



Tuscaloosa Zoning Ordinance

Special Call Meeting | September 2022

Residential districts: SFR-4, SFR-5
Definitions & Nonconformity provisions



FRAME/WORK

Creating a dynamic guide for Tuscaloosa

SEC. 24-2.3. DEFINITIONS⁴²

The following terms (shown in bold font), when used in this Ordinance, shall have the meaning ascribed to them below.

³⁶ This is a new section that consolidates allowable encroachments into required setbacks and includes cross-references to sections that may limit the allowable encroachment (e.g. fences and walls).

³⁷ Carried forward from definition of *Yard* in Sec. 24-5 of the current Zoning Ordinance.

³⁸ Carried forward from definition of *Yard* in Sec. 24-5 of the current Zoning Ordinance.

³⁹ Carried forward from definition of *Yard* in Sec. 24-5 of the current Zoning Ordinance.

⁴⁰ Carried forward from definition of *Yard* in Sec. 24-5 and incorporates additional permitted encroachments for the mixed-use districts in Sec. 24-292 and Sec. 24-349 of the current Zoning Ordinance.

⁴¹ The use-specific standards in Sec. 24-5.3.4.s require a swimming pool be located at least six feet from a property line.

⁴² This section consolidates all definitions of terms used throughout the Zoning Ordinance. It refines and modernizes the definitions, and adds new definitions, as appropriate, so the rewritten Zoning Ordinance has a clear, modern, and workable set of definitions. This section includes definitions found in the current ordinance; if appropriate, they are clarified or modernized.

A

Abutting	Having a common boundary line, such as two contiguous parcels with a shared lot line. ⁴³
Accessory Use or Structure	A structure or use which is subordinate to and serves a principal structure or principal use and is subordinate in extent, area or purpose to the principal structure or use served; and which is located on the same lot as the principal structure or use. ⁴⁴
Acquisition Line	The line which marks the limits of the City’s ownership of Lake Tuscaloosa, at approximately the 230-foot level. ⁴⁵
Adjacent	Having an abutting boundary line or being separated only by a street, easement, stream, or other right-of-way, such as two parcels separated by a public street. ⁴⁶
Administrative Adjustment	A uniform mechanism for the Director of Planning to approve minor adjustments from the dimensional or design standards of this Ordinance to better accomplish the purposes of this Ordinance. See Sec. 24-3.4.9, Administrative Adjustment.
Aerodrome	An airfield meeting all standards of the Federal Aviation Administration that supports takeoff and landing of helicopters and airplanes that can operate on short take-off and landing fields. This includes heliports and ancillary facilities such as lounges and aircraft fueling. ⁴⁷
Animal Shelter	An establishment that houses and cares for stray, homeless, abandoned, or neglected household and domestic animals and that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization. ⁴⁸
Antenna	A device used to transmit or receive wireless communications signals, including parabolic antennas such as satellite dishes. ⁴⁹
Approval letter for development in historic district buffer zone	A uniform mechanism to ensure that new construction in areas adjacent to historic districts are compatible with surrounding buildings and structures in the historic districts. See Sec. 24-3.4.6, Approval Letter for Development in Historic Districts Buffer Zone.
Artisanal Production	Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include small-scale welding and sculpting or arts and crafts, small-scale 3D printing, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include

⁴³ This is a new definition.

⁴⁴ This is adapted from the definition of *Accessory building, structure, or use* in Sec. 24-5 of the current Zoning Ordinance.

⁴⁵ This is a new definition.

⁴⁶ This is a new definition.

⁴⁷ This is a new definition.

⁴⁸ This is a new definition.

⁴⁹ This is a new definition.

retail teaching of these skills to others in the course of fabrication, preparation, or production. This use does not include production of alcoholic beverages or an eating establishment.⁵⁰

Assisted Living Facility A facility that provides or offers to provide any combination of residence, health supervision, or personal care to three or more individuals who are in need of assistance with activities of daily living such as bathing, dressing, ambulation, feeding, toileting, grooming, medication assistance, diet, and personal safety.

This use does not include individuals who provide residential and personal care services solely to persons to whom they are personally related. This exception is only for individuals, and does not apply to corporations, partnerships, limited partnerships, limited liability companies, or any other organized entity or business. This use also does not include facilities whose residents are under the care, oversight, or protection of another governmental agency if the government body, agency, or authority has a fiduciary relationship or some other legally recognized and enforceable relationship to the residents of the facility which carries an obligation to oversee the health, safety, and welfare of the residents, and licenses, certifies, or otherwise legally authorizes the facility to provide accommodations and care for the residents.

There are three types of assisted living facilities – a Family Assisted Living Facility, a Group Assisted Living Facility, and a Congregate Assisted Living Facility. These facilities are regulated by Chs. 420-5-4 (Assisted Living Facility) and 420-5-20 (Specialty Assisted Living Facility) of the Alabama Administrative Code.⁵¹

Assisted Living Facility, Family An assisted living facility authorized to care for two or three adults, which was licensed prior to October 1, 2015, and maintains that license. No new family assisted living facility use may be commenced in the City.

Assisted Living Facility, Group An assisted living facility authorized to care for 3 to 16 adults.

Assisted Living Facility, Congregate An assisted living facility authorized to care for 17 or more adults.

Authorized agent Someone who has the power to act on behalf of another person.⁵²

Automated Teller Machine (ATM) A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM shall be considered a drive-through facility accessory use. At

⁵⁰ This is a new definition.

⁵¹ This is a new definition that adopts the language in Ala. Admin Code r. 420-5-4-.01 and includes a reference to Specialty Care Assisted Living Facility regulations, a type of ALF that is specially licensed to care for residents with more significant cognitive impairment by Ch. 420-5-20 of the Alabama Administrative Code. The thresholds for family, group, and congregate facilities are also consistent with state law.

⁵² This is a new definition.

other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.⁵³

Automobile Sales Event A temporary short-term event of no more than 5 days duration at which automobiles are brought to a site, offered for sale, and removed from the site at the end of the event.⁵⁴

Automobile Wash (Car Wash) A facility where automobiles are washed by individuals or by machines.⁵⁵

Auxiliary Security or Utility Structure A structure that is accessory to a principal multifamily or nonresidential use and that is used for security purposes or that houses utility equipment.⁵⁶

Awning A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk or other pedestrianway.⁵⁷

B

Balcony An unenclosed platform that projects out of an upper floor of a building, typically with a railing or balustrade, that is designed for decorative purposes or for lounging, dining, and similar activities.⁵⁸

Bar or Tavern An establishment where the primary use is the on-premises sale and consumption of beer, wine, or liquor/distilled spirits-based alcoholic beverages and where no kitchen facilities are present or utilized. See Determination Guidelines for Sale and Consumption of Alcoholic Beverages.⁵⁹

Barge Terminal A facility for the docking, loading, or unloading of ships, barges, or boats that primarily transport freight.⁶⁰

Bed and Breakfast An owner-occupied residence where rooms are rented to transient guests on an overnight basis and breakfast is served to these guests.⁶¹

Bicycle Parking Facility A facility used for the storage of bicycles, including bicycle racks, bicycle lockers, covered bicycle storage, or facilities that meet the standards for bicycle parking in Sec. 24-6.2, Off-Street Parking, Bicycle Parking, and Loading Standards.⁶²

Bioswale A vegetated surface designed to treat sheet flow from adjacent surfaces, including filtering strips that reduce the velocity of water

⁵³ This is a new definition

⁵⁴ This is a new definition.

⁵⁵ This is a new definition.

⁵⁶ This is a new definition.

⁵⁷ This definition is carried forward from Sec. 24-349 of the current zoning ordinance with revisions.

⁵⁸ This is a new definition.

⁵⁹ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

⁶⁰ This is a new definition.

⁶¹ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

⁶² This is a new definition.

runoff, filter out sediment and other pollutants, and allow for infiltration into soil.⁶³

Boat Ramp A structure, man-made or altered natural feature, or an included and stabilized surface extending into the water from the shore which facilitates the launching and landing of boats into a water body.⁶⁴

Brewery Any premises licensed by the city to engage in the manufacture of only malt or brewed alcoholic beverages as well as engaging in the receiving, storage, or warehousing only of malt or brewed beverages within the city for transshipment inside and outside the state.⁶⁵

Brewpub Any premises upon which malt or brewed alcoholic beverages are actively and continuously manufactured or brewed, in quantities no greater than 10,000 barrels per year, for consumption on the premises where manufactured, or for sale to any designated wholesaler licensee for resale to retail licensees.⁶⁶

Broadcasting Studio A site used for commercial and public communications. Facilities shall be located entirely indoors except for transmission devices like antennas and broadcasting dishes, and related facilities. Examples include radio and television broadcasting and receiving stations and studios.⁶⁷

Building A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure.⁶⁸

Building Code The building code adopted by the City in Chapter 6, Buildings, Construction, and Related Activities, of the City Code.

Building Permit A uniform mechanism for ensuring that the erection and maintenance of buildings, structures, and other facilities complies with Chapter 6, Buildings, Construction, and Related Activities, of the City Code.

C

Caliper The diameter or thickness of a nursery-grown tree trunk, measured at six inches above the top of the root mass.⁶⁹

Cannabis-Based Product Products derived from all parts and varieties of the plant *Cannabis sativa* intended for use and consumption or introduction to the human body, including but not limited to edible products, beverages, topical products, ointments, oils, tinctures, and products to be smoked or vaporized. These products are only those which are legal to sell and possess under state and federal law.⁷⁰

⁶³ This builds on the definition in Sec. 24-252 of the current Zoning Ordinance.

⁶⁴ This is a new definition.

⁶⁵ This is a new definition.

⁶⁶ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance. Capacity limitations are consistent with the Alabama Brewpub Act, Sec. 28-4A-3 of the Code of Alabama, 1975.

⁶⁷ This is a new definition.

⁶⁸ This is a new definition.

⁶⁹ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

⁷⁰ This is a new definition provided by staff.

Carport or Garage	An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such garage or carport is accessory. A carport has a roof and is not fully enclosed; a garage is fully enclosed. ⁷¹
Catering	An establishment in which food and meals are prepared on the premises for delivery to an off-site location for consumption. ⁷²
Cemetery/Graveyard	Land used or dedicated to the burial of the dead, including columbaria, mausoleums, and necessary maintenance facilities, but not including a crematory. ⁷³
Certificate of Occupancy	A uniform mechanism for ensuring that buildings and structures and their premises erected, altered, moved, enlarged, or changed in occupancy, nature, or use are in compliance with Chapter 6, Buildings, Construction, and Related Activities, of the City Code, and this Ordinance, prior to use or occupancy.
Check Cashing	An establishment that provides short-term lending services, such as payday or title loans or lending on security of personal property (pawn shops), but that does not accept customers' deposits and does not meet the definition of a Financial Institution. This includes businesses licensed under the Alabama Deferred Presentment Services Act, Title 5, Chapter 18A of the Code of Alabama, 1975, or the Alabama Pawn Shop Act, Title 5, Chapter 19A of the Code of Alabama, 1975. ⁷⁴
Chief Building Official	The Chief Building Official of Tuscaloosa, Alabama.
City Code	The Code of Ordinances of the City of Tuscaloosa, Alabama.
City Council	The City Council of Tuscaloosa, Alabama.
City Engineer	The City Engineer of Tuscaloosa, Alabama.
Club or Lodge	An establishment of a private non-profit corporation incorporated in the State which provides social, physical, recreational, educational, agricultural, or benevolent services. This establishment often maintains dining facilities and includes meeting areas. Examples include union halls, social clubs, youth centers, and fraternal and veterans' organizations. ⁷⁵
Coffee House	An establishment where the primary use is the sale and consumption of non-alcoholic beverages, and where limited menu meals may also be sold. See Determination Guidelines for Sale and Consumption of Alcoholic Beverages. ⁷⁶
College or University	An institute of higher education authorized by the State to award associates or higher degrees. Ancillary facilities may include

⁷¹ This is a new definition.

⁷² This is a new definition

⁷³ This is a new definition.

⁷⁴ This is a new definition.

