

ARTICLE 10
ARCHITECTURAL STANDARDS AND RESTRICTIONS

(rev. 01/03/2023 unless otherwise noted)

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10.01 ARCHITECTURAL STANDARDS

10.0101 International Code Series

The Municipality of Orange Beach, Alabama, has adopted the International Code Series. All buildings of the Municipality must be constructed in accordance with these Codes. (rev. 06/01/2004)

10.0102 Enforcement

The enforcement of the Standard Building Code is designated by the Code and the Municipal Council to the Municipal Building Official.

10.0103 Appeal

Any aggrieved party may appeal a decision of the Building Official concerning building codes to the Building Code Board of Appeals, as set forth in the International Building Code. (rev. 06/01/2004)

10.02 ARCHITECTURAL RESTRICTIONS

No metal-sided, metal exterior-walled buildings, except for small accessory buildings to a residence, will be allowed to be constructed in the following zoning classifications:

- RS-1 Single-Family Residential District, except for properties in excess of three (3) acres
- RS-2 Single-Family Residential District
- RS-3 Single-Family Residential District
- RM-1 Multi-Family Residential District
- RM-2 Multi-Family Residential District
- NB Neighborhood Business District
- BR-1 Beach Resort District
- BR-2 Beach Resort District
- GB General Business District, except for dry boat storage buildings (rev. 04/15/2003)
- RO Retail Office District (rev. 01/15/08)
- MR Marine Resort District, except for dry boat storage buildings (rev. 04/15/2003)
- PUD Planned Unit Development, except for dry boat storage buildings (rev. 04/15/2003)

A building may be metal-sided or have metal exterior walls on the rear side of the building, provided that it is not adjacent to residentially zoned or used property. (rev. 04/15/2003)

Mini-warehouse buildings constructed on properties zoned GB and PUD may be metal sided if one (1) of the following three (3) criteria is met, but the exterior finish of the front façade facing the street shall comply with Section 10.0305, b. 2. (rev. 03/17/2020)

- a. The mini-warehouse building is sited to rear of a principal building; or
- b. The mini-warehouse building is sited more than one hundred seventy-five (175) feet from the right-of-ways of Canal Road, Orange Beach Boulevard, Perdido Beach Boulevard, and the Foley Beach Express; or
- c. Enclosed by an eight (8) feet privacy fence and meets all of the landscape requirements of the Zoning Ordinance. (rev. 04/15/2003)

10.03 SITE PLAN REQUIREMENTS AND ARCHITECTURAL REVIEW

10.0301 Purpose

The purpose of these requirements is to support and promote the goals and objectives of the Comprehensive Plan and to provide harmonious, functional relationships among the various elements within any development. The Orange Beach community is located within a fragile coastal environment which is highly sensitive to development pressures. The intent of these requirements is to prevent detrimental impact to the natural environment, on and off the site, by providing for review and evaluation of site plans. Wherever, in this Ordinance, site plan approval is required, the following procedures and requirements shall be followed; except where an interior use change does not result in exterior additions, and additionally, in this situation landscape requirements shall not be imposed; provided, however, that when additional parking is required pursuant to Article 8 of the Zoning Ordinance of the City of Orange Beach as a prerequisite to any change of use, or the addition to any building or structure, site plan approval shall be required.

10.0302 Site Plan Approval Required

These requirements shall apply to all new buildings, structures and development and any existing structure or building addition to any development, except that if the gross square footage of any one building or structure or the cumulative gross square footage of the entire development is thirty-five thousand (35,000) square feet or greater. The application for a project greater than thirty-five thousand (35,000) square feet shall also be subject to the rules and regulations of the Planned Unit Development provisions of the Zoning Ordinance prior to the issuance of a building permit. This Article shall not apply to single-family detached residential dwellings or duplex residential dwellings. These provisions do not apply to any building, structure or Planned Unit Development approved prior to the enactment of these provisions that would have been required to comply with Article 7 (Planned Unit Development) of the Zoning Ordinance. (rev. 11/20/2001)

10.0303 General Procedure

No building or structure, or part thereof, shall be erected or used, or land or water used, nor shall any building permit be issued therefore, unless a site plan for such building, structure or use shall have been approved.

