

Article 22 Definitions

Section 22.1 Usage

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "building" includes "structure." The words "shall" and "will" are always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Section 22.2 Words and Terms Defined

As used in these ordinances, the following words and terms shall have the meaning defined:

A zone. (See Floodplain).

Abutting/contiguous property. Any property that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

Accessory dwelling. A second dwelling unit that is either contained within the structure of a single family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guest houses.

Accessory structure. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Except as provided in *Section 10.4, Wetland Protection Overlay District*, bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered accessory structures for purposes of these zoning ordinances.

Accessory structure compound. A fenced, secured enclosure in which a wireless telecommunications facility and its equipment, buildings, access roads, parking area and other accessory devices / auxiliary structures are located.

Accessory use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Agriculture/agricultural uses. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and related accessory uses.

Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft, and may include necessary facilities for the housing and maintenance of aircraft.

Alteration. Any change in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the building code or these zoning ordinances, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

Alteration, structural. Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building.

Alternative support structure. Any structure other than a wireless telecommunications tower, which may include, but is not limited to, buildings, water towers, light poles, power poles, telephone poles, and other essential public utility structures.

Amusement arcade. A building or part of a building in which five (5) or more pinball machines, video games, or other similar player operated devices are maintained.

Antenna. An electromagnetic device which conducts radio signals, through an attached cable or wave guide, to or from a radio transmitter or receiver. Typically, this includes "whips," "cornucopia horns," "panels" and parabolic "dishes."

Antenna support structure. Any structure on which telecommunications antennas and cabling can be attached. Typically, this includes steel towers with guy-wires (guyed towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "legs" (self-supporting/lattice towers); rooftops of existing buildings or structures (such as elevated water storage tanks). (see also *tower*).

Area and dimensional ordinances. Numerical standards established for a lot, yard or building in a particular zone.

As of right. Uses that are specifically authorized by the zoning ordinances. (See also *permitted use*).

Attic. An unfinished area below the roof and above the ceiling of the living or garage area of a single family or two family dwelling which is generally used for storage and/or the location of mechanical equipment but not for human habitation.

Auto convenience market. A retail establishment where motor vehicle fuel is retailed directly to the public on the premises in combination with retailing of items typically found in a neighborhood convenience store. An auto convenience market may include a drive-through car wash but may not include automobile service bays.

Automobile repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automobile service station. Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

Automobile wrecking. The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar or tavern. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises.

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation. The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it.

Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and breakfast. The renting of rooms in a private residence for brief periods of time together with the provision of breakfast for the guests by the home owner. All service is to be provided by the home owner.

Board of Adjustment. A board appointed by the County Commission in planning districts that elect to come within the planning and zoning jurisdiction of the Baldwin County Commission to hear and decide appeals, special exceptions and

variances from the terms of the zoning ordinances.

Boarding house, rooming house, lodging house, or dormitory. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Boathouse. A structure constructed over water designed or intended to be used for the purpose of docking, storing and protecting one (1) or more watercraft.

Boat repair. Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

Boat slip. A facility for the mooring of watercraft.

Buffer. Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

Building. Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

Building height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. In A-zones building height will be measured from the finished floor elevation. In V-zones building height will be measured from the bottom of the lowest supporting girder.

Building Official. Individual appointed by the Baldwin County Commission to carry out inspections required by the building code.

Building line. (See *Setback line*).

Car wash. An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

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

Certificate of occupancy. Official certification that a premise conforms to provisions of the zoning ordinances and building code, and may be used or

occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

Child care facility. A facility established for the care of children as defined in §38-7-2 of the *Code of Alabama, 1975*. For the purpose of these ordinances, this definition includes the following:

(a) *Child care center.* This includes facilities licensed as day care centers and nighttime centers in accordance with §38-7-2 of the *Code of Alabama, 1975*. Day care centers and nighttime centers serve more than twelve (12) children.

