

TOWN OF  
MAGNOLIA  SPRINGS

ORDINANCE NO. 2010-01

**An Ordinance amending Ordinance No. 2008-12 known as the Zoning Ordinance to establish an overlay district to be known as the U.S. Highway 98 Overlay District; providing a severability clause; and providing an effective date.**

The ordinance known as the Zoning Ordinance, adopted February 20, 2007 is changed and altered as described below;

**Whereas**, the Town of Magnolia Springs enacted a moratorium on commercial permits for a period of 180 days on June 24, 2008 for the purposes of reviewing its development regulations; and

**Whereas**, the Town of Magnolia Springs upon a thorough review realizes that property that is adjacent to U.S. Highway 98 is subject to differing impacts, conditions, and circumstances than other portions of the town;

**Whereas**, the U.S. Highway 98 area acts as a gateway into the Town of Magnolia Springs; and

**Whereas**, the Town desires to create an environment where a commercial development is reflective of the Town's character and unique identity; and

**Whereas**, the Town of Magnolia Springs desires to create a commercial district that is prosperous; and

**Whereas**, after the appropriate and required public notice and hearing of, the Planning Commission of the Town of Magnolia Springs, Alabama has forwarded a favorable recommendation.

**Now, therefore, be it ordained by the Town Council of the Town of Magnolia Springs, Alabama;**

1. That, Article II Establishment of Zoning Districts be hereby amended to insert the following:

Section 2.1 Establishment of Zoning Districts

The following zoning districts are hereby established for the Town of Magnolia Springs:

RA – Rural Agricultural District  
ER – Single Family Estate District  
R-1(a) – Single Family District  
R-1(b) – Single Family District  
R-2(a) – Single Family District  
R-2(b) – Single Family District  
B-1 – Professional Business District  
B-2 – Local Business District  
HOD – U.S. Highway 98 Overlay District

2. That, Article V Commercial District be hereby amended to insert the following:

Section 5.4 HOD – U.S. Highway 98 Overlay District

1. Intent: U.S. Highway 98 is a major visual corridor in and through the Town of Magnolia Springs, Alabama. The Town desires to create a corridor that is responsive to the unique circumstances, issues and challenges created by having a U.S. Highway bi-sect the community. Therefore, the standards below are designed to create a viable and design based corridor that promotes health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements of the Town of Magnolia Springs, Alabama. Additionally the requirements are created with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.
2. Location and Description: The Highway 98 overlay zone shall apply to any portion and all land that falls within the following boundaries:
  - All property that is or will be zoned "B-1" or "B-2" that is being utilized for commercial purposes, and lies within the area as shown on exhibit "A"
  - In case of interpretation issues, the map governs.
3. Uses: All uses permitted in the underlying B1 or B2 zone are allowed in the overlay zone, however, Automotive Service Stations with fuel are a conditional use that requires approval.