⁷⁵ This is a new definition.

⁷⁶ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance for *Café, coffee house, juice bar*.

administrative and faculty offices, classrooms, dining halls, meeting areas, dormitories, arenas, stadiums, recreation facilities, and similar features that serve students, teachers, and employees, and not the general population.⁷⁷

Comprehensive Plan	The Framework Comprehensive Plan, adopted in 2021, as amended ⁷⁸
Composting Facility	A facility where organic matter, such as plant trimmings and food waste, derived primarily from off-site sources is made subject to decomposition processes to produce compost. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost. ⁷⁹
Composting, Small-Scale	An enclosed area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer. ⁸⁰
Community Garden	A public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. ⁸¹
Conference or Training Center	A facility used for business or professional conferences, seminars, and training programs. This may include sales of food and drink intended for visitors attending programs at the facility, and may be incorporated into a hotel. ⁸²
Continuing Care Retirement Development	An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility. ⁸³
Contractors Office	An establishment in which a building or portion of a building is used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. Outdoor storage is available only when permitted as an accessory use. ⁸⁴
Convenience Store	A small Retail Sales use that provides convenience goods and services such as food, newspapers, magazines, toiletries, and the like. This use may be accessory to a principal use. ⁸⁵
Correctional Facility	A public or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. ⁸⁶

⁷⁷ This is a new definition.

⁷⁸ This is a new definition.

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⁸³ This is a new definition.

⁸⁴ This is a new definition.

⁸⁵ This is a new definition.

⁸⁶ This is a new definition.

Cool Roof A roofing product with high solar reflectance (SR) and thermal emittance (TE) properties. These properties help reduce electricity used for air conditioning by lowering roof temperatures on hot, sunny days.⁸⁷

Critical Root Zone The area around a tree that is within its Drip Line.⁸⁸

Cultural Facility A facility for displaying or preserving objects of interest, or providing facilities for one or more of the arts or sciences, that is generally open to the public. Examples include libraries, museums, zoos, and art galleries.⁸⁹

Cul-de-sac The circular turnaround at the end of a dead-end street.⁹⁰

D

Data Center A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.⁹¹

Day Care Facility (Accessory) An accessory use where daily care is provided to children or adults during all or part of a 24-hour day. This use includes day care homes and group day care homes, which are operated in a family home, and other facilities providing day care as an accessory use. This use also includes accessory night care facilities. This use does not include day care centers, which are a principal use.

Day Care Center A facility which provides daily care for more than 12 children or inform adults during all or part of a 24-hour day. This use includes pre-kindergarten, preschool, or nursery schools or other similar daytime programs, as well as night care facilities.⁹²

Day Care Home A facility licensed by the Alabama Department of Human Resources that operates in a family home and provides care for no more than six children during all or part of a 24-hour day.⁹³

Day Care Home, Group A facility licensed by the Alabama Department of Human Resources that operates in a family home and provides care for at least seven and no more than 12 children during all or part of a 24-hour day where there are at least two adults present and supervising the activity.⁹⁴

⁸⁷ This is a new definition.

⁸⁸ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

⁸⁹ This is a new definition.

⁹⁰ This is a new definition.

⁹¹ This is a new definition.

⁹² This is a new definition that is updated for consistency with state law. The minimum of 12 children is consistent with the definition in state law. In this draft, the definition has been updated to accommodate the merger with the “Night Care Center” use, which has not been carried forward as a separate use.

⁹³ This updates the definition in Sec. 24-5 of the current Zoning Ordinance. Limit changed from five to six for consistency with state law (Sec. 38-7-2, Code of Alabama, 1975) and to eliminate the gap with group day care homes, which in the current Zoning Ordinance and under state law accommodate seven or more children.

⁹⁴ This updates for consistency the definition in Sec. 24-5 of the current Zoning Ordinance.

Determination Guidelines for Sale and Consumption of Alcoholic Beverages	<p>The standards to use when determining the floor area devoted primarily to the sale and consumption of alcoholic beverages. The factors to be evaluated include:</p> <ol style="list-style-type: none"> (1) The existence of a kitchen and its makeup; (2) The layout and site plan of the establishment; (3) The location and size of the bar; (4) Whether the size, placement, and spacing of tables, stools, and booths indicate that the area is primarily devoted to the sales or consumption of alcohol; (5) Whether there is a wall or other separation in the establishment dividing an area primarily devoted to the sale and consumption of alcoholic beverages in the dining area; and (6) Whether or not full meals are served in the area.⁹⁵
Dead Storage	The storage of items for safekeeping for an indefinite period of time and not for the purposes of wholesale, retail, industrial, or other similar activity. ⁹⁶
Deck	A roofless outdoor space built as an above ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars. ⁹⁷
Development	Any human alteration to the state of land, including its soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, grubbing, or grading of land, and structural improvements (e.g., buildings, walls, fences, signs, and vehicular areas). ⁹⁸
Development, New	Development of a site that was previously unimproved, with no existing principal structures, or that has been or will be cleared of structures. New development is distinguished from 1) existing development and 2) the expansion or alteration of existing development, also known as redevelopment. ⁹⁹
Development Application	Any application or request for development submitted in the form required by this Zoning Ordinance.
Diameter at Breast Height (DBH)	The diameter of a tree, measured four-and-a-half feet above ground level. ¹⁰⁰
Director of Planning	The Director of Planning of Tuscaloosa, Alabama. Also referred to as the Planning Director.

⁹⁵ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

⁹⁶ This is a new definition.

⁹⁷ This is a new definition.

⁹⁸ This is a new definition.

⁹⁹ This is a new definition.

¹⁰⁰ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

- Distillery** An establishment where spirituous liquors are manufactured for commercial purposes.¹⁰¹
- Dock** A structure built along the shore of or floating over a river, lake, canal, or other navigable body of water for use by boats for moorage and loading and unloading passengers and materials. In addition to this Ordinance, docks are regulated by Chapter 18, Parks and Recreation, of the City Code.¹⁰²
- Donation Center** An accessory use with one or more closed containers or donation boxes designated for the collection of donated goods, such as clothing, books, shoes, or other non-perishable personal property, for resale or reuse by a charitable organization. This does not include on-site containers approved for the purpose of book returns or donations in conjunction with a public library or recycling containers provided by the City or a private contract hauler for household use.¹⁰³
- Drip Line** The perimeter of a tree’s canopy.¹⁰⁴
- Drive Aisle** The surfaced area in a parking lot primarily intended for motor vehicles that provides ingress and egress to the site and access to parking spaces, loading areas, and other parts of a site.¹⁰⁵
- Drive-Through Facility** A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or through a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, restaurants, and drugstores.¹⁰⁶
- Driveway** A surfaced area that is designed and constructed to provide ingress and egress by motor vehicles to a single-family dwelling, townhouse, duplex, triplex, and quadplex and may also be used for vehicle storage.¹⁰⁷
- Drug Rehabilitation Facility** A facility that provides medical treatment, counseling, rehabilitation, and 24 hour on-site supervision for persons with substance abuse, emotional disorders, physical disabilities, or other medical conditions, with the goal of enabling residents to live independently when treatment is completed.¹⁰⁸
- Dwelling, Duplex** A building which is not physically attached to any other principal structure and contains two dwelling units, each of which is arranged,

¹⁰¹ This is a new definition.

¹⁰² This is a new definition and adds a reference to potential relevant regulations in Chapter 18 of the City Code.

¹⁰³ This is a new definition.

¹⁰⁴ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

¹⁰⁵ This is a new definition.

¹⁰⁶ This is a new definition.

¹⁰⁷ This revises the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁰⁸ This is a new definition.

	designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling. ¹⁰⁹
Dwelling, Live/Work	A building or portion of a building combining a dwelling unit with an integrated work space principally used by one or more of the dwelling unit's residents. ¹¹⁰
Dwelling, Mobile Home	Defined in Sec. 15-3 of the City Code. A mobile home dwelling shall comply with the Uniform Standards Code for Manufactured Homes Act at Title 24, Ch. 5, Art. 1 of the Code of Alabama, 1975. ¹¹¹
Dwelling, Multifamily	A building containing five or more dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family. This definition excludes uses that meet the definition of Multifamily Student Dwelling, Townhouse Dwelling, U-Single Dwelling, U-Rowhouse Dwelling, U-Duplex Dwelling, U-Triplex Dwelling, or any Group Living uses. ¹¹²
Dwelling, Multifamily Student	A multifamily structure that meets the definition of a Student-Oriented Dwelling. ¹¹³
Dwelling, Quadplex	A building which is not physically attached to any other principal structure and contains four dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling. ¹¹⁴
Dwelling, Single-Family Detached	A building which is not physically attached to any other principal structure and contains one dwelling unit which is arranged, designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling. ¹¹⁵
Dwelling, Student-Oriented	A building, not owned or operated by a college or university, which contains bedrooms for students attending a college or university. The use typically contains bedrooms with private bathrooms, individually rented, and arranged around a common area with a kitchen shared by tenants renting the bedrooms, or bedrooms along a hall, which provides access to a common kitchen space. The listed defining characteristics are not exhaustive, nor does absence of one or more of the defining characteristics preclude a finding that the development is a student-oriented housing development. Other determining factors include, but are not limited to: <ol style="list-style-type: none"> (1) Interior layout of development.

¹⁰⁹ This revises the definition of *Dwelling, Two-Family* in Sec. 24-5 of the current Zoning Ordinance. This non-student dwelling use, along with other non-student dwelling uses, has been revised to make clear that this use is not a Student-Oriented Dwelling.

¹¹⁰ This is a new definition.

¹¹¹ In-lieu of the definition included in the current Zoning Ordinance, this references the City Code chapter that governs mobile homes and includes a reference to the state law (and, by reference, federal law) that regulates mobile/manufactured homes.

¹¹² This carries forward the definition of *Dwelling, Multifamily or apartment* in Sec. 24-5 of the current Zoning Ordinance but limits it to housing with five or more dwelling units to accommodate the new *Triplex* and *Quadplex* dwelling uses.

¹¹³ This applies the Student-Oriented Dwelling definition to multifamily units

¹¹⁴ This is a new definition.

¹¹⁵ This revises the definition of *Dwelling, Single-Family* in Sec. 24-5 of the current Zoning Ordinance.

- (2) Location of development and proximity to a college or university.
- (3) Company portfolio.
- (4) Marketing and branding of development.
- (5) Amenities provided in development (fitness facilities, study rooms, pools, assembly rooms, club houses, etc.).
- (6) Provided furnishings in units.¹¹⁶

Dwelling, Townhouse A row of three or more dwellings flush against each other at the sides and attached at the sides by party walls. In this use, each dwelling is on an individual lot, is at least two stories in height, is arranged, designed, used, or intended to be used as a residence for one family, and is not a Student-Oriented Dwelling.¹¹⁷

Dwelling, Triplex A building which is not physically attached to any other principal structure and contains three dwelling units, each of which is arranged, designed, used, or intended to be occupied by one family, and that is not a Student-Oriented Dwelling.¹¹⁸

Dwelling, U-Duplex A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code.¹¹⁹

Dwelling, U-Rowhouse A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code.¹²⁰

Dwelling, U-Single A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code.¹²¹

Dwelling, U-Triplex A Student-Oriented Dwelling as defined at Sec. 6-109(v) of the City Code.¹²²

E

Electric Vehicle Charging Station An electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates partially or exclusively on electric energy. The charging station may include a digital display for control of the charging station. There are three types of electric vehicle charging stations:

¹¹⁶ This carries forward the definition of *Student-oriented housing development* in Sec. 24-5 of the current Zoning Ordinance but revises it to be more general to cover all student-oriented housing.

¹¹⁷ This revises the definition of *Dwelling, Townhouse* in Sec. 24-5 of the current Zoning Ordinance. Limitations on the length of a row of townhouses is included in Sec. 24-6.8, Form and Design Standards.

¹¹⁸ This is a new definition.

¹¹⁹ This references the current definition incorporated into the building code by the City Code and clarifies that it is a type of Student-Oriented Dwelling.

¹²⁰ This references the current definition incorporated into the building code by the City Code.