a. Filing

Before the Planning Commission shall approve such site plan, an application for such approval shall be filed with the office of the Director of Community Development. (rev. 11/20/2001)

b. Application, Fee and Disclosure of Ownership

Such application shall be in a form substantially in accordance with the form prescribed by the City, copies of which may be obtained from the Director of Community Development's office. A written power of attorney authorizing a person other than the owner(s) to sign such application must be attached to and accompany said application. See the application for specific details of application requirements. (rev. 06/19/2001)

All applications shall include a verified statement of the ownership interest of each and every person, firm or corporation having a legal and/or equitable interest in the property, including liens, encumbrances, title certification in the form of a current title policy, title opinion, or title report and the nature of the developers interest, if the developer is not the owner.

Fees shall be required for filing said application according to the schedule adopted by the City Council.

c. Departments Review

The application shall be submitted to the office of the Director of Community Development. The Director of Community Development shall forward the application and attachments to other departments, which shall then proceed to make reviews and take into consideration the recommendations of other City departments concerned with the attendant problems including but not limited to waste water systems, refuse collection, surface water drainage, water supply, ecological and environmental factors, fire protection, screening for abutting residential properties, pedestrian and vehicular access, internal circulation and vehicular parking, and such other requirements as are deemed applicable to make an appropriate evaluation. The application with evaluative comments shall then be forwarded to the Planning Commission. (rev. 11/20/2001)

10.0304 Conformance with Zoning Ordinance and Other Regulations Required

Any such building, structure or use shall be in full conformity with the provisions of the Subdivision Regulations, the Zoning Ordinance, any other applicable local regulation or ordinance and with the site plan approved by the Planning Commission. (rev. 11/20/2001)

10.0305 Considerations in Reviewing Site Plan

a. Site Location and Character of Use (rev. 01/03/2023)

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 (rev. 01/03/2023)

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 on 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. (rev. 01/03/2023)

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)

d. Pedestrian Considerations

Retail establishments shall be required to provide pedestrian-friendly amenities, including but not limited to, a patio/seating area, water feature, clock tower, or pedestrian plaza with benches.

A continuous internal pedestrian walkway must be provided from the public street to the principal customer entrance. This internal walkway shall feature landscaping, benches, and other such materials/facilities for no less than fifty percent (50%) of its length. Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance. Any sidewalks along other facades shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping. Internal pedestrian walkways shall provide a weather protection feature such as an awning within thirty (30) feet of all customer entrances. The internal pedestrian walkways must be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways. Additional sidewalks, including sidewalks in the public right of way abutting the site, may be required by the Planning Commission when they determine that such sidewalks are in the interest of public safety. (rev. 11/20/2001)

e. Open Space and Landscaping

1. Open space and setbacks between lot lines and/or buildings required by this Ordinance shall be located and improved to reasonably serve the purposes for which the requirements are intended. These purposes include provisions of adequate light and air, appropriate separation between buildings and uses, enhancement of privacy, sufficient area for recreation and leisure pursuits (in residential areas) and to facilitate surface water drainage.
2. The landscape and tree protection provisions of this Article shall be satisfied. The natural landscape of the site shall be preserved as much as possible for purposes of enhancing the general appearance of the site as well as to prevent excessive storm water run-off, erosion, siltation and dust. It is an intent of this Article to conserve the vegetative character of the community.
3. In order to maintain stability of residential areas, non-residential development within or abutting residential districts and uses and multiple family development abutting single family residential districts and uses, shall provide a wall or hedge or other durable landscape barrier not less than six (6) feet in height to form a continuous screen along such abutting property lines. In addition, one tree (a

minimum of eight (8) feet clear trunk) shall be provided for each fifty (50) feet linear feet or fraction thereof of such landscape barrier. Credit may be given for existing plant material against the requirements of this Article. Adjustments may be rendered by the Planning Commission to the requirements of this Article.

f. Flood Prone Land

Construction in flood prone areas shall comply with the City's Flood Damage Prevention Ordinance.