(b) *Child care institution.* This includes facilities licensed as group homes and child care institutions in accordance with §38-7-2 of the *Code of Alabama, 1975*. These facilities provide full time care.

(c) *Day care home.* A child care facility which is a family home and which receives not more than six children for care during the day in accordance with §38-7-2 of the *Code of Alabama, 1975*.

Church or similar religious facility. A place or structure(s) of assembly, and associated structures located on the same site, where religious worship, including education and outreach, is primarily or exclusively conducted.

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

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose but not operated or maintained for profit. Does not include casinos, night clubs, or other institutions operated for a profit.

Cluster development. A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, and with the resultant open space being devoted by deed restrictions for one or more reasons.

Coastal construction line (CCL). A line in coastal Alabama determined by the Alabama Coastal Area Management Plan (ACAMP) seaward of which no construction is permitted.

Coastal high hazard areas (V-zones). Areas that are subject to high velocity waters caused by, but not limited to hurricane wave wash.

Co-location. The placement of more than one wireless communications antenna by one or more telecommunications service providers on a single existing or new antenna support structure.

Commercial occupant. A commercial use, i.e., any use other than residential or agricultural.

Commercial vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

Commercially developed parcel. A parcel of property on which there is at least one walled or roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Common open space. Open space within a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use and/or enjoyment of the residents of the development.

Concealment techniques. Design techniques used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings so as to not have the appearance of a wireless telecommunications facility. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal use, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with the existing vegetation. *Example:* a tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a "monopole").

Condominium. A development where all land, including that under the buildings in the development, is held in single ownership for the common use of unit owners or tenants; also a living unit within such a development.

Conservation easement. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, wildlife; or maintaining existing land uses.

Construction sign. Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Convalescent or nursing home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes extended care facilities.

Copy. The linguistic content of a sign.

Copy shop. A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include collating and binding of booklets and reports.

County. Baldwin County, Alabama.

County Commission. The Baldwin County Commission.

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

Density. The number of dwelling units per acre of land.

Department. The Baldwin County Planning and Zoning Department.

Development. The construction, reconstruction, repair, demolition, conversion, structural alteration, relocation, removal, or enlargement of any building or structure; any extension of utilities; any construction of streets; any construction of drainage structures; any mine, excavation, land fill, or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

Dwelling. A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including hotels, boarding houses, rooming houses, lodging houses or dormitories.

Dwelling, multiple-family. A building designed for or occupied by three or more families, with separate toilets and facilities for cooking and sleeping for each

dwelling unit.

Dwelling, single-family. A detached building designed for and occupied by one family as a home, with toilets and facilities for cooking and sleeping.

Dwelling, two-family. A building designed for or occupied by two families only, with separate toilets and facilities for cooking and sleeping for each dwelling unit, separated by a common wall and sharing a common roof and foundation.

Dwelling unit. Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate toilets and facilities for cooking and sleeping, either permanently or temporarily.

Electric sign. Any sign containing electric wiring.

Erect a sign. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations fill, drainage, and the like shall be considered a part of erection.

Excavation. Any mechanical removal of rock, sand, gravel, or other unconsolidated materials from a location.

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

FAA. Federal Aviation Administration.

Family. One or more persons living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a boarding or rooming house or hotel.

FCC. Federal Communications Commission.

Flea market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters.

(b) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

Floodplain. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

Floodway. That portion of the floodplain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway. For the purpose of these ordinances, floodways shall be defined as follows:

(a) The floodways as identified or delineated in the *Flood Insurance Study* for Baldwin County, Alabama.

(b) Along Small Streams and Watercourses. All lands lying within 25 feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the County Planning Commission that a lesser distance (but not less than 15 feet) is adequate based on the watershed characteristics and probable storm runoff for the base flood.

Floor area, gross. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

Food processing. The preparation, storage, or processing of food products on a large scale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

Frontage. The length of the property line of any one parcel along a street on which it borders.