¹²¹ This references the current definition incorporated into the building code by the City Code.

¹²² This references the current definition incorporated into the building code by the City Code.

- (1) A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- (2) A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- (3) A Level 3 charging station is an industrial-grade charging station that operates on a high-voltage circuit to allow for fast charging.¹²³

Electric Vehicle Parking Space	A parking space for use by motor vehicles that is served by an electric vehicle charging station. ¹²⁴
Elevated Structure	A podium-built structure having all or a portion of its ground floor unenclosed and used for nonresidential purposes, such as parking, and having one or more dwellings above the ground floor. ¹²⁵
Event Space	An establishment primarily intended to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. The sale of alcoholic beverages is intended for on premise consumption only during scheduled events and when not open to the general public. See determination guidelines for sale and consumption of alcoholic beverages. ¹²⁶
Extractive Operations	The development or extraction of mineral deposits, including but not limited to limestone, coal, sand, rock, clay, dirt, gravel, and other materials, and quarry aggregate from their natural occurrences on affected land. This includes open pit mining and surface operations, strip mining, quarrying, dredging, and the disposal of refuse from those activities. ¹²⁷

F

FAA	The Federal Aviation Administration.
Family	Two or more persons related by blood, marriage, or adoption, within the fourth degree of consanguinity (first cousins), together with foster children, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit, or no more than three unrelated persons domiciled together whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single, non-profit housekeeping unit, excluding any group of individuals whose domestic relationship is of a transitory or seasonal nature such as a fraternity, sorority, or informal group of students. ¹²⁸

¹²³ This is a new definition.

¹²⁴ This is a new definition.

¹²⁵ This is a new definition for a term used in Sec. 24-223(a)(2)d of the current Zoning Ordinance.

¹²⁶ This revises for clarity the definition for *Event space, banquet/reception hall* in Sec. 24-5 of the current Zoning Ordinance.

¹²⁷ This is a new definition.

¹²⁸ This is new and replaces the definition in the current Zoning Ordinance. Limit of three unrelated persons is new

Farm and Agricultural Operations	The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal/poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Ancillary uses may include incidental retail sales of the products raised or grown on the site. ¹²⁹
FCC	The Federal Communications Commission.
Financial Institution	A federal or State-regulated facility that provides financial and banking services to individuals and businesses. Services typically include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. This does not include a Check Cashing use. ¹³⁰
Food Storage and Processing	A facility primarily used for the storage, sorting, treatment, or preparation of food products for sale or as inputs to further processing. This includes but is not limited to cold storage establishments, creamery operations, frozen food lockers, and meat, poultry, and seafood canning, curing, and by-product processing. ¹³¹
Fraternity or Sorority House	A building used by a fraternity or sorority that is officially recognized by a college or university, that is used by the fraternity or sorority as a principal place of residence for some or all of its members. ¹³²
Funeral Home	An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This use does not include cremation units. ¹³³

G

Gastropub	An establishment where full menu meals are primarily served during typical mealtime hours (11 am until 10 pm) and bar operations continue independently or as the primary use during late night hours, providing the on-premise sale and consumption of alcoholic beverages. In making this determination, the Director of Planning shall consider the following criteria: <ol style="list-style-type: none"> (1) Exclusions of patrons under the age of 21 years at any time; (2) Removal or rearrangement of table and seating facilities from the floor area; (3) Meals are still being served; and (4) Cover charges being collected.¹³⁴
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¹²⁹ This is a new definition.

¹³⁰ This is a new definition.

¹³¹ This is a new definition.

¹³² This is a new definition.

¹³³ This is a new definition.

¹³⁴ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance and incorporates the former definition of “mealtime hours,” which was only used in this definition and thus has not been carried forward separately.

- Genus** A taxonomic category ranking of types of living creatures below a family and above a species and that generally consists of a group of species exhibiting similar characteristics.¹³⁵
- Government Facility** An office or other facility of a federal, state, county, or City government or agency. Examples include general offices, employment offices, public assistance offices, motor vehicle licensing and registration services, maintenance and repair centers, equipment, and outdoor storage yards, and administrative offices that support the police, fire, and Emergency Medical Services uses included in the Public Safety use, but excluding the Correctional Facility use.¹³⁶
- Green Roof** A roof or portion of a roof that is covered with vegetation planted in a growing medium over a waterproofing membrane, and that may include additional layers, such as a root barrier, and drainage and irrigation systems.¹³⁷
- Greenway** A linear open space designed for passive recreation purposes including walking or bicycling and that is normally kept in its natural state except for the pedestrian or bicycle trail.¹³⁸
- Group Home** Any premises which provides shelter, food, personal assistance and/or supervision for not more than ten individuals with developmental disabilities or mental illness and which is a permitted use in certain zoning districts in accordance with this Ordinance and Sec. 11-52-75.1 of the Code of Alabama, 1975. Two additional persons who carry out duties in connection with the supervision or management of the group home may also reside on the premises.¹³⁹
- Group Housing, Supportive** Any premises which provides shelter, food, personal assistance and/or supervision for not more than ten individuals who do not have developmental disabilities or mental illness but who require medical, correctional, or other mandated supervision, and whose joint residence does not meet the definition of another use in this Ordinance. This use includes a halfway house that assists residents in transitional from more restrictive custodial confinement back into society, a shelter for persons experiencing homelessness, and a domestic violence shelter.¹⁴⁰

H

- Health Department** The Department of Public Health of Tuscaloosa County, Alabama.

¹³⁵ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

¹³⁶ This is a new definition.

¹³⁷ This is a new definition.

¹³⁸ This is a new definition.

¹³⁹ This carries forward the definition for *Group home for individuals with developmental disabilities or mental illness* in Sec. 24-5 of the current Zoning Ordinance, and reviewed for consistency with and adds a reference to the state-law description of Group Homes.

¹⁴⁰ This is a new definition.

Hedge	A linear arrangement of shrubs, bushes, or other plants grown closely together to create a solid, continuous barrier. ¹⁴¹
Historic Preservation Commission	The City of Tuscaloosa Historic Preservation Commission established in Chapter 19, Article II, Division 2 of the City Code.
Historic or Architectural Landmark	A structure, premises, or site listed in the National Register of Historic Places, the Historic American Buildings Survey, the Statewide Plan of Historic Preservation (revised) prepared by the Alabama Historical Commission, or the Alabama Register of Historic Landmarks. ¹⁴²
Home Garden	An area for the cultivation of fruits, flowers, vegetables, or ornamental plants accessory to the principal use on the site primarily intended for personal use by the occupant of the site and not for sale or other form of commercial transaction with others. ¹⁴³
Home Occupation	A business or occupation conducted within a dwelling unit by a resident of the dwelling that is incidental and subordinate to the use of the dwelling for residential purposes. ¹⁴⁴
Hospice	An establishment that provides a coordinated program of inpatient care and services including the coordination of nursing care, social services, medical supplies, physician’s services, counseling, and bereavement services for patients’ families to hospice patients and families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to Sec. 22-21-20 of the Code of Alabama, 1975, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement and which is licensed by the Alabama Department of Public Health in accordance with Ala. Admin Code r. 420-5-17. ¹⁴⁵
Hospital	An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury, or disability. This often includes ambulance bays, emergency heliports, laboratories, outpatient facilities, central service facilities, staff offices, or training facilities. ¹⁴⁶
Hotel	A building or group of buildings containing individual sleeping or living units accessed by interior hallways and that are used by transient guests for a typical contract term of less than 30 days. A hotel may include common dining and drinking facilities, meeting rooms,

¹⁴¹ This is a new definition.

¹⁴² This carries forward the definition in Sec. 24-106 of the current Zoning Ordinance.

¹⁴³ This is a new definition and includes language to clarify that this is a garden for personal use and not intended as a commercial operation.

¹⁴⁴ This builds on the definition in Sec. 24-5 of the current Zoning Ordinance; the regulatory standards contained in the current definition are carried forward as use-specific standards at Sec. 24-5.3.4.j.

¹⁴⁵ This is a new definition which is based on the definition in the state administrative regulations and includes a reference to the regulations.

¹⁴⁶ This is a new definition.

recreational facilities, and/or gift shops, and similar amenities designed primarily for use by guests.¹⁴⁷

I

Incidental, Customary, Remunerative Activities Incidental gainful activities which are customarily carried on in the home by its bona fide residents, but not rising to the level of a home occupation. Incidental, customary, remunerative activities include but are not limited to activities such as baby sitting, giving individual music lessons, the operation of a Day Care Home, and similar activities as interpreted by the Director of Planning. If the Director of Planning later concludes that the activity goes beyond the bounds of an incidental, customary, remunerative activity, or in the event that any citizen objects to the operation of a Day Care Home or Group Day Care Home, the activities shall be referred to the Zoning Board of Adjustment for determination as to whether the use meets the standards of a home occupation.¹⁴⁸

Illuminance, Horizontal The intensity of artificial light falling on a horizontal surface, measured in footcandles.¹⁴⁹

Interpretation A uniform mechanism for rendering a formal written interpretation of this Ordinance. See Sec. 24-3.4.11, Interpretation.

Invasive Species Any species that is not native to an ecosystem and that by its introduction into and continued growth in the ecosystem is likely to cause economic or environmental harm or harm to human, animal, or plant health through crowding out of native plants, destruction of animal habitats, and other methods.¹⁵⁰

J

K

Kennel Any establishment where dogs, cats, or other household pets are boarded, trained, cared for, and/or groomed commercially, exclusive of veterinary care. This use may include a dog park or dog day care services.¹⁵¹

L

Land Development Permit See Chapter 21, Article XII of the City Code.

Laundromat An establishment providing washing, drying, or ironing machines for use on the premises by rental to the general public. This definition

¹⁴⁷ This builds on the definition for *Motel* and *Motel or hotel* in Sec. 24-5 of the current Zoning Ordinance and consolidates with the *Extended stay motel* use. The new definition limits hotels to facilities where individual rooms open to interior hallways; however, the use-specific standards allow motels with rooms that access exterior corridors to continue in operation as conforming uses under the updated zoning ordinance.

¹⁴⁸ This carries forward and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance

¹⁴⁹ This is a new definition.

¹⁵⁰ This is a new definition, based in part on the definition in Executive Orders 13751 (Dec. 5, 2016) and 13112 (Feb. 3, 1999).

¹⁵¹ This is a new definition.

includes automatic, self-service, or hand laundries. This shall not include dry cleaning or processing with any solvents.¹⁵²

Laundry and Dry-Cleaning Retail Facility An establishment where laundry or dry cleaning is dropped off or picked up by customers and processed on-site, and where laundering and dry-cleaning on the premises is limited to items which are brought directly to the premises by the retail customer.¹⁵³

Laundry and Dry-Cleaning Plant An establishment where laundry or dry cleaning is performed, often for commercial and institutional customers but also including the cleaning of garments dropped off by customers on site. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.¹⁵⁴

Live Entertainment Any activity utilizing amplified sound equipment and performed for the entertainment of patrons on the premises of any establishment. This includes, but is not limited to, karaoke, musical performances, comedy shows, and disc jockeys (DJs).¹⁵⁵

Loading Berth A space designated for the temporary parking of commercial vehicles and used for the loading or unloading of goods or materials.¹⁵⁶

Lot A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for the purpose of development.¹⁵⁷

Lot of Record A parcel of land that is part of a subdivision, the map of which has been recorded by the county office of probate or a parcel of land described by metes and bounds the description of which has been recorded by the county office of probate.¹⁵⁸

Low Impact Development (LID) A set of approaches and practices intended to reduce runoff of water and pollutants from the site at which they are generated by means of infiltration, evapotranspiration, and reuse of runoff. LID techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and ground water. Bioretention facilities, rain gardens, swales, green roofs, rain barrels, and permeable pavement are examples of LID techniques.¹⁵⁹

M

Manufacturing, Heavy An establishment engaged in manufacturing and production activities that may result in substantial off-site noise, odor, vibration, dust, or hazard. Examples include the manufacture or assembly of machinery, vehicles, and appliances; the smelting or reduction of ores; oil refining; stockyards, slaughterhouses, and rendering

¹⁵² This is a new definition.

