer

Vice Chairman Kathy Lindsey

Chairman Robert Stuart

Staff Present:

Kit Alexander, Community Development Director

Griffin Powell, City Planner

Sherri Descalzo, P&Z Coordinator

Sean Brumley, GIS Specialist

**C. DISCUSSION ITEMS**

**1. Case No 0906-PUDA-22 Cotton Bayou Cottages PUD**

Hercules Investments LLC requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.6 acres from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a residential development consisting of four single-family residences with a shared single driveway and a single access pier on Cotton Bayou. The property is located at 26400 Cotton Bayou Drive. *Deferred from the Regular Meeting on September 12, 2022.* Griffin Powell presented to the Planning Commission.

Commissioner Bauer emphasized that the by-right scenario allows 4 dwellings, 2 driveways and 12 boat slips.

Commissioner Mitchell expressed concerns about the stacked parking.

Commissioner Jeffries asked how the boat slips will be allocated. Jim Brown said each slip will be assigned a unit number.

**2. Case No. 1002-SD-22, Harrell Subdivision Plat #1, A Resubdivision of Lots 899, 924, 925, & 926, Bear Point Estates Subdivision**

Joseph Harrell requests approval of **Preliminary and Final Minor Subdivision** to replat Lots 899, 924, 925 and 926, Bear Point Estates Subdivision into two lots. The property is located at 5365 Mississippi Avenue at the northwest corner of the intersection of Mississippi Avenue and Baker Drive in the Single-Family Residential (RS-2) zoning district. Griffin Powell presented to the Planning Commission. There were no questions.

**3. Case No. 1003-SD-22 Everhart Subdivision**

Sawgrass Consulting LLC, on behalf of Marissa Everhart, requests approval of **Preliminary and Final Minor Subdivision** to replat 2.6 acres from four lots into three lots. The property is located at 26135 Canal Road and 4706 Raley Lane at the northwest corner of the intersection of Canal Road

and Callaway Lane in the Marine Resort (MR) zoning district. Griffin Powell presented to the Planning Commission. There were no questions.

4. **Case No. 1006-PUD-22, Top Tier Water Sports PUD**

Engineering Design Group, on behalf of Top Tier Water Sports, requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.5 acres from Multi-Family Residential Medium to Low Density (RM-1) to Planned Unit Development (PUD) for a parking area with 50+ spaces, an office building, and docks for Top Tier Water Sports boat rentals and dolphin cruises. The property is located at 26023 Perdido Beach Boulevard and is behind Cotton's Restaurant. Griffin Powell presented to the Planning Commission.

Kit Alexander stated the access will be less than 20 feet wide south of the parking lot.

Commissioner Jeffries asked whether there will be signage on Perdido Beach Boulevard and Griffin stated they will not have a sign.

Commissioner Mitchell asked about the usage of the proposed building and Griffin Powell stated it will be an office use.

Zackary Black, Assistant Fire Marshal, said the fire department has no problem with the access road width.

5. **Case No. 1008-PUDA-22, Pandion Ridge PUD Modification – Pandion Ridge Water Park**

Sawgrass Consulting LLC, on behalf of Sun Pandion Ridge Commercial RV LLC, requests recommendation to the City Council for approval of **Major PUD Modification** to the Pandion Ridge Planned Unit Development Master Plan for a water park recreation area on 4.3 acres. The property is located at 22820 Canal Road at the southeast corner of Canal Road and Eagle Way. Griffin Powell presented to the Planning Commission.

Commissioner Bauer stated more than one ingress-egress is needed for the site with regard to emergency access and can be addressed during permitting.

6. **Case No. 1004-SP-22, Beech RV Park**

KP RV-02 LLC, on behalf of Beech Campers & Mobile Home Park Inc., requests approval of **Site Plan Review** to upgrade the current 24.2-acre recreational vehicle park and to construct additional amenities. The park will have 167 recreational vehicle sites. The property is located at 4224 Orange Beach Boulevard in the Mobile Home Park (MHP) and Neighborhood Business (NB) zoning districts. Griffin Powell presented to the Planning Commission.

Kit Alexander said the applicant is trying to preserve the existing trees.

Chairman Stuart asked whether overflow parking is being provided. Griffin Powell said there are 49 spaces being provided at the Camp Store.

Commissioner Robertson asked about the rental terms. The applicant said the spaces could not be rented for greater than 30 days.

Commissioner Mitchell questioned the access to Orange Beach Boulevard. Kit Alexander said there are 2 exits with the south access being full access.

7. **Case No. 1007-SP-22, Lost Bay Townhomes**

Engineering Design Group, on behalf of Alva Gordon Barnhill, requests approval of **Site Plan Review** to construct a multi-family residential development consisting of 82 units on 27.8 acres. The property is located south of the Brett/Robinson Laundry Facility and Posh Interiors and west of The Island Church in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

Commissioner Mitchell asked whether sufficient parking is being provided. Kit Alexander stated the proposed number of parking spaces complies with the zoning requirements.

8. **Case No. 0802-SP-22, MMM III Enterprises Warehouse Addition**

Lucido Engineering & Surveying LLC, on behalf of MMM III Enterprises LLC, requests approval of **Site Plan Review** to construct a 2,000-SF warehouse and storage addition to the south side of Melanie Martin Interiors. The property is located at 24820 Canal Road in the General Business (GB) zoning district. *Deferred from the Regular Meeting on September 12, 2022.* Griffin Powell stated that no action is needed and the applicant has withdrawn the application.

9. **Case No. 0909-CU-22, All About Storage Expansion**

Engineering Design Group, on behalf of All About Storage, requests recommendation to the City Council for approval of **Conditional Use** to construct four additional mini-warehouse buildings south of the existing buildings. The property is located at 24140 Canal Road in the General Business (GB) zoning district. *Deferred from the Regular Meeting on September 12, 2022.* Griffin Powell said the applicant did not meet deadline and this will be the second request for deferral.

**D. ADJOURN**

Adjourned at 3:49 PM

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Kit Alexander

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Robert Stuart, Chairman

**NOTE: THESE DRAFT MINUTES HAVE NO LEGAL STATUS UNTIL APPROVED BY  
THE BOARD OF COMMISSION FROM WHICH THEY ARE TAKEN**

Minutes  
Orange Beach Planning Commission  
October 10, 2022 4:00 PM  
Council Chambers - Orange Beach Municipal Complex  
4099 Orange Beach Boulevard

**A. CALL TO ORDER**

Chairman Stuart called the meeting to order at 4:07 PM.

**B. INVOCATION**

Commissioner Bauer gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Commissioner Bill Jeffries  
Commissioner Annette Mitchell  
Vice-Chairman Kathy Lindsey  
Commissioner Jack Robertson  
Commissioner Glenn Smith  
Commissioner Matt Wilson  
Commissioner Nelson Bauer  
Chairman Robert Stuart

Staff Present:

Kit Alexander, Community Development Director  
Griffin Powell, City Planner  
Sherri Descalzo, P&Z Coordinator  
Sean Brumley, GIS Specialist

**E. APPROVAL OF AGENDA**

There were no changes to the agenda and the agenda stands approved as submitted.

**F. CONFLICTS OF INTEREST**

None

**G. APPROVAL OF MINUTES AND CERTIFIED RECORDS**

There were no changes to the minutes and the minutes stand approved as submitted.

1. Approval of minutes from Work Session Meeting on September 12, 2022.
2. Approval of minutes from Regular Meeting on September 12, 2022.

**PUBLIC HEARINGS**

**1. Case No. 906-PUD-22, Cotton Bayou Cottages PUD**

Hercules Investments LLC requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.6 acres from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a residential development consisting of four single-family residences with a shared single driveway and a single access pier on Cotton Bayou. The property is located at 26400 Cotton Bayou Drive. *Deferred from the Regular Meeting on September 12, 2022.*

Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

Commissioner Smith said the floor plan indicates the houses will be used for vacation rentals. Kit Alexander said the PUD will prohibit vacation rentals.

Vice-Chairman Lindsey asked how many homes can be built "by-right". Kit Alexander stated two homes can be built on each lot and each lot will have a driveway. A common pool is not allowed per the zoning ordinance.

Commissioner Mitchell voiced concerns about the proposed stacked parking.

Commissioner Mitchell asked for clarification of the public benefit of this project. Jim Brown stated there will be four boat slips as opposed to twelve slips and one driveway instead of two.

Commissioner Jeffries asked about impacts to the wetlands. Jim Brown stated the wetlands will be protected by an upland seawall.

Tem Blalock asked about ownership of the boat slips. Kit Alexander said each homeowner will own their house but the surrounding land, pool, and pier will be commonly owned as a land condominium.

Commissioner Mitchell asked whether the boat storage area will be enclosed. Jim Brown stated it will not be enclosed and the surface area will be pavers and landscaping.

Jim Brown agreed to move four spaces from underneath the houses to the north side of the pool. Chairman Stuart closed the Public Hearing and called for a vote.

**Motion to recommend approval to City Council subject to staff comments and the relocation of the four southern parking spaces to the north side of the pool.**

Motion made and seconded (Wilson/Jeffries) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; no, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.

**Approved (7-1)**

**2. Case No. 1002-SD-22, Harrell Subdivision Plat #1, A Resubdivision of Lots 899, 924, 925, & 926, Bear Pot Subdivision.**

Joseph Harrell requests approval of **Preliminary and Final Minor Subdivision** to replat Lots 899, 924, 925 and 926, Bear Point Estates Subdivision into two lots. The property is located at 5365 Mississippi Avenue at the northwest corner of the intersection of Mississippi Avenue and Baker Drive in the Single-Family Residential (RS-2) zoning district.

Griffin Powell presented to Planning Commission. Chairman Stuart opened the Public Hearing. There was no one to speak. Chairman Stuart closed the Public Hearing and called for a vote.

**Motion to approve a Preliminary and Final Minor Subdivision subject to staff comments.**

Motion made and seconded (Lindsey/Bauer) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.

**Approved (8-0)**

**3. Case No. 1003-SD-22, Everhart Subdivision**

Sawgrass Consulting LLC, on behalf of Marissa Everhart, requests approval of **Preliminary and Final Minor Subdivision** to replat 2.6 acres from four lots into three lots. The property is located at 26135 Canal Road and 4706 Raley Lane at the northwest corner of the intersection of Canal Road and Callaway Lane in the Marine Resort (MR) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing. There was no one to speak. Chairman Stuart closed the Public Hearing and called for a vote.