4. Setbacks: All structures shall adhere to all applicable setbacks including the Highway setback requirements established by Act No. 94-572 adopted by the State of Alabama.
  - i. Front Setback: Shall meet underlying district requirements.
  - ii. Side Setbacks: Setbacks shall meet the underlying zoning district requirements, however the Planning Commission may grant exceptions to this requirement to encourage side and rear parking. The Planning Commission may allow side setbacks up to 5' for any site design that could not otherwise provide front or rear parking, and may allow side setbacks to be 0' provided any attached or abutting buildings include party walls, and the adjacent property owner consents to such setback. Rear Setbacks: Shall meet underlying district requirements.
5. Architectural Requirements: No metal or vinyl siding material is permitted. Metal frame buildings are permitted but shall have a veneer of brick, stucco, wood fiber concrete, or some combination of those building materials. Vinyl and aluminum are particularly excluded as a dominant material. There must be at minimum of one building articulation along any exterior wall beyond 50 linear feet, and a minimum of 2 for any wall beyond 100 linear feet, so that there is not a long flat wall, with no articulation. Articulation emphasizes the distinct parts of a building. Joints in elements of the façade are used to break down the scale of larger buildings into smaller component parts which, when viewed collectively create part of a uniform design for the larger building. Offsets in the façade, bays, ornamental pilasters and/or columns are techniques for emphasizing the joints in the facades.
6. Traffic: Lots shall not have more than one curb cut unless otherwise approved by the Planning Commission.
7. Pedestrian / Bicycle Movements / Sidewalks: Each site shall provide suitable bicycle parking and appropriate racks. Sidewalks with a minimum width of 5 feet are required both as a means to provide connections to and from the building and along the public ROW. It is preferred that sidewalks adjacent to the ROW meander through the required front landscaping as required in the buffer and landscaping zone. Sidewalks that are directly parallel to the ROW shall not be permitted in normal circumstances unless the Planning Commission finds an unnecessary hardship or a particular natural resource that is protected, such as a tree or other natural feature. A direct and identifiable pedestrian connection to the sidewalk is required.
8. Landscaping: Landscaping is required in the HOD District in accordance with the following requirements:
  - a. Landscaping Adjacent to Any Public ROW:
    - i. A buffer and landscape zone of not less than 20 feet is required adjacent and parallel to the ROW of US hwy 98. If a property has frontage on another ROW the buffer shall be a minimum of 10 feet.
    - ii. Parking lots or other improvements for vehicle use shall not encroach into the required buffer(s).
    - iii. Where a parking lot, driveway, or other improvements for vehicle use are adjacent to the required buffer(s) there shall be planted a solid and unbroken visual screen at least 36" tall and no less than 18" tall at the time of planting. This screen shall be planted with materials that are recommended in the Shrub/ Evergreen Planting Table.
    - iv. Solid curbing is required around all buffer and landscape zones.
  - b. Perimeter Landscaping:
    - i. Overstory trees are required to be planted every 30' in the required buffer and landscape zones.
    - ii. The total number of Overstory trees shall not be less than 10 per acre. Additional trees required to be planted, but not located in the required buffer and landscape zone shall be placed throughout the site.
  - c. Interior Landscaping:
    - i. Interior landscaping is required in parking lots. Vehicle parking areas shall be separated by a landscape island of not less than 6' wide.
    - ii. An interior parking lot island is required every 8 spaces and shall not be less than 7' wide.
    - iii. Solid curbing is required around all landscape islands.
    - iv. Interior landscape islands shall have a minimum of 4 different species of overstory and understory trees.
  - d. Landscaping Required:
    - i. All surface area in the required buffer and landscape zones shall either be sodded or mulched with shrubbery or groundcover.
  - e. Tree Protection: All trees greater than 24" in DBH are protected trees and may not be removed without the approval of the Planning Commission.
  - f. Recommended Planting Tables: Recommended overstory trees.



The following species are recommended for planting within the Town of Magnolia Springs. Other species that are recognized as suitable for this area may be used (if approved by the Landscape Architect) species native to coastal Alabama (Baldwin, Escambia, and Mobile Counties) are preferred.

<i>Acer barbatum</i>	Southern Red Maple
<i>Betula nigra</i>	River Birch
<i>Carya</i> spp.	Hickory (any species native to coastal Alabama)
<i>Celtis laevigata</i>	Hackberry/Sugarberry
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus</i> spp.	Ash (any species native to coastal Alabama)
<i>Liquidambar styraciflua</i>	Sweetgum/Redgum
<i>Liriodendron tulipifera</i>	Yellow-poplar/Tulip-tree
<i>Magnolia acuminata</i>	Cucumber Magnolia
<i>Nyssa Sylvatica</i>	Blackgum
<i>Quercus</i> spp.	Oak (any arborescent species native to coastal Alabama)
<i>Taxodium ascendens</i>	Pond Cypress
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus alata</i>	Winged elm

Recommended understory trees.

The following species are recommended for planting within the Town of Magnolia Springs. Other species that are recognized as suitable for this area may be used if approved by the Landscape Architect. Species native to coastal Alabama (Baldwin, Escambia and Mobile Counties) are preferred in most cases.