¹⁵³ This is a new definition.

¹⁵⁴ This is a new definition.

¹⁵⁵ This builds on the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁵⁶ This is a new definition.

¹⁵⁷ This carries forward the definition in Sec. 24-286 of the current Zoning Ordinance.

¹⁵⁸ This is a new definition

¹⁵⁹ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

facilities; the manufacture of petroleum products, explosives, cement, lime, gypsum, plaster-of-paris, fertilizer, corrosive acid, insecticides, radioactive materials, and plastic and synthetic resins; lumber mills; pulp and paper mills; the manufacture, processing, and packing of food products; and electric power generation plants.¹⁶⁰

Manufacturing, Light An establishment primarily engaged in printing, production, processing, assembly, manufacturing, compounding, or preparation of goods or products for sale to the wholesale or retail markets or directly to consumers and which does not meet the definition of Artisanal Production or Heavy Manufacturing. This use is wholly confined within an enclosed building, does not include processing of hazardous gases and chemicals, and does not generate off-site noise, odor, vibration, dust, or hazard. Examples include assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; printing plants; manufacture, processing, and packing of cosmetics and drugs; tire recapping; and manufacturing of components, jewelry, clothing, trimming decorations, and similar items.¹⁶¹

Marina An establishment for mooring, servicing, and storing recreational boats, as well as providing supplies, provisions, and fueling facilities. Ancillary facilities may include a restaurant or a boat and motor sales store. Boat building or facilities for the dry docking or repair of barges or watercraft exceeding two tons in weight are not included.¹⁶²

Manufactured Building (Modular Building) A factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure, including, without limitation, residential, commercial, and industrial purposes, and which bears a seal of compliance with the regulations of the Alabama Manufactured Housing Commission. Manufactured buildings must be constructed to meet the requirements of the city’s building code and construction regulations as well as any other design standards the city may adopt which apply to conventional construction. A manufactured building is distinct from a Mobile Home Dwelling or Manufactured Home.¹⁶³

Manufactured Home See “Dwelling, Mobile Home.”

Medical or Dental Clinic A public or private facility that provides health services in one or more medical or dental specialty to the public. This includes physician offices, examining rooms, and equipment for the outpatient medical or dental care of the sick and injured.¹⁶⁴

¹⁶⁰ This is a new definition.

¹⁶¹ This is a new definition.

¹⁶² This revises for clarity the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁶³ This carries forward the definition in the current Zoning Ordinance and is revised, in accordance with state law (Sec. 24-4A-2(13) of the Code of Alabama, 1975), to apply to all manufactured/modular buildings, not just non-residential buildings. A “modular home,” defined in the state code (Sec. 24-4A-2(19)) is a manufactured building that is used for residential purposes. It also makes clear that, in accordance with Sec. 24-4A-3(i) of the Code of Alabama, 1975, a manufactured building is distinct from a manufactured or mobile home.

¹⁶⁴ This consolidates the separate definitions for a *Public health clinic* and a *Private group clinic* in the *Medical or dental clinic* use in Sec. 24-5 of the current Zoning Ordinance.

- Mobile Home** See “Dwelling, Mobile Home.”
- Mobile Home Park** Land that is designed, arranged, or used for the placement of Mobile Home Dwellings, and provides streets, utilities, landscaping, sanitary facilities, and recreational facilities for the residents of the Mobile Home Dwellings.¹⁶⁵
- Mobile Home Sales** An establishment that engages in the sale or repair of mobile homes.¹⁶⁶
- Mobile Food Vending Unit (Food Truck)** The use of a fully enclosed trailer, motorized vehicle, or cart designed to be portable and not permanently attached to the ground from which only prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away. This use does not include the sale of alcoholic beverages.¹⁶⁷

N

- Nit** A unit of measurement of brightness (luminance), which is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter (cd/m²)).¹⁶⁸
- Nonconforming lot of record** A lot of record the area or dimension of which was lawful at the time of its creation but which fails to conform to the lot area standards of the zoning district in which it is located.
- Nonconforming structure** Any structure that lawfully existed at the time of its construction; that does not comply with the current standards related to height, setbacks, design standards, or lot coverage of the zoning district in which it is located.
- Nonconforming use** Any use that lawfully existed at the time of its establishment that does not comply with the use standards of the zoning district in which it is located. If the land or structure is vacant or unused on [insert the effective date of this Ordinance] or a subsequent date of an amendment that makes the use nonconforming, it shall be conclusively presumed that any use of the land or structure shall comply with the requirements of this Ordinance.
- Nonconforming site feature** A feature of parking, landscaping, or exterior lighting that was lawful at the time of its establishment and that does not comply with the standards of this Ordinance.¹⁶⁹
- Nonconformity** A nonconforming use, structure, lot of record, sign, or site feature.

¹⁶⁵ This clarifies and simplifies the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁶⁶ This is a new definition.

¹⁶⁷ This carries forward the definition in Sec. 24-229(c)(1) of the current Zoning Ordinance with minor revisions.

¹⁶⁸ This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance.

¹⁶⁹ This is a new definition.

Nursing Home An establishment that provides nursing care, housing, meals, and care to individuals who require such care due to illness, disease, injury, or physical or mental infirmity on a daily or more frequent basis. These establishments are regulated by Ch. 420-5-10 of the Alabama Administrative Code.¹⁷⁰

O

Office An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Examples include government, real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, journalism, engineering, accounting, call centers, medical, dental, and similar offices. Ancillary uses may include cafeterias, health facilities, game or activity areas, parking, or other amenities primarily for the use of employees in the firm or building. This use does not include a Medical or Dental Clinic use.¹⁷¹

Open Space Land within or related to a development which is designated and intended for the common use or enjoyment of the residents of the development, including permeable and impermeable surfaces under roof or covered, but with at least two open sides.¹⁷²

Original City Survey That part of the City included on the plat of McCalla’s Street Center Survey of 1891, on file in the Office of Urban Development, roughly bounded by Martin Luther King Jr. Boulevard to the west, 4th Street to the north, Queen City Avenue to the east, and 15th Street to the south.¹⁷³

Outdoor Seating (as accessory use) The provision of on-site outdoor seating or entertainment areas as an accessory use. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment, including within the public right-of-way, only where allowed by the City Code and following issuance of required City permits.¹⁷⁴

Outdoor Video Display (as accessory use) A screen on which an image is displayed either through projection or by a digital display. This accessory use is located outdoors, is incorporated into the initial design of a mixed-use or multifamily residential development, and may include speakers.¹⁷⁵

Outdoor Storage An area used for the keeping of any material or machinery.¹⁷⁶

¹⁷⁰ This revises the current definition in Sec. 24-5 of the current Zoning Ordinance to incorporate terms used in Ala. Admin Code r. 410-2-4-.03.

¹⁷¹ This is a new definition.

¹⁷² This is a new definition.

¹⁷³ This is a new definition.

¹⁷⁴ This is a new definition that includes uses other than those in the Food and Beverage Use category and to recognize that a permit from the City is required for outdoor dining within the public right-of-way.

¹⁷⁵ This is a new definition.

¹⁷⁶ This is a new definition.

P

Package Liquor Store A state-licensed establishment where the primary use is the retail sale of original package liquor and/or distilled spirits for off-premise consumption. Other alcoholic beverages may be sold for off-premise consumption as a secondary use.¹⁷⁷

Parapet The portion of a wall that extends above the roof line.¹⁷⁸

Park An outdoor area designed and used for public recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. This includes greenways, open fields, arboreta, botanical gardens, sports fields, dog parks, skate parks, plazas, splash pads, playgrounds, and picnic areas.¹⁷⁹

Parking Facility An off-street area designed, used, required, or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of motor vehicles, including driveways or access ways in and to such areas, but not including public streets and rights-of-way.¹⁸⁰

Parking Lot A designated off-street area used for the temporary parking of motor vehicles. A parking lot typically includes designated spaces for car storage, drive aisles to provide access to parking spaces and to access and egress a public or private street, interior landscaping, and perimeter landscaping buffers. A parking lot may also include spaces for the temporary parking of bicycles, scooters, and other mobility devices.¹⁸¹

Party Wall A wall on a lot line between adjoining buildings which is used or adapted for joint service between the two buildings, and is constructed as a fire wall in accordance with the City of Tuscaloosa Building Code. Party walls are constructed without openings and create separate buildings.¹⁸²

Passenger Station, Rail, Bus, or Intermodal Facility A facility or location that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, light rail, railroad, shuttle van, or other similar vehicular services. Ticket sales and baggage handling services may take place on site. Ancillary facilities such as a newsstand or Convenience Store may be provided.¹⁸³

¹⁷⁷ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁷⁸ This definition is carried forward from Sec. 24-132 of the current Zoning Ordinance.

¹⁷⁹ This is a new definition.

¹⁸⁰ This is a new definition.

¹⁸¹ This is a definition that replaces the definition applicable to the landscaping and buffering standards in Sec. 24-252 of the current Zoning Ordinance. Revised to change from “storage” of motor vehicles to “parking” for consistency.

¹⁸² This updates the definition in Sec. 24-5 of the current Zoning Ordinance for consistency with the City’s Building Code (Sec. 706.1.1 of the 2016 International Building Code) by requiring a party wall be on a lot line, have no openings, and be fire resistant.

¹⁸³ This is a new definition.

Patio	A level, hard-surfaced area directly adjacent to a principal building at or within three feet of the finished grade that is used for outdoor lounging, dining, and similar purposes. A patio may or may not have a roof.
Pedestrianway	A right-of-way such as sidewalks, side paths, walking trails, and multi-use trails designed for use by people walking on their own or with an assistive device. ¹⁸⁴
Person	See Sec 1-2 of the City Code
Personal Care Home	Any premises, other than Group Home, which provides food, shelter, personal assistance, or supervision for a period exceeding 24 hours for more than two adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self-administration. ¹⁸⁵
Personal Services	An establishment primarily engaged in providing services involving the care of a person or of the care or repair of personal goods or apparel. This use typically includes, but is not limited to, diaper service, day spas, beauty shops, barbershops, nail salons, blow dry bars, lash bars, massage services, shoe repair, appliance repair, personal copying/shipping services, daytime non-medical pet care, bicycle and sports equipment repair, small appliance repair, and similar uses. ¹⁸⁶
Pet Grooming	A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals. ¹⁸⁷
Pharmacy	An establishment where drugs and medicine are prepared and dispensed. Drive-through services are permitted only where it is allowed as an accessory use. ¹⁸⁸
Planned Development	Developments that are master planned and developed under unified control. Planned developments allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zoning district regulations. See Sec. 24-4.7, Planned Development Districts.
Planning and Zoning Commission	The City of Tuscaloosa Planning and Zoning Commission established in Chapter 20, Article 1, Division 1 of the City Code.

¹⁸⁴ This is a new definition.

¹⁸⁵ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

¹⁸⁶ This is a new definition.

¹⁸⁷ This is a new definition.

¹⁸⁸ This is a new definition.

Plant Nursery	An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building. ¹⁸⁹
Porch	A raised structure attached to the front of a building, forming a covered entrance to a doorway. ¹⁹⁰
Primary Pedestrian Entrance	A place of ingress and egress to a building that is used by the public or residents of the building and faces a sidewalk or pedestrian path and not a parking lot. ¹⁹¹
Primary Use	The main use to which a premises is devoted and the purpose for which the premises exists. ¹⁹²
Professional-Level City Employee	A person employed by the City of Tuscaloosa for wages or salary. ¹⁹³
Property Line	See definition of “Lot Line” in Sec. 24-2.2.2, Lot Measurements.
Public Safety Facility	A private or public facility for the provision of local rapid response emergency services such as police, firefighting, and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment, housing and feeding of emergency personnel, and related activities. ¹⁹⁴

Q
R

Railroad Facility	An area and related facilities connected with the movement, assembly, or disassembly of trains, including without limitation railroad track, sidings, operations and maintenance sheds, train sheds, and classification yards. This use does not include a Railroad Terminal. ¹⁹⁵
Railroad Terminal	An area designed and used for the storage, loading, and unloading of containers from railroads to facilitate transshipment with trucks. ¹⁹⁶
Rain Garden	A garden of native shrubs, perennials, and flowers planted in a small depression or lowered area, which is generally formed on a natural slope. A rain garden is planted so that rainwater from roofs, driveways, or other surfaces runs into it and soaks into the ground, thereby reducing flooding or other related problems. ¹⁹⁷

¹⁸⁹ This is a new definition.