Funeral home. A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial or cremation; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel is also permitted.

Garage, private. A building or part thereof designed and/or used for inside parking of self propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

General commercial uses. This land use includes those commercial activities which require outdoor storage, have higher trip generations than local commercial uses, or have potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation.

General industrial uses. This land use includes those industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors.

Generalized Wetland Map. Refers to the National Wetland Inventory (NWI) Maps, the Baldwin County Digital Wetland layer and/or any other digital data depicting the general locations of wetlands or hydric soils and their degree of functionality within the jurisdiction of Baldwin County.

Height. When referring to a tower or other structure, the distance measured from the ground level at the base of the tower to the highest point on the tower or structure, including if said highest point is an antenna placed on a structure or tower.

Home improvement center. An establishment which sells various household goods, tools, building materials, household appliances, garden supplies, nursery products, paint, glass, etc. Retail stock may be kept outdoors.

Home occupation. Any occupation for gain or support customarily conducted entirely within a residential dwelling unit and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

Home occupation, rural. An accessory use to a customary farming operation or a nonfarm household located in a rural area designed for gainful employment involving the sale of goods and/or services that is conducted either from within the dwelling and/or from accessory buildings located on the same lot as the dwelling unit occupied by the family conducting the home occupation.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel. Except as otherwise provided, a transient commercial lodging establishment consisting of one or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also but are not intended for permanent occupancy.

Illuminated sign. A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Impervious surface. Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to: building roofs; streets; sidewalks; parking and driveway areas paved with asphalt, concrete, gravel, limestone, oyster shells, sand, clay or similar materials; and paved recreation areas.

Impervious surface ratio (ISR). A ratio derived by dividing the total of all impervious surfaces on a lot by the lot area.

Institutional uses. This group of uses includes: educational facilities (public or private); pre school and child care facilities; churches, temples, and similar religious facilities; nursing homes, residential care facilities, and halfway housing; cemeteries with or without funeral homes; hospitals; clubs; libraries; museums; emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue; and all other similar institutional uses.

Junk vehicle. Any vehicle that does not have a current license tag and that the owner has abandoned or left to deteriorate.

Junk yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Jurisdictional determination. An official, written statement or map signed by the U.S. Army Corps of Engineers.

Jurisdictional wetland. A wetland area that is regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. It can meet the definitional requirements for wetlands (i.e. hydrophitic vegetation, hydric soils and hydrology) as determined by the U.S. Corps of Engineers, 1987 Federal Wetland Delineation Manual.

Kenel. A facility which houses dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition does not include the raising of a litter by an owner who intends to sell or give away the puppies as soon as they are old enough.

Land area. (See *Lot area*).

Land use plan. A map and supporting written documentation indicating the projected or proposed utilization of land resulting from planning and zoning studies.

Landfill. A disposal site for the controlled burial of solid waste according to applicable governmental rules and ordinances.

Lateral riparian rights. The apportionment of riparian rights between adjoining riparian owners is made by extending lines from the ends of the side lines at right angles to the line of the water front if the latter is straight or substantially so, subject to variation where the line of navigation is not parallel with the shore line, without regard to the direction of the dividing line of the upland parcels. In case of a decided convexity or concavity of the shore, riparian rights are apportioned ratably between the riparian owners, as by straight lines drawn out to the line of navigability at such points as will divide the latter proportionately to the several frontages on the shore, or by line perpendicular to a tangent drawn on a circular shore.

Licensed Engineer. An engineer properly licensed and registered in the State of Alabama.

Light industrial uses. This land use includes manufacturing, research and wholesale establishments which are clean, quiet, and free of hazardous or objectionable emissions, and generate little industrial traffic.

Local commercial uses. This land use includes limited retail convenience goods and personal service establishments as well as professional service and office uses.

Lot. A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main

buildings and such open spaces as are provided in these zoning ordinances, or as are intended to be used with such piece, parcel, or plot of land.