g. Provision of Adequate Public Services

In compliance with the Comprehensive Plan, appropriate facilities for providing electricity, telephone, potable water, sanitary sewerage, solid waste disposal, surface water drainage, vehicular access and fire protection shall be incorporated in the site plan. These facilities shall be reviewed by appropriate City administrative personnel including the City Engineer, Public Works Director, Fire Chief, Building and Zoning Official, and the Director of Community Development. These administrative personnel shall provide evaluative comments to the Planning Commission to facilitate the Commission's review. A concept plan for Storm Water Management shall be supplied by the applicant with the application for a site plan. Prior to application for a building permit a detailed storm water plan prepared by a professional engineer or registered architect, registered in the State of Alabama shall be approved by the Director of Community Development. An Alabama registered professional engineer or registered architect shall certify that the storm water management plan has been appropriately implemented prior to the issuance of an occupancy permit. (rev. 11/20/2001)

h. Provision of Construction Lay Down Yard and Workers Parking

The site plan applicant shall demonstrate to the Planning Commission their provisions for a construction lay down yard and adequate parking for all of the construction workers. The areas shall be clearly delineated on the site plan showing parking spaces and material storage areas with appropriate security or buffering fencing. (rev. 02/04/2008)

i. Storm Water Management

In order to control storm water runoff and minimize impact on existing City and/or Alabama Department of Transportation drainage facilities and further to aid in the protection of the quality of ground and surface waters, the conceptual and detailed site drainage plan shall comply with requirements of G. above and Ordinance #2001-620 Storm Water Management. (rev. 02/19/2002)

j. Additional Considerations

The Planning Commission may require additional information by the applicant for site plan review in order to carry out a review process, which is necessary to fulfill the purpose, intent and spirit of this Article. (rev. 11/20/2001)

k. Protective Shoreline Structures

Protective shoreline structures are designed to protect upland structures. Such shoreline structures have an erosive impact on adjacent and down-drift properties. Such structures are prohibited seaward of the coastal construction control line unless a variance for such construction has been approved by the Board of Adjustment, the Corps of Engineers, and the State of Alabama Department of Environmental Management. The following criteria shall be used in evaluating proposed structures:

1. **Location:** Structures shall be located as close as practical to the structure it is designed to protect in order to minimize erosion and provide for natural dissipation of energy from wave impact.
2. **Alignment:** Structure should extend the full length of the property to be protected and wing (or return) walls shall be tied into the upland to minimize flanking and subsequent erosion to adjacent property and entry of water behind the frontal structure and subsequent interior erosion.
3. **Slope:** A sloping subgraded revetment or other equally adequate toe protection shall be provided along the bottom of the seaward facade and wingwalls to minimize scour, provide for more natural dissipation of energy from wave impact, and assist in stabilizing buildup of the beach.
4. **Height:** The elevation of the structure shall correspond to the projected wave run-up. This projection shall be based on water depth, tide, slope of sea bottom, wind and current analysis, and design of the structure.
5. **Drainage:** An efficient drainage system shall be installed including use of a porous filter material and weepholes or equally adequate alternatives to stabilize and retain the earth landward of the wall and provide for free movement of water to prevent buildup of water pressure behind the wall.
6. **Anchorage:** The anchor, tieback system and foundation shall be designed adequately to minimize incidence of failure caused by soil displacement or excessive settlement. All wood materials shall be appropriately treated.
7. **Sand Vegetative Cover:** Structures shall be covered with sand where practical. A sand replenishment program and appropriate native indigenous vegetative planting and maintenance program to assist in stabilizing and/or regenerating the dune system shall be provided.
8. **Other Considerations:** The Planning Commission may also consider recommendations of the Alabama Department of Conservation, Marine Resources Division, and the U.S. Fish & Wildlife Agency, Alabama Department of Environmental Management and the Army Corps of Engineers.

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). (rev. 01/03/2023)
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.

c. Landscaping

1. In cases where a vehicular use area is visible to the Highway 182 pedestrian-oriented area, an eight (8) foot buffer shall be required, consisting of at least the following:
 - a. A row of evergreen or semi-evergreen trees, such as yaupon holly, ligustrum, red cedar, (sand) live oak or drake elm, planted twenty (20) feet on center. Trees shall be eight (8) feet to ten (10) feet in height with four (4) feet to six (6) feet spread at planting.
 - b. A row of evergreen shrubs between trees, such as ligustrum, viburnum, wax myrtle, thryallis or juniper, planted five (5) feet on center. Shrubs shall be five (5) gallons, thirty (30) inches to thirty-six (36) inches high and twenty-four (24) inches to thirty-six (36) inches spread (multi-stemmed) at planting.
 - c. Lawn, low-growing evergreen shrubs, evergreen ground cover and mulch covering the balance of the buffer.