*Motion to approve a Preliminary and Final Minor Subdivision subject to staff comments.*

Motion made and seconded (Mitchell/Robertson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.  
**Approved (8-0)**

**4. Case No. 1006-PUD-22, Top Tier Water Sports PUD**

Engineering Design Group, on behalf of Top Tier Water Sports, requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.5 acres from Multi-Family Residential Medium to Low Density (RM-1) to Planned Unit Development (PUD) for a parking area with 50+ spaces, an office building, and docks for Top Tier Water Sports boat rentals and dolphin cruises. The property is located at 26023 Perdido Beach Boulevard and is directly north of Cotton's Restaurant. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

John Pilcher stated he owns a lot to the east of the subject property. He expressed concern about trash, noise, traffic and a general negative impact on the neighborhood. He stated that the structure should not be allowed to have a 5-foot setback from the water. He strongly encouraged the Commission to reject this project.

Clay Moore, EDG Group, said the proposed building is a marine accessory building used only for ticket sales and public bathrooms.

Commissioner Jeffries asked for the length of the cruise boat. Jack Fisher, developer, said it is 64 feet long with a 126 person capacity. He said he revised the plan in response to concerns from the Fire and Police Departments about the width of the access.

Chairman Stuart closed the Public Hearing.

Commissioner Wilson asked whether the Fire Department had concerns about the proposed plan with regard to the access width. Zachary Black said the revised plan has addressed the Fire Department concerns.

Commissioner Jeffries said he has objections to a large boat being run in the waters of Cotton Bayou and the effect it will have on water quality. Jack Fisher said the boat will be on Cotton Bayou three times a day. There are pontoon boats operating businesses out of the State Park Cotton Bayou boat launch. Chairman Stuart called for a vote.

*Motion to recommend approval to City Council subject to staff comments.*

Motion made and seconded (Bauer/Wilson) Commissioner Jeffries; no, Commissioner Mitchell; yes, Vice-Chairman Lindsey; no, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; no.  
**Approved (5-3)**

**5. Case No. 1008-PUDA-22, Pandion Ridge PUD Modification – Pandion Ridge Water Park**

Sawgrass Consulting LLC, on behalf of Sun Pandion Ridge Commercial RV LLC, requests recommendation to the City Council for approval of **Major PUD Modification** to the Pandion Ridge Planned Unit Development Master Plan for a water park recreation area on 4.3 acres. The property is located at 22820 Canal Road at the southeast corner of Canal Road and Eagle Way. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

Commissioner Bauer asked about the height of the slides. Michael O'Neal said the slide closest to the access is 32.5 feet tall and the other is 44 feet tall.

Commissioner Jeffries asked if there is going to be a separate sign for the park. Ercil Godwin said Blue Water Graphics will be designing the park sign.

Zachary Black said the side road will need to be improved to provide emergency access. Ercil Godwin said it will be widened. Commissioner Nelson said the side road surface will need to have an all-weather surface that can support the weight of a firetruck. Commissioner Nelson said the egress of the park needs to be moved to the main road and will need to be addressed during site permitting. Chairman Stuart closed the Public Hearing and called for a vote.

**Motion to recommend approval to City council subject to staff comments.**

Motion made and seconded (Jeffries/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.

**Approved (8-0)**

## **H. SITE PLAN REVIEWS**

### **1. Case No. 1004-SP-22, Beech RV Park**

KP RV-02 LLC, on behalf of Beech Campers & Mobile Home Park Inc., requests approval of **Site Plan Review** to upgrade the current 24.2-acre recreational vehicle park and to construct additional amenities. The park will have 167 recreational vehicle sites. The property is located at 4224 Orange Beach Boulevard in the Mobile Home Park (MHP) and Neighborhood Business (NB) zoning districts. Griffin Powell presented to Planning Commission.

Chris Lieb, project engineer, stated most of the RVs have bathrooms but additional bathhouse buildings will be provided and is customary for this type of facility.

Chairman Stuart asked if anyone would like to speak about this item.

Kit Alexander asked about the proposed cabins. Ken Kleban said they range from 175 to 350 square feet and they are like tiny houses. They have a kitchen, bathroom and 2 bedrooms.

Vice-Chairman Lindsey asked how many of the current residents will be displaced. Ken Kleban said the park will no longer be providing permanent residency. Each RV will only be permitted to stay for 30 days or less.

Nancy Travis expressed concerns about the impact this development will have on traffic. Chris Lieb said they have prepared a traffic study for ALDOT. Chairman Stuart stated that there will be two entrances and the northerly driveway will only be capable of exiting to the right. Chairman Stuart called for a vote.

**Motion to approve Site Plan subject to staff comments.**

Motion made and seconded (Jeffries/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.

**Approve (8-0)**

### **2. Case No. 1007-SP-22, Lost Bay Townhomes**

Engineering Design Group, on behalf of Alva Gordon Barnhill, requests approval of **Site Plan Review** to construct a multi-family residential development consisting of 82 units on 27.8 acres. The property is located south of the Brett/Robinson Laundry Facility and Posh Interiors and west of The Island Church in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart asked if anyone would like to speak about this item. Chairman Stuart called for a vote.

**Motion to approve Site Plan subject to staff comments.**

Motion made and seconded (Lindsey/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner

Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.  
**Approved (8-0)**

**I. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE**

**1. Case No. 0802-SP-22, MMM III Enterprises Warehouse Addition**

Lucido Engineering & Surveying LLC, on behalf of MMM III Enterprises LLC, requests approval of **Site Plan Review** to construct a 2,000-SF warehouse and storage addition to the south side of Melanie Martin Interiors. The property is located at 24820 Canal Road in the General Business (GB) zoning district. *Deferred from the Regular Meeting on September 12, 2022.* Griffin Powell stated the application has been withdrawn and no action is needed.

**2. Case No 0909-CU-22, All About Storage Expansion**

Engineering Design Group, on behalf of All About Storage, requests recommendation to the City Council for approval of **Conditional Use** to construct four additional mini-warehouse buildings south of the existing buildings. The property is located at 24140 Canal Road in the General Business (GB) zoning district. *Deferred from the Regular Meeting on September 12, 2022.* Chairman Stuart called for a vote.

**Motion to defer to the November 14, 2022 Planning Commission Meeting.**

Motion made and seconded (Bauer/Jeffries) Commissioner Jeffries; yes, Commissioner; Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.  
**Approved (8-0)**

**J. OTHER BUSINESS**

Griffin Powell indicated we have three new cases; a Site Plan and 2 Minor Subdivisions. He also stated that there will be zoning text amendments to be voted on during the October meeting.

**K. PUBLIC COMMENTS**

**L. ADJOURN**

Adjourned at 5:29PM

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Kit Alexander

Robert Stuart, Chairman

**NOTE: THESE DRAFT MINUTES HAVE NO LEGAL STATUS UNTIL APPROVED  
BY THE BOARD OF COMMISSION FROM WHICH THEY ARE TAKEN**



Orange Beach Planning Commission  
Meeting – November 14, 2022

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**Case No. 1101-SD-22**  
**Phoenix Key, Phase One Subdivision**  
**Preliminary/Final Minor Subdivision Approval**

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**Owner/Applicant:** Phoenix Key LLC, Harris Newman (Owner/Applicant)  
24325 Perdido Beach Blvd., Orange Beach, AL 36561  
(251) 981-4713, [harrisn@brettrobinson.com](mailto:harrisn@brettrobinson.com)

Address of Property:	Tax Parcels:	PPIN:
29040 Perdido Beach Blvd. (Lot 4)	05-65-05-02-0-000-005.027	106084
29050 Perdido Beach Blvd. (Lot 5)	05-65-05-02-0-000-005.028	106193
29060 Perdido Beach Blvd. (Lot 6)	05-65-05-02-0-000-005.029	106075
29070 Perdido Beach Blvd. (Lot 7)	05-65-05-02-0-000-005.030	106181

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**I. GENERAL INFORMATION**

**Request:** Preliminary/Final Minor Subdivision Approval

Phoenix Key LLC requests approval of preliminary and final minor subdivision to combine Lots 4, 5, 6 and 7 of East Perdido Key, Phase One Subdivision into one lot.

**Location:** The four beachfront lots are located at 29040, 29050, 29060 and 29070 Perdido Beach Boulevard and are part of the Perdido Key, Phase One Subdivision. Lots 4, 5 and 6 are zoned Multi-Family Residential High Density (RM-2) and will be the location of the east tower of the proposed Phoenix Key development. Lot 7 is zoned Single-Family Residential (RS-1) and will be a beach mouse habitat area.

**Present Zoning:** Lots 4-6: Multi-Family Residential High Density (RM-2)  
Lot 7: Single-Family Residential (RS-1)

**Present Use:** Vacant

**Future Land Use:** Lots 4-6: Resort High Intensity; Lot 7: Residential Mixed  
*The east tower of the proposed Phoenix Key development will be located on Lots 4-6, and multi-family residential developments are a common feature in*

*the Resort High Intensity land use designation. Lot 7 will be used as a beach mouse habitat area for the condominium project, and the proposed use as a deeded habitat area does not require an amendment to the Future Land Use Map.*

**Surrounding Land Use and Zoning:** **North:** Yachtsman Condominium, Vacant, RM-2 (Multi-Family Residential - High Density)  
**South:** Gulf of Mexico  
**East:** Vacant, RS-1 (Single-Family Residential)  
**West:** Vacant, RM-2 (Multi-Family Residential High Density)

**Special Districts:** **Overlay Zoning:** Beach Overlay District  
**Neighborhood District:** Beach Resort  
**Airport Zone:** Precision Instrument Approach  
**Flood Zone:** AE-11, VE-13

**Nearby Streets:** This property fronts on Perdido Beach Boulevard.

**Site History:**

<i>Date</i>	<i>Description</i>
February 2005	Lot 7 was part of the Verandas PUD. City Council gave preliminary PUD approval to rezone this lot and multiple lots to the east from RS-1 to PUD for two, 34-story condominium towers with a total of 336 units. <i>(Case No. 0701-PUD-05)</i>
November 2005	City Council gave final PUD approval on Lot 7 and multiple lots to the east to rezone from RS-1 to PUD for two, 34-story towers with a total of 336 units. <i>(Case No. 1005-PUD-05)</i>
April 2006	City Council approved the rezoning of Lots 1-6 of Perdido Key, Phase One Subdivision from RS-1 to RM-2. <i>(Case No. 0306-RZ-06)</i>
November 2006	City Council approved a 12-month extension for the Verandas PUD.
November 2007	City Council approved a 12-month extension for the Verandas PUD.
November 2008	City Council approved a 12-month extension for the Verandas PUD.
November 2009	The Verandas PUD expired.
February 2010	Planning Commission and City Council voted to rescind the PUD status of Lot 7 and multiple lots to the east that were part of the Verandas PUD. The zoning of these lots went back to the original zoning of RS-1.
April 2018	Planning Commission gave site plan review approval for a 25-story, 35-unit condominium tower called Positano Condominium on Lots 4 and 5. <i>(Case No. 0403-SP-18)</i>
April 2019	Planning Commission approved a 12-month extension on the site plan review approval for Case No. 0403-SP-18. The one-time extension expired in April 2020.
April 2020	Planning Commission gave site plan review approval for a 25-story, 38-unit condominium tower called Positano Condominium on Lots 4 and 5. The approval for this project expired in April 2021. <i>(Case No. 0402-SP-20)</i>
April 2022	Planning Commission gave site plan review approval on Lots 1-7 and 9-10 for a two-phase condominium project consisting of two identical towers, with each tower being 25 stories in height and containing 56 units. <i>(Case No. 0403-SP-22)</i>
June 2022	City Council upheld the Planning Commission's approval of Case No. 0403-SP-22. Nearby property owners had appealed the site plan review approval to the City Council.

