

ORDINANCE NO. 2015-1206

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 172,  
CITY OF ORANGE BEACH ZONING ORDINANCE,  
ARTICLE 5.04 ACCESSORY STRUCTURES AND/OR BUILDINGS,  
SECTION 5.06 NUMBER OF PRINCIPAL BUILDINGS ON A LOT  
(#0403-ZT-15)

WHEREAS, the following proposed amendment to the City of Orange Beach Zoning Ordinance has been heard and considered by the Orange Beach Planning Commission in Public Session after the required public advertisement period; and,

WHEREAS, the City Council of the City of Orange has held the required Public Hearing after the required public advertisement period concerning the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Orange Beach, Alabama, as follows:

**SECTION 1.**

That Section 5.04 of Ordinance No. 172, the Zoning Ordinance is hereby amended so that the entire Section shall read as follows:

**5.04 ACCESSORY STRUCTURES AND/OR BUILDINGS**

**5.0401 Definitions**

The following words, phrases, and its derivations, as used herein, shall have the meanings ascribed to it, except where the context clearly indicates a different meaning.

- a. ***Accessory Structure*** is a subordinate structure that is detached from but on the same lot as the principal structure, and the use of which is (1) reasonably necessary to the use of the principal structure; (2) subordinate to the principal structure; and (3) does not change or alter the character of the premises. Accessory structures may be classified in one of the following categories:

1. ***Detached accessory structures*** are storage buildings, detached garages, carports, wood sheds, tool sheds, gazebos, non-commercial greenhouses, workshops, and similar structures.
2. ***Marine accessory structures*** are boathouses located over water, piers, docks, boat ramps, boat slips, and similar structures.
3. ***Pool accessory structures*** are pool houses and cabanas.

Parking areas, driveways, fire hydrants, mailboxes, trash containers/receptacles, telephone and other utility poles, bulkheads, and fences are not accessory structures.

- b. ***Accessory Use*** is the use of land, a detached structure or building, or portion thereof customarily incidental and subordinate to the principal use of the land, structure or building and located on the same lot with the principal use.

All accessory structures and uses are subject to the requirements of this Ordinance.

**5.0402 Number of Accessory Structures on Lot**

Only one (1) principal structure and one (1) detached accessory structure may be erected on any lot located in the RS zoning district, unless otherwise specified by Section 5.0601 of this

Ordinance. In addition to the principal structure and detached accessory structure, a lot in the RS zoning district may also contain marine accessory structures and one (1) pool accessory structure. No accessory structure shall be used as a dwelling unit.

**5.0403            Location on Lot**

Accessory structures are permitted in the side or rear yard. Accessory structures may be permitted in the front yard if the distance between the accessory structure and the required front setback line is a minimum of one hundred (100) feet.

**5.0404            Maximum Area**

The combined square footage of the detached accessory structure and pool accessory structure shall not exceed thirty percent (30%) of the yard area in which it is located or seventy-five percent (75%) of the square footage of the principal structure, whichever is less.

The combined square footage for maximum area does not include the square footage of the marine accessory structures.

**5.0405            Maximum Height**

Detached accessory structures and pool accessory structures are limited to a maximum height of twenty (20) feet. Marine accessory structures are excluded from the height limit.

**5.0406            Setbacks**

Detached accessory structure or pool accessory structures with a square footage equal to or less than one hundred (100) square feet shall be located a minimum of five (5) feet from any rear or side lot line. Detached accessory structures or pool accessory structures with a square footage exceeding one hundred (100) square feet and equal to or less than four hundred (400) square feet shall be located a minimum of ten (10) feet from any rear or side lot line. Detached accessory structures or pool accessory structures with a square footage exceeding four hundred (400) square feet shall have the same minimum setback requirements listed in Section 4.03 of this Ordinance for the principal structure. Marine accessory structures are excluded from the setback requirements.

Detached accessory structures or pool accessory structures with a maximum height of ten (10) feet or less shall be located a minimum of ten (10) feet from any rear or side lot line. Detached accessory structures or pool accessory structures with a maximum height exceeding ten (10) feet shall have the same minimum setback requirements listed in Section 4.03 of this Ordinance for the principal structure.

When accessory structures are located in the front yard, the accessory structures shall be located a minimum of one hundred (100) feet from the required front setback line for the principal structure.

**5.0407            Separation between Principal and Accessory Structures**

Accessory structures shall be located no closer than five (5) feet from the principal structure.

**5.0408            Utilities**

There shall be one (1) power meter to service the principal structure and accessory structures. The Building Official may authorize requests for additional power meters if the property owner can provide evidence to justify the need for such.

**5.0409            Portable Buildings**

Portable buildings affiliated with new construction may be permitted after receipt of a building permit issued by the Orange Beach Building Official. No portable building shall be permitted on any parcel of land except upon the approval of a temporary permit by City Council. Residential storage buildings are exempted from this requirement.

**5.0410            Time of Construction**

No accessory structure shall be constructed upon a lot until the building permit for the principal structure to which it is accessory has been acquired.

**5.0411            Removal of Accessory Structure**

If the principal structure is destroyed or removed, the accessory structure and use shall no longer be allowed, unless a building permit for the principal structure is issued within one (1) year. City Council may grant a time extension on an existing conforming accessory structure should the accessory structure become nonconforming after the effective date of this Ordinance. The length of the extension is at the discretion of the City Council.

A nonconforming accessory structure existing before the effective date of this Ordinance may remain but shall not be enlarged, extended or replaced, except in strict compliance with all requirements of this Ordinance.

**SECTION 2.**

Section 5.06 of the Orange Beach Zoning Ordinance is hereby amended so that Section 5.0601 shall read as follows:

**5.06    NUMBER OF PRINCIPAL BUILDINGS ON LOT**


**5.0601            Number**

Only one (1) principal residential building may be erected on any lot located within an RS ~~zoning~~ district. If a lot has a minimum of seventy-five (75) feet of road frontage and at least twenty-six thousand two hundred fifty (26,250) square feet, two (2) principal single-family structures or one (1) principal duplex with conditional use approval in accordance with this Ordinance may be constructed. No lot may have a density to exceed two (2) residential units, single family or duplex. The number of accessory structures for each residential unit shall comply with Section 5.04 of this Ordinance.


**SECTION 3.**

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

**ADOPTED** this 7<sup>th</sup> day of July, 2015.

  
Cathy Constantino, MMC  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2015-1206 was posted on 07/08/15 in the following four (3) public places:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

  
Cathy Constantino, City Clerk