<i>Amelanchier aboreum</i>	Downy Serviceberry
<i>Carprinus caroliniana</i>	American Hornbeam
<i>Chamaecyparis thyoides</i>	Atlantic White Cedar
<i>Chionanthus virginicus</i>	Fringe-tree/Grandise-graybeard
<i>Crataegus marshallii</i>	Parsley Hawthorne
<i>Ginkgo biloba</i>	Ginkgo/Maidenhair Tree (use male plants only)
<i>Halesia caroliniana</i>	Carolina Silverbell
<i>Halesia diptera</i>	Two-wing Silverbell
<i>Ilex</i> spp.	Holly/Ilex (arborescent species native to coastal Alabama)
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Juniperus silicicola</i>	Southern Red Cedar
<i>Lagerstroemia indica</i>	Crepe-myrtle (varieties over fifteen (15') feet tall at maturity)
<i>Magnolia</i> spp.	Magnolia (any species native to coastal Alabama plus arborescent deciduous oriental varieties)
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Nyssa ogeche</i>	Ogeeche Gum
<i>Osrya virginiana</i>	Eastern Hophornbeam
<i>Oxydendrum arboreum</i>	Sourwood
<i>Persea borbonia</i>	Redbay
<i>Styrax americanum</i>	American Snowbell
<i>Ulmus parvifolia</i>	Chinese Elm

Recommended shrub/evergreen planting

The following species are recommended for planting within the Town of Magnolia Springs. These species may be used in buffer zone landscaping. Other species that are recognized as suitable for this area may be used if approved by the Landscape Architect.

<i>Agarista populifolia</i>	Fetterbush
<i>Camellia japonica</i>	Camellia
<i>Camellia sasanqua</i>	Sasanqua
<i>Cliftonia monophylla</i>	Buckwheat tree/Black Titi
<i>Rhododendron Indica</i>	Indian Hawthorne
<i>Illicium floridanum</i>	Florida Anise
<i>Illicium parviflorum</i>	Star Anise
<i>Myrica cerifera</i>	Southern Bayberry/Wax myrtle
<i>Osmanthus americanus</i>	American Olive/Devilwood
<i>Rhododendron</i> spp.	Azalea (large evergreen species/varieties adapted to coastal Alabama)
<i>Viburnum</i>	Viburnum

9. Signage: Each property is entitled to signage. The maximum square footage shall be 48 square feet total, with a maximum of 32 square feet for any single sign. The signage allowance includes both building and roadway signage. No more than 1/3 of the front width of the building shall count toward the building signage allowance. For example, a 30 foot wide building would be permitted 10 square feet of signage. Therefore in this instance the balance would be 38 square feet, so the maximum of 32 square feet, would be allowed on the roadway. Roadway signage must be a "monument" type sign, be no higher than 5 feet tall, measured from the ground to the tallest point of the signage. No signage may be self-illuminated. Signage may be installed in the required buffer and landscape zones.
10. Parking: The parking and loading requirements of the Town shall be met. Loading docks shall not be visible from any public ROW. No more than 1 bay of parking shall be permitted at the front of any building adjacent to the ROW. A bay of parking is considered to be 2 row(s) of parking space(s) and maneuvering area(s). Parking lot landscaping requirements shall be met. Curb and gutter shall be required where appropriate; however, the Planning Commission may approve other environmentally sensitive and appropriate materials and/or designs.
11. Drainage: The requirements of the zoning ordinance shall be met.
12. Lighting: A lighting plan shall be submitted with each project. Lighting poles shall not exceed 18' tall from the ground to the highest point of the pole. They should meet or exceed the 110mph-1994 AASHTO standard, and meet night sky requirements, and no more than 5 foot candles are permitted at the property lines. Unless otherwise approved, they must be painted or finished black. No wooden poles shall be allowed.

The preferred parking lot light standard is the Visionaire Lighting Monterey Model Mon-1, type 2 or Mon-2, type 2. Lighting standards shall be arm mounted. If developers utilize these standards, approval will be granted. See attached Exhibit B.