## II. PLAT REVIEW

<b>Review Item</b>	<b>Compliance</b>	<b>Comments</b>
<p><b><u>Application Completeness</u></b> It is the intent of the Planning Commission to hear only those applications which have fully complied with all requisite application requirements. (<i>Subdivision Regulations, Section 3.6</i>)</p>	Yes	All items required for application completeness have been submitted.
<p><b><u>Zoning Requirement (Minimum Lot Area)</u></b> It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (<i>Subdivision Regulations, Section 3.6</i>) The minimum lot area in the RM-2 zoning district is 20,000 square feet. (<i>Zoning Ordinance, Section 4.02</i>)</p>	Yes	The plat complies. The four lots combined will have a total lot area of 103,673 square feet or 2.38 acres.
<p><b><u>Zoning Requirement (Minimum Lot Width)</u></b> It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (<i>Subdivision Regulations, Section 3.6</i>) The minimum lot width in the RM-2 zoning district is 100 feet. (<i>Zoning Ordinance, Section 4.02</i>)</p>	Yes	The plat complies. The four lots combined will have a lot width of 287 feet.
<p><b><u>Utility Services</u></b> The proposed lots will be served by potable water, sewer and electrical service. (<i>Subdivision Regulations, Sections 3.1.1 (a), 3.2.1 (a), and 3.1.1. (a)</i>)</p>	Yes	All required utilities will be provided. The Phoenix Key condominium project has been approved on this property.
<p><b><u>Minimum Public Roadway</u></b> The proposed lots will have the minimum public roadway access as required by code. (<i>Subdivision Regulations, Sections 3.1.1. (b) and 3.2.1 (b)</i>)</p>	Yes	This property fronts on Perdido Beach Boulevard.
<p><b><u>Capital Improvements</u></b> Minor plats shall not be required for the lots in the requested plats to meet the requirements of the Subdivision Regulations. (<i>Subdivision Regulations, Sections 3.1.1 (d) and 3.2.1 (d)</i>)</p>	Yes	This request is a preliminary and final minor subdivision plat, and capital improvements are not required for subdivision compliance.
<p><b><u>Flood Plain Requirement</u></b> All new principal structures shall have a minimum Finish Floor Elevation (F.F.E.) of 12 inches above the centerline of the nearest paved or public street and comply with the minimum F.F.E. as required by the City of Orange Beach Flood Plain Prevention Ordinance, whichever is greater.</p>	Yes	This property is located in the AE-11 and VE-13 flood zones. All new structures will comply with the City of Orange Beach Flood Damage Prevention Ordinance.
<p><b><u>Plat Requirement</u></b> It is the intent of the Planning Commission to hear only those applications which have fully complied with the Subdivision Regulations, as amended. (<i>Subdivision Regulations, Section 3.6</i>)</p>	Yes	The final plat submitted for review complies with the Subdivision Regulations.

## III. STAFF COMMENTS

1. In April 2022 the Planning Commission gave site plan review approval on Lots 1-7 and 9-10 for a two-phase condominium project consisting of two identical towers. Each tower will be 25 stories

in height and will contain 56 units. The east tower will be the first phase of the project and will be located on Lots 4, 5, 6 and 7. This plat is required for compliance with Section 3.2 of the Subdivision Regulations, which prohibits construction of structures across lot lines.

#### IV. PLANNING COMMISSION ACTION

1. **APPROVE** the requested preliminary and final plat to combine Lots 4, 5, 6 and 7 of East Perdido Key, Phase One Subdivision into one lot.
2. **DISAPPROVE** the requested preliminary and final plat with explanation.
3. **CONDITIONALLY APPROVE** the requested preliminary and final plat with modifications.

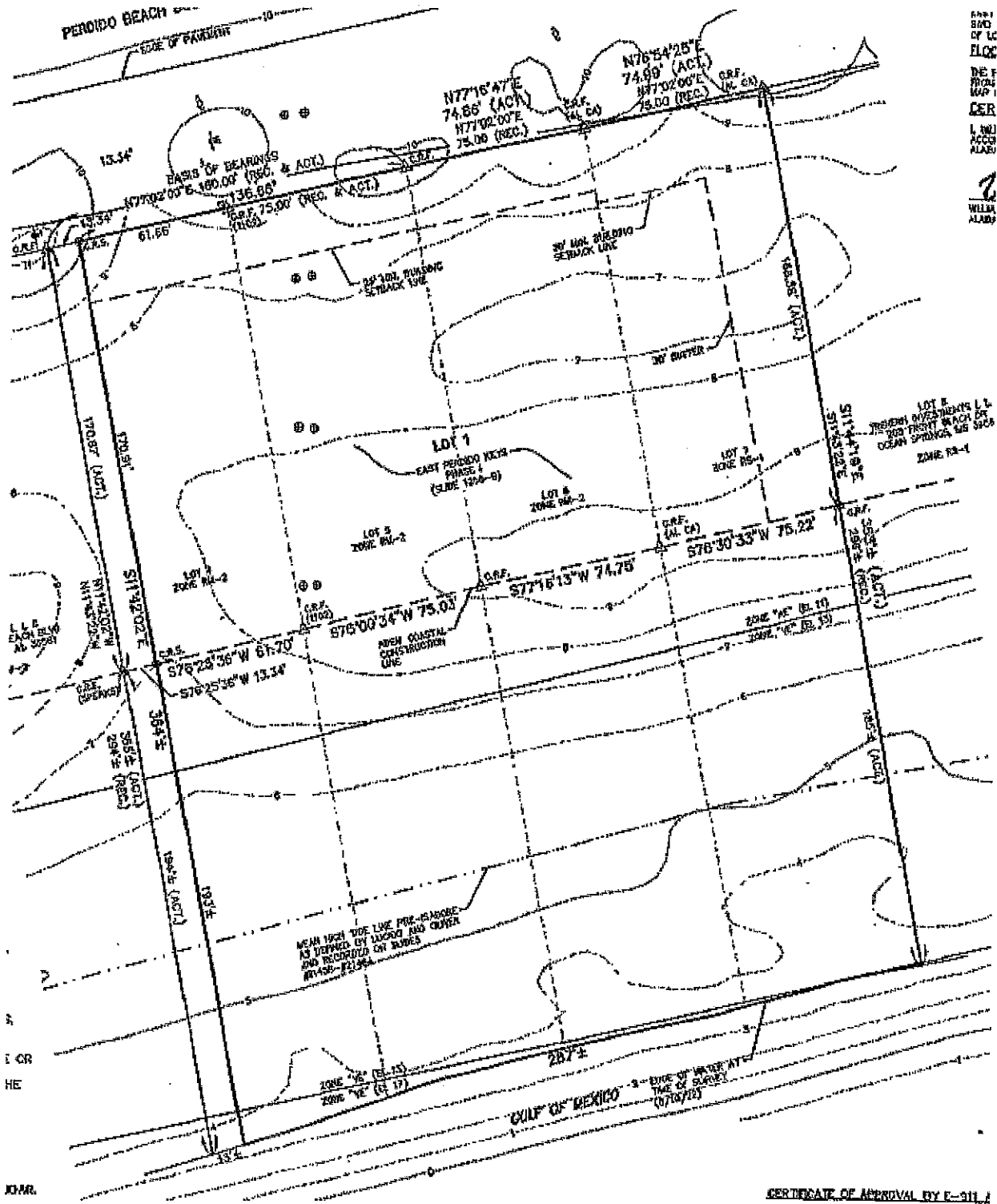
**STAFF CONDITIONS:** None

#### V. MAPS & PLANS

##### Aerial Map



**Final Plat**



PREP  
 BY  
 DATE  
 SCALE  
 SHEET NO.  
 OF  
 TOTAL SHEETS  
 DRAWN BY  
 CHECKED BY  
 APPROVED BY  
 TITLE

LOT 1  
 EAST PERIDO NECK  
 PHASE 1  
 (SLIDE 1920-0)

MEAN HIGH TIDE LINE FOR ISLANDS  
 AS DEPICTED BY LOGS AND CHURCH  
 AND RECORDED ON BOOKS  
 17430-17434

CERTIFICATE OF APPROVAL BY E-911, J



# Phoenix Key Phase I 1101-SD-22

## Aerial

500 Feet

250

0

October 2022





# Memorandum

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**TO:** Planning Commission

**FROM:** Griffin L. Powell, City Planner

**CC:** Kit Alexander, Community Development Director  
Sean Brumley, GIS Specialist  
Sherri Descalzo, Planning/Zoning Coordinator  
Jamie Logan, City Attorney

**DATE:** November 14, 2022

**SUBJECT:** **Case No. 1105-ZT-22**  
**Zoning Text Amendments**  
**Articles 4, 5, 8, 10, 12 and 15 of the Orange Beach Zoning Ordinance**

The Community Development Department requests recommendation to City Council for approval of zoning text amendments to modify Sections 4.02 (Requirements for Lot Area, Lot Width, and Other Factors), 4.03 (Minimum Setbacks), 5.06 (Number of Principal Buildings on Lot), 8.01 (Required Off-Street Parking), 10.0305 (Considerations in Reviewing Site Plans), 10.0306 (Beach Overlay District), 12.06 (Enforcement), and 15.0902 (Temporary Signs and Standards) of the Zoning Ordinance.

The purpose of this memorandum is to provide a summary of the proposed changes.

## **Article 4 – Section 4.02**

1. Removing the lot dimension requirements for patio homes, cluster homes, etc. in the RM-1, RM-2 and NB zoning districts.
2. Removing the lot dimension requirements for single-family and duplexes in the MR and AG zoning districts.
3. Establishing new lot dimension requirements (10,000 SF lot area, 75' lot width) for the AG zoning district.