With the exception of the vehicular use area perimeter buffer requirement as specified in this section, all off-street parking and vehicular use areas shall be landscaped according to the requirements of Article 16.

2. To add color and soften sidewalk paving with vegetation, tree islands and planters shall be located within pedestrian-oriented areas where appropriate. Tree species and locations must be suitable for pedestrian areas and maintained in a manner that will not obstruct pedestrian traffic. Tree grates shall be provided where needed as determined by the Community Development Department.
3. The natural landscape of the site shall be preserved to the greatest extent possible for purposes of preserving the natural resources of the City, enhancing the general appearance of the site, as well as providing erosion and sediment control.

d. General Fencing Requirements (rev. 06/02/2009)

1. **Permitted Materials:** Fences shall be constructed of wood, composite wood, brick, fieldstone, masonry, wrought iron, vinyl or other permanent materials designed for permanent fencing that is not prohibited by this Ordinance. Sand fencing and split rail fencing may be permitted upon staff review and approval.
2. **Prohibited Materials:** Fences shall not be constructed of barbed wire, single-strand wire, rope, or of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wood panels, galvanized sheet metal, landscaping timbers or utility poles shall be prohibited.
3. **Chain Link Fencing:** Permanent vinyl coated chain link fencing may only be permitted when enclosing a basketball court, tennis court, or other similar

recreational facility. Temporary chain link fencing may be used on a site when an active site and/or building permit has been issued for the site, but must be removed whenever the permitted activities on the site have been completed or the site and/or building permit have expired.

- 4. Post and Supporting Members:** Fences shall be installed with the finished side facing the adjacent property or public right-of-way. Fence posts must be located on the inside of the fence facing the property on which the fence is located. Post and supporting members may be viewable if the fence has a shadowbox design or uses panels across the front and back to give the fence a finished appearance on both sides. Fences composed entirely of fence posts and incomplete fences consisting only of posts and supporting members shall be prohibited.
- 5. Front Yard:** Fences and walls may be located within required front yard provided that the height does not exceed thirty (30) inches. Decorative architectural features on walls/fences shall not be included in the height except that it shall not extend more than one (1) foot above the maximum height and have a minimum spacing of eight (8) feet between it. The Planning Commission may approve a wall or fence greater than thirty (30) inches where compliance regulations justifies the height or when the wall or fence is proposed to enclose trash receptacles and/or above-ground components of a public utility system and meets the conditions of Article 5.0301.
- 6. Side and Rear Yard:** Fences and walls may be located within the required side and rear yards provided the height does not exceed six (6) feet.
- 7. Placement:** Fences shall be no closer than six (6) inches to a public sidewalk.
- 8. Maintenance:** Fences shall be maintained in a manner to prevent, rust, corrosion and deterioration so not to become a public or private nuisance and so not to be dilapidated or a danger to adjacent property owners or the public.
- 9. Existing Fences:** Any fence existing upon the effective date of this Ordinance that does not meet the requirements of this Ordinance shall not be enlarged, extended or replaced, except in strict compliance with all requirements of this Ordinance. Nonconforming fences existing upon the effective date of this Ordinance shall be removed, altered, or otherwise made to conform to the provisions of this Ordinance within seven hundred thirty (730) days of its passage.

10.0307 Approval by Planning Commission

The Planning Commission shall not give final site plan approval unless it finds that such site plan conforms to all applicable provisions of the Zoning Ordinance and that the safety and convenience of the public are properly provided for. (rev. 11/20/2001)

10.0308 Approval Subject to Conditions

The Planning Commission may condition its approval of a site plan with any conditions, limitations or requirements necessary to effectuate the requirements of this article and carry out the spirit and purpose of the Comprehensive Plan.