Other lighting standards may be considered. However approval is at the discretion of the Planning Commission and Town Council based on the proposed standard performing equally or better than the preferred standard in terms of appearance, performance, and maintenance.

13. Incompatible Use: If the subject property abuts a residentially zoned parcel of property a buffer zone of 10' is required. This buffer zone shall comply with the requirements of buffer zones in this section. Additionally, an opaque fence not less than 6' in height is required.
14. Site Plan Package Required: A site plan certified by an American Institute Certified Planner or stamped and sealed by an Alabama licensed architect or engineer shall be presented with the appropriate application and fees to the Town for review and consideration. The site plan package shall at a minimum show the following:
  - A. Property lines
  - B. Contours
  - C. Stamped Certified Boundary Survey indicating all protected trees, their species and size
  - D. Building(s) elevations for each and every side
  - E. Colored rendering
  - F. Stormwater management plan stamped and certified by an Alabama licensed Engineer
  - G. Utility plans
  - H. Access points
  - I. "Perspective" plan/drawing.
  - J. Landscape Plan stamped by a Landscape Architect
  - K. Irrigation plan
  - L. Sign details
  - M. Lighting plan, details, and photometrics
  - N. Pedestrian, sidewalk and bicycle plan
  - O. Zoning
  - P. Zoning within 300 feet of the adjacent properties
  - Q. Geometric plan
  - R. Detail of required fencing

The applicant is required to meet informally with the Town staff prior to making a formal application. The applicant shall have a sketch plan to be used for the preliminary discussions.

The site plan shall be approved by the Planning Commission prior to the issuance of any building permit(s).



Prior to the issuance of a Certificate of Occupancy there shall be received by the Town a statement of conformance provided by all professionals that certified, or stamped portions of the site plan package originally submitted. This certification shall state that the project was constructed in substantial conformance with the approved plans.

All proposed projects that have a value of more than 33% of the value of the building as determined by the Baldwin County Revenue Commission shall meet the requirements in the HOD. This trigger is cumulative over the course of 5 years.

15. Approval and Denial: The Planning Commission will make a recommendation to the Town Council of approval, approval with conditions or denial of a site plan. The Town council can only consider site plans that have a recommendation from the Planning Commission. The Town Council is empowered to approve, approve with conditions or deny any application submitted. Conditions related to approval or denial of the site plan shall be provided in writing to the applicant and shall be based on the impacts to the Town and conformance to the goals and objectives in the Comprehensive Plan. The Planning Commission is also empowered to table a site plan request to allow for further study before making a recommendation to the Town Council. The Town may table the site plan once for no more than 45 days.

**Severability Clause:** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Repeal of Prior Ordinance:** Ordinance 2008-12 adopted by the governing body of the Town of Magnolia Springs, Alabama on October 28, 2008; respectively, shall be and hereby is repealed, such repeal to become effective on the effective date of this Ordinance

**Effective Date:** This ordinance shall take effect immediately upon its due adoption and publication as required by law.

Adopted this 26<sup>th</sup> day of January, 2010



**Charles Houser, Mayor**

ATTEST:



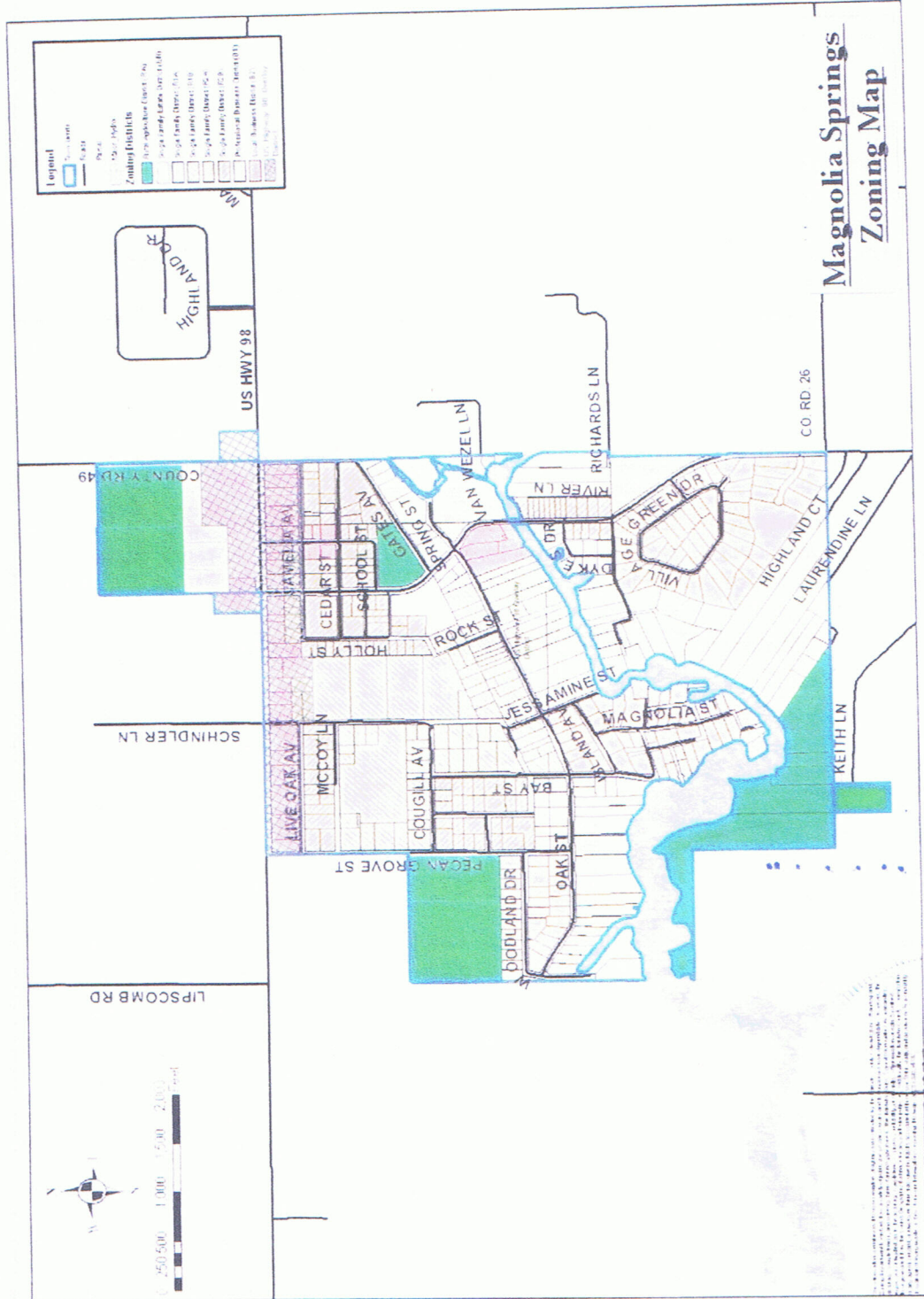
**Karen S. Biel - Town Clerk**

Town of Magnolia Springs, Alabama, certificate of publication. This is to certify that Ordinance No. 2010-01, Town of Magnolia Springs, Alabama, was published by posting on at least three (3) bulletin boards in the Town from January 27, 2010 to February 1, 2010.



**Karen S. Biel - Town Clerk**

# Ordinance 2008 US Highway 98 Overlay District Exhibit "A"




ORDINANCE NO. 2008-  
 US HIGHWAY 98 OVERLAY DISTRICT  
 EXHIBIT "A"



**Ordinance 2008-  
US Highway 98 Overlay District  
Exhibit "B"**

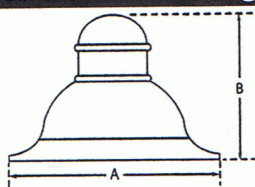
# Monterey



The Monterey blends decorative architectural styling with high performance optics. The unique design captures the rustic look and feel of the southwest with a bell shape reflector shade and choice of elegant mounting arms. Provides the designer and owner the freedom to create a distinctive theme or signature look.