¹⁹⁰ This definition is carried forward from Sec. 24-349 of the current Zoning Ordinance.

¹⁹¹ This is a new definition.

¹⁹² This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance with minor revisions.

¹⁹³ This is a new definition.

¹⁹⁴ This is a new definition.

¹⁹⁵ This is a new definition.

¹⁹⁶ This is a new definition.

¹⁹⁷ This replaces the definition in Sec. 24-252 of the current Zoning Ordinance with updates for clarity.

Rainwater Cistern or Barrel	A catchment device to capture rainwater from a roof or other surface before it reaches the ground, which may be either above or below ground level. ¹⁹⁸
Recreation, Indoor	A facility that accommodates recreation activities where all activities take place within enclosed structures. Examples include bowling alleys; trampoline centers; movie theaters; fitness centers; performing arts centers; recreation centers; indoor swimming pools; indoor tennis, basketball, volleyball, and other hard-surfaced courts; and paintball/laser tag centers. This does not include an Event Space use. ¹⁹⁹
Recreation, Outdoor	A facility that accommodates recreation activities that take place outdoors. Examples include outdoor tracks, miniature golf, amusement parks, water slides, fitness center outdoor activities, tennis and other racquet courts, basketball and volleyball courts, go-kart tracks, and outdoor swimming pools, This does not include a Park use. ²⁰⁰
Recreational Vehicle (RV)	A vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes travel trailers, camping trailers, truck campers, and motor homes.
Recreational Vehicle (RV) Park	A premises that is designed, arranged, or used for the temporary placement of recreational vehicles and includes permanent sanitary facilities adequate for the number of recreational vehicle spaces available. ²⁰¹
Recyclables Processing Center	An establishment in which recyclables, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again in new products. ²⁰²
Recycling Collection Area	An outdoor area where recyclables are collected and temporarily stored, as an activity incidental to the principal use of the property.
Religious Institution	A building or site containing a hall, auditorium, or other suitable room or rooms used for conducting religious or other services or meetings of the occupants. This includes a church, synagogue, temple, or mosque, along with accessory structures. ²⁰³
Research and Development	A facility including research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental, convenient, or necessary to the conduct of those activities. ²⁰⁴

¹⁹⁸ This is a new definition.

¹⁹⁹ This is a new definition.

²⁰⁰ This is a new definition.

²⁰¹ This builds on the existing definition in Sec. 24-5 of the current Zoning Ordinance but removes regulatory elements of the definition to the use-specific standards in Sec. 24-5.2.4.c.4.iii, Recreational Vehicle (RV) Park.

²⁰² This is a new definition.

²⁰³ This is a new definition.

²⁰⁴ This is a new definition.

- Restaurant, Quick-Service** An establishment where food is cooked or prepared, patrons dine on or off the premises, and where there is menu board-served drive-up, or walk-up window service or service to customers in their vehicles. Drive-through service may be allowed as an accessory use. See determination guidelines for sale and consumption of alcoholic beverages.
- Restaurant, Sit-Down** An establishment where food is cooked and patrons dine while seated within the building or outside on the premises and with no drive-through, drive-up, or walk-up window service. Alcoholic beverages may be served, but such service shall be incidental and subordinate to the primary use of food service and may only occur while food sales are being conducted. Any included attached bar shall not occupy more than 20 percent of the interior customer service area and its operation shall at all times be incidental and subordinate to the primary use of food service. The use has no menu board ordering, and the facilities may include a pick-up window only. An establishment with less than 2,500 square feet in gross floor area is sometimes known as a bistro. See determination guidelines for sale and consumption of alcoholic beverages.²⁰⁵
- Retail Sales Establishment** An establishment that does not meet another definition of a principal use in this Ordinance that engages in the sale or short-term rental of goods and merchandise to the general public for personal or household consumption. Examples include newsstands, food stores, hardware stores, building supply stores, garden supply stores, furniture stores, florists, bakeries, department stores, auto parts stores (without vehicular service), grocery stores, equipment rental shops, wedding supply rental establishments, sports equipment stores, and bookstores. An establishment may include a pharmacy. Rental of heavy construction equipment including bulldozers, grading pans, power rollers, large backhoes, and asphalt spreaders is prohibited.²⁰⁶
- Retail Sales, Large** A Retail Sales Establishment that is at least 45,000 square feet in gross floor area.²⁰⁷
- Retail Sales, Medium** A Retail Sales Establishment that is larger than 7,500 square feet and smaller than 45,000 square feet in gross floor area.²⁰⁸
- Retail Sales, Small** A Retail Sales Establishment that is 7,500 square feet or smaller in gross floor area.²⁰⁹
- Ride-hailing or Taxi Service** An establishment that supports for-hire vehicle services such as taxis or ride-hailing/ride-sharing services, including services authorized by Chapter 23, Article I, Vehicles for Hire and Transportation Network Companies, of the City Code. This may include office space to

²⁰⁵ This carries forward and consolidates the definitions of *Restaurant*, *Restaurant with attached bar*, and *Restaurant, bistro* in Sec. 24-5 of the current Zoning Ordinance. The size restrictions that apply to a bistro have been included as a use-specific standard that limit the use's size in certain zoning districts.

²⁰⁶ This is a new definition.

²⁰⁷ This is a new definition.

²⁰⁸ This is a new definition.

²⁰⁹ This is a new definition.

coordinate the dispatch of vehicles and operate the business, areas for vehicle storage, and related uses.²¹⁰

Right-of-Way A piece of land in which there is public ownership or other interest, typically in a strip which has been acquired for or devoted to the use of a street, alley, greenway, or railroad.²¹¹

Runoff The water from precipitation that flows over the ground.²¹²

S

Sale of Motor Vehicles on Private Property The offering for sale of a motor vehicle through such means as a sign within the vehicle that is visible to passers-by.²¹³

Salvage or Junkyard An establishment involving the storage and/or sale of inoperable, disused, dismantled, or wrecked vehicles, equipment or machinery or the storage or processing of scrap metal, wastepaper, rags, wastes, construction wastes, industrial wastes or other scrap, salvage, waste, or junk materials.²¹⁴

School, K-12 An establishment offering general, technical, or alternative instruction at the pre-school, elementary, middle, and/or secondary school levels. This includes public, private, and parochial schools.²¹⁵

Seawall A structure installed along a waterfront that is intended to minimize erosion along a shoreline. Also known as a bulkhead or retaining wall.²¹⁶

Self-Service Storage An establishment within a secure enclosure containing separate lockable storage spaces rented as individual units for the storage of a customer’s goods or wares, boats, and RV storage. Ancillary facilities may include a single dwelling unit for a watchman or resident manager.²¹⁷

Sexually-Oriented Business An establishment that engages in the retail sales or rental of books, magazines, films, devices, sex devices, adult toys, marital aids, or like products, or other photographic, written, or actual reproductions of equipment characterized by their emphasis on matters depicting, describing, used in connection with, or related to sexual activities. Sexually-oriented adult use also includes the viewing of films, movies, photographs, live performances, or the like that are characterized by their emphasis on matters depicting, describing, used in connection with, or related to sexual activities.

²¹⁰ This is a new definition.

²¹¹ This updates the definition in Sec. 24-252 of the current Zoning Ordinance.

²¹² This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

²¹³ This is a new definition.

²¹⁴ This is a new definition.

²¹⁵ This is a new definition.

²¹⁶ This is a new definition..

²¹⁷ This simplifies the definition in Sec. 24-5 of the current Zoning Ordinance. The provisions regarding maximum size have been relocated to the use-specific standards in Sec. 24-5.2.4.c.6.vii, Self-Service Storage.

Shopping Center	A development that consists of two or more commercial units which may share common walls and ownership, constructed primarily for retailing purposes and sharing appurtenant facilities, such as driveways, off-street parking, and pedestrian walkways, and that is planned, developed, designed, and constructed as a single unified development. ²¹⁸
Short-Term Rental	The transient use of any dwelling or any part of a dwelling for overnight occupancy. ²¹⁹
Shrub	A self-supporting woody species of plants characterized by controlled persistent stems and branches springing from the base, usually maturing at less than 12 feet in height. ²²⁰
Sight Triangle	The space between the heights of three and one-half (3½) and ten feet above the street level within 20 feet of the intersection of the right-of-way lines of two streets or two railroads or of a street and a railroad property line, and within which no fence, sign, vegetation, or other obstruction to vision is allowed, except within the original city survey.
Slaughterhouse or Stockyards	The keeping of livestock, poultry, pigs, or small animals for commercial purposes in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means, and/or a facility for the slaughtering and processing of domestic farm animals and the refining, packaging, and distribution of their byproducts. ²²¹
Sober Living Facility	Any dwelling with bedrooms and kitchen facilities used as a residence for not more than ten individuals who are recovering from drug or alcohol addiction and who each reside in the facility for at least 30 days. ²²²
Solar Energy Conversion System, Small-Scale	Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures or on the ground. ²²³

²¹⁸ This carries forward the definition in Sec. 24-132 of the current Zoning Ordinance. The definition relating to non-sign matters has been superseded, and the definition from Sec. 24-132 has been revised to apply to all uses of the term in this code.

²¹⁹ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

²²⁰ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

²²¹ This is a new definition.

²²² This is a new definition for a new use; the size limitations are under discussion with staff. Ten is used as a placeholder for consistency with the Group Home definition.

²²³ This is a new definition.

Solar Energy Conversion System, Large-Scale	A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, and storage) that collects solar energy and converts it into electricity or transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling. This use is generally designed to produce electricity to accommodate demands of a neighborhood or larger area and is typically mounted on the ground. ²²⁴
Special Event	A temporary activity on private property that is planned or reasonably expected to attract a large number of people, that is not prohibited by this Ordinance or the City Code, and that is not listed as a separate temporary use in this Ordinance. This use includes but is not limited to fundraising activities, circuses, amusements, outdoor concerts, festivals, street fairs, outdoor arts and crafts fairs, and other organized community events. ²²⁵
Special Exception Use	A use is designated as a special exception use in a zoning district where the use may or may not be appropriate, because of its characteristics and potential impacts based on the general development character and uses permitted by right in the district. Consequently, special individual consideration of the proposed location, design, and methods of operation, of the special exception use in accordance with the procedure and standards in this Ordinance, is required before the use can be deemed appropriate in the district and compatible with its surrounding development. ²²⁶
Special Exception Use Permit	A uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. See Sec. 24-3.4.5, Special Exception Use Permit.
Stoop	A small, raised platform that serves as an entrance to a building. ²²⁷
Stormwater	See Sec. 21-151 of the City Code. ²²⁸
Structure	In general use, anything constructed or erected, the use of which requires more or less permanent location on the ground, below the ground, or which is attached to something having a more or less permanent location on the ground, or below the ground, and which extends at least 36 inches above the ground. ²²⁹
Swimming Pool	A self-contained body of water at least 18 inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level. As an accessory use, a swimming pool is accessory to a principal residential use. See also Recreation, Outdoor. ²³⁰

²²⁴ This is a new definition.

²²⁵ This is a new definition.

²²⁶ This is a new definition.

²²⁷ This definition is carried forward from Sec. 24-349 of the current Zoning Ordinance.

²²⁸ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance.

²²⁹ This is a new definition.

²³⁰ This is a new definition. Requirements for fences are included in the use-specific standards applicable to swimming pools at Sec. 24-5.3.4.s.

I

- Tattoo Establishment** An establishment that provides the placing of permanent designs, letters, symbols, or figures upon or under the skin with ink or any other substance by the use of needles or any other instrument. This includes a business that provides an opening in the body for the purpose of inserting jewelry or other decoration.²³¹
- Theater or Auditorium** An indoor facility for public assembly and group entertainment, often including amplified sound equipment and seating, intended for events such as plays, movies, and concerts.²³²
- Tiny House** A single-family dwelling unit containing less than 600 square feet of gross floor area. A tiny house installed on an engineered permanent foundation and constructed in accordance with the Building Code, shall be considered to be, and shall be subject to the regulations that apply to, a Single-Family Detached Dwelling. A tiny house that is not installed on an engineered permanent foundation shall be considered to be, and shall be subject to the regulations that apply to, a Mobile Home Dwelling.²³³
- Tobacco or Vape Shop** An establishment exclusively or primarily involved in the sale or distribution of tobacco, electronic cigarettes, vaping products, and/or related goods, but not including the sale or distribution of cannabis-based products.²³⁴
- Tourist Overlay Boundary** The area located south of the centerline of the Black Warrior River, west of the centerline of McFarland Boulevard East, the northern right-of-way line of 15th Street, east of the centerline of TY Rogers Jr. Avenue, thence northward from this point to the centerline of Nick's Kids Avenue, north of the centerline of Stillman Boulevard, east of the centerline of 29th Avenue, thence northward from this point to the centerline of the Black Warrior River, as indicated in the map below.²³⁵

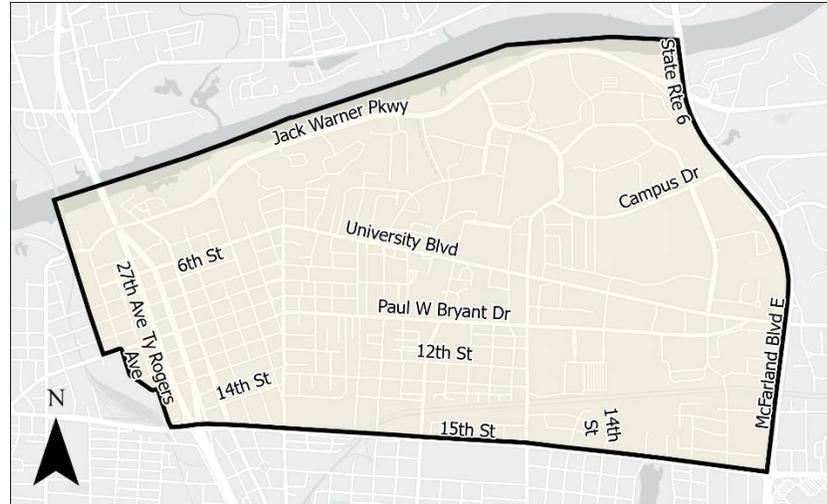
²³¹ This definition is provided by staff.

²³² This builds on the definition for *Live entertainment* in Sec. 24-5 of the current Zoning Ordinance.

²³³ This is a new definition which makes clear that a tiny house is subject to the same standards that apply to a single-family detached dwelling or a mobile home dwelling.

²³⁴ This definition is provided by staff and has been revised to clarify it does not include the sale or distribution of products containing cannabis.

²³⁵ This carries forward the definition in Sec. 24-371 of the current Zoning Ordinance with updates to a street name. The map is new.



Trailer See Sec. 32-1-1.1 of the Code of Alabama, 1975

Tree A usually tall, woody plant, distinguished from a shrub by having comparatively greater height.²³⁶

Tree, Blighted Any tree that does not exhibit healthy characteristics and is determined to be hazardous as determined by a registered arborist.

Tree, Canopy A tree with a single trunk with a height greater than 35 feet at maturity. See Table 6-9: Approved Tree List.

Tree, Dead A tree that does not contain any live tissue, such as green leaves or live limbs.

Tree, Deciduous Any tree which naturally loses its leaves in the fall.

Tree, Private A tree located on private property.

Tree, Public A tree located on City property or City, county, or state right-of-way.

Tree, Replacement A new tree planted on a site to meet minimum site density factor requirements (regardless of whether trees existed prior to any development).

Tree, Street A tree existing or to be planted adjacent to a street.

Tree, Understory A tree with a single or multiple trunks with height less than 35 feet at maturity. See Table 6-9: Approved Tree List

Turf Grass Grass grown for lawns, of a type that forms a dense even turf if mown and maintained.²³⁷

Transient A person who occupies a dwelling for less than 30 days.²³⁸

Truck Terminal A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading, or

²³⁶ The tree definitions (from Tree through Tree, Understory) are carried forward from Sec. 24-252 of the current Zoning Ordinance with minor refinements.

²³⁷ This is a new definition.

²³⁸ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment. This definition shall not include a waste transfer station.²³⁹

U

Utility, Major A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, sewer or wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.²⁴⁰

Utility, Minor A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and broadband lines.²⁴¹

Utility Easement A right in property acquired by a utility or governmental agency or private agency where utilities, including all types of pipelines, television cable, telephone, and electric cables, are placed and maintained. A utility easement can run above ground or underground, and can be located on or under private or public property, including public rights-of-way.²⁴²

V

Vegetated The use of vegetation to cover ground.²⁴³

Vehicle Fuel Station, Heavy An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for those vehicles. This use may also include overnight accommodations, showers, and restaurant facilities primarily for the use of truck crews.²⁴⁴

Vehicle Fuel Station, Light An establishment at which motor vehicle fuels are dispensed, sold, or offered for sale at retail, and may offer minor repair services and inspections as incidental to the sale of fuel including but not limited to battery charging, tire repairs, and oil and fluid changes, but not including maintenance allowed in the Light Vehicle Repair use. Ancillary facilities such as an Automobile Wash, convenience store, or the rental of automobiles may be provided.²⁴⁵

²³⁹ This is a new definition.

²⁴⁰ This is a new definition.

²⁴¹ This is a new definition.

²⁴² This updates the definition in Sec. 24-252 of the current Zoning Ordinance.

²⁴³ This carries forward the definition in Sec. 24-252 of the current Zoning Ordinance with minor revisions.

²⁴⁴ This is a new definition.

²⁴⁵ This builds on the definition of *Automobile service station* in Sec. 24-5 of the current Zoning Ordinance.

- Vehicle Repair, Heavy** Any facility providing for the major or minor repair and maintenance, of vehicles with 8,500 pounds or more of gross vehicle weight or farm equipment.²⁴⁶
- Vehicle Repair, Light** Any facility providing for the major or minor repair and maintenance, including but not limited to body work, painting, welding, or storage, of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 8,500 pounds gross vehicle weight.²⁴⁷
- Vehicle and Farm Equipment Sales and Rental, Heavy** An establishment that sells, leases, or rents vehicles with 8,500 pounds or more of gross vehicle weight or farm equipment with an enclosed, permanent building on site for the transaction of business. The principal use of the site shall be the marketing of heavy vehicles or farm equipment whether by sale, lease or rent.²⁴⁸
- Vehicle Sales or Rental, Light** An establishment that sells, leases, or rents automobiles or light duty vehicles under 8,500 pounds gross vehicle weight with an enclosed, permanent building on site for the transaction of business. The principal use of the site shall be the marketing of new or used automobiles, whether by sale, lease, or rent.²⁴⁹
- Vehicle-Mounted or Tent-Sheltered Retail** The sale of food or other items to the public from a trailer or a tent located on private property. This does not include vendors operating in public right-of-way under a franchise granted by the City, or vendors selling produce at the City’s farmers’ market.²⁵⁰
- Veterinary Clinic** An establishment for the care and treatment of animals, including household pets and larger domesticated animals. A veterinary clinic may include the boarding of household pets and kennels as an accessory use.²⁵¹
- Vocational School** An educational establishment that primarily teaches usable skills that prepares students for jobs in a trade or in industry, construction, or commerce.²⁵²

W

- Warehouse** A facility primarily used for the storage of products, supplies, and equipment.²⁵³
- Waste Disposal** A facility for the temporary or permanent storage or disposal of solid waste, such as a landfill, incinerator, or waste transfer station,

²⁴⁶ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

²⁴⁷ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

²⁴⁸ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

²⁴⁹ This is a new definition. The cutoff of 8,500 pounds is based on vehicle classification standards from the Environmental Protection Agency.

²⁵⁰ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance.

²⁵¹ This is a new definition.

²⁵² This is a new definition.

²⁵³ This is a new definition.

operated in accordance with all federal, state, and local laws and regulations.²⁵⁴

Wholesale Sales An establishment primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.²⁵⁵

Wine Bar An establishment in which wine products may be tasted and sold, featuring an area devoted to the sampling and sales thereof of wine or beer produced on or off the premises.²⁵⁶

Wireless Telecommunications Tower A structure, such as a self-supporting lattice tower, a guyed tower, or a monopole, designed and constructed primarily for the purpose of supporting one or more antennas, which may include accessory facilities necessary for equipment storage and unmanned operations. This definition includes modifications of such structures that do not meet the definition of a wireless telecommunications tower minor modification.²⁵⁷

Wireless Telecommunications Tower Minor Modification Any modification of an existing wireless telecommunications tower that 1) does not increase the height of the tower by more than ten percent of its current height or by more than one additional antenna array, provided the additional array is not separated by more than 20 feet from an existing array; 2) does not protrude from the edge of the tower by more than 20 feet or the width of the tower at the height of the modification, whichever is greater; and 3) does not defeat existing concealment elements of the tower.²⁵⁸

X

Y

Yard See Sec. 24-2.2.2.j, Yard

Z

Zoning Board of Adjustment The City of Tuscaloosa Zoning Board of Adjustment

Zoning District An area delineated on the City of Tuscaloosa Zoning Map within which a prescribed set of use and development standards are applied to various types of development.

Zoning District, Base A zoning district within which a single set of uses, density and intensity, dimensional, and development standards are applied.

Zoning District, Overlay A zoning district superimposed over one or more underlying base zoning districts that establishes standards and requirements in addition to those required by the underlying base zoning district.

²⁵⁴ This is a new definition.

²⁵⁵ This is a new definition.

²⁵⁶ This carries forward the definition in Sec. 24-5 of the current Zoning Ordinance, with refinements.

²⁵⁷ This is a new definition.

²⁵⁸ This is a new definition based on relevant federal law.

Zoning Map The City of Tuscaloosa Zoning Map, on which the boundaries of the various zoning districts are established which is an integral part of this Zoning Ordinance and incorporated herein by reference.

Zoning Map The City of Tuscaloosa Zoning Map, on which the boundaries of the various zoning districts are established which is an integral part of this Zoning Ordinance and incorporated herein by reference.

SEC. 24-4.3.9. SINGLE FAMILY RESIDENTIAL 4³¹⁷

a. Purpose

The purpose of the Single Family Residential 4 (SFR-4) District is to provide lands for residential neighborhoods that accommodate small- and medium-lot single-family detached homes, duplexes, and limited scale townhouses. The district is intended to support a medium-density residential environment and may include compatible public, civic, and institutional uses.

b. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 24-5: Use Regulations.