Lot area. The total horizontal area within the lot lines of a lot.

Lot, corner. A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

Lot depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

Lot, flag. A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, interior. A lot other than a corner lot.

Lot line. The boundary line of a lot.

Lot line, front. On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary means of access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained; or on a waterfront lot, the lot line abutting the water.

Lot line, rear. The lot line opposite and most distance from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot of record. A lot which is a part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

Lot of record, substandard. A lot of record which has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot was of record as a legally created lot on the effective date of these zoning ordinances.

Lot, through. A lot, but not a corner lot, that abuts upon two streets, the two frontages being noncontiguous.

Lot width. The horizontal distance between side lot lines, measured at the required front setback line.

Major project. Any multifamily residential use, manufactured housing park, institutional use, professional service and office use, local commercial use, general commercial use, outdoor recreation use, marine recreation use, transportation, communication and utility use, light industrial use, or general industrial use.

Manufactured housing. Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes.

Manufactured housing park. A parcel of land under single ownership that has been planned and improved for the placement of 5 or more manufactured homes for dwelling purposes and for the production of income. Home sites within the manufactured housing park are leased to individual homeowners.

Marina. A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Dry boat storage may also be provided. A yacht club shall be considered a marina, but a hotel or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multifamily structure where no boat related services are rendered.

Marine recreation uses. This land use includes areas where water related recreational activities are the primary use. Activities may include all activities allowed as outdoor recreation activities as herein defined. In addition, permitted activities may include marinas, boat sales, boat servicing, boat storage, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment.

Marquee. A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Master plan. The master plan for the physical development of the unincorporated areas of Baldwin County as adopted by the Baldwin County Commission.

Mini-warehouse. A building or group of buildings in a controlled access compound that contain varying sizes of individual, compartmentalized and controlled-access stalls, cubicles and/or lockers used for storage only.

Minor project. Any agricultural use or single family or two family residential structure and related accessory structures.

Mobile home. (See *Manufactured housing*). A transportable, factory built home,

designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Monument sign. A monument sign is a freestanding sign, a wall with a permanently attached, or a decorative wall that incorporates a sign. Monument signs are typically constructed low to the ground from natural materials such as stone, brick, or wood and surrounded with additional landscape plantings. A monument sign shall be no more than 10 feet in height except where further restricted and shall have the lowest portion of its sign face no more than 3 feet above the ground.

Motel. (See *Hotel*).

Multiple occupancy sign. A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Neighborhood convenience store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. Neighborhood convenience stores shall not include fuel pumps or the selling of fuel for vehicles.

Nightclub. A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

Nonconforming structure. A structure lawfully occupying a site that does not conform with the standards of the zone in which it is located, including, but not limited to, front setback, side setbacks, rear setback, height, coverage, distances between structures and parking facilities.

Nonconforming uses. The use of a structure or premises, existing at the effective date of these ordinances, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

Nursery. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping.

Nursing home. (See *Convalescent or nursing home*).

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

Open space. An area open to the sky that is intended to provide light and air, and is designed for either environmental, scenic or recreation purposes. Open space may include, but is not limited to, lawns, landscaped areas, buffers, natural areas, wooded areas, unenclosed walkways, decks, patios, fountains and outdoor recreation uses. Streets, driveways, parking lots, buildings and structures that are roofed shall not be included as open space.

Open space, common. (see *Common open space*).

Outdoor recreation uses. This land use includes areas where outdoor recreational activities are the primary use such as public parks or other recreational areas whether public or private. Activities may include picnicking, jogging, cycling, arboretums, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses. Specifically excluded from this group of uses are amusement parks, firing ranges, marinas, miniature golf courses, golf driving ranges, race tracks, and similar commercial or quasi-recreational activities inconsistent with the allowable outdoor recreation uses described.

Overlay district. A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.