The advanced optical system provides highly efficient, vertical lamp, flat lens, full cutoff illumination for neighborhood friendly, Dark Sky approved outdoor lighting.

### Dimensional Drawings




\*Typical fit based on lowest configuration w/ packaging


Fixture	A	B	Max. Watt	Lbs <sup>†</sup>
<b>MON-1</b>	20"	17.6"	175w	40
<b>MON-2</b>	30"	24"	400w	55
<b>MON-3</b>	33.8"	29.3"	1000w	82

Available in three enclosure sizes with five distribution patterns. A wide selection of light sources from 70 through 1000 watts are offered, including Pulse Start Metal Halide lamps for superior efficiency, lumen maintenance and color stability.

Applications include shopping centers, parking lots, and virtually any general outdoor area lighting. For economical street beautification projects, Monterey easily replaces ordinary cobra head fixtures using the optional MAP-01 mast arm fitter.

Model No.	Optics	Wattage	Source	Voltage	Mounting	Finish	Options
<b>MON</b>							
Model No.	Optics	Wattage	Source	Voltage	Mounting	Finish	Options
□ MON-1	□ Type I (T1)	□ 70 (70)	PS, HPS	□ 120 (1)	□ Arm Mount (AM)	□ Bronze (BZ)	□ Convex Glass Lens (VLCG) <small>*Option Available for Mon-2 and Mon-3</small>
		□ 100 (100)	PS, HPS	□ 208 (2)		□ Black (BK)	
□ MON-2	□ Type II (T2)	□ 150 (150)	MH, PS (M), (P), (S)	□ 240 (3)	□ Mast Arm Fitter (MAP-01) 	□ White (WH)	FUSING <small>*Single In-Line Fuse *Specify voltage</small>
		□ 250 (250)	MH PS, HPS	□ 277 (4)		□ Green (GN)	□ (SF120) □ (SF277)
		□ 320 (320)	PS	□ 480 (5)		□ Gray (GY)	<small>*Double In-Line Fuse *Specify voltage</small>
□ MON-3	□ Type III (T3)	□ 400 (400)	MH PS, HPS (M), (P), (S)	□ M.Tap (6)	□ Silver Metallic (SL)	□ (DF208) □ (DF240) □ (DF480)	PHOTO CELL <small>*Specify voltage</small>
		<small>*Reduced Envelope Lamp on 400w</small>		□ 5-Tap (7)		□ Custom (CC)	□ (PC120) □ (PC208) □ (PC240) □ (PC277)
□ MON-3	□ Type IV (T4)	□ 750 (750)	PS	Multi-Tap ballast wired at 277v unless specified	□ Standard for 400 & 1000w MH, Wired at 480v unless specified.	□ PHOTO RECEPTACLE <small>*With Shorting Cap □ (PER)</small>	
		□ 1000 (1000)	MH PS, HPS (M), (P), (S)	□ 347v available, consult factory.			
	□ Type V (T5)	<small>*Reduced Envelope Lamp on 1000w</small>	MH - Metal Halide PS - Pulse Start Metal Halide HPS - High Pressure Sodium				

For more detailed information on mounting, wiring, or installation instructions, please refer to factory literature. Note that if poles are not coated with Fluoropolymer, please specify the mounting requirements. This document contains proprietary information of Visionaire Lighting, LLC. Any use of this information requires the written approval of Visionaire Lighting, LLC. In keeping with our TCO policy, our products are sold as-is. Visionaire Lighting reserves the right to change or discontinue our products without notice. All rights reserved.



**VISIONAIRE LIGHTING**  
Performance In A Whole New Light

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Tel: 310.512.6480 • Fax: 310.512.6486  
www.Visionairelighting.com

# Ordinance 2008- US Highway 98 Overlay District Exhibit "B"

## Monterey

### Housing

- Quality one piece .080 spun aluminum shade and durable cast aluminum top cap in 3 housing sizes. External hardware is stainless steel.