## **Article 4 – Section 4.03**

4. Removing the setback requirements for patio homes, cluster homes, etc. in the RM-1 and RM-2 zoning districts.

**Article 5 – Section 5.06**

5. Allowing one detached accessory structure for each allowable principal residence on a lot.

**Article 8 – Section 8.01**

6. Clarifying the parking requirements for hotels. Presently, there are two paragraphs in conflict with each other regarding hotel parking. In the second paragraph, remove the conflicting parts and combine the remaining parts with the first paragraph so there is one paragraph dedicated entirely to hotel parking.
7. For freestanding restaurants with drive-thru facilities, adding language at the end requiring stacking spaces for five vehicles measured from the delivery window to make this paragraph (current paragraph o.) more comprehensive for freestanding restaurants.
8. In the current paragraph q., making this section exclusive to drive-in and take out restaurants such as Checkers and Sonic. In the past, we have had applicants try to apply seating accommodations when determining parking for a freestanding restaurant such as Culver's.

**Article 10 – Section 10.0305**

9. Removing the subjective language about the compatibility of residential and non-residential developments. Due to the subjectivity, this language is difficult to enforce.
10. Adding language about single-family residences and duplexes fronting on city streets being required to submit for a driveway permit application.

**Article 10 – Section 10.0306**

11. Making the requirement that 75 percent of parking for multi-family residential developments be partially or entirely located within a parking structure only applicable to the south side of Perdido Beach Boulevard.
12. Removing the requirement that 50 percent of surface parking being constructed on pervious materials.

**Article 12 – Section 12.06**

13. When zoning violations occur, removing the requirement that a notice be posted on the premises stating the violation of the zoning ordinance.

**Article 15 – Section 15.0902**

14. For temporary signs, reducing the allowable size for real estate temporary signs from 64 total square feet (32 SF per side, 4' by 8') to 48 total square feet (24 SF per side, 4' by 6').

**ZONING TEXT AMENDMENT  
CITY OF ORANGE BEACH**

**CASE NO. 1105-ZT-22**

**SECTIONS 4.02 AND 4.03**

**AN ORDINANCE** to amend and reordain Sections 4.02 and 4.03 of the Orange Beach Zoning Ordinance to remove the lot dimensions and setback requirements for patio homes, cluster homes, etc. in the RM-1 and RM-2 zoning districts; to remove the lot dimension requirements for patio homes, cluster homes, etc. in the NB zoning district; to remove the lot dimension requirements for single-family and two-family dwellings in the MR and AG zoning districts; and to establish new lot dimensions requirements in the AG zoning district.

**SECTION 1:** Section 4.02 of the Orange Beach Zoning District is hereby amended and reordained to read as follows:

(p. 4-13)

<b>TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS</b>			
<b>Zoning District &amp; Land Use</b>	<b>SIZE &amp; COVERAGE REGULATIONS</b>		
	<b>Minimum Lot Area (sf)</b>	<b>Minimum Lot Width at Building Front Setback</b>	<b>Maximum Building Coverage</b>
<u>RS-1 Single-Family Residential</u> Single-Family Dwelling Two-Family Dwelling	9,000 sf 10,500 sf	75' 75'	42% 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 (rev. 08/09/2008)	5,000 sf	50'	30%
<u>RM-1 Multi-Family Residential</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling <del>Patio Home, Cluster Home, Zero Lot Line Home where the entire parcel will be of one housing type</del>	20,000 sf 20,000 sf 20,000 sf <del>5,000 sf</del>	100' 100' 100' <del>50'</del>	56% 56% 56% <del>56%</del>
<u>RM-2 Multi-Family Residential</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling <del>Patio Home, Cluster Home, Zero Lot Line Home where the entire parcel will be of one housing type</del>	20,000 sf 20,000 sf 20,000 sf <del>5,000 sf</del>	100' 100' 100' <del>50'</del>	56% 56% 56% <del>56%</del>
<u>MHP Mobile Home Park</u>	See Article 6		

<u>MHS Mobile Home Subdivision</u>	See Article 6		
<u>BR-1 &amp; 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%

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16 (p. 4-14)

<b>TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS</b>			
<b>Zoning District &amp; Land Use</b>	<b>SIZE &amp; COVERAGE REGULATIONS</b>		
	<b>Minimum Lot Area (sf)</b>	<b>Minimum Lot Width at Building Front Setback</b>	<b>Maximum Building Coverage</b>
<u>NB Neighborhood Business</u>			
Single-Family Dwelling	20,000 sf	100'	56%
Two-Family Dwelling	20,000 sf	100'	56%
<del>Patio Home, Cluster Home, Zero Lot Line Home where the entire parcel will be of one housing type</del>	<del>5,000 sf</del>	<del>50'</del>	<del>56%</del>
Business	20,000 sf	100'	56%
<u>MR Marine Resort</u>			
<del>Single-Family Dwelling</del>	<del>9,000 sf</del>	<del>75'</del>	<del>42%</del>
<del>Two-Family Dwelling</del>	<del>10,500 sf</del>	<del>75'</del>	<del>47%</del>
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 (rev. 01/07/2020)	20,000 sf	100'	56%
<u>RO Retail Office</u>			
Business (rev. 05/20/2008)	20,000 sf	100'	56%
<u>I-1 Industrial</u>			
Business	20,000 sf	100'	56%
<u>AG Agricultural</u>			
<del>Single-Family Dwelling</del>	<del>9,000 sf</del>	<del>75'</del>	<del>42%</del>
<del>Two-Family Dwelling</del>	<del>10,500 sf</del>	<del>75'</del>	<del>47%</del>
	<u>10,000 SF</u>	<u>75'</u>	<u>42%</u>
<u>GOV Governmental</u>			
Governmental	20,000 sf	100'	56%
<u>PUD Planned Unit Development</u>	See Article 7		

17

18           **SECTION 2:** Section 4.03 of the Orange Beach Zoning Ordinance is hereby amended and  
 19 reordained to read as follows:  
 20 (p. 4-16)

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'
Cluster Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Patio Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Zero-Lot-Line	<del>30'</del>	<del>20' (3)</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
RM-2	30'	30' (1)	10'	30'	30'	10'
Cluster Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Patio Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Zero-Lot-Line	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
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 (Rev. 05/20/2008)	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 (rev. 07/03/2007)					

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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)
Cluster Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Patio Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Zero Lot Line	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
RM-2-BOD	25' (1)	30'	20' (2)(3)	30' (4)(5)	30' (4)	20' (2)(3)
Cluster Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Patio Home	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
Zero Lot Line	<del>30'</del>	<del>20'</del>	<del>5'</del>	<del>30'</del>	<del>30'</del>	<del>10'</del>
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 (Rev. 05/20/2008)	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 (rev. 07/03/2007)					

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ZONING TEXT AMENDMENT  
CITY OF ORANGE BEACH

CASE NO. 1105-ZT-22

SECTION 5.06

**AN ORDINANCE** to amend and reordain Section 5.06 of the Orange Beach Zoning Ordinance to allow one detached accessory structure for each allowable principal residence on a lot.

**SECTION 1:** Section 5.06 of the Orange Beach Zoning Ordinance is hereby amended and reordained to read as follows:

(p.5-8)

**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. ~~The number of accessory structures for each residential unit shall comply with Section 5.04 of this Ordinance. (rev. 07/07/2015)~~ One accessory structure will be allowed for each allowable principal residential structure present on the lot.

**ZONING TEXT AMENDMENT  
CITY OF ORANGE BEACH**

**CASE NO. 1105-ZT-22**

**SECTION 8.01**

**AN ORDINANCE** to amend and reordain Section 8.01 of the Orange Beach Zoning Ordinance to better clarify the parking requirements for hotels and restaurants.

**SECTION 1:** Section 8.01 of the Orange Beach Zoning Ordinance is hereby amended and reordained to read as follows:

(p. 8-1)

**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. (rev. 11/17/2015)
- 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. (rev. 11/17/2015)
- 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. (rev. 11/17/2015)
- 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

106 the number or lodging rooms proposed must adhere to the parking requirements for  
107 convention and meeting facilities as required in this Ordinance, (rev. 02/17/2009), which  
108 will be accessed at the rate of one (1) space per one hundred (100) square feet. In  
109 those instances where convention and meeting space is contained within the  
110 building, sixty percent (60%) of the one per one hundred (1/100) rate will be required.

111  
112 ~~e. Hotels, condo-hotels, motels and motor inns: two (2) parking spaces per guestroom~~  
113 ~~unit, plus one (1) parking space per three (3) employees at maximum shift, plus~~  
114 ~~additional spaces for accessory uses such as restaurants, lounges, offices, shops,~~  
115 ~~etc., as required in this Ordinance. Convention/meeting rooms will be accessed at the~~  
116 ~~rate of one (1) space per one hundred (100) square feet. In those instances where~~  
117 ~~the meeting space or convention space is contained within the building, sixty percent~~  
118 ~~(60%) of the one per one hundred (1/100) rate will be required.~~

119  
120 **f.e.** Barber shop/beauty shop, bed and breakfast: two (2) parking spaces for the  
121 owner/resident, plus one and three-fourth (1.75) parking spaces per guestroom unit.

122  
123 **g.f.** Church, synagogue or other place of worship, assembly halls, theaters, community  
124 recreation centers: one (1) space for each four (4) fixed seats in the largest assembly  
125 room or area, or for each forty (40) square feet of floor area available for the  
126 accommodation of movable seats in the largest assembly room.

127  
128 **h.g.** Libraries, art museums and similar cultural facilities: one (1) space for each four  
129 hundred (400) square feet of gross floor area.

130  
131 **i.h.** Private clubs, country clubs, and lodges: one (1) space for each two hundred fifty  
132 (250) square feet of gross floor area.

133  
134 **j.i.** Funeral home: one (1) space for each four (4) seats or bench seating spaces in  
135 chapel; if no chapel, one (1) space for each forty (40) square feet of floor area  
136 available to the public use.

137  
138 **k.j.** Medical offices, dental offices and medical and veterinary clinics: four (4) parking  
139 spaces for each doctor plus one (1) parking space for each employee.

140

141 **i.k.** Retail stores selling clothing, variety merchandise, jewelry, sporting goods, musical  
142 records, tapes, video cassettes, drugs, liquor, small hardware, groceries, and similar  
143 items: one (1) space for each two hundred (200) square feet of gross floor area.

144  
145 **m.l.** Retail stores selling merchandise generally characterized by high bulk and high cost  
146 including stores selling furniture, appliances, large hardware items, business  
147 machines, bicycles, guns, light fixtures, radio and television, auto accessories,  
148 building materials, home furnishings, and similar goods: one (1) space for each three  
149 hundred (300) square feet of gross floor area.