Parcel. A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign ordinances or lead to absurd results, a "parcel" may be designated for a particular site by the Zoning Administrator.

Parking garage. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Parking lot. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking space, off-street. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be totally outside of any street or alley right-of-way.

Pennant. Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from rope, wire, string, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Permitted use. A use by right that is specifically authorized in a particular zoning district. It is contrasted with special exceptions and conditional uses that are authorized only if certain requirements are met and after review and approval by the Board of Adjustment and Planning Commission respectively.

Pier. An elevated deck structure, usually pile supported, extending out into the water from the shore.

Planned development. A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

Planning Commission. The Baldwin County Planning and Zoning Commission.

Planning Director. The Director of the Baldwin County Planning & Zoning Department.

Planning districts. The districts into which the County is divided for planning purposes and for the purpose of holding elections to determine if an area will be subject to the County's planning and zoning authority.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior wall(s) to which it is attached. Open mesh screening shall not be considered an enclosure. Porches shall be considered as a part of the main building and shall not project into a required front yard.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to , signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Principal structure. A building in which the primary use of the lot on which the building is located is conducted.

Printing and publishing. Includes printing and publishing of newspapers, books and periodicals by letterpress, lithography, offset, gravure, or screen methods. May also include book binding.

Professional service and office uses. This group of uses includes business and professional offices, medical offices or clinics, financial institutions without drive-up windows, and personal service businesses where the service is performed on

an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching/communications/office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

Projecting sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than 6 inches beyond the surface of the building or wall.

Race track. Facility for the racing of horses, dogs, motor vehicles and motorcycles.

Recreational vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category also includes travel trailers, campers, camping trailers, motor homes, small mobile homes used for vacation purposes and similar transient residential vehicles.

Recreational vehicle park. A lot of land upon which one or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Residential district. Includes the following zoning districts: RSF-E, RSF-1, RSF-S, RSF-3, RSF-4, RTF-4, RSF-6, RTF-6, RMF-6 and RMH.

Residential dock or pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

Restaurant. An establishment which primarily serves food and refreshments for consumption on the premises to its patrons.

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

Restaurant, fast-food. Any establishment whose principal business is the sale of foods and refreshments in ready to consume individual servings, for consumption either within the restaurant building or for carryout, and where either: 1) foods and refreshments are usually served in paper, plastic, or other disposable containers, and where customers are not served their food and refreshments by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

Rezoning. An amendment to the zoning district boundaries as delineated on the zoning map.

Right-of-way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roof line. A horizontal line intersecting the highest point or points of a roof.

Satellite receiving dishes. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Setback line. A line defining the limits of a yard in which no building or structure, other than an accessory structure, may be located.

Shopping center. A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sign. Any writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct, attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign face area. The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign structure. Any construction used or designed to support a sign.

Silviculture. The care and cultivation of forest trees.

Site plan. The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot(s).

Site Plan Approval – An approval granted to confirm that the proposed use for a site conforms with the Zoning Ordinance, a prerequisite to issuance of a building permit.

- **Site Plan Approval, Commission** – A land use approval allows for public input at the Planning Commission meeting to ensure the proper integration of uses into a community and zoning district. The Commission Site Plan Approval process recognizes that certain uses, though technically permitted by zoning, are only suitable under certain conditions and at appropriate locations. Certain uses require special consideration so that the use may be properly located with respect to the objectives of this chapter and their effect on surrounding properties.
- **Site Plan Approval, Administrative** - A land use approval issued by the Zoning Administrator indicating that a proposed use of land is in conformity with the Zoning Ordinance, a prerequisite to issuance of a building permit.

Special exception. A land use permitted that is not similar in nature to the uses permitted in the district but that is desired in the community and for which a suitable district is not available. Such use may be permitted upon approval of the Board of Adjustment and in compliance with any special conditions which may be required.

Special flood hazard areas. Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

Stable, public. A building where horses are kept for commercial use including boarding, hire, and sale.