10.0309 Information Included in Site Plan

A site plan, for the purposes of this Section, shall include, but may not necessarily be limited to, the following requirements:

- a. Site plan with grades, finished ground floor elevations, contours and designating the number of dwelling units, square footage of site, building coverage, square footage of paved areas, and open area.
- b. A scaled drawing of the sides, front, and rear of the building or structure, generalized floor plan indicating uses and square footage of each proposed use of all buildings or structures, and building exterior construction material and color.
- c. Location and character of all outside facilities for waste disposal, storage areas or display.
- d. All curb cuts, driveways, parking areas, loading areas, surface materials, number of employees and number and type of vehicles owned or used by the establishment.
- e. All pedestrian walks, malls, yards and open spaces.
- f. Location, size, character, height or orientation of all signs as required in Article 15 of the Zoning Ordinance.
- g. Location and general character of landscaped areas based on criteria in this Article.
- h. Location and general character of all existing curb cuts, driveways, parking areas, and loading areas within one hundred (100) feet of any proposed curb cuts, driveways, parking areas or loading areas.
- i. A site plan with vehicular use areas less than or equal to one (1) acre shall have a landscape plan prepared by a professional engineer or landscape architect registered in the State of Alabama. A site plan with a vehicular use area exceeding one (1) acre shall have a landscape plan prepared by a landscape architect registered in the State of Alabama. Landscape plans shall meet all requirements showing: (rev. 10/17/2017)
 1. Landscaped areas.
 2. Location, height and material for walks, fences, walkways, and other man-made landscape features.

3. Any special landscape features such as, but not limited to, man-made lakes, land sculpture and waterfalls.
 4. Designation of all protected trees to be removed and retained on site. (rev. 02/21/2006)
- j. Location of existing easements and rights-of-way.
 - k. Boundary survey with complete legal description prepared and certified by a surveyor registered in the State of Alabama. All architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the State of Alabama pursuant to Alabama Statutes as exists or hereafter amended.
 - l. A signed and sealed tree survey of the project site prepared by an engineer or land surveyor registered in the State of Alabama showing the location, species and size of all on site trees and off site trees within twenty-five (25) feet of proposed construction and earthwork. (rev. 02/21/2006)

10.0310 Modification of Site Plan

These provisions do not apply to any Planned Unit Development, any building or structure built prior to the enactment of these provisions that would, upon the adoption date of these regulations, have been required to comply with Article 7 (Planned Unit Development). When minor changes are made such as:

- a. Minor adjustments or shifts in the location and sighting of buildings, structures, parking bays and parking spaces;
- b. Addition of awnings, canopies or ornamental structures, redesign and different location of pools, parking spaces, drives and driveways, modifications in stairs or elevations of decks, porches, terraces and fencing, walkway and bikeway systems;
- c. Changes in the location of utility tie-ins and dumpsters;
- d. Changes in the location and types of landscape materials, excluding changes in the location of buffers;
- e. Addition of parking spaces not to exceed five percent (5%), including fractions thereof, of the total number of existing parking spaces or five (5) spaces, whichever is the lesser amount;
- f. Attached or detached additions to buildings which do not increase the floor area in excess of five percent (5%), but not more than four hundred (400) square feet of the floor area of the principal structure, whether or not additional parking is required;
- g. Installation of utility system improvements including buildings not exceeding two hundred fifty-six (256) square feet. Approval of minor changes only requires authorization after review and approval of the Zoning Official and the Building Official. If approved as a minor change, the site plan shall not be required to be

returned to the Planning Commission for resubmission. The Director of Community Development shall report each change so approved to the Planning Commission for the record at the next scheduled meeting. (rev. 06/19/2001)

The Planning Commission shall prescribe the application form for a Minor Site Plan modification to any site.