150  
151 **n.m.** Service stations, car wash: five (5) parking spaces for each bay and two (2) for each  
152 wash rack.

153  
154 In determining parking requirements for restaurants of all types, facilities for seating and  
155 drive-in and/or take out services will be taken into consideration. Required parking will be  
156 based on the facilities provided and parking requirements shall be cumulative. When  
157 facilities are provided for ordering from picking up by and/or serving to a vehicle, stacking  
158 spaces (the area reserved for queuing vehicles) and/or parking (as applicable) shall be  
159 required. In certain situations, it may be appropriate to require less parking. In such  
160 situations, the City Council may, upon recommendation of the Planning Commission,  
161 reduce the parking requirements where, owing to an apparent abundance of parking  
162 spaces on the same lot as the restaurant, such reduction is desirable.

163  
164 **e.n.** Restaurants, lounges, and other eating and drinking places (freestanding, not  
165 connected to a hotel or other primary use): one (1) space for each one hundred  
166 (100) square feet of gross floor area and outdoor seating areas ~~—(rev. 11/17/2015);~~  
167 stacking space for five (5) vehicles measured from window at which food is served if  
168 drive-thru facilities are provided.

169  
170 **p.o.** Restaurants, lounges, and other eating and drinking places (as an accessory use,  
171 connected to a hotel or other primary use): sixty percent (60%) of the requirement of  
172 one (1) space for each one hundred (100) square feet of gross floor area and outdoor  
173 seating area. (rev. 11/17/2015)

174  
175 **q.p.** ~~Restaurant,~~ Drive-in or Take-Out Restaurants: one (1) space for each three (3)  
176 seating accommodations, three (3) spaces for each walk-up window, one (1) space  
177 for every three (3) feet, or fraction thereof, of service counter (whether located inside

178 or outside), one (1) space for each vehicle if curb service is offered, stacking space  
179 for five (5) vehicles measured from the window at which food is served if drive-thru  
180 facilities are provided.

181

182 **f.g.** Bowling alley or poolroom: two (2) spaces for each alley or billiard or pool table.

183

184 **s.r.** Bank, savings and loan or other financial institution: one (1) parking space for each  
185 two hundred (200) square feet of gross floor area plus one (1) space for each two (2)  
186 employees.

187

188 **t.s.** Professional and business offices: one (1) space for each two hundred eighty (280)  
189 square feet of gross floor area.

190

191 **u.t.** Commercial recreational and amusement establishments enclosed: one (1) space for  
192 each two hundred (200) square feet of gross floor area; outside recreation one (1)  
193 space per four (4) patrons at design capacity.

194

195 **v.u.** Personal service establishments: one (1) space for each two hundred (200) square  
196 feet of gross floor area.

197

198 **w.v.** General service or repair establishment, printing, publishing, plumbing, heating, and  
199 broadcasting: one (1) space for each five hundred (500) square feet of gross floor  
200 area.

201

202 **x.w.** Laundromat: one (1) space for each two (2) washing machines or one (1) space for  
203 each seventy (70) square feet of floor space, whichever is the greater.

204

205 **y.x.** Manufacturing or industrial establishment, research or testing laboratory, bottling  
206 plant, wholesale, warehouse or similar establishment: one (1) space for each eight  
207 hundred (800) square feet of gross floor area. Mini warehouse, self-service storage  
208 facilities: one (1) space for each two hundred eighty (280) square feet of office space  
209 and additional parking spaces for manager's quarters, retail space, and truck and  
210 trailer rentals; alley separating rows of storage units shall be wide enough to allow  
211 two (2) vehicles to pass each other. (rev. 01/03/2017)

212

213 **z.y.** Non-commercial Boat Docking as an Accessory to:

214

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

217

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

220

221 Multi-family dwellings where the number of slips exceeds the number of multi-family  
222 units: one and one-half (1.5) spaces for each slip that exceeds the number of multi-  
223 family dwelling units.

224

225 z. Marina:

226

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

231

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

233

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

235

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

238

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

242

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

245

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

247

248

249

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251

**ZONING TEXT AMENDMENT  
CITY OF ORANGE BEACH**

**CASE NO. 1105-ZT-22**

**SECTIONS 10.0305 AND 10.0306**

**AN ORDINANCE** to amend Sections 10.0305 and 10.0306 of the Orange Beach Zoning Ordinance to remove subjective language about compatibility of residential and non-residential developments; to add language about single-family residences and duplexes fronting on city streets only being required to submit driveway applications; to make the requirement that 75 percent of parking for multi-family residential developments be located partially or entirely within a parking structure only applicable to the south side of Perdido Beach Boulevard; and to remove the requirement that 50 percent of surface parking in the Beach Overlay District be constructed on pervious material.

**SECTION 1:** Section 10.0305 of the Orange Beach Zoning Ordinance is hereby amended and reordained to read as follows:

(p. 10-4)

**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. ~~However, the density and/or intensity of the proposed use must also be compatible with existing uses within a distance of seven hundred fifty (750) feet from the property lines (hereinafter referred to as the impacted area) considering the following factors:~~

~~1. **Residential Density:** The gross density (i.e., units per gross land area of site) of specific site plans shall be compatible with the established range of densities within the impacted area. Higher densities are reserved for sites with the following characteristics:~~

~~a. Sites within highly accessible portions of the district nearest major thoroughfare(s) or minor collectors as opposed to internal residential streets;~~

- 288 ~~b. Sites abutting the boundary of less restrictive districts where development of~~  
289 ~~relatively higher density is permitted. (Similarly lower densities should be~~  
290 ~~maintained near the boundary of more restrictive districts in order to provide~~  
291 ~~for orderly land use transition and to protect the character of established~~  
292 ~~neighborhoods);~~
- 293
- 294 ~~c. Sites serviced by a sufficient system of public services to accommodate the~~  
295 ~~proposed project which include, but are not limited to, improved streets,~~  
296 ~~sanitary sewerage, water and storm sewers or other effective system(s) for~~  
297 ~~managing storm water run-off; and~~
- 298
- 299 ~~d. Sites having natural features including topography, soils, hydrology and other~~  
300 ~~natural features which are adaptive to the more intense development.~~

301

302 **~~2. Non-residential Development~~**

303

304 ~~In reviewing non-residential development(s) the intensity of the use shall be~~  
305 ~~evaluated by applying the following and all other requirements of the Zoning~~  
306 ~~Ordinance:~~

- 307
- 308 ~~a. The location is accessible to residential areas, for local retail services and~~  
309 ~~trades catering specifically to the recurring shopping needs of the occupants~~  
310 ~~of nearby residences;~~
- 311
- 312 ~~b. The proposed development does not increase the risk of flood, fire,~~  
313 ~~explosion, toxic and noxious pollution, radiation and other hazards, offensive~~  
314 ~~noise, vibration, smoke, dust and other noxious particulate pollution, and~~  
315 ~~glare to both existing retail, service uses and nearby residences;~~
- 316
- 317 ~~c. The proposed development shall not diminish or adversely affect existing~~  
318 ~~retail, service uses and/or nearby residences by increasing traffic so as to~~  
319 ~~create undue vehicular congestion. Those types of establishments which~~  
320 ~~generate heavy traffic shall provide for off-street parking and loading facilities~~  
321 ~~and/or additional service or access roadways;~~
- 322

323 ~~d. The proposed development provides sufficient and appropriate open spaces.~~  
324 ~~The developer shall provide open spaces and landscaped areas to facilitate~~  
325 ~~surface drainage and enhance scenic quality;~~

326  
327 ~~e. The development is in an appropriate location for the proposed use(s) and~~  
328 ~~will provide protection to established or impacted areas and alleviate any~~  
329 ~~potential adverse impacts in any transitional areas in which dissimilar uses~~  
330 ~~exist;~~

331  
332 f. The development must ~~is a compatible activity within the impacted area and~~  
333 conforms to the Comprehensive Plan by promoting stability of existing uses,  
334 the character of the district, and protects the general health, safety and  
335 welfare of the City.

336  
337 **b. Appearance of Site and Structures**

338  
339 The choice of building materials, landscaping, colors, lighting and other building and  
340 site improvements shall be commensurate with or improve the surrounding impacted  
341 area without generating adverse visual impact on surrounding properties or  
342 transportation corridors. Architectural style or design is not restricted. Evaluation of  
343 the appearance of a project shall be based on the quality of its design characteristics  
344 and relationship to the district in which it is located considering the following factors:

- 345  
346 1. The exterior and placement of buildings and structures, including appearance,  
347 scale, ~~size, mass,~~ facade and its orientation, along with roof line and building  
348 materials shall be in harmony with the site and other construction in the district  
349 and/or surrounding impacted area.

350  
351 Awnings or other ornamental features designed in a manner harmonious with the  
352 building design shall be of appropriate scale, shape, color scheme and pattern in  
353 order to reinforce good design principles. Similarly, functional and/or ornamental  
354 features shall not use incompatible or extraordinary scale, shapes, color  
355 schemes, patterns or other extraordinary features for purposes of attracting  
356 attention.

357  
358 For retail and general business uses, any side of a building or structure greater  
359 than seventy-five (75) feet in length shall incorporate recesses and projections

360 along at least twenty percent (20%) of the length. Recesses and projections shall  
361 be of sufficient measurements to affect the intent of this provision. Recesses and  
362 projections shall be allocated along the length of the facade. Facades not  
363 meeting this requirement shall not be approved under this article. Windows,  
364 awnings and arcades must total at least sixty percent (60%) of the facade length  
365 facing a public street. Smaller retail shops or stores that are part of a larger  
366 principal building shall have display windows and separate outside entrances.  
367 Smaller stores are encouraged by the City. (rev. 05/17/2005)

368  
369 Each principal building shall have a clearly defined, highly visible customer  
370 entrance with features such as canopies or porticos, arcades, arches, wing walls,  
371 and integral planters. All sides of a principal building that directly face an abutting  
372 public street shall feature at least one (1) customer entrance. Where a principal  
373 building directly faces more than two (2) abutting public streets, this requirement  
374 shall apply only to two (2) sides of the building.

375  
376 All facades of a building that are visible from adjoining properties and/or public  
377 streets shall be similar in color and a design similar to a front facade.