### Lens and Door Assembly

- One piece .125 spun aluminum removable door assembly.
- Lens is clear tempered flat glass, secured by galvanized lens retainers. Fully gasketed with a form fitting one piece premium extruded silicone gasket to provide complete weather and insect protection.

### Optical System

- High performance vertical lamp, multi-faceted, segmented, 95% reflectance anodized aluminum reflectors. CNC cut and bent for precision and consistency. Available in 5 distribution patterns.
- Field rotatable reflector (except Type V).
- Tool-less reflector entry.

### Quall-Guard® Finish

- Aluminum fixture components are chemically pretreated through a multiple stage washer and finished with an electrostatically applied, thermoset polyester powder coat textured paint with a minimum of 3 to 5 mils thickness. Finish is oven baked at a temperature of 400 degrees Fahrenheit to promote maximum adherence and finish hardness. All finishes are available in standard and custom colors.

### Mounting

- Monterey mounts to a wide selection of decorative and custom mounting arms for both pole and wall mount applications. (See Decorative Arms section of catalog). Monterey can replace existing cobra head fixtures with accessory MAP-01 Mast Arm Fitter for mast arms.

### Electrical Assembly

- All ballasts are premium CWA or HPF auto transformer, available in Metal Halide, High Pressure Sodium and Pulse Start Metal Halide. Ballast is capable of providing consistent lamp starting down to -20 degrees Fahrenheit. Modular ballast assembly is easily removable with keyhole slots.
- Socket is a glazed porcelain medium or mogul base with nickel plated contacts, rated at 4KV (5KV for 1000 watt) and 600V.

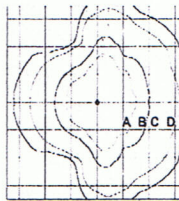
### Options

- Fixtures available with a variety of options, including photo cell, photo receptacle with shorting cap, convex glass lens and fusing.

### Listings

- **Monterey** is Listed, suitable for wet locations.
- **Dark Sky Friendly**® certified by the International Dark Sky Association. (Flat Lens models with Type III or Type V reflectors)

### Isolux Curves



Size Two

Type III 400w  
MH VLF 25ft  
Mounting Height

Foot Candle Key:  
A=2, B=1, C=.5,  
D=.2, E=.1  
1 Block=30ft



Size Two

Type V 400w  
MH VLF 25ft  
Mounting Height

Foot Candle Key:  
A=2, B=1, C=.5,  
D=.2, E=.1  
1 Block=30ft

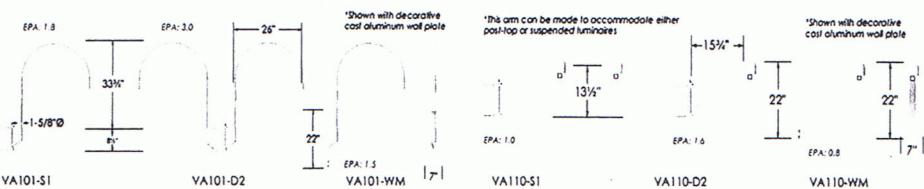


Size Three

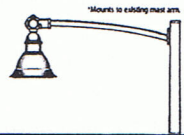
Type V 1000w  
MH VLF 42ft  
Mounting Height

Foot Candle Key:  
A=2, B=1, C=.5,  
D=.2, E=.1  
1 Block=60ft

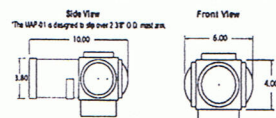
### Typical Decorative Arms



### Mast Arm & Pole Detail



### MAP-01 Mast Arm Fitter Dimensions



### EPA

Fixture	Fixture Only	Fixture with VA101-S1	Fixture with VA101-D2
MON-1	1.23	3.03	4.23
MON-2	2.6	4.4	8.2
MON-3	3.5	5.3	6.5

ARCHITECTURAL