10.0311 Termination, Extension and Transferability

Site plan approval shall terminate one year after being granted if the owner has not applied for a building permit. Site Plan approval shall also automatically terminate upon revocation or expiration of a building permit. In the event the property receiving site plan approval is transferred, the site plan approval shall be transferable for the approved development only, consistent with the above one year time frame. (rev. 03/15/2005, 10/16/2007)

The Orange Beach Planning Commission may grant a one (1) time extension on a site plan if the applicant can show evidence they are moving forward with the development. The length of the extension is up to the discretion of the Planning Commission but in no case can it exceed one (1) year. The applicant must submit a written request to Community Development thirty (30) days before the site plan expires. (rev. 07/01/2008)

10.0312 Approval, Disapproval and Appeal Procedure

- a.** Only after the approval of a site plan (and the submission to the Planning Division of any revised plans as required due to modifications) by the Planning Commission, a building permit may be issued by the Building Official. However, any applicant for site plan approval, or any other aggrieved person having an interest therein, may file an appeal to the City Council to review the action of the Planning Commission in allowing or disallowing such application for site plan approval. The appeal shall be in writing and filed with the Director of Community Development within ten (10) days from the date of final action of the Planning Commission. The Director of Community Development shall forward the appeal to the City Clerk's office for placement on the City Council agenda as expeditiously as possible. The Council shall thereupon set a date for a public hearing with regard to such appeal. After giving public notice in such manner as required by law, all interested parties shall have the right to appear before Council at such public hearing, the Council shall render its decision. The decision of the City Council shall be final. Any aggrieved party may appeal such final decision to the Circuit Court.
- b.** No permits shall be granted by the Building Official until the time for appeal as herein provided shall have expired, and when such an appeal is filed, no such permit shall be issued until after final determination of such appeal has been made by the City Council. Appeal to the Courts shall not bar the issuance of permits, however, the party seeking the permit shall bear all risk for proceeding.
- c.** If the Planning Commission denies a site plan approval, it shall specify the reasons said plan was denied with specific reference to those sections of the applicable City ordinances on which said denial was based. No reasons other than those relied upon shall be presented upon any appeal. (rev. 11/20/2001)

10.0313 Violations

Any person who commences any work before obtaining site plan review approval pursuant to the requirements of Article 8.010405 and Article 10.0302 shall be subject to a penalty of one hundred percent (100%) of the usual site plan review permit fee in addition to the required permit fee. An aggrieved person may file an appeal with the Planning Commission to revoke such fines. The appeal shall be in writing and filed with a site plan review application. The decision of the Planning Commission shall be final.
(rev. 11/19/2002)

Failure to comply and continually maintain all approved elements of an approved site plan, including landscape, appearance and other site development features, and including conditions as specified by the Planning Commission shall be a violation of this Article subject to enforcement and penalty procedure of Article 12, Administration, Zoning Ordinance.

10.04 MARINAS (rev. 07/03/2007)

10.0401 Information Required

Applicants desiring to develop marinas within the jurisdiction of this Ordinance are required to follow the stated procedure for the consideration of an application for a Planned Unit Development, but must also include the following information in the Master Land Use Plan, some of which shall be required for approval from other agencies:

- a. Wetland impacts associated with the construction and operation of marina facilities;
- b. Potential discharge of wastewater from live-aboard, transient, or day use boats;
- c. Impact of project on navigation;
- d. Potential air and noise pollution and dust emissions from the project;
- e. Potential oil and gas contamination of adjacent waters;
- f. Impact of traffic on adjacent uses; and
- g. Other factors of the marina which would have an impact on the community, coastal waters, or wildlife.

10.402 Development Requirements

- a. Development is preferred at non-wetland sites and in deep waters requiring no dredging. Developments requiring dredging or access through wetland sites must be designed to minimize the impact on wetland habitats. Development in wetland areas will require the approval of the U. S. Fish and Wildlife Commission.
- b. Live-aboard boats shall be required to connect to berth side sewer/central sewer facilities, and no discharges to coastal water shall be permitted; live-aboard boats shall be equipped with Class III non-discharge and marine sanitation devices.
- c. Adequate water circulation shall be maintained within the marina areas to maintain water quality.

- d.** Marinas shall provide a program to minimize or eliminate the discharge of pollutants, i.e., oil, gas, wastewater, etc., from vessels docked at the marina.
- e.** On-shore restroom and shower facilities shall be required.
- f.** Sufficient trash receptacles shall be provided for the depository of trash and garbage from on-shore facilities and docked vessels. Additional and separate facilities shall be provided for the disposal of fish processing wastes from boats or on-shore facilities, including trash fish, shrimp heads, etc.
- g.** All necessary permits must be received from the U. S. Corps of Engineers, U. S. Fish and Wildlife Commission, and other applicable State and Federal agencies.