- 378  
379 2. Architectural interest in the main structure shall be accomplished by the use of a  
380 repeating pattern of change in color, texture, and material modules. At least one  
381 (1) of these items shall repeat horizontally. All elements shall repeat at intervals  
382 of no more than thirty (30) feet, either horizontally or vertically. Colors shall be  
383 harmonious with development in the surrounding impacted area, and bright or  
384 brilliant colors used only for accent. Predominant exterior building materials shall  
385 be of high quality. These include, but are not limited to, brick, wood, sandstone or  
386 stucco, other native stone and tinted/textured concrete masonry units. Unpainted,  
387 smooth faced concrete block, non-architectural grade, tilt-up concrete panels or  
388 prefabricated steel panels are prohibited as the predominant exterior building  
389 materials on front facade.

390  
391 Facade colors shall be of low reflectance, subtle, or colors consistent with the  
392 surrounding impacted area or natural environment. Building trim may feature  
393 brighter colors but neon tubing is not allowed as an accent material. Neon  
394 lighting shall not be used to accent eaves, edges, roof tops, or add unnecessary  
395 elaborateness to a structure.

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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. (rev. 07/17/2007)
  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. (rev. 01/16/2001)

430  
431 **c. Access, Internal Circulation and Off-street Parking**  
432

- 433  
434
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

435 property may be located between the front facade of the principal building and  
436 the primary abutting street, except this requirement shall not apply to properties  
437 having frontage on a navigable waterway or developments located within the  
438 Beach Overlay District. See Section 10.0306 for Beach Overlay District  
439 requirements. Driveways and areas for parking and internal circulation of  
440 vehicles shall be located, designed and controlled so as to provide for safe and  
441 convenient circulation within the site and safe and convenient access from  
442 adjoining streets. Requirements of Article 8 of the Zoning Ordinance shall be  
443 applied for off-street parking. Among factors to be considered shall be the  
444 number and location of access drives from adjacent streets, the location and  
445 width of driveways and access aisles to parking spaces, the arrangement of  
446 parking areas and means of access to buildings for fire-fighting apparatus, other  
447 emergency vehicles and landscaping. (rev. 05/17/2005)

448  
449 2. Parking areas and driveways shall be clearly identified and separated from  
450 principal pedestrian routes by curbs, pavement markings, planting areas, fences  
451 or similar features designed to promote pedestrian safety. The site shall be  
452 designed in such a way that its pedestrian path(s) or trail(s) can be connected to  
453 any existing or proposed offsite pedestrian path(s) or trail(s).

454  
455 3. Vehicular access to adjoining minor residential streets shall not be permitted  
456 when the Planning Commission determines adequate access is available to  
457 collector streets or major thoroughfares and when adequate access for  
458 emergency vehicles can otherwise be provided.

459  
460 4. Loading docks, trash collection, and similar uses and functions shall be  
461 incorporated into the overall design of the building and landscaping so that the  
462 visual and acoustic impact of these functions are contained and out of view or  
463 hearing from adjacent properties and public streets to the most practicable extent  
464 possible.

465  
466 5. Any property owner (or their representative) who intends to construct a vehicular  
467 turnout or driveway onto any federal, state, county or, city highway or street, shall  
468 be required to make application for and obtain the following permit and / or  
469 inspection, as appropriate:

470  
471 a. If a state highway, an Alabama Department of Transportation Driveway or

472 Turnout Permit;

473

474 b. If a county highway or road, a Baldwin County Highway Department  
475 Driveway or Turnout Permit;

476

477 c. If a city street, an Orange Beach Streets Department Inspection and  
478 Driveway Permit.

479

480 A building permit shall not be issued unless and until the appropriate driveway or  
481 turnout permit(s) has been issued by the Authority Having Jurisdiction (AHJ) and  
482 a copy of the permit filed with the Department of Community Planning (Planning  
483 Division). (rev. 06/19/2001)

484

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

489

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

494

#### 495 **General Procedure and Departmental Review**

496

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

499

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

505

506 **Review:** Applications for construction of a driveway or turnout connection are  
507 reviewed for consistency to applicable requirements. Applications to connect to  
508 city streets or highways are reviewed and either approved, approved with

509 modifications or denied in conjunction with the site plan review. Any application  
510 for a driveway or turnout proposed within one hundred fifty (150) feet of a major  
511 intersection (defined as an intersection of two (2) or more streets with a traffic  
512 light signal) shall first be approved by the Planning Commission, regardless of  
513 whether the street or highway is a federal, state, county or city facility. (rev.  
514 06/19/2001)

515  
516 **Fees:** Fees shall be required for filing a driveway or turnout permit application for  
517 connection to a city street or highway according to the fee schedule adopted by  
518 the City Council.

519  
520 **Inspections:** Prior to commencement of construction of any driveway or turnout,  
521 the applicant shall stake the proposed driveway(s) or turnout(s) in the field for  
522 inspection and confirmation of location and compliance to city requirements by  
523 the Streets Superintendent. Upon completion of all work within a right-of-way, the  
524 applicant shall call the Streets Superintendent for another, final inspection. The  
525 cost of any remedial work to comply with any AHJ's requirements shall be borne  
526 by the owner or applicant. (rev. 04/09/2001)

527  
528 **SECTION 2:** Section 10.0306 of the Orange Beach Zoning Ordinance is hereby amended and  
529 reordained to read as follows:

530  
531 (p. 10-12)

532 **10.0306 Beach Overlay District** (rev. 05/17/2005)

533  
534 The provisions of the Beach Overlay District apply to new construction, additions or  
535 structural alterations on all land within the designated district. These provisions shall  
536 serve to supplement underlying zoning regulations in order to support the stated purpose  
537 of the district, and shall control in the event of conflict.

538  
539 Single-family dwellings and two-family duplexes are exempted from the provisions of the  
540 Beach Overlay District. However, construction of an eight (8) foot sidewalk along the  
541 State Highway 182 right-of-way, in alignment with and connecting to that of adjacent  
542 properties, is required.

543  
544 **a. General Building Design Standards**

545

546 1. Pedestrian-oriented areas shall be constructed within the front twenty (20) feet of  
547 the property abutting State Highway 182, or ten percent (10%) of the average lot  
548 depth\*, whichever is less, subject to the following:

549 a. A hardscaped area shall be provided, equal to fifty percent (50%) of the  
550 pedestrian-oriented area, comprised of an eight (8) foot (minimum) sidewalk  
551 and pedestrian amenities such as plazas, fountains and benches. Sidewalk  
552 shall be aligned with and connected to that of adjacent and contiguous  
553 properties. In order to assure pedestrian connectivity, additional sidewalk  
554 connections to the street pedestrian/bicycle path shall be provided in cases  
555 where no sidewalk exists on adjacent properties. The remainder shall be  
556 pedestrian-friendly landscaping and vehicular use area buffers, where  
557 applicable, subject to Section 10.0306 C. below.

558  
559 b. Grade changes within the pedestrian-oriented areas shall be minimized in  
560 order to support pedestrian uses. The Planning Commission may approve  
561 grade changes within the pedestrian-oriented area where compliance with  
562 the Federal Emergency Management Agency (FEMA), handicap accessibility  
563 and /or stormwater rules and regulations necessitates the grade changes.

564  
565 The width of the pedestrian-oriented area may vary and equivalent areas  
566 grouped along the right-of-way to encourage creative design and facilitate  
567 site layout.

568  
569 \*The average lot depth of properties located on the south side of State  
570 Highway 182 shall be determined by utilizing the average property depth  
571 between the right-of-way and the Coastal Construction line (CCL).

572  
573 2. All sides of a principal building that directly face an abutting street shall have a  
574 clearly defined, highly visible customer entrance and must be accessible from the  
575 sidewalk. Where allowed by zoning district, every effort shall be made to place  
576 general business use establishments along the street frontage to promote and  
577 enhance the pedestrian environment. Canopies and awnings, with or without  
578 structural supports, are required along the fronts of buildings, creating an arcade,  
579 and are allowed within the front yard setback, but shall be setback a minimum of  
580 fifteen (15) feet from the right-of-way. Arcaded areas may not be enclosed or  
581 screened. Courtyard areas located adjacent to the pedestrian-oriented area may

582 be devoted to the pedestrian-oriented space requirement as provided in  
583 subsection A.1. above.

584  
585 3. Where allowed by zoning district, outdoor cafes are permitted within the front  
586 setback, arcaded areas, and open courtyards, and may be enclosed with a  
587 hedge or removable decorative fence or wall, with a maximum height of thirty  
588 (30) inches. A minimum fifteen (15) foot setback must be maintained along the  
589 State Highway right-of-way.

590  
591 4. The maximum average width of residential and general business structures  
592 greater than five (5) stories in height shall be three hundred (300) feet, excluding  
593 the parking structure underneath. The width restriction shall not apply to the  
594 parking structure underneath the building, if exempted from the height limitation  
595 per Table 4.0403.

596  
597 5. Building façades that are visible from the street and surrounding property must  
598 incorporate architectural features to break up large wall planes into smaller  
599 components and add visual interest. No more than thirty percent (30%) of  
600 consecutive façade may remain without architectural detail, including but not  
601 limited to balconies, recessed walls, changes in color and/or texture, varying  
602 rooflines, curved or angled walls, fenestration and cantilevers. Neon tubing is  
603 prohibited.

604  
605 6. For structures greater than fifty (50) feet in height, the building width and/or depth  
606 shall be reduced at varying heights to create a tiered effect of the building profile.  
607 The sum of the dimensional changes in setback, applied to the front and side  
608 façades of the building, shall be equal to or greater than twenty percent (20%) of  
609 the building height. This requirement may be combined and applied to one or  
610 more of the building front and side façades.

611  
612 7. Rooftop features are required to reduce the massive scale of the structures and  
613 add visual interest. These features may be comprised of pitched roofs, parapets,  
614 spires, elevator bulkheads, recreational facilities, pool houses and cabanas,  
615 viewing areas and other permitted accessory uses (excluding residential and  
616 hotel units). The maximum height of these features shall not exceed forty-five  
617 (45) feet or twenty-five percent (25%) of the building height (excluding the rooftop  
618 features), whichever is less. Enclosed rooftop accessory uses shall be limited to

619 single-story and not be included in and applied to the maximum allowable  
620 number of stories set forth in Table 4.0403. Rooftop features shall contribute to  
621 the overall quality of the building design characteristics and surrounding  
622 structures.

623

624 8. Building mounted lighting or lighting on above grade decks or balconies shall be  
625 fully shielded where visible from the street, beachfront or adjacent properties. An  
626 outdoor lighting plan shall be submitted in conjunction with the Planning  
627 Commission application and subject to establishment and approval through the  
628 applicable review process. Said lighting plan shall provide the location, type and  
629 details of light fixtures, ensuring compliance with this provision and Section  
630 10.0305B.6.