Stable, private. An accessory building in which horses are kept for the use of the occupants of the principal building.

Stormwater management. The process of ensuring that the magnitude and frequency of stormwater runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated stormwater flow.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, habitable. A story having its floor elevated at or above base flood elevation as determined from the flood insurance rate maps, regardless of the intended use of the story or its floor area.

Story, half (½). A space under a sloping roof in which not more than one-half (½) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

Street. The full right-of-way of a thoroughfare which affords the principal means of access to abutting property.

(a) *Expressway or freeway.* A facility which has the main function to accommodate a high volume of traffic for a considerable distance through the prohibiting of ingress and egress except at controlled intervals. A freeway involves complete control of access while an expressway permits access at grade intersections at infrequent intervals.

(b) *Arterial.* A street that connects areas which produce large numbers of trip generations. An arterial functions to move traffic and to provide access to land uses, particularly high trip generating commercial activities.

(c) *Collector.* A collector has the primary function of collecting traffic from an area and moving it to the arterial street system while also providing substantial service to abutting land use.

(d) *Minor street.* A minor street is one whose primary function is to service abutting land use. This includes cul-de-sacs, marginal access streets, residential access streets and country lanes.

(e) *Marginal access street.* A minor street separating abutting land areas from arterial streets. A service road in commercial areas intended to remove terminal traffic from arterials and allow them to fulfill their high volume, high speed function. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the detrimental effects of highway traffic use by park strips, screen plantings, or other measures, as well as to limit the number of direct driveway accesses to arterials for safety purposes.

(f) *Cul-de-sac.* A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something having a location on the ground. Except as provided in *Section 10.4, Wetland Protection Overlay District*, bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered structures for purposes of these zoning ordinances.

Subdivision. The division or redivision of a parcel of land into two or more parcels as provided for in the *Baldwin County Subdivision Regulations*.

Tourist home. A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. (see also *antenna support structure*)

Townhouse. An attached dwelling unit having a separate ground floor entrance and separate private yard space, with common walls on one or both sides of the dwelling unit.

Transportation, communication, and utility uses. This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

- (a) Broadcasting stations and radio, television and telephone transmission towers.
- (b) Utility facilities, such as water plants, wastewater treatment plants, sanitary landfill operations and electric power substations.
- (c) Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
- (d) Airports, airfields, and truck or bus terminals.
- (e) Railroad stations, terminals, yards and service facilities.

Unit. That part of a multiple occupancy complex housing one occupant.

Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

V-zone. (See *Coastal high hazard areas*).

Variance. A departure from the provisions of these ordinances relating to building and other structural setbacks, lot dimensions such as width, depth, or area, structure, or building height, open space, buffers, parking or loading requirements, lot coverage, impervious areas, landscaping, and similar type

ordinances. A variance may not involve the actual use of the property, building or structures, procedural requirements, or definitions.

Vehicle sign. Any sign affixed to a vehicle.

Waterway. Any body of water, including any creek, canal, river, lagoon, lake, bay or gulf, natural or artificial.

Wetlands. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale establishment. Business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Window sign. Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

Wireless telecommunications facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, broadcasting towers, radio towers, television towers, telephone transmission towers or similar structures supporting said equipment, equipment buildings, parking area, access roads and other accessory structures.

Yard. A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

Yard, front. An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the principal building to the waterfront property line.

Yard, rear. An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side. An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

Zoning Administrator. The Planning Director or his/her designee. The Zoning Administrator shall be responsible for administering these zoning ordinances.

Zoning amendment. A change or revision of the zoning ordinances or zoning map.

Zoning district. A section of the County delineated on the zoning map wherein all requirements for use of land and building and development standards are uniform.

Zoning map. The map or maps which are a part of these zoning ordinances and which delineate the boundaries of various zoning districts within those planning districts that elect to come under the planning and zoning jurisdiction of the Baldwin County Commission.