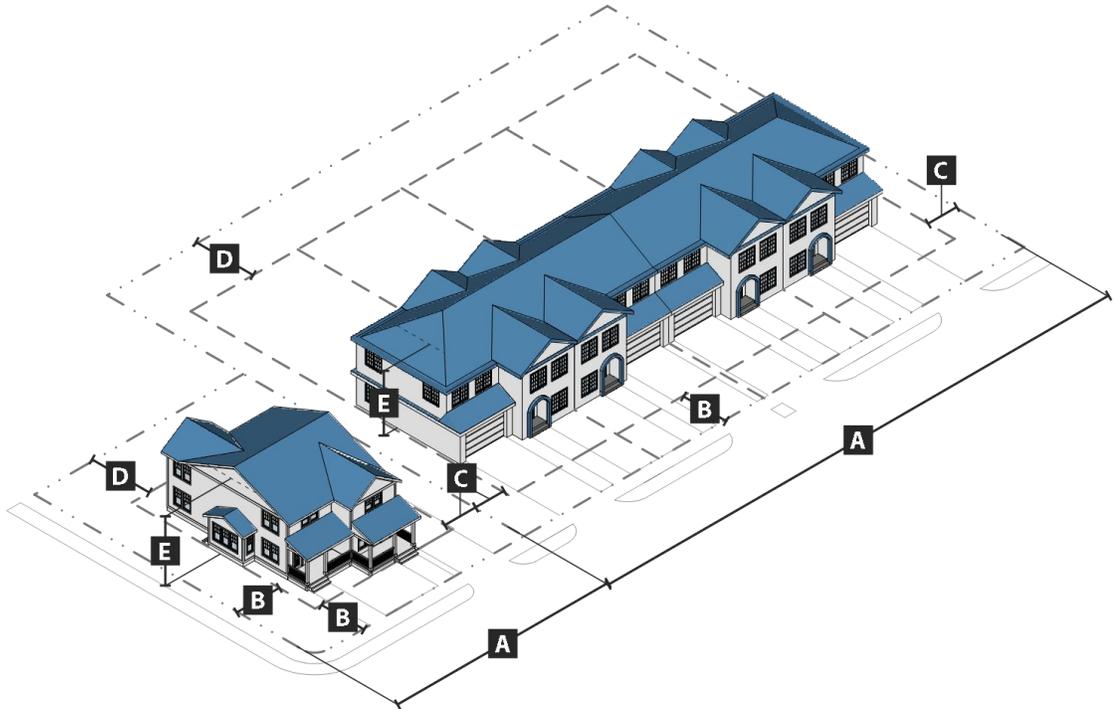
c. Intensity and Dimensional Standards

All development in the SFR-4 district shall comply with the standards in Table 4-18: SFR-4 Intensity and Dimensional Standards.

Table 4-18: SFR-4 Intensity and Dimensional Standards

	STANDARD	DUPLEX UNITS ON SEPARATE LOTS	TOWNHOUSE UNITS ON SEPARATE LOTS	ALL OTHER USES
	Density (max)	6 du/acre	6 du/acre	6 du/acre (residential uses)
	Lot area (min)	Lot with front vehicular access: 7,500 sf	None	Lot with front vehicular access: 7,500 sf
		Lot with rear vehicular access only: 5,000 sf		Lot with rear vehicular access only: 5,000 sf
A	Lot width (min)	30 ft	16 ft [2]	45 ft
B	Front setback (min)	15 ft [3]	15 ft [3]	15 ft [3]
C	Side setback (min)	10 ft [4]	10 ft [4]	10 ft [4]
D	Rear setback (min)	20 ft	20 ft	20 ft
E	Building height (max)	35 ft	35 ft	35 ft
NOTES				
[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet				
[2] No townhouse lot shall be less than one-third as wide as it is deep.				
[3] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 15 feet.				
[4] Does not apply on side lot lines where dwelling units are attached.				

³¹⁷ The SFR-4 district carries forward and consolidates, modifies, and renames the RD-1 and RD-2 districts in the current Zoning Ordinance. The SFR-4 district is intended to reduce the number of existing nonconformities in the West Tuscaloosa residential neighborhoods, as well as provide land for new small-lot residential development. Dimensional standards are carried forward from Sec. 24-347 of the current Zoning Ordinance; the cottage court standards in Sec. 24-344 and the mirrored green standards in Sec. 24-345 have not been carried forward. The new district also allows duplexes and townhouses, which are not currently allowed. The district graphic has been updated to show townhouses on separate lots.



d. References to Other Standards

Development in the SFR-4 district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-19: Cross-References to Other Standards.

Table 4-19: Cross-References to Other Standards

SECTION	STANDARD	SECTION	STANDARD
Sec. 24-6.1	Mobility and Connectivity Standards	Sec. 24-6.7	Neighborhood Compatibility Standards
Sec. 24-6.2	Off-Street Parking, Bicycle Parking, and Loading Standards	Sec. 24-6.8	Form and Design Standards
Sec. 24-6.3	Landscape and Buffer Standards	Sec. 24-6.9	Green Building Incentives
Sec. 24-6.5	Fence and Wall Standards	Sec. 24-6.10	Signs and Billboards
Sec. 24-6.6	Exterior Lighting Standards		Subdivision Regulations

SEC. 24-4.3.10. SINGLE FAMILY RESIDENTIAL 5³¹⁸

a. Purpose

The purpose of the Single Family Residential 5 (SFR-5) District is to provide lands for residential neighborhoods that accommodate small-lot single-family detached homes, duplexes, and limited scale townhouses. The district is intended to support a medium-density residential environment and may include compatible public, civic, and institutional uses.

b. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 24-5: Use Regulations.

c. Intensity and Dimensional Standards

All development in the SFR-5 district shall comply with the standards in Table 4-20: SFR-5 Intensity and Dimensional Standards.

Table 4-20: SFR-5 Intensity and Dimensional Standards

	STANDARD	DUPLEX UNITS ON SEPARATE LOTS	TOWNHOUSE UNITS ON SEPARATE LOTS	ALL OTHER USES
	Density (max)	8 du/acre	8 du/acre	8 du/acre (residential uses)
	Lot area (min)	4,500 sf [2]	None	4,500 sf [2]
A	Lot width (min)	30 ft	16 ft [3]	45 ft
B	Front setback (min)	15 ft [4]	15 ft [4]	15 ft [4]
C	Side setback (min)	5 ft [5]	5 ft [5]	5 ft [5]
D	Rear setback (min)	15 ft	15 ft	15 ft
E	Building height (max)	35 ft	35 ft	35 ft

NOTES

[1] max = maximum; min = minimum; du = dwelling units; ft = feet; sf = square feet

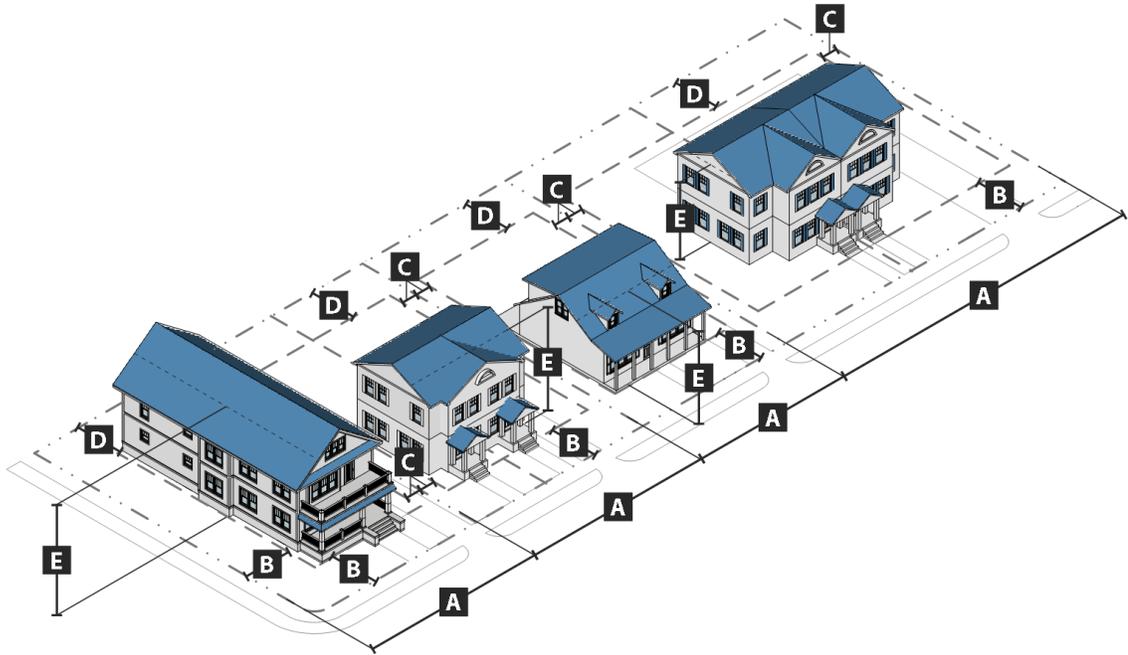
[2] The minimum lot area is 6,000 sf if both units in the duplex are on one lot, or 4,500 sf if each unit is on a separate lot.

[3] No townhouse lot shall be less than one-third as wide as it is deep.

[4] The minimum front setback may be decreased to the average alignment of existing buildings within 100 feet on either side of subject building and within the same block if such alignment is less than 15 feet.

[5] Does not apply on side lot lines where dwelling units are attached.

³¹⁸ The SFR-5 district is new. It accommodates small-lot single-family detached residential development, as well as duplexes and townhouses, and is appropriate for both new development and to be applied in some parts of the city zoned R-3 (new SFR-3) and R-4 (new MR-1) where there are lots or buildings that do not conform to the currently applicable lot size or setback requirements. The proposed minimum lot area of 4,500 square feet allows for smaller lot residential development, while the proposed maximum density of eight dwelling units per acre supports moderate-density residential development. The district graphic has been updated to show duplex units on separate lots.



d. References to Other Standards

Development in the SFR-5 district shall comply with all applicable standards of this Zoning Ordinance and the Subdivision Regulations, including but not limited to the standards referenced in Table 4-21: Cross-References to Other Standards.

Table 4-21: Cross-References to Other Standards

SECTION	STANDARD	SECTION	STANDARD
Sec. 24-6.1	Mobility and Connectivity Standards	Sec. 24-6.7	Neighborhood Compatibility Standards
Sec. 24-6.2	Off-Street Parking, Bicycle Parking, and Loading Standards	Sec. 24-6.8	Form and Design Standards
Sec. 24-6.3	Landscape and Buffer Standards	Sec. 24-6.9	Green Building Incentives
Sec. 24-6.4	Open Space Standards	Sec. 24-6.10	Signs and Billboards
Sec. 24-6.5	Fence and Wall Standards		Subdivision Regulations
Sec. 24-6.6	Exterior Lighting Standards		

ARTICLE 24-8. NONCONFORMITIES⁸⁴¹

Commentary on Draft:

This article consolidates all rules pertaining to nonconformities. It builds on the rules in the current Zoning Ordinance governing nonconformities. The article is organized into the following sections:

Section 24-8.1, General Applicability, establishes the rules that generally apply to all nonconformities.

Section 24-8.2, Nonconforming Uses, establishes the specific rules governing nonconforming uses.

Section 24-8.3, Nonconforming Structures, establishes the specific rules governing nonconforming structures.

Section 24-8.4, Nonconforming Lots of Record, addresses nonconforming lots of record. It carries forward the rules established in Section 24-142, with some modest refinements.

Section 24-8.5, Nonconforming Signs and Billboards, generally carries forward, with refinements and clarification, Section 24-138, Nonconforming, illegal, and abandoned signs, of the current Zoning Ordinance, and Section 24-135 (4), on nonconforming billboards.

Section 24-8.6, Nonconforming Site Features, establishes new rules governing nonconforming site features (e.g., off-street parking and landscaping). It proposes a sliding scale requirement to incrementally bring specific nonconforming site features into compliance when redevelopment occurs, based on the value of the remodeling or the extent of the expansion of a structure.

Section 24-8.7, Nonconformities Created By Eminent Domain or Voluntary Donation of Land For a Public Purpose, provides relief for those nonconformities created by eminent domain actions, or nonconformities created by the voluntary donation of land for a public purpose.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the zoning ordinance.

SEC. 24-8.1. PURPOSE AND SCOPE

- a. In this Ordinance there exist uses of land, structures, lots of record, signs, and site features that were lawfully established before the Ordinance was adopted or amended, that do not conform to its current terms and requirements. It is the general policy of the City to allow such uses, structures, lots of record, signs, and site features to continue to exist. It also is the policy of the City to bring as many of these nonconformities into conformance with this Ordinance as is reasonably practicable, subject to the requirements of this article.
- b. The purpose and intent of this article is to recognize the interests of the landowner in continuing to use their land, but to preclude the expansion of a nonconformity or reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of great public benefit.

⁸⁴¹ This article builds on the rules in the current Zoning Ordinance governing nonconformities (Article XI. Nonconforming Uses, Structures, and Lots and Section 24-138, Nonconforming, illegal, and abandoned signs). It refines some of the current provisions, includes best practice provisions that are found in modern codes, and where appropriate, adds a few provisions to better support project goals.