631

632 **b. Vehicular Use Areas**

633

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

636

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

639

640 1. All parking for general business uses shall be located on the side or rear of the  
641 building or within a parking structure, unless located in a manner that prevents  
642 visibility from the street. Shared driveway access between properties is  
643 encouraged to minimize the number of ingress/egress points along State  
644 Highway 182. The Planning Commission may allow vehicular use areas to be  
645 located within the required side yard in consideration of shared ingress/egress  
646 between properties. An agreement for the shared access, in the form of a private  
647 easement, or other method acceptable to the Director of Community  
648 Development, shall be filed with the project application and recorded in the public  
649 records of Baldwin County.

650

651 2. Seventy-five percent (75%) or more of the required parking for multi-family,  
652 townhouse, condominium and hotel developments [located on the south side of](#)  
653 [Perdido Beach Boulevard](#) shall be provided within a parking structure, partially or  
654 entirely located under/within the principal building structure. The balance of the  
655 required parking shall be located on the side or rear of the building unless

656 located in a manner that prevents visibility from the street. The Planning  
657 Commission may approve a maximum of five (5) parking spaces to be located in  
658 the front of the building for temporary use such as pick-up/drop-off and delivery.  
659 These spaces shall not be included in or counted towards the required number of  
660 parking spaces for the proposed use(s).

661  
662 3. Parking structures must be designed to be architecturally compatible with the  
663 principal building structure and provide screening of parked vehicles from the  
664 street and adjacent property.

665  
666 ~~4. Fifty percent (50%) of the required parking surface shall be constructed of a~~  
667 ~~permanent pervious material. In making the determination of the suitability of the~~  
668 ~~pervious material, the Director of Community Development shall find that such~~  
669 ~~material:~~

670  
671 ~~a. Provides a safe and permanent surface, suitable for the quantity and quality~~  
672 ~~of traffic expected to use it; and~~

673  
674 ~~b. Provides a surface that will not contribute to erosion or sedimentation, either~~  
675 ~~on-site or off-site; and~~

676  
677 ~~c. Provides a surface that will accept delineation of parking spaces, aisles,~~  
678 ~~accessways and maneuvering areas.~~

679  
680 ~~4.5.~~ Drive-thru window services and queuing lanes for such services shall not be  
681 located between the front façade of the building and State Highway 182, and  
682 must be designed so as to have minimal impact on pedestrian traffic.

683  
684 ~~5.6.~~ Vehicular use areas of mixed use developments shall be designed in a manner  
685 consistent with the requirements of this section.

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**ZONING TEXT AMENDMENT  
CITY OF ORANGE BEACH**

**CASE NO. 1105-ZT-22**

**SECTION 12.06**

**AN ORDINANCE** to amend and reordain Section 12.06 of the Orange Beach Zoning Ordinance to remove the requirement that a notice be posted on the premises stating the violation of the zoning ordinance whenever a violation has occurred.

SECTION 1: Section 12.06 of the Orange Beach Zoning Ordinance is hereby amended and reordained to read as follows:

(p. 12-3)

**12.06 ENFORCEMENT**

**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 (rev. 11/19/2002)**

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.

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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 posts a notice in a conspicuous place on the building/property denoting that this building/property is in violation of the Zoning Ordinance.~~

3.4. 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.

4.5. 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

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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.

804 CITY OF ORANGE BEACH  
805 ZONING TEXT AMENDMENT

806 CASE NO. 1105-ZT-22

807 SECTION 15.0902

808 AN ORDINANCE to amend and reordain Section 15.0902 of the Orange Beach Zoning  
809 Ordinance to reduce the allowable size for a real estate temporary sign from 64 total square feet (32  
810 square feet per side or 4 feet by 8 feet) to 48 total square feet (24 square feet per side or 4 feet by 6 feet).

811  
812 SECTION 1: Section 15.0902 of the Orange Beach Zoning Ordinance is hereby amended and  
813 reordained to read as follows:

814  
815 (p. 15-14)

816 15.0902 Temporary Signs and Standards

817  
818 a. Types

819  
820 The following types of signs are classified as "temporary signs":

- 821  
822 1. Special event signs.  
823 2. *Grand Opening* and *Going Out of Business* signs of business and services.  
824 3. Signs for work under construction.  
825 4. Land subdivision or development signs.  
826 5. Signs advertising the sale of lease of property upon which they are located.  
827 6. Banners, pennants, balloons, flags, portable signs and inflatable signs.  
828 7. Window signs not permanently affixed to a window or door that are intended to be  
829 displayed for a limited period of time. (rev. 10/16/2018)

830  
831 b. Area, Height, Location:

- 832  
833 1. **Area:** The total area of temporary signs shall not exceed sixty-four (64) square feet and  
834 thirty-two (32) square feet per sign face. The total area for temporary real estate signs  
835 shall not exceed forty-eight (48) square feet and twenty-four (24) square feet per sign  
836 face. Real estate signs shall comply with Section 15.0702, f. or g. as applicable or this  
837 Section. Real estate sign area is not cumulative; in no situation shall more real estate  
838 sign area than that allowed independently either in this Section or Section 15.0702 f. or g.  
839 be permissible on any lot. (rev. 09/04/2001)

840

841 2. **Height:** The maximum height of temporary signs shall not exceed eight (8) feet, while the  
842 lower edge shall not exceed four (4) feet in height from the average grade.

843

844 3. **Location:**

845

846 (a) No temporary sign shall be located so as to obstruct or impair drivers' vision at  
847 business ingress/egress points and at intersections.

848

849 (b) Except for real estate signs which conform to the provisions of this article, no  
850 temporary sign shall be located nearer than one hundred (100) feet to any church,  
851 cemetery, public building, historic site or district, or the intersection of two or more  
852 public streets or highways.

853

854 (c) Except for real estate signs which conform to the provisions of this article, temporary  
855 signs are not to be located any closer than one hundred (100) feet from any other  
856 sign on the same premises.

857

858 4. The sign administrator will determine the appropriate area, height and location of  
859 banners, balloons, flags, portable signs and inflatable signs.

860

861 c. **Time Limits:**

862

863 1. Special event signs may be erected no sooner than fourteen (14) days preceding a  
864 special event and shall be removed within forty-eight (48) hours following the special  
865 event. The same event shall not be advertised more frequently than four (4) times per  
866 year.

867

868 2. *Grand Opening* and *Going Out of Business* signs may be erected for a period not to  
869 exceed thirty (30) days and no more than one (1) occurrence per year.

870

871 3. Project signs for work under construction may be erected upon the issuance of a final  
872 development permit on the construction site during the construction and shall be removed  
873 within seven (7) days following the issuance of the Certificate of Occupancy.

874

875 4. Temporary signs announcing the subdivision of land may be erected on the land being  
876 developed and shall be removed when one hundred percent (100%) of the development

877 lots are conveyed, or for a term not to exceed one (1) year, whichever comes first. An  
878 extension may be permitted by the Administrator.

879

880 5. Signs advertising the sale or lease of property shall be removed at the completion of the  
881 transaction advertised.

882

883 6. Banners, pennants, balloons, flags, portable signs and inflatable signs may be permitted  
884 for a maximum of seven (7) days by the Sign Administrator. A time limit beyond seven (7)  
885 days requires the approval of the City Council. (rev. 12/17/2002)

886

887 7. Schools and non-profit organizations may be permitted not more than five (5) temporary  
888 signs or banners for duration of no longer than seven (7) days upon notification of the  
889 sign administrator. Signs or banners must be removed within twenty-four (24) hours of  
890 the end of the event. (rev. 12/17/2002)

891

892 8. Temporary window signs may be permitted for a maximum of fourteen (14) days by the  
893 Sign Administrator. (rev. 10/16/2018)

894

895 **d. Permits:**

896

897 Unless specifically exempted pursuant to Sections 15.0702 and 15.0703, a temporary sign is  
898 subject to the permit requirement of Section 15.0701.

899

**ZONING TEXT AMENDMENT  
CITY OF ORANGE BEACH**

**CASE NO. 1105-ZT-22  
SECTIONS 4.02, 4.03, 5.06, 8.01, 10.0305, 10.0306, 12.06, 15.0902**

**CLEAN VERSION**

**Section 4.02 – Page 4-13**

Remove lot dimension requirements for patio homes, cluster homes, etc. in the RM-1, RM-2, and NB zoning districts; remove single-family and duplex lot dimension requirements from the MR zoning district; and remove and single-family and duplex lot dimension requirements and establish new lot dimension requirements in the AG zoning district.

(p. 4-13)

<b>TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS</b>			
<b>Zoning District &amp; Land Use</b>	<b>SIZE &amp; COVERAGE REGULATIONS</b>		
	<b>Minimum Lot Area (sf)</b>	<b>Minimum Lot Width at Building Front Setback</b>	<b>Maximum Building Coverage</b>
<u>RS-1 Single-Family Residential</u> Single-Family Dwelling Two-Family Dwelling	9,000 sf 10,500 sf	75' 75'	42% 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 (rev. 08/09/2008)	5,000 sf	50'	30%
<u>RM-1 Multi-Family Residential</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling	20,000 sf 20,000 sf 20,000 sf	100' 100' 100'	56% 56% 56%
<u>RM-2 Multi-Family Residential</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling	20,000 sf 20,000 sf 20,000 sf	100' 100' 100'	56% 56% 56%
<u>MHP Mobile Home Park</u>	See Article 6		
<u>MHS Mobile Home Subdivision</u>	See Article 6		
<u>BR-1 &amp; BR-2 Beach Resort</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling Hotel	20,000 sf 20,000 sf 20,000 sf 20,000 sf	100' 100' 100' 100'	56% 56% 56% 56%

<b>TABLE 4.02 : REQUIREMENTS FOR LOT AREA, LOT WIDTH, AND OTHER FACTORS</b>			
<b>Zoning District &amp; Land Use</b>	<b>SIZE &amp; COVERAGE REGULATIONS</b>		
	<b>Minimum Lot Area (sf)</b>	<b>Minimum Lot Width at Building Front Setback</b>	<b>Maximum Building Coverage</b>
<u>NB Neighborhood Business</u> Single-Family Dwelling Two-Family Dwelling Business	20,000 sf 20,000 sf 20,000 sf	100' 100' 100'	56% 56% 56%
<u>MR Marine Resort</u> Multi-Family Dwelling Business	20,000 sf 20,000 sf	100' 100'	56% 56%
<u>GB General Business</u> Single-Family Dwelling Two-Family Dwelling Multi-Family Dwelling Business (rev. 01/07/2020)	20,000 sf 20,000 sf 20,000 sf 20,000 sf	100' 100' 100' 100'	56% 56% 56% 56%
<u>RO Retail Office</u> Business (rev. 05/20/2008)	20,000 sf	100'	56%
<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		

**Section 4.03 – Page 4-16, 4-17**

Remove setback requirements for cluster homes, patio homes, etc, in the RM-1 and RM-2 zoning districts.