SEC. 24-8.2. GENERAL APPLICABILITY

SEC. 24-8.2.1. AUTHORITY TO CONTINUE⁸⁴²

Nonconformities are allowed to continue and are encouraged to receive routine maintenance in accordance with the requirements of this article as a means of preserving safety and appearance.

SEC. 24-8.2.2. DETERMINATION OF NONCONFORMITY STATUS⁸⁴³

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the nonconformity is located.

SEC. 24-8.2.3. MINOR REPAIRS AND MAINTENANCE⁸⁴⁴

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and site features in a safe condition are permitted. For the purposes of this subsection, minor repair or normal maintenance means:

- a. Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or site feature in a safe condition; and
- b. Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.

SEC. 24-8.2.4. CHANGE IN TENANCY OR OWNERSHIP⁸⁴⁵

No change of title or possession or right to possession of land involved shall be construed to prevent the continuance of such nonconformity.

SEC. 24-8.3. NONCONFORMING USES⁸⁴⁶

SEC. 24-8.3.1. GENERAL

Nonconforming uses are declared generally incompatible with the permitted uses in the zoning district in which they are located. Nonconforming uses shall be subject to the standards in this section.

SEC. 24-8.3.2. EXTENSION, EXPANSION, OR RELOCATION

A nonconforming use shall not be extended, expanded, or moved to occupy a different area of a structure or lot, except an existing nonconforming use may extend into any portion of a structure that was clearly designed or arranged for the particular use when the use became nonconforming.⁸⁴⁷

⁸⁴² This new subsection recognizes that all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

⁸⁴³ This new subsection includes a provision that clearly establishes that the landowner, not the City, has the burden of proving the existence of a lawful nonconformity.

⁸⁴⁴ This new subsection states that routine maintenance of nonconforming structures, structures housing nonconforming uses, nonconforming signs, and nonconforming site features, will be allowed to keep these nonconformities in the same condition they were in at the time the nonconformity was established. It builds on Section 24-146, Repairs and maintenance, of the current Zoning Ordinance with refinements.

⁸⁴⁵ This new subsection states that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

⁸⁴⁶ This section establishes specific rules governing nonconforming uses. It builds on Section 24-143, Nonconforming uses of land or land with minor structures only, of the current Zoning Ordinance with refinements to modernize and clarify the rules.

⁸⁴⁷ This section carries forward an existing provision in Section 24-145 of the current Zoning Ordinance.

SEC. 24-8.3.3. CHANGE IN USE

- a. An existing nonconforming use may be converted to another nonconforming use, subject to approval of a special exception permit (see Sec. 24-3.4.5, Special Exception Use Permit) with the following additional findings:⁸⁴⁸
 - 1. The new nonconforming use is equally appropriate or more appropriate to the district than the existing nonconforming use;
 - 2. The new nonconforming use would improve the character of the immediate neighborhood; and
 - 3. Any appropriate conditions are placed on the use to ensure compliance with these findings and the standards for a special exception use permit in accordance with Sec. 24-3.4.5, Special Exception Use Permit.
- b. Except as provided in subsection a above, a nonconforming use may only be changed to a use that is permitted in the zoning district in which it is located. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

SEC. 24-8.3.4. DISCONTINUANCE OR ABANDONMENT OF NONCONFORMING USE

- a. If a nonconforming use ceases to operate or is discontinued or abandoned for a period of six consecutive months or longer, or 18 months within a three year period, it shall not be reestablished and shall only be replaced with a conforming use.⁸⁴⁹
- b. Any property owner executing a lease, as lessor, after ____ [*insert the effective date of this Ordinance*] shall be determined to have notice of this provision, and any discontinuance of a nonconforming use by a lessee under such a lease shall be conclusively presumed to have been with the knowledge and consent of the lessor.⁸⁵⁰

SEC. 24-8.3.5. STRUCTURES USED FOR NONCONFORMING USE

Any reconstruction or repair of a damaged nonconforming structure in which a nonconforming use is located shall be subject to the same provisions applicable to nonconforming structures in Sec. 24-8.4, Nonconforming Structures.

SEC. 24-8.4. NONCONFORMING STRUCTURES⁸⁵¹

SEC. 24-8.4.1. GENERAL

Nonconforming structures shall be subject to the standards in this section.

SEC. 24-8.4.2. RELATIONSHIP WITH CONFORMING AND NONCONFORMING USES⁸⁵²

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this section. Where a nonconforming structure contains a

⁸⁴⁸ This carries forward existing provisions, with refinements.

⁸⁴⁹ This carries forward Section 24-145(5) of the current Zoning Ordinance, modified to remove the value threshold.

⁸⁵⁰ This carries forward an existing provision.

⁸⁵¹ This section establishes specific rules governing nonconforming structures. It carries forward the rules in Section 24-144, Nonconforming structures, of the current Zoning Ordinance with modest refinements. It also builds on Section 24-145 in establishing rules for nonconforming structures housing nonconforming uses.

⁸⁵² This is a new section.

nonconforming use, the nonconforming structure is subject to the standards and limitations of this section and the nonconforming use is subject to the standards and limitations in Sec. 24-8.3.

SEC. 24-8.4.3. CONTINUATION OF NONCONFORMING STRUCTURES⁸⁵³

An existing building or structure not conforming to the dimensional standards of the zoning district in which it is located may be continued in accordance with this section.

SEC. 24-8.4.4. ENLARGEMENT, ALTERATION, OR EXTENSION

- a. Nothing in this section shall be construed to prevent the restoration of an historical or architectural landmark, as designated by the local, state, or federal government.
- b. Nonconforming structures shall not be expanded or enlarged unless such expansion or enlargement complies with all applicable dimensional standards in the district in which it is located.
- c. No nonconforming structure occupied by a nonconforming use shall be enlarged, extended, constructed, reconstructed, or moved except in changing the use of the structure to a use permitted in the district in which it is located.
- d. Removal or destruction of a nonconforming structure, except an historical or architectural landmark, as designated by the local, state, or federal government, shall eliminate the nonconforming status of the property. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the structure's assessed value at time of destruction.⁸⁵⁴

SEC. 24-8.4.5. RECONSTRUCTION OR REPAIR⁸⁵⁵

- a. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- b. If any official charged with protecting the public safety deems emergency repairs to a nonconforming structure or portion of a structure containing a nonconforming use to be necessary and orders such repairs, nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any such structure or portion of a structure.

SEC. 24-8.5. NONCONFORMING LOTS OF RECORD⁸⁵⁶

SEC. 24-8.5.1. GENERAL

No development shall be established on a nonconforming lot of record except in accordance with the standards in this section.

⁸⁵³ This is a new section.

⁸⁵⁴ This provision carries forward Sec. 24-145(6) of the current Zoning Ordinance.

⁸⁵⁵ This section carries forward provisions in Section 24-146 of the current Zoning Ordinance with updates to reduce ambiguity,

⁸⁵⁶ This provision addresses nonconforming lots of record and carries forward the rules in Section 24-142 of the current Zoning Ordinance.

SEC. 24-8.5.2. STRUCTURES ON NONCONFORMING LOTS⁸⁵⁷

Nonconforming structures legally established on a nonconforming lot of record before [] [insert effective date of this Ordinance] may be continued, enlarged, or redeveloped only in accordance with the standards in Sec. 24-8.4.

SEC. 24-8.5.3. COMBINATION OF LOTS TO ELIMINATE NONCONFORMITY⁸⁵⁸

- a. If a vacant nonconforming lot of record with a width of less than 50 feet or an area of less than 5,000 square feet that is located in any zoning district in which single-family dwellings are permitted abuts another lot of record (whether conforming or nonconforming) held in the same ownership, the lots shall be combined or recombined to create one or more conforming lots, or lot(s) that are less nonconforming.
- b. If two or more lots of record or combination of lots of record and portions of lots with continuous frontage in single ownership are of record, all or part of which does not measure at least 50 feet in width and at least 5,000 square feet in area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with the lot width and area standards established by this Ordinance, nor shall any division of the parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

SEC. 24-8.5.4. REQUIREMENTS⁸⁵⁹

- a. In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single nonconforming lot of record (not subject to Sec. 24-8.5.3 above), if it complies with the other dimensional standards of the zoning district in which it is located. If the other dimensional standards do not comply, a variance must be obtained through approval of a variance permit in accordance with Sec. 24-3.4.8, Variance Permit.
- b. Any vacant lot cannot be sold or built upon if the action will create a setback violation on an adjacent lot of record under the same ownership, unless prior approval is granted by the Zoning Board of Adjustment. (Lots of record purchased prior to [] [insert effective date of this Ordinance] are exempt from this requirement.)
- c. In any zoning district in which duplexes are permitted, a duplex may be built on a nonconforming lot of record which was of record on [] [insert effective date of this Ordinance], which is at least 65 feet wide and 6,500 square feet in area.
- d. If the nonconforming lot is in a zoning district where nonresidential uses are permitted and can be used in conformity with all of the regulations applicable to the intended use, except the lot of record is smaller than the required minimums in the zoning district, then the lot may be used as proposed. However, no use that requires a greater lot size than the established minimum lot size for a particular zoning district is permitted on a nonconforming lot.⁸⁶⁰

⁸⁵⁷ This is a new subsection.

⁸⁵⁸ This section carries forward and modifies provisions under Sections 24-142(a) and 24-142(c) of the current Zoning Ordinance.

⁸⁵⁹ This section carries forward provisions under Section 24-142 of the current Zoning Ordinance.

⁸⁶⁰ This is a new provision.

SEC. 24-8.7. NONCONFORMITIES CREATED BY EMINENT DOMAIN OR VOLUNTARY DONATION OF LAND FOR A PUBLIC PURPOSE⁸⁶⁴

If a nonconformity is created due to eminent domain or voluntary donation of a portion of the lot for a public purpose that results in a nonconformity, the lot shall be deemed a conforming lot upon the Director of Planning approving a concept site plan for development of the lot that demonstrates the development existing or proposed on the lot:

- a.** Complies with Sec. 24-5.2, Principal Uses;
- b.** Complies with the dimensional standards of the zoning district in which it is located, to the maximum extent practicable;
- c.** Complies with the off-street parking and landscaping standards of this Ordinance, to the maximum extent practicable;
- d.** Complies with all other standards and requirements of this Ordinance; and
- e.** Is designed and configured in a way that is compatible with surrounding development.

⁸⁶⁴ This new section provides relief for those nonconformities created by eminent domain actions, or nonconformities created by the voluntary donation of land for a public purpose.

Interstate 20/59 corridor where billboards may be constructed subject to and in accordance with the requirements of this Ordinance. Billboards that were in compliance with the requirements of the Ordinance on December 4, 2007, are deemed to be conforming billboards. Billboards that were nonconforming on December 4, 2007, are deemed to be nonconforming billboards and shall be subject to the provisions of this section and Sec. 24-6.10, Signs and Billboards.

2. Existing nonconforming billboards may be converted to accommodate electronic, digital, video, or tri-vision technology, subject to Sec. 24-6.10, Signs and Billboards, provided that such structures are structurally able and capable to support a conversion to electronic, digital, video, or tri-vision technology. The existing foundation, ground-supporting poles or beams shall not be reinforced to accommodate electronic, digital, video or tri-vision technology except that an existing monopole structure may be modified to accommodate electronic, digital, video or tri-vision technology by limiting such modifications to the foundation and header of the pole. The conversion of any existing nonconforming billboard shall be permitted by the Chief Building Official.
3. The owner of an existing nonconforming billboard may remove the existing billboard from a nonconforming site to an approved and conforming location, including such areas annexed into the City subsequent to <insert effective date of this Ordinance> provided that such areas are not included in the billboard-free zone, only after a permit is obtained as set forth in Sec. 24-3.4.7, Sign Permit and Sec. 24-6.10, Signs and Billboards, and compliance with all other provisions of this section, this article, and this Ordinance. Permits to erect or construct a billboard along federal or state-controlled highways in conforming locations must be obtained from the City and the Alabama Department of Transportation.