(p. 4-16)

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 (Rev. 05/20/2008)	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 (rev. 07/03/2007)					

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 (Rev. 05/20/2008)	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 (rev. 07/03/2007)					

**Section 5.06 – Page 5-8**

Allowing one detached accessory structure for each allowable principal residence on a lot.

(p.5-8)

**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.**

**Section 8.01 – Page 8-1**

- (a) Clarifying the parking requirements for hotels. Presently, there are two paragraphs in conflict with each other regarding hotel parking. In the second paragraph, remove the conflicting parts and combine the remaining parts with the first paragraph so there is one paragraph dedicated entirely to hotel parking.
- (b) For freestanding restaurants with drive-thru facilities, adding language at the end requiring stacking spaces for five vehicles measured from the delivery window to make this paragraph (current paragraph o.) more comprehensive for freestanding restaurants.
- (c) In the current paragraph q., making this section exclusive to drive-in and take out restaurants such as Checkers and Sonic. In the past, we have had applicants try to apply seating accommodations when determining parking for a freestanding restaurant such as Culver's.

(p. 8-1)

**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. (rev. 11/17/2015)
- 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. (rev. 11/17/2015)
- 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. (rev. 11/17/2015)
- 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 or 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. (rev. 11/17/2015)
- 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. (rev. 01/03/2017)
- 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.

**Section 10.0305 – Page 10-4**

Remove the subjective language about the compatibility of residential and non-residential developments. Due to the subjectivity, this language is difficult to enforce, and add language about single-family residences and duplexes fronting on city streets being required to submit for a driveway permit application.

(p. 10-4)

**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. (rev. 05/17/2005)

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 facade.

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. (rev. 07/17/2007)
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. (rev. 01/16/2001)

**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. (rev. 05/17/2005)
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). (rev. 06/19/2001)

**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. (rev. 06/19/2001)

**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. (rev. 04/09/2001)

**Section 10.0306 – Page 10-12**

~~Make the requirement that 75 percent of parking for multi-family residential developments be partially or entirely located within a parking structure only applicable to the south side of Perdido Beach Boulevard and remove the requirement that 50 percent of surface parking being constructed on pervious materials.~~

(p. 10-12)

**10.0306**

**Beach Overlay District** (rev. 05/17/2005)

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.

(p. 12-3)

## **12.06 ENFORCEMENT**

### **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 (rev. 11/19/2002)**

- 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.

**Section 15.0902 – Page 15-14**

For temporary signs, reduce the allowable size for real estate temporary signs from 64 total square feet (32 SF per side, 4' by 8') to 48 total square feet (24 SF per side, 4' by 6').

(p. 15-14)

**15.0902 Temporary Signs and Standards**

**a. Types**

The following types of signs are classified as "temporary signs":

1. Special event signs.
2. *Grand Opening* and *Going Out of Business* signs of business and services.
3. Signs for work under construction.
4. Land subdivision or development signs.
5. Signs advertising the sale of lease of property upon which they are located.
6. Banners, pennants, balloons, flags, portable signs and inflatable signs.
7. Window signs not permanently affixed to a window or door that are intended to be displayed for a limited period of time. (rev. 10/16/2018)

**b. Area, Height, Location:**

1. **Area:** The total area of temporary signs shall not exceed sixty-four (64) square feet and thirty-two (32) square feet per sign face. **The total area for temporary real estate signs shall not exceed forty-eight (48) square feet and twenty-four (24) square feet per sign face.** Real estate signs shall comply with Section 15.0702, f. or g. as applicable or this Section. Real estate sign area is not cumulative; in no situation shall more real estate sign area than that allowed independently either in this Section or Section 15.0702 f. or g. be permissible on any lot. (rev. 09/04/2001)
2. **Height:** The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.
3. **Location:**
  - (a) No temporary sign shall be located so as to obstruct or impair drivers' vision at business ingress/egress points and at intersections.
  - (b) Except for real estate signs which conform to the provisions of this article, no temporary sign shall be located nearer than one hundred (100) feet to any church, cemetery, public building, historic site or district, or the intersection of two or more public streets or highways.

(c) Except for real estate signs which conform to the provisions of this article, temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.

4. The sign administrator will determine the appropriate area, height and location of banners, balloons, flags, portable signs and inflatable signs.

**c. Time Limits:**

1. Special event signs may be erected no sooner than fourteen (14) days preceding a special event and shall be removed within forty-eight (48) hours following the special event. The same event shall not be advertised more frequently than four (4) times per year.
2. *Grand Opening* and *Going Out of Business* signs may be erected for a period not to exceed thirty (30) days and no more than one (1) occurrence per year.
3. Project signs for work under construction may be erected upon the issuance of a final development permit on the construction site during the construction and shall be removed within seven (7) days following the issuance of the Certificate of Occupancy.
4. Temporary signs announcing the subdivision of land may be erected on the land being developed and shall be removed when one hundred percent (100%) of the development lots are conveyed, or for a term not to exceed one (1) year, whichever comes first. An extension may be permitted by the Administrator.
5. Signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised.
6. Banners, pennants, balloons, flags, portable signs and inflatable signs may be permitted for a maximum of seven (7) days by the Sign Administrator. A time limit beyond seven (7) days requires the approval of the City Council. (rev. 12/17/2002)
7. Schools and non-profit organizations may be permitted not more than five (5) temporary signs or banners for duration of no longer than seven (7) days upon notification of the sign administrator. Signs or banners must be removed within twenty-four (24) hours of the end of the event. (rev. 12/17/2002)
8. Temporary window signs may be permitted for a maximum of fourteen (14) days by the Sign Administrator. (rev. 10/16/2018)

**d. Permits:**

Unless specifically exempted pursuant to Sections 15.0702 and 15.0703, a temporary sign is subject to the permit requirement of Section 15.0701.



**PLANNING & ZONING**  
COMMUNITY DEVELOPMENT DEPARTMENT  
P.O. BOX 2432  
ORANGE BEACH, ALABAMA 36561



**Orange Beach Planning Commission**  
**Meeting – November 14, 2022**

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**Case No. 1104-SP-22**  
**Orange Beach Water Authority Conference Room Expansion**  
**Site Plan Review**

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**Owner/Applicant:** Orange Beach Water Authority, Temple Smith (Owner)  
25097 Canal Rd., Orange Beach, AL 36561  
(251) 981-4233, [tsmith@obwaterauthority.com](mailto:tsmith@obwaterauthority.com)

Mark D. Pavey, AIA (Applicant)  
P.O. Box 1365, Gulf Shores, AL 36547  
(334) 546-3624, [child.design@mindspring.com](mailto:child.design@mindspring.com)

**Property Address:**  
25097 Canal Rd.

**Tax Parcels:**  
05-65-03-05-0-000-027.000

**PPIN:**  
11514

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**I. GENERAL INFORMATION**

**Request:** **Site Plan Review**

Mark D. Pavey, on behalf of the Orange Beach Water Authority, requests approval of site plan review to add 700+ square feet to the existing building to expand the existing conference room.

**Location:** This property contains the office and operations facilities for the Orange Beach Water Authority and is located at 25097 Canal Road.

**Present Zoning:** GB (General Business)

**Present Use:** Orange Beach Water Authority

**Future Land Use:** Commercial High Intensity  
*The purpose of this application is to add more floor area of the conference room at the OBWA and is consistent with the land use designation on the Future Land Use Map.*

**Surrounding Land Use and Zoning:** **North:** Undeveloped, RS-1 (Single-Family Residential)  
**South:** Boat Storage Yard, GB (General Business)  
**East:** J&M Tackle, GB (General Business)  
**West:** Centennial Bank, GB (General Business)

**Special Districts:** **Overlay Zoning:** Restricted Height Overlay District  
**Neighborhood District:** Northwest Orange Beach  
**Airport Zone:** Precision Instrument Approach  
**Flood Zone:** X

**Nearby Streets:** This property fronts on Canal Road.

**Site History:**

<i>Date</i>	<i>Description</i>
December 2014	Planning Commission approved the site plan review to construct an 800+ square foot addition to the previous office building. (Case No. 1207-SP-14)
July 2015	Planning Commission approved the site plan review to demolish the previous office building and to construct a new office building. (Case No. 0702-SP-15)

**II. BUILDING & SITE PLAN REVIEW**

1. The purpose of this application is to expand the existing conference room at the Orange Beach Water Authority. The total floor area for the expansion will be 736 square feet. .
2. The existing footprint of the single-story office building is 2,090 square feet. With the addition of 736 square feet, the building footprint will increase to 2,826 square feet. The additional floor area will be located on the west side of the building.
3. Based on office use, the zoning ordinance requires 11 parking spaces (2,826 square feet / 1 space per every 280 square feet).
4. This project will remove three of the existing parking spaces, but the site will still have 17 parking spaces and will exceed the parking requirement.
5. The proposed addition will meet all setback requirements.
6. The building height is 12 feet and 5 inches to the mean height and 16 feet and 2 inches to the peak height.
7. The exterior building material or cladding for the addition area will be similar the exterior building material or cladding on the existing building.
8. Section 10.0310, f. of the Zoning Ordinance requires attached or detached additions to buildings that exceed 400 square feet to have Planning Commission review and approval. Since the proposed addition covers 736 square feet, a site plan review before the Planning Commission is required.

**III. STAFF COMMENTS**

1. The applicant will be requesting an administrative waiver of the proposed addition finished floor elevation relative to the street centerline elevation. Consideration of this finished waiver will be addressed during site permitting.

**IV. PLANNING COMMISSION ACTION**

1. **APPROVE** the requested site plan to add 700+ square feet to the existing building to expand the existing conference room.
2. **CONDITIONALLY APPROVE** the requested site plan with any conditions, limitations or requirements necessary to effectuate the requirements of the Zoning Code and carry out the spirit and purpose of the Comprehensive Plan.

**STAFF CONDITIONS:**

1. The applicant is requesting an administrative waiver of the proposed addition finished floor elevation relative to the street centerline elevation. Consideration of this finished waiver shall be addressed during site permitting.
3. **DISAPPROVE** the requested site plan stating the reasons the said plan was denied with specific references to those sections of applicable municipal ordinances on which the said denial was based.

**V. MAPS & PLANS**

**Aerial Map**







# Orange Beach Water Authority Addition 1104-SP-22 Aerial



0 200 400 Feet

